

Commission meetings & Correspondence

Jan 1989

MSA-51832-55

FINAL

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

275 West Street  
Suite 320  
Annapolis, Maryland

January 3, 1989

9:30 - 4:30 p.m.

1:00 - 1:10 ✓ *approved*  
Approval of the Minutes of  
December 6, 1989  
*Distribution of Material*  
PROJECTS

John C. North, II  
Chairman

*- Packets + SC mtg.*

1:10 - 2:10 ✓ *Approved*  
Vote on St. Mary's College  
Science Building - Concept  
Approval

Samuel Bowling, Ch./  
Kathryn Langner, Ch./  
Ren Serey

*w/ stormwater  
+ starting  
plan to  
come  
back for  
review*

✓ *Approved*  
Vote on St. Mary's College  
Boat House Expansion

Samuel Bowling, Ch./  
Kathryn Langner, Ch./  
Ren Serey

Vote on Queen Anne's Park  
at Port America, Prince  
George's Co. - MNCPPC

Samuel Bowling, Ch./  
Kathryn Langner, Ch./  
Ren Serey/Steve  
Lotspeich, MNCPPC

Vote on Anacostia River  
Dredge Placement Sites,  
Prince George's County

Samuel Bowling, Ch./  
Kathryn Langner, Ch./  
Ren Serey/Steve  
Lotspeich

~~Vote on Maryland  
Transportation Authority  
Police Headquarters and  
Academy, Dundalk,  
Baltimore County~~

~~Samuel Bowling, Ch./  
Kathryn Langner, Ch./  
Susan Lawrence~~

Vote on Maryland Rt. 648  
New Bridge Over Potapsco  
River (Anne Arundel and  
Baltimore Counties)

Samuel Bowling, Ch./  
Kathryn Langner, Ch./  
Susan Lawrence

PROGRAMS

~~2:10 - 2:20~~

~~Vote on Worcester County  
Critical Area Program  
(Tentative)~~

~~Thomas Ventra~~

✓ 2:10 - 2:20

*Presentation of Evaluation  
Objectives for Baltimore  
County To Distribute  
Growth.*

*Anne Hariston*

(See other side)

MOU'S

2:20 - 2:40 <sup>Vote</sup> MOU with Department of  
Agriculture on Mosquito  
Control Program Liz Zucker

PRESENTATIONS

✓ 2:40 - 3:15 Chesapeake Bay Environmental  
Education/Vistors Center  
Kent Island Ren Serey, *Charlie Adams,*  
SHAdmin.

✓ Oil and Gas Regulations Liz Zucker

3:15 - 3:30 Old Business  
New Business John C. North, II  
Chairman

Next Commission Meeting: February 7, 1990

*hfu.*

STAFF REPORT

1/3/90

Subject: MOU between the Maryland Department of Agriculture (MDA) and the Critical Area Commission (CAC) for mosquito control projects in the Critical Area

Issue: Vote by the Critical Area Commission on the MOU

Staff Recommendation: Approval of MOU

Discussion:

The purpose of the MOU is to establish a coordinated process between the MDA and CAC for review and approval of mosquito control projects proposed for the Critical Area by the Mosquito Control Division of the MDA. Currently MDA uses the techniques of insecticide application and Open Marsh Water Management (OMWM) for mosquito control.

The MOU, as drafted, is the result of continuous and cooperative discussion between MDA and CAC staff. Because mosquito control projects can be complex, affect extensive acreage within the Critical Area, and involve a variety of environmental issues, CAC staff also consulted with several representatives from the Maryland Department of Natural Resources (DNR) who sit on MDA's Mosquito Control Advisory Committee.

The MOU has now been finalized to the satisfaction of both MDA and CAC staff. Key provisions include:

1. The CAC will be included on the MDA's Mosquito Control Advisory Committee which meets 2 times a year to review proposed MDA mosquito control projects.
2. The MDA will provide copies of Corps of Engineers wetland permit applications to the CAC for its review of OMWM projects.
3. The CAC may withdraw certain projects from the General Approval process if staff feels that Critical Area issues are not resolved. These projects would be individually reviewed and voted upon by the Commission.
4. The Commission will receive and comment on results of monitoring studies performed as part of individual control projects.
5. The Commission will receive and comment on MDA annual report summarizing monitoring programs, proposals for changes in control techniques, and program updates.
6. The Commission will grant a General Approval for control projects after seeking comments from the local jurisdictions and finding that the program conforms with applicable Critical Area criteria. NOTE: The General Approval request by MDA is expected to be sent out to the jurisdictions by January 15.

Staff Contact: Liz Zucker

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MARYLAND DEPARTMENT OF AGRICULTURE AND  
THE CRITICAL AREA COMMISSION

AUTHORITY: Natural Resources Article, Section 8-1814, Annotated Code of Maryland; COMAR 14.19.03 - .07.

THIS AGREEMENT, dated, \_\_\_\_\_, 1990, describes the understanding reached by the Maryland Department of Agriculture "Department", and the Chesapeake Bay Critical Area Commission "Commission".

WHEREAS, the Department is responsible for administering and implementing mosquito control within the State and has entered into contracts and agreements with political subdivisions for this purpose;

WHEREAS, the Department administers and conducts open marsh water management, aerial and ground spraying and mosquito surveillance activities in the Critical Area;

WHEREAS, mosquitoes are capable of inflicting severe annoyance to man and animals, transmitting human and animal disease agents and parasites, restricting wholesome outdoor recreational activities, impeding essential work and commerce;

WHEREAS, the Department has developed and employs modern pest management techniques that have been evaluated and shown to be effective and have not shown adverse effects;

WHEREAS, the Commission is vested with the authority for implementing the State's Chesapeake Bay Critical Area Protection Program;

WHEREAS, the Critical Area provides habitat for many species of aquatic life, plants, and wildlife, as well as mosquitoes;

WHEREAS, the Critical Area Commission is charged with the development of criteria and establishing regulations for guiding development on State lands, lands owned by local jurisdictions, and private lands within the Critical Area;

NOW, THEREFORE, be it resolved that the parties named above hereby agree to the following:

THE DEPARTMENT AGREES

1. To utilize integrated pest management concepts and best management practices to accomplish mosquito control within the Chesapeake Bay Critical Area;
2. To encourage cooperating agencies to follow Department guidelines in implementing mosquito control activities;
3. To assure full compliance with State and federal pesticide laws and regulations;
4. To pursue Open Marsh Water Management as a viable non-chemical control technique that offers enhancement of wetland habitat for waterfowl, fish and submerged aquatic vegetation;
5. To include the Commission on the Maryland Mosquito Control Advisory Committee;
6. To provide the Commission with copies of Corps of Engineers wetlands permit applications for projects identified by the Commission as ones of potential concern;
7. To withdraw certain projects from the general approval process, if, after reviewing the wetlands permit application, Commission staff finds that unresolved issues remain with respect to how a proposed project relates to the water quality and habitat protection goals of Critical Area criteria. Such projects would then be submitted individually for full Commission vote; and
8. To report to the Commission by:
  - a) Sending copies of results of monitoring conducted on individual projects as soon as such reports are available;
  - b) Submitting, on an annual basis, a summary of ongoing monitoring of open marsh water management and insecticide activities, proposals for changes in techniques, general program updates, etc.

THE COMMISSION AGREES

1. To seek comments from local jurisdictions in the Critical Area on the proposed general approval of mosquito control activities and that this general approval will not replace individual controls such as cooperative local funding through county or local appropriations and commenting on water management projects during the public notice process of obtaining Corps of Engineers permits;
2. To grant general approval for mosquito control activities, upon considering local jurisdiction comments and after finding that the program conforms with COMAR 14.15 and 14.19.03 and 14.19.05.02.F, G, H and will not cause significant adverse environmental impacts;
3. To participate on the Maryland Mosquito Control Advisory Committee by attending meetings and consulting with the Department on the effects of the Critical Area criteria on mosquito control activities and programs;
4. To follow the procedures outlined in COMAR 14.19.05 - 14.19.08 for approving, denying, or approving with conditions, those mosquito control projects which do not qualify for general approval; and
5. To acknowledge receipt of, and to provide comment on, if any, reports, updates, and monitoring results conducted by the Department and sent to the Commission.

MODIFICATIONS TO SCOPE

This Memorandum of Understanding may be amended at any time. Modifications must be made in writing and must be agreed upon by both parties.

MERGER

This Memorandum of Understanding embodies the whole agreement of the parties. There are no promises, terms, conditions or obligations referring to the subject matter other than those contained herein.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding by causing the same to be signed on the day and year first above written.

## PROJECT REPORT

January 3, 1989

### PROJECT:

Maryland Route 648 Bridge (No. 02056) Replacement, SHA Contract No. AA 408-201-571, over the Patapsco River (Baltimore/Anne Arundel Counties).

### APPLICANT:

Maryland State Highway Administration

### SITE:

The existing bridge is located on the boundary separating Baltimore and Anne Arundel Counties, crossing the Patapsco River at the Patapsco Valley State Park. The site includes approximately 1500 feet of approach road improvements, North 500 feet to Hoffman Avenue, and South 1000 feet to just north of MD Route 168 - Nursery Road. The replacement site is located immediately upstream to the west, and parallel to the existing structure. A total of 7 acres of right-of-way or 5,000 feet of roadway are located in the Critical Area.

### PROPOSAL:

The purpose of the project is to replace the existing Maryland Route 648 bridge which is reaching the end of its safe service life. The new bridge will be a 412-foot long, four span, continuous steel beam bridge with a 38-foot wide clear roadway consisting of two, 11-foot lanes and two 8-foot shoulders. The new bridge will not result in construction of additional lanes, therefore roadway capacity will remain unchanged.

The project will disturb approximately 2.5 acres total. The project requires 0.9 acres of additional right-of-way in Patapsco Valley State Park, which is mostly wetlands. The area of the old bridge and approaches contained within the right-of-way that are not needed for this project (0.4 acres) will be regraded and landscaped to create wetlands consistent with the surrounding area. Efforts have been made to avoid or minimize harm and encroachment next to wetlands. Approximately 0.65 acres of tidal, and 0.6 acres of non-tidal wetlands will be affected. Replacement will be on a 1:1, or an equal area basis, subject to approval by DNR/DOI. The Contractor has been alerted in plan specifications to avoid unnecessary disturbance to wetland and park areas outside of the right-of-way. A retaining wall will be constructed in the SW quadrant of the bridge to avoid encroachment into an adjacent tidal tributary of the River.

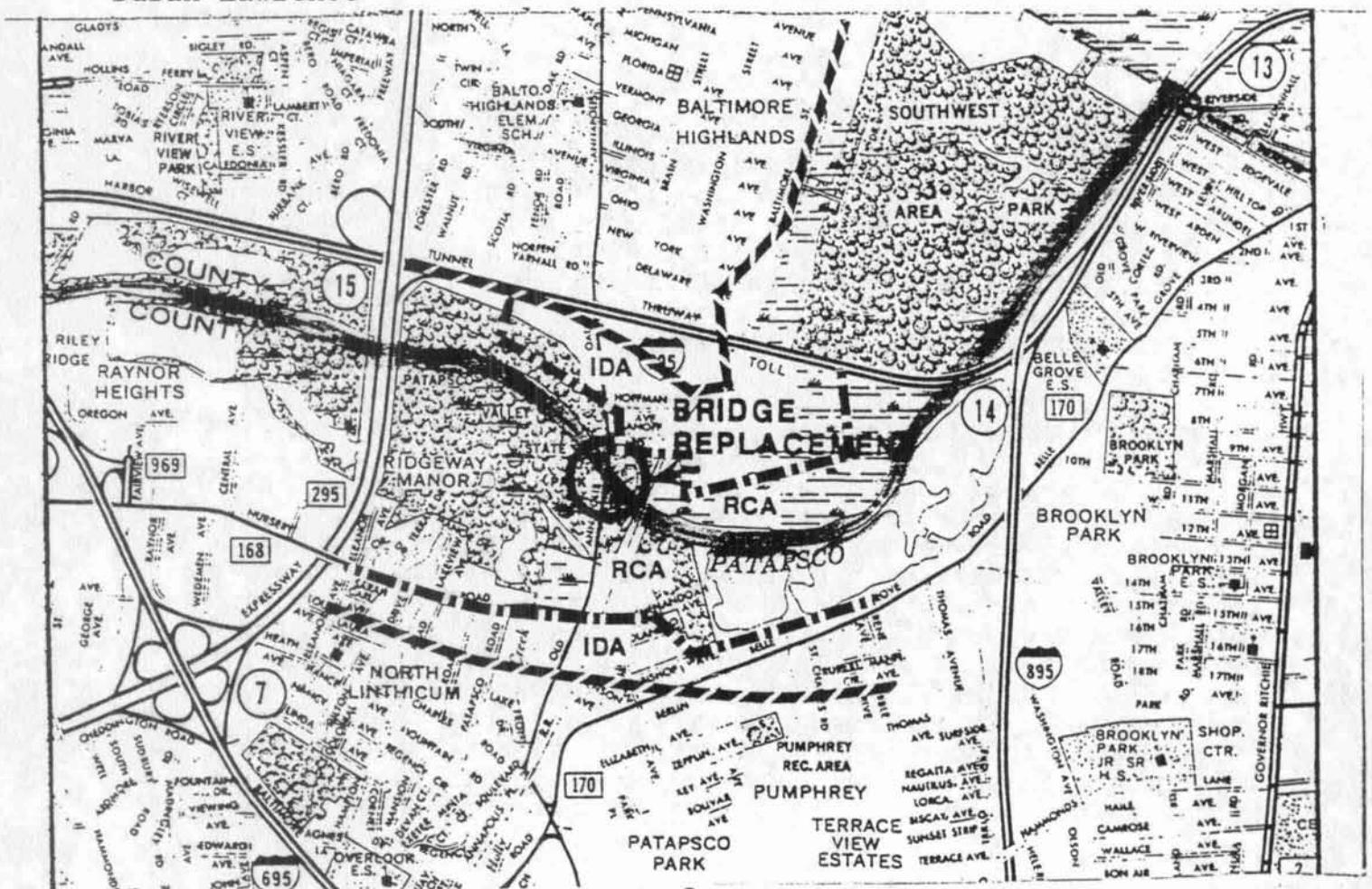
Sediment and erosion controls will be strictly enforced during construction. Controls include minimizing disturbance; utilization of vegetative controls, such as mulching for temporarily exposed areas and seeding and mulching of side slopes once construction is complete; staging clearing and grading to limit the area and time of exposure; and the use of structural controls such as slope silt fence and/or straw bales at the toes of slope and sediment traps in existing inlets. The Department of the Environment has approved a waiver from stormwater management measures. This waiver was granted based on the infeasibility of the water quality measures due to high water table and low, flat gradient of the area.

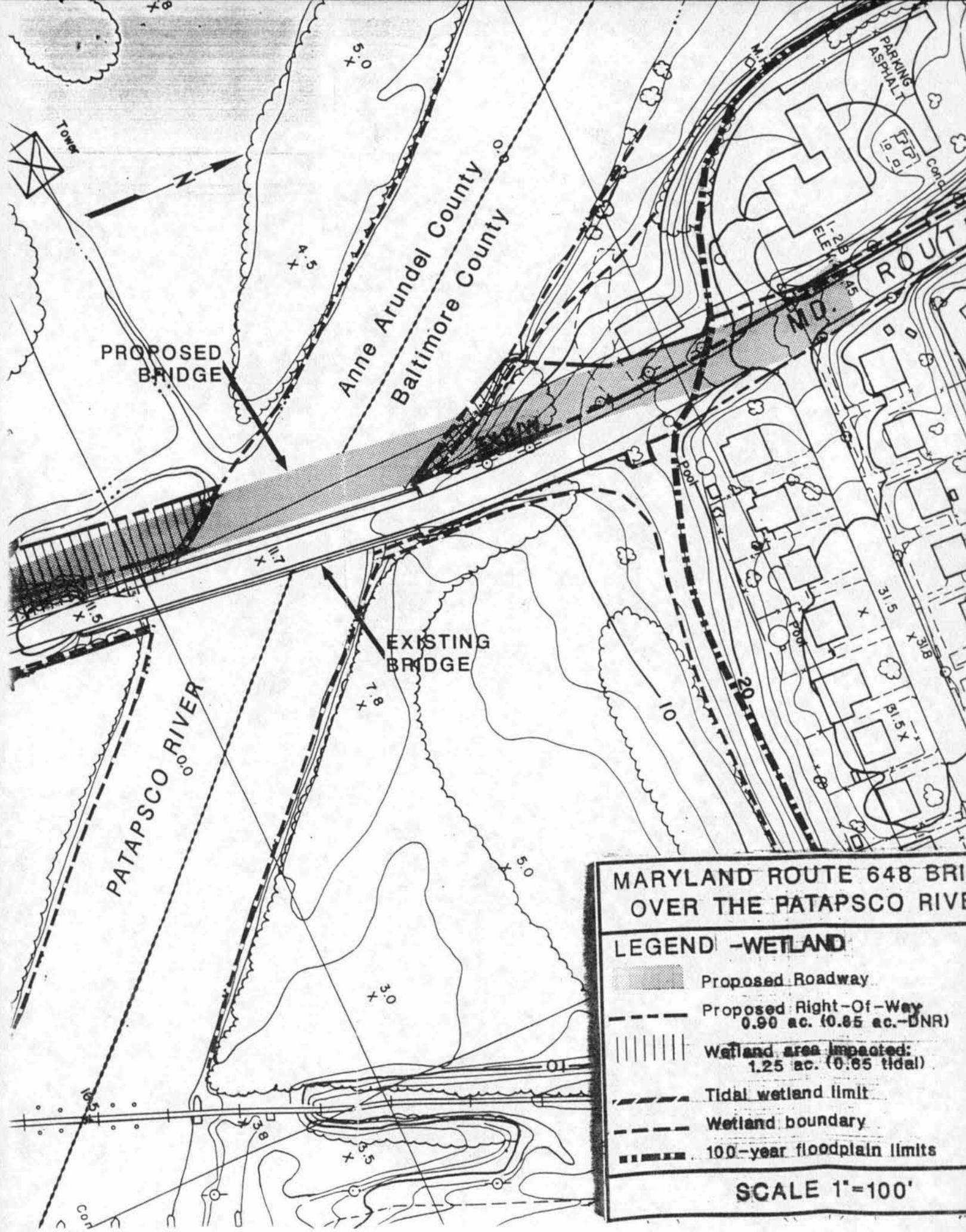
STAFF/SUBCOMMITTEE RECOMMENDATION:

The proposal appears to be consistent with Subtitle 19, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs. The subcommittee recommends approval of the project.

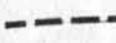
STAFF CONTACT:

Susan Lawrence





**MARYLAND ROUTE 648 BRIDGE  
OVER THE PATAPSCO RIVER**

- LEGEND - WETLAND**
-  Proposed Roadway
  -  Proposed Right-Of-Way  
0.90 ac. (0.85 ac. -DNR)
  -  Wetland area impacted:  
1.25 ac. (0.85 tidal)
  -  Tidal wetland limit
  -  Wetland boundary
  -  100-year floodplain limits

**SCALE 1"=100'**



JUDGE SOLOMON LISS  
CHAIRMAN

STATE OF MARYLAND  
**CHESAPEAKE BAY CRITICAL AREAS COMMISSION**  
DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING, D-4  
ANNAPOLIS, MARYLAND 21401  
974-2418 or 974-2426

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

December 29, 1988

Thomas Osborne  
Anne Arundel Co.  
James E. Gutman  
Anne Arundel Co.

Dear Commission Member:

Ronald Karasic  
Baltimore City

Albert W. Zahniser  
Calvert Co.

Thomas Jarvis  
Caroline Co.

Kathryn D. Langner  
Cecil Co.

Samuel Y. Bowling  
Charles Co.

G. Steele Phillips  
Dorchester Co.

Victor K. Butanis  
Harford Co.

Wallace D. Miller  
Kent Co.

Parris Glendening  
Prince George's Co.

Robert R. Price, Jr.  
Queen Anne's Co.

J. Frank Raley, Jr.  
St. Mary's Co.

Ronald D. Adkins  
Somerset Co.

Shepard Krech, Jr.  
Talbot Co.

Samuel E. Turner, Sr.  
Talbot Co.

William J. Bostian  
Wicomico Co.

Russell Blake  
Worcester Co.

The next Meeting of the Chesapeake Bay Critical Area Commission is scheduled for Wednesday, January 4, 1989, at the new Commission Office, 275 West Street, West Garrett Place, Suite 320, Annapolis. The directions are as follows:

From the Eastern Shore

Take Route 50 west to Annapolis. Cross the Severn River Bridge and take the second exit (to Downtown Annapolis, Rowe Boulevard). Go to the second traffic light and make a right-hand turn onto Taylor Ave. Follow Taylor Ave. to the traffic light (intersection of Taylor Ave. and West Street). Make a left at the light onto West Street. When you come to the first intersection (Spa Road runs into West Street) you will see West Garrett Place on the right (tall brown building). Park anywhere that you can if there is no meter, such as a side street, or use the parking garage under West Garrett Place building. Take the main elevator to the third floor, then follow the signs for the Commission Office.

From the Western Shore

Take Route 50 to Rowe Boulevard exit. Follow above directions.

NOTE: I would suggest that if you cannot find an unmetered parking space on a side street (off of West Street), park in the garage below the building, KEEP your receipt when you pay, and claim it on your expense account. This can be the only way in which we will be able to reimburse you.

CABINET MEMBERS

Wayne A. Cawley, Jr.  
Agriculture

J. Randall Evans  
Employment and Economic Development

Martin Walsh, Jr.  
Environment

Ardath Cade  
Housing and Community Development

Torrey Brown  
Natural Resources

Constance Lieder  
Planning

December 29, 1988  
Page Two

An agenda and a sample copy of the letter sent to the 16 local governments is enclosed. There are many items upon which to vote, so please be as prompt as possible.

Happy New Year to all of you. May it be a healthy and prosperous one.

Sincerely,

  
Sarah J. Taylor, Ph.D.  
Executive Director

Enclosures

SL/jjd.

Enclosures

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

275 West Street  
West Garrett Place  
Suite 320  
Annapolis, Maryland

January 4, 1989

3:00 - 7:00 p.m.

- |             |  |   |
|-------------|--|---|
| 3:00 - 3:10 | Approval of the Minutes<br>of December 21, 1988 ✓                        | Robert Price, Jr.<br>Vice-Chairman            |
| 3:10 - 3:40 | Presentation by Worcester<br>County Commission <i>Sarah</i>              | The Honorable Bennett<br>Bozman, President    |
| 3:40 - 4:00 | Vote on Town of<br>Chestertown Program <i>approved</i>                   | Sarah Taylor/<br>Panel                        |
| 4:00 - 4:15 | Vote on Town of<br>Hillsboro Program <i>Approved</i>                     | Charles Davis/<br>Panel                       |
| 4:15 - 4:30 | Vote on Town of<br>Queen Anne Program <i>Approved</i>                    | Charles Davis/<br>Panel                       |
| 4:30 - 4:45 | Vote on Town of<br>Indian Head Program <i>Approved</i>                   | Charles Davis/<br>Panel <i>Bob Schooplien</i> |
| 4:45 - 5:00 | Vote on Town of<br>North Beach Program <i>not ready<br/>need hearing</i> | Ren Serey/<br>Panel                           |
| 5:00 - 5:15 | Vote on Town of<br>Elkton Program <i>Approved</i>                        | Ren Serey/<br>Panel                           |
| 5:15 - 5:30 | Vote on Kent County<br>Program Amendments                                | Charles Davis/<br>Panel                       |
| 5:30 - 5:45 | Vote on Days Cove<br>Master Plan   | Abi Rome/<br>Panel                            |
| 5:45 - 6:00 | Break <i>chestertown / Kent Co amendments / Elkton</i>                   |   |
| 6:00 - 6:15 | Status Report on Process,<br>Procedure, Amendments Panel                 | Victor Butanis,<br>Panel Chairman             |
| 6:15 - 6:30 | Status of Natural Parks Study  | James Gutman/Dawnn<br>McCleary/Panel          |
| 6:30 - 6:45 | Old Business<br>Cecil County Hearing<br>Dorchester County Hearing        | Robert Price, Jr.<br>Vice-Chairman            |
| 6:45 - 7:00 | New Business   |   |

Next Meeting: January 18th, 1989, Commission Office, 275 West  
Street, Annapolis



JUDGE SOLOMON LISS  
CHAIRMAN

STATE OF MARYLAND  
**CHESAPEAKE BAY CRITICAL AREAS COMMISSION**

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING, D-4  
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Natural Resources

Constance Lieder  
Planning

December 23, 1988

The Honorable Thomas Middleton  
P O Box B  
Courthouse  
La Plata, Maryland 20646

Dear President Middleton:

On December 21st at the regular meeting of the Critical Area Commission, the Members voted unanimously to send a letter to those jurisdictions who have not yet received final approval on their Programs from the Commission. The intent of the vote taken by the Members was to provide you with a deadline date signifying when the Commission will take action to adopt a Program for your local jurisdiction, if approval has not been received by that date. The date set for this action is January 18, 1989.

As you are aware, the Commission has been reluctant to adopt a Program for your local jurisdiction because work has proceeded in earnest by everyone involved in the development of the Program. However, Section 8-1809 of the Critical Area Law requires that within 760 days after the criteria are adopted by the Commission and become effective, there shall be in effect throughout the Chesapeake Bay Critical Area, Programs approved or adopted by the Commission. That date is June 11, 1988.

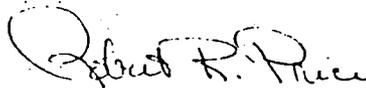
December 23, 1988  
Page Two

I urge you to submit your Program one week or more prior to the date of January 18, 1989, so that we can review it and hopefully, approve it. If submittal by January 18th is not possible, the Commission has no choice but to proceed with adoption of a Program for your jurisdiction. The Commission, in its adoption process, has agreed that it will adopt as much of the locally developed Program as possible; inserting generic language as necessary. The Commission decided to adopt as much as possible of the local Program so that your work would be recognized, and so that implementation by you would be based on a Program developed in large part by your officials and constituents. In that way, the Commission hopes to accommodate your needs and concerns while at the same time, meeting the requirements placed on it by the Legislature.

The Commission urges you to continue working on your Program for submittal and approval because as soon as we can approve your Program, our adoption process can stop.

Please be assured that we will do all that we can to assist you. Please call us if you have any questions.

Sincerely,



Robert R. Price, Jr.  
Vice-Chairman



Sarah J. Taylor, Ph.D.  
Executive Director

RRP/SJT/jjd

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held  
December 21, 1988

The Chesapeake Bay Critical Area Commission met at the Tidewater Inn, Easton, Maryland. The meeting was called to order by Vice-Chairman Price with the following Members in attendance:

Albert Zahniser	Kathryn Langner
William Bostian	James E. Gutman
Victor Butanis	Thomas Jarvis
Ronald Karasic	William Corkran
Samuel Bowling	Wallace Miller
Ronald Hickernell	Ronald Adkins
Russell Blake	Thomas Osborne
Robert Perciasepe of DOE	G. Steele Phillips
Deputy Secretary Cade of DHCD	Secretary Cawley of DOA
Secretary Brown of DNR	Robert Schoeplein of DEED
Carolyn Watson for	Larry Duket for
Parris Glendening	Secretary Lieder

Vice-Chairman Price presented awards to outgoing Commission member Samuel Turner, Sr., and Commission staff members Dr. J. Kevin Sullivan, Marcus Pollock, and Ed Phillips in recognition of their abilities and efforts in working with the Chesapeake Bay Critical Area Commission.

Vice-Chairman Price asked Mr. Marcus Pollock to report on the Town of Queenstown Program. Mr. Pollock said that the Program had been submitted to the Commission and returned to the Town for recommended changes. The Town had again submitted the Program with the incorporation of those changes, which were mostly technical in substance, and the Program was ready for a vote.

Ms. Langner, Panel member, concurred with Mr. Pollock that all requested changes had been made by the Town.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve The Town of Queenstown's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, Queenstown shall adopt the Program together with all relevant ordinance changes. The vote was 20:0 in favor, with 1 abstention.

Mr. Miller asked if there had been a decision as to the designation of golf courses; whether the designation is to be RCA or LDA. Ms. Langner answered that to date, it had been decided that the issue would be examined on a case-by-case basis.

Vice-Chairman Price asked Mr. Charles Davis to report on the Program for Talbot County. Mr. Davis reported that the Program had been submitted as draft to the Commission in January of this year, and that revisions had continued since then. Mr. Davis said that the remaining changes suggested by the Panel that need to be incorporated, are for clarification and consistency.

Mr. Bostian asked if there were any mapping issues anticipated. Mr. Davis answered that there are two main issues. One of the IDAs that the County defined was unclear, and the other matter concerns some LDAs that have a density of lower than one dwelling unit per five acres, which will need clarification.

Mr. Gutman, Panel Chairman, said that there remain minor changes that need be provided to the County, and that the Panel recommends the Program be returned to the County to make those changes.

A motion was made and seconded that the Commission believes the local Program for Talbot County is a good one, but for final approval pursuant to Section 8-1809(d)(2) of the Critical Area Law, the Commission requests Talbot County to make the changes recommended by the staff report of December 21, 1988, and endorsed by the Panel. Pursuant to Section 8-1809(d)(3), such changed Program must be re-submitted to the Commission within 40 days and only after at least one additional public hearing has been held concerning the changes made to the originally submitted Program, relevant ordinances and plans. The vote was 20:0 in favor with 1 abstention.

Vice-Chairman Price asked Dr. Taylor to give a report on the status of Worcester County's Program. Dr. Taylor reported that the County had imposed a moratorium on all development in the Critical Area as of March 1988, and any development which has occurred, needed to have a variance request from the moratorium. Of the total acreage that the County has available for total growth, 60 acres have been used.

Dr. Taylor said that the Panel has made the comment that the County should delineate the subdivisions that had received approval and show how the acreage was counted against the growth allocation. She said that the maps have been improved, and language has been added to the subdivision code, zoning ordinance, and the County has created and passed a Critical Area overlay district, which has been added as part of the Program. The County does not yet have a protection program for forest and woodland, agriculture, and habitat areas. However, the Program notes that whenever activity occurs on a parcel within the

Critical Area, all habitat resources need to be documented and a hearing must be conducted at the local level.

Dr. Taylor said that the staff recommends to the Panel that the Program be approved with the condition that the County maintain the moratorium until these protection programs are completed with other aspects of the language.

Mr. Bostian, Panel Chairman, said that he had concern that these protection aspects had not been incorporated.

Dr. Taylor said that the problem is that this year's funding has not generally been given to a County for Program development, but rather for implementation when a Program has been approved, and the County will not have the funds to complete these protection sections.

Mr. Epstein said that he would not recommend the Commission conditionally approve the Program at this juncture, as it is not now a Program that is consistent with the Commission's criteria. He further stressed, in reiteration of previous counsel, the necessity to have Programs in place, and his advice was that if Programs are not in place, the Commission should prepare those Programs for the jurisdictions. Mr. Epstein reminded the Commission that in taking over these Programs, the action should not be regarded by those jurisdictions as a punitive action by the Commission. He said that these jurisdictions can and will continue to prepare their Programs, and when they are completed to the satisfaction of the Commission, they will be substituted for the Commission-prepared Program.

Mr. Gutman suggested that the Commission provide the "generic program" to the County until the County's Program is ready for approval.

It was suggested that the Commission need only incorporate those aspects of its Program that are lacking in the County's Program.

Mr. Hickernell asked what the time frame was for a jurisdiction's response to incorporate suggested changes by the Commission, and if there was a time limit. Mr. Epstein answered that if the Commission rejects a Program for the second time, there is no time limit for the jurisdiction to respond.

Mr. Osborne asked Dr. Taylor how many Programs are in a similar situation? Dr. Taylor answered approximately 17 Programs remain to be approved. Mr. Osborne said that he feels the Commission is compelled to assume the preparation of those Programs not yet completed, and that if this action is performed cautiously and with careful discrimination, it would help move these Programs more swiftly toward adoption.

Mr. Miller stated his concern that if a jurisdiction is acting in good faith to complete its Program and the Commission makes the decision to take it over, this might be felt by the jurisdiction to be a reprimand.

Mr. Zahniser said that because the Commission is in agreement with Worcester County as to what is completed in its Program so far, he did not think that the County would feel it was being reprimanded but encouraged to continue with its Program development. He further stated that it might be helpful for the County to substitute the Commission's protection programs, which the County could change or not, by its choice, and this would encourage a momentum toward adoption on a more timely basis.

Secretary Cawley asked how long it would take the staff to submit a Commission-formulated Program to the County? Vice-Chairman Price answered at least 60 days.

A motion was made and seconded that the Commission give 30 days' notice to Worcester County that it will assume preparation of the Program for Worcester County, and adopt its generic program in regard to forest protection, agricultural protection, and habitat protection, and approve the Worcester County Program as to the mapping and other acceptable elements, until such time as the County submits Program amendments to the Commission-prepared Program elements. The vote was 17:4 in favor.

It was then suggested that a letter similar to the one which will be sent to Worcester County also be sent to the remaining jurisdictions having Programs not yet approved, such as Caroline County, Charles County, Indian Head, North Beach, Queen Anne's County, Somerset County, Elkton, Chestertown, Church Hill, Queen Anne, Wicomico County, Mardela Springs, Sharptown, Salisbury, Snow Hill, and Hillsboro.

Mr. Hickernell said that he would like to see a status report on all of the remaining jurisdictions before making a decision as to what is to be sent to them by way of notice of Commission action.

Deputy Secretary Cade suggested that the motion be tabled until the next Commission meeting, and to notify the remaining jurisdictions of the date when the motion will be voted upon.

A motion was made and seconded to reconsider the vote on the original motion concerning Worcester County. The vote was 19 in favor with 2 abstentions.

A motion was made and seconded to amend the original motion to include all jurisdictions whose plans have not been adopted, and to notify these jurisdictions that action will be taken within 30 days of notification.

A motion was made and seconded that the Commission assume preparation of the remaining jurisdictions whose Programs have not yet been approved, and that the Commission approve those portion of the Programs that are acceptable, and substitute those parts of the Commission's generic program that will make the jurisdiction Programs complete and acceptable. The Commission shall notify those jurisdictions that at the January 18th, 1989 Meeting, the Commission will vote on this action.

Mr. Butanis stated that it might not be helpful to include all jurisdictions whose Programs have not yet been adopted, as he does not know what the status of Somerset County's Program is, and it may be necessary to treat that County separately.

Vice-Chairman Price said that the County and Commission staff, Mr. Phillips, were to complete mapping issues. When this was accomplished, the Panel was to meet with the County to resolve other elements of the Program.

A vote was taken on the motion with 18:0 in favor.

Dr. Sullivan said that he had worked on the Worcester County Program with Dr. Waters, and that the staff has been aware that elements in that Program were not complete. He said his understanding was that Dr. Waters advised the County that they could submit the Program with the missing elements, but that it was unlikely that the Commission would approve it.

Vice-Chairman Price suggested that the issue of Queen Anne's County be broached, and informed the Commission of a letter of December 7th, 1988, from the County Commissioners of Queen Anne's to the Commission. He said that the Program was approved by the Commission on June 29, 1988, and that the letter by the County Commissioners states that as of the date of December 7th, the Program has not been adopted by the County.

Vice-Chairman Price introduced Mr. Joe Stevens, Planning Director for Queen Anne's County, to explain the status of the County Program to the Commission. Mr. Stevens briefed the Commission as to the actions of the County since Program approval. The County Commissioners have adopted all portions of the Program except the implementing amendments that are part of the zoning ordinance. The County has re-drafted the proposed ordinance changes as a separate ordinance rather than as a change to the zoning ordinance. The County has scheduled a hearing on the revised ordinances on January 24th.

Mr. Miller asked if the Program has been approved, why is the voting and hearing procedure Queen Anne's must follow different than that of Kent County for Program amendment?

Mr. Epstein answered that the Queen Anne's County Commissioners have not adopted an implementing ordinance, as Kent County had done. The County is now notifying the Commission of the changes that had been made and desire the Commission to review those changes. The statute provides that if a local jurisdiction wants to make changes in a Program that had been approved by the Commission, then there is a 30-day review period for the Commission.

A motion was made and seconded that the Commission include Queen Anne's County in the motion with the remaining jurisdictions whose Programs have not been approved. The vote was 17:0 with 1 abstention.

Vice-Chairman Price reported that there would be no vote on Chestertown's Program as it had just been received that day.

Vice-Chairman Price asked Mr. Davis to report on Kent County's Program amendments. Mr. Davis asked Mr. Butanis, Panel Chairman, to state the findings of the Panel. Mr. Butanis said that the Panel is unable to make a recommendation at this time, as additional information is needed from the County.

Vice-Chairman Price reported that a vote will be taken on the Day's Cove Marina at the next Commission Meeting.

The Minutes of the Meeting of December 7, 1988 were approved with the correction that the words "the subdivisions" be struck in regard to Dorchester County growth allocation.

Vice-Chairman Price then asked Dr. Taylor to give a report on the Septic Panel meeting. Dr. Taylor said that the Panel had suggested some conditions on the three options that the staff will be submitting these to Mr. Epstein and Robert Perciasepe and staff for review. The Panel will meet again after the review.

Dr. Taylor reported the schedule for upcoming hearings as follows:

Dorchester County hearing is scheduled for January 9th, at 7:30 p.m., in the County Office Building, Room 110.

Cecil County hearing is January 5th, at 7:00 p.m., Courtroom #3 in the County Office Building.

The Panel for Processes, Procedures, and Amendments have schedule a meeting for January 4th. The Panel is comprised of Victor Butanis, Chairman, Parris Glendening, Sam Bowling, Ron Adkins, Wally Miller, John Griffin, and Connie Lieder

Vice-Chairman Price asked Mr. Epstein to report on the timber harvesting case intervention. Last month, the Commission appealed an action by Dorchester County District Forestry Board, when the Board approved a plan which did not include the habitat protection elements that the Maryland Forest, Park and Wildlife Service deemed necessary to protect the Delmarva fox squirrel. The Commission took an appeal to the Secretary of DNR, and the Secretary designated his chief hearing examiner to hear the appeal. The pre-hearing conference was to be the day after the Commission Meeting, but he was informed that morning by the attorney for the appellee, that the landowner was willing to concede the 50-foot buffer to protect the Delmarva fox squirrel. Therefore, there is no need to go forward with the appeal, and it will be dismissed by stipulated settlement shortly.

Vice-Chairman Price then asked Mr. Davis to report on the Town of Hillsboro and Queen Anne's Program. He said that the Panel has not yet had a chance to review the Programs, but he believes that the Programs are in good shape. Hillsboro has passed a comprehensive plan, and is now in the process of beginning the adoption of its zoning ordinance. He said that there should be a possibility for vote at the January 4th Meeting.

Vice-Chairman Price asked Dr. Sullivan to report on the history of the Commission's work. Dr. Sullivan said the his work will be a summary of the actions of the Commission over the last four years, showing how the program came to be successful, and introduce issues that the Commission might be addressing in the future.

UNDER NEW BUSINESS

Mr. Perciasepe said that he wanted the releasing of grant funds to complete Programs to be conditioned on a scheule that the staff would develop on a jurisdiction-by-jurisdiction basis, in order to have the grant completed at or before the time that the Commission promulgate the final Program. He said that he would like to see a progress report on the jurisdiction, before the Commission takes over the development of that jurisdiction's Program.

Mr. Gutman asked Dr. Taylor when the funds are allocated, has the staff in the past, had a schedule that was agreed to by the recipient. Dr. Taylor answered affirmatively, that the staff also receives monthly billing, and before the bill can be paid, the staff receives a detailed breakdown of the expenses.

Mr. Blake added that the Commission should keep in mind regarding the correspondence that will be sent to the 16 jurisdictions, that the tone of the letter is to be persuasive rather than punitive.

Mr. Zahniser said that the St. George's Creek Panel meeting is on January 9th, at 10:30 a.m.

There being no further business, the meeting was adjourned.



JUDGE SOLOMON LISS  
CHAIRMAN

STATE OF MARYLAND  
**CHESAPEAKE BAY CRITICAL AREAS COMMISSION**  
DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING, D-4  
ANNAPOLIS, MARYLAND 21401  
974-2418 or 974-2426

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

- Thomas Osborne  
Anne Arundel Co.
- James E. Gutman  
Anne Arundel Co.
- Ronald Karasic  
Baltimore City
- Albert W. Zahniser  
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- Thomas Jarvis  
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- Shepard Krech, Jr.  
Talbot Co.
- Samuel E. Turner, Sr  
Talbot Co.
- William J. Bostian  
Wicomico Co.
- Russell Blake  
Worcester Co.

January 10, 1989

Dear Commission Member:

The next Meeting of the Chesapeake Bay Critical Area Commission is scheduled for January 18th, 1989, at the Commission Office on West Street. The address is 275 West Street, West Garrett Place, Suite 320, Annapolis. We will begin promptly at 3:00 p.m.

Enclosed are several items to prepare you for the Meeting:

- 1) Agenda;
- 2) Minutes from January 4, 1989
- 3) status sheet of local Programs;
- 4) 3 legislative bills on which the Commission needs to take a position (SB 191, SB 169, SB 93);
- 5) Hallowing Point State Project;
- 6) a copy of the Executive Summary 2020 Report; and
- 7) status report, Natural Parks Document.

Also enclosed is a listing of several Panel Meetings that have been scheduled. Please note these Meetings and attend them if possible.

Sincerely,

  
Sarah J. Taylor, Ph.D.  
Executive Director

CABINET MEMBERS

- Wayne A. Cawley, Jr.  
Agriculture
- J. Randall Evans  
Employment and Economic Development
- Martin Walsh, Jr.  
Environment
- Ardath Cade  
Housing and Community Development
- Torrey Brown  
Natural Resources
- Constance Lieder  
Planning

SJT/jjd

Enclosure

*names to  
Ren on  
Dept of Transp.*

*Approvals  
Project  
Approval  
of A. G. King  
of D.S.P.  
also  
2020  
Legal  
Issues*

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

275 West Street  
West Garrett Place  
Suite 320  
Annapolis, Maryland

*all the  
by  
west*

January 18, 1989

3:00 - 6:00 p.m.

3:00 - 3:10 Approval of Minutes of  
January 4, 1989

Vice-Chairman Price

3:10 - 3:45 Status of Local Programs  
and Vote for Adoption of  
Programs

Dr. Sarah Taylor

3:45 - 4:00 Vote on Cecil County  
Program Amendments

*Anne Houston Feb 1st*  
Charles Davis/  
Panel

4:00 - 4:15 Vote on Dorchester  
County Program Amendments

Tom Ventre/  
Panel

4:15 - 4:45 Position on Legislative  
Bills and Vote

Dr. Sarah Taylor

4:45 - 5:15 Vote on State Projects  
- St. Clements Island  
- Pt. Lookout/Tanners Creek  
~~St. Georges Creek~~

*MNCPPC*  
Abi Rome/  
Panel

~~Russell Point~~  
- Fuel Storage Building/  
Sandy Point State Park

*Ship Zahriser  
Jim Hutman  
Paris Glendening  
Sam Bowling  
Bob Schupler*

5:15 - 5:45 Presentation of Hallowing  
Point Boat Ramp Plan

Robert Ellsworth,  
DNR, Waterway  
Improvement Division

5:45 - 6:00 Old Business  
Langford Farm  
Anne Arundel Co. Suit

Vice-Chairman Price/  
Lee Epstein

*SHA  
New Business*

~~New Business  
Update on Panels: Septic,  
Process and Procedures, Forest  
Management~~

\* Next Meeting: *February 1st*  
~~January 18th~~, 1989, Commission Office, Annapolis

*Port America -*

*Toney  
Brown. Kay Langner,  
Paris Glendening  
Ship Zahriser  
Ardatk Cade*

*Mr. Lat speak*

*2 other  
projects  
same  
projects*

PRE-MEETING PANELS

Septic Panel

12:30 - 1:30

Sarah Taylor - Parris Glendening/Bill Bostian/Kay Langner/Jim Gutman/Shepard Krech/Bob Perciasepe/Wayne Cawley

---

Fort Washington Marina

1:00 - 2:00

Abi Rome - Skip Zahniser/Jim Gutman/Bob Schoeplein/Tom Jarvis

---

Forest Management

1:30 - 3:00

Anne Hairston - Steele Phillips/Shepard Krech/Bob Perciasepe/Bill Bostian/Jim Gutman

---

Amendments Panel

2:00 - 3:00

Sarah Taylor - Victor Butanis/Parris Glendening/Sam Bowling/Ron Adkins/Wally Miller/John Griffin/ *Jerry Duket*

Feb 1st

*Cecil Co. is  
St. Mary's  
Q.A. Co.*

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held  
January 4, 1989

The Chesapeake Bay Critical Area Commission met at the Chesapeake Bay Critical Area Commission Office, 275 West Street, Annapolis, Maryland. The meeting was called to order by Vice-Chairman Price with the following Members in attendance:

Parris Glendening	J. Frank Raley, Jr.
Victor Butanis	William Bostian
Thomas Osborne	Samuel Bowling
G. Steele Phillips	Kathryn Langner
Dr. Shepard Krech, Jr.	William Corkran
Ronald Hickernell	Ronald Karasic
Louise Lawrence for Secretary Cawley	James Gutman
Robert Schoeplein of DEED	Secretary Brown of DNR Secretary Lieder of DSP

Vice-Chairman Price asked Dr. Taylor to report on the status of the Program for Worcester County. Dr. Taylor spoke of the meeting that she and Mr. Ventre had had with the County Commissioners informing the County of the decision of the Critical Area Commission to return the County's Program. An agreement was made as to those aspects that needed to be incorporated into the Program such as Buffer delineation, non-tidal wetland delineation, water-dependent facilities plan, management plans or processes for protecting heritage areas, non-tidal protection measures, future surface mining area delineation, additional agricultural buffer requirements, and protection plan and processes for plant and animal habitats. She said that the County had not made a decision as to what action it will take, but that it was decided that the Commission staff should send the County the language of the generic program for those items missing in the County Program. It was also agreed that the County should receive sample chapters of what had been approved and submitted by other Counties. The County has 1" = 2,000' scale maps and are contracting with a consultant to prepare 1" = 600' maps.

Vice-Chairman Price then asked Dr. Taylor to report on the Town of Chestertown Program. Dr. Taylor said that upon review of the Program, all staff comments submitted to the Town, had been incorporated. She asked Mr. Osborne, Panel Chairman, if he had any comments to make.

Mr. Osborne said that the Panel would like time to meet at this point, to discuss the Program further. It was decided that the Chestertown Panel would meet later on in the Meeting.

Vice-Chairman Price asked Mr. Davis to report on the Programs for the Towns of Hillsboro and Queen Anne. Mr. Davis reported that the Town of Hillsboro had held its hearing and had made revisions to the Program and submitted it. He said that the Program addresses the necessary concerns of the criteria. Vice-Chairman Price, Panel member, concurred that the Program is a good one.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve the Town of Hillsboro's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, the Town shall adopt the Program together with all relevant ordinance changes. The vote was 14:0 in favor.

Mr. Davis reported that the Town of Queen Anne had held its hearing and the requested changes had been made to the Program and submitted, and that the Panel had received copies. Vice-Chairman Price concurred that the Program is satisfactory.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve the Town of Queen Anne's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, the Town shall adopt the Program together with all relevant ordinance changes. The vote was 14:0 in favor.

The Commission then convened so that several Panels could meet. Upon reconvening, the Commission approved the Minutes of the Meeting of December 21, 1988, as written.

Vice-Chairman Price asked Mr. Osborne, Chestertown Panel Chairman, to report on the Program. Mr. Osborne said that the Panel recommends approval of the Program.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve Town of Chestertown's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, the Town shall adopt the Program together with all relevant ordinance changes. The vote was 14:0 in favor.

Vice-Chairman Price asked Mr. Ren Serey to report on the Town of Indian Head's Program. Mr. Serey said that the Program was prepared by Charles County. All of the staff-recommended changes have been made, and the final hearing has been held.

Mr. Bowling, Panel member, said that the Program is satisfactory, and the Panel recommends approval.

Critical Area Commission  
Minutes - 1/4/89  
Page Three

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve the Town of Indian Head's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, the Town shall adopt the Program together with all relevant ordinance changes. The vote was 14:0 in favor.

Vice-Chairman Price then asked Mr. Serey to report on the Town of Elkton's Program. Mr. Serey reported that all protection and zoning ordinance changes have been made, and the final public hearing has been held. Mr. Serey asked Mr. Karasic, Panel Chairman, to report on the mapping issues. He said that there were four areas of controversy that required mapping amendments. The first issue involved Elkwood Estates, a forty-acre parcel that the Town originally designated as LDA, and the Commission recommended that it be deemed RCA because it was undeveloped. The second issue concerned the intersection of Routes 40 and 214, which included a Burger King, that the Town designated as IDA. The Commission recommended the designation be changed to RCA for the wetland area consisting of seven acres. The third issue concerned the County jail and sewage treatment plant, consisting of approximately 80 acres. Half of the parcel contained agricultural use, and the Town had designated it as LDA. The Commission had originally recommended RCA, but then agreed with the Town that because of the intensity of the use, LDA would be the proper designation. The last issue concerned the Arundel Property of 430 acres, 130 of those acres being designated as LDA and the rest, RCA. The Town's rationale for the LDA designation was that the sewer line extended near the property. The sewer line was not on or adjacent to the property. A compromise was reached that 60 acres be designated LDA, and 70 acres be subject to use of the Town's growth allocation from the County. Sixteen of the remaining 228 lots will incorporate an easement of a 200-foot buffer zone, which will be enforced by the Homeowners Association.

He indicated that the Panel requested and received assurance from the Town, that protective easements would be included with the deeds of certain properties in Kensington Estates, Arundel Corporation property.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve the Town of Elkton's local Critical Area Program, and direct that pursuant to Section 8-1809(e), within 90 days, the Town shall adopt the Program together with all relevant ordinance changes. The vote was 14:0 in favor.

Vice-Chairman Price then asked Mr. Charles Davis to report on Kent County's Program amendments. Mr. Davis said that the County had submitted to the Commission for consideration a package of seven map amendments and one text amendment. He summarized each request as follows:

ZMA(CA) #1-88 - to move the Critical Area line to 1,000 feet instead of including the entire farm as originally proposed;

ZMA(CA) #2-88 - to redesignate the property as LI-2;

ZMA(CA) #4-88 - to rezone the property R-1-CA, Single Family Residential Critical Area;

ZMA(CA) #5-88 - to zone the property R-1-CA, Single Family Residential Critical Area;

ZMA(CA) #6-88 - to zone the property R-1-CA, Single Family Residential Critical Area;

ZMA(CA) #7-88 - to zone the marina MLD-CA, Marine Limited Development Critical Area.

Mr. Butanis, Panel Chairman, said that the Panel believes that six of mapping amendments are acceptable and recommends approval. The one amendment concerning the Bellanca property, ZMA(CA) #3-88, is not acceptable and recommends that the Commission deny the proposed reclassification on the basis of mistake since the existing designation appears to be consistent with the approved mapping rules.

A discussion then began concerning the density averaging concept and its use for classifying land designation.

A motion was made and seconded that the Commission approve mapping amendments 1, 2, 4, 5, 6, and 7 of Kent County. The vote was 13:0 in favor with 1 abstention.

A motion was made and seconded that the Commission deny the amendment request of Kent County Zoning Map Amendment (CA) #3-88, as it does not meet the criteria for an LDA classification. The vote was 12 in favor, one opposed, and one abstention.

Mr. Davis explained the text amendment request of Kent County ZTA(CA) #2-88. He said that upon calculating several expanded buffers due to steep slopes, the planning staff noticed that the Critical Area criteria expanded buffers for "contiguous slopes" exceeding fifteen percent, while the County's Program read "continuous slopes". He said that the County proposes to

amend the appropriate sections of its ordinances to read "contiguous slopes". In addition, the County believes in no case should the mandatory buffer exceed three hundred feet.

It was suggested that the Panel convene to discuss the amendment language with the County representatives. This was done. An Executive Session was then called wherein cases under litigation were discussed.

Upon reconvening, Vice-Chairman Price asked Ms. Abi Rome to report on the Days Cove Master Plan. Ms. Rome reported that the Panel had made a site visit of the area. The Commission had solicited comments from Baltimore County, and that the County had expressed an interest in being a party to the development of the plans. The County recommended using one of the lakes as an aquaculture site, and DNR had agreed to consider this. She said that the Panel recommends approval of the conceptual plan.

Dr. Krech asked if all three sand and gravel mining sites were in the Critical Area? Ms. Rome answered that they were at least, partially so. He then asked if any were in the Buffer? Ms. Rome answered negatively.

A motion was made and seconded that the Commission approve the concept plans of the Days Cove Master Plan. The vote was 14:0 in favor.

Vice-Chairman Price asked Mr. Davis to continue the discussion on Kent County's amendment. Mr. Davis explained the potential effects and ramifications of the County's proposed formula for buffer expansion.

The Commission then brought forth several points of discussion:

The 300' limit for Buffer Expansion is primarily a concern on the immediate Chesapeake Bay and Sassafrass River shorefronts and that steep slopes immediately adjacent to the tidal wetlands in some circumstances, may extend further than 100' inland.

The 300' distance was chosen because studies suggest that that width for a buffer provides regional wildlife corridor benefits.

The Critical Area Programs of other jurisdictions have included limits for extending the Buffer, provided the entire steep slope is included in the extension.

Steep slopes occurring wholly within the first 100' distance of a Buffer would not result in that Buffer being extended, based on the Commission's criteria.

Kent County's Program as approved, does not extend the Buffer for hydric soils or non-tidal wetlands. These resources are protected by their respective sections.

It was suggested that the Kent County text amendment would make that Program consistent with the Commission's criteria regarding that aspect.

A motion was made and seconded that the text amendment ZTA(CA) #2-88 of Kent County Program, be approved in its entirety. The vote was 13:0 in favor with 1 abstention.

Vice-Chairman Price introduced Mr. David McGrath of Kent County who spoke on the Little Neck subdivision, and relayed his concern to the Commission about the use of RCA lands as septic system areas for development occurring beyond the Critical Area boundary. He asked for the Panel and the Commission to give its opinion on this type of situation as presented by the Little Neck project so that the Planning and Zoning Commission of Kent County would be able to benefit from the opinion at its decision-making meeting on January 5th.

Mr. Gutman said that he thinks the Panel would oppose this type of situation, pending a contrary recommendation either from the Department of the Environment or the Assistant Attorney General.

Mr. Epstein said that if the Commission wishes, it could send a letter that is not representative of official Commission policy, but merely that it wishes to be made a party to the action, and raise some of the concerns of the Panel and the Commission. He noted it would be unfair to the County and developer to "demand" notice of Commission policy after the fact, i.e., after the County had to act. He also noted that it would only be policy in any case. Vice-Chairman Price offered to draft a letter for signature with these contents.

Mr. Gutman asked why action needed to be taken so soon at the County level?

The County, represented by Ms. Gail Owings, Chief of Planning, answered that the project has been in existence for approximately 18 months, and the Planning Commission wishes this issue to be resolved. The County does not want to use its growth allocation for this project, or have to rewrite its growth allocation procedure.

Mr. Gutman asked if it was conceivable to suggest to the County Commissioners that they delay for a two-week period to give time to the Commission to officially develop and provide its policy.

Vice-Chairman Price suggested that Dr. Taylor telephone the Planning Commission with the Commission's concerns.

Mr. Epstein remarked something should be put in writing informing the Planning Commission that the Commission is hereby a party, and that reserves the Commission's right in the future, telling them what the Commission's concerns are. This was agreed to collectively.

Vice-Chairman Price then asked Ms. Dawnn McCleary to report on the Natural Parks Study. Ms. McCleary explained the purpose of the Study, and explained the content of the document and what each chapter focusses on. She said that she used two parks as a model, Nassawango State Park in Worcester County, and Flag Ponds in Calvert County, for their structure and content. The Panel is gathering comments, and continuing to work on the Study's development.

#### UNDER OLD BUSINESS

Mr. Butanis reported on the Panel for Process, Procedures, and Amendments. He said the Panel is working on the development of a procedure to handle the various amendments that the Commission has been, and will continue to receive.

Dr. Taylor gave a status report of Program development and approval of the local jurisdictions. She reported that 11 jurisdictions have not been approved. Tentative approval has been given for Somerset County and the Town of Centreville. The Commission has assumed the development of the Program for St. Mary's County. Queen Anne's County, the Town of Greensboro, and the City of Annapolis have not adopted their Programs locally at this time.

There being no further business, the Meeting was adjourned.

NATURAL PARKS

DOCUMENT

FINAL DRAFT

PREPARED BY: Dawnn  
McCleary  
Date: June 3, 1988

## SUMMARY OF FINDINGS

Ten sites within the Critical Area were selected as examples of natural parks. The sites were analyzed and evaluated and two out of the ten were selected as the best examples of a natural park. The two selected sites were Nassawango Creek Preserve in Worcester County and Flag Ponds in Calvert County. Both sites contained a variety of natural features. The five natural features observed were: (1) a wide diversity of plant and animal communities, 2) a variety of water systems that depicted example of coastal ecosystems within both park areas, 3) the parks current uses such as hiking and birdwatching, 4) the parks past and present land use (such as the Fisherman's Shanty in Flag Ponds and the Iron Furnace in Nassawango Creek Preserve, both which are historical land marks), and finally, 5) limited recreational uses such as picnicking in designated areas and designated hiking trails.

According to COMAR 14.15.08.01(A), a natural park should "..... provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions." The Criteria (14.15.08.03.(A)) also state that "..... parks should not be chosen to preserve only natural curiosities, but they should be planned to include examples of coastal ecosystems that are found within the jurisdictions, each with its geological and biological resources intact." Since Nassawango Creek Preserve

and Flag Ponds provide not only recreational activities but also include examples of coastal ecosystems that are found within each jurisdiction, this makes the selected sites both excellent examples of natural parks within the Critical Area.

## CHAPTER 1

### INTRODUCTION

The purpose of this guide is to provide prerequisite information to local jurisdictions, planners, individuals (ex. private citizens, or organizations) who are unfamiliar with the Maryland Critical Area (which is all land and water areas within 1,000 feet beyond the land ward boundaries of State private wetlands and heads of tide)<sup>1</sup> criteria pertaining to natural parks and the requirements placed on local jurisdictions who would like to "identify areas within their Critical Area where natural parks could be established."<sup>2</sup> Those requirements are to: identify possible park sites, designate sites as possible official natural parks, and preserve the integrity of those designated sites.

The Code of Maryland Regulations (COMAR 14.15.08) for the Critical Area Commission, define Natural Parks as, "areas of natural habitat that provide opportunities for recreational activities that are compatible with the maintenance of the natural conditions." The Critical Area Regulations (14.15.08.03.(A)(B)) require that local jurisdictions: 1) identify sites within the Critical Area where natural parks could be established, and 2) consider conserving the natural features of the park through acquisitions or easements, designation or other appropriate means. Easement (also called conservation easement in relation to natural park) is defined as: "A legal agreement between a property owner and a conservation (or government) organization that protects the conservation value of

the parcel by limiting the uses and changes an owner may make.")<sup>3</sup>  
The regulation also requires that parks not only be chosen to preserve natural curiosities, but should be planned to conserve the geological and biological resources. Plans that are developed for the use of these parks should take into consideration the possibility that all natural terrain has a limited capacity to tolerate human disturbance. Local jurisdictions are expected to give more attention to limiting the number of visitors in any park at any one time.

Local jurisdictions should also consider the value of natural parks as areas for education. Visits to Bay area natural parks can provide the public with the opportunity of acquiring a personal understanding as to how the coastal habitats and Bay resources function and this is beneficial in the long run. These opportunities will indirectly improve the quality of the Bay's resources by instilling in visitors more knowledge toward the coastal environment, and also may influence the actions of park visitors who live throughout the Bay's watershed.

Chapter 2 describes: 1) six components to consider which should be present in a natural park, and 2) shows examples of those areas that qualify as natural parks. Chapter 3 focuses on factors considered in selecting a site and provides detailed analysis of two out of the possible ten sites that were surveyed and evaluated as natural parks. Chapter 4 looks at natural parks and compares them with other areas within and beyond the Critical Area. Chapter 5 focuses on the social and economic benefits of a

natural park, and Chapter 6 focuses on the detrimental effects of human activity on the environmental features in a natural park, and the regulation of these activities.

STEPS AND PROCEDURES  
FOR THE IMPLEMENTATION  
OF NATURAL PARKS IN  
THE CRITICAL AREA

Below is a list of steps and procedures that local jurisdictions, and organizations can follow to assist them in identifying land that they would like to designate as a natural park. They are as follows:

- (1.) First, develop a lists of candidate sites for possible designation as parks. Find literature ( for example a document called the Upland Natural Area Survey), Heritage Program information and other people ( for example: people who are knowlegeable about today's Natural Resources ) who would know about Natural Resources in the Counties/Towns within the Critical Area throughout the State of Maryland;
- (2.) Second, go out and survey the candidate sites and find out whether these possible sites look good and fit the established criteria. Then, come up with the sites that could be designated as natural parks. (This preliminary survey will determine whether the site is good);
- (3.) Third, do a detailed survey with people who know a lot about Zoology, Geology, Hydrology, etc. Be able to develop proposed site boundaries. These sites boundaries must be set before acquiring the site;
- (4.) Fourth, acquire and secure the site by buying it or by finding a way to prevent any degrading of the land in the Critical Area. This could provide ways in which to acquire the area of interest. Acquiring, for example, may come in the form of conservation easements, lease, etc. This could be done through State, Local, and Private organizations. Some examples are the Chesapeake Bay Foundation (Private) and the Maryland Environmental Trust (State) (See Appendix G of the Natural Parks guide);
- (5.) Fifth, provide an expanded detailed analysis of the site; which will determine the protection needs by gathering appropriate information on the history, geology, and the present condition of the land. Check with such agencies as the Natural Heritage Program (for threatened and endangered species), Land Planning Services, the Counties Planning and Zoning Departments and other agencies that could assist in the survey of the land. Also, use the site examples in the guidebook which have already been designated as natural parks;

(6.) Sixth, develop a master/development plan and continue to seek technical assistance from State, Federal, Local and Regional agencies. Also, establish a citizens advisory committee that would produce citizens and community input in the process, and

(7.) Finally, along with number six (above), implement the master/development plan and continue to seek technical assistance from State, Federal, Local, Private and Regional agencies. Also, provide educational opportunities on park preservation and use.

Companion  
Bill filed by  
Delegate  
Aurick  
for the House

SENATE OF MARYLAND

91r0994

No. 191  
(PRE-FILED)

M1  
CF 91r1123

By: Senator Della  
Requested: October 25, 1988  
Introduced and read first time: January 11, 1989  
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Pier Housing - Prohibition

3 FOR the purpose of prohibiting the issuance of certain permits or  
4 licenses for the construction of a dwelling unit located on  
5 a pier; requiring the Maryland Port Administration to adopt  
6 certain regulations; defining certain terms; and generally  
7 relating to a prohibition against the construction of  
8 dwelling units on piers.

9 BY adding to

10 Article - Natural Resources  
11 Section 8-1808.4 and 9-104  
12 Annotated Code of Maryland  
13 (1983 Replacement Volume and 1988 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - Natural Resources  
16 Section 9-101  
17 Annotated Code of Maryland  
18 (1983 Replacement Volume and 1988 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - Transportation  
21 Section 6-206(a)  
22 Annotated Code of Maryland  
23 (1977 Volume and 1988 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

26 Article - Natural Resources

-----  
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.

1 8-1808.4.

2 (A) IN THIS SECTION, "PIER" MEANS ANY PIER, WHARF, DOCK,  
3 WALKWAY, BULKHEAD, OR OTHER SIMILIAR STRUCTURE THAT IS  
4 CONSTRUCTED ON PILINGS IN ORDER TO:

5 (1) PERMIT THE UNOBSTRUCTED FLOW OF THE TIDE; AND

6 (2) PRESERVE THE NATURAL CONTOUR OF THE LAND.

7 (B) THIS SECTION APPLIES NOTWITHSTANDING:

8 (1) ANY OTHER PROVISION OF THIS SUBTITLE; AND

9 (2) ANY CRITERIA OR REGULATION ADOPTED BY THE  
10 COMMISSION UNDER THIS SUBTITLE.

11 (C) THIS SECTION PREEMPTS ANY OTHER REQUIREMENT CONCERNING  
12 PIERS IN THE CRITICAL AREA.

13 (D) A LOCAL JURISDICTION MAY NOT ISSUE A BUILDING PERMIT  
14 FOR ANY PROJECT INVOLVING THE CONSTRUCTION OF A DWELLING UNIT ON  
15 A PIER LOCATED WITHIN THE CRITICAL AREA.

16 9-101.

17 (a) In this title the following words have the meaning  
18 indicated.

19 (b) "Board" means the Board of Public Works.

20 (c) "County" includes Baltimore City unless otherwise  
21 indicated.

22 (d) "Department" means the Department of Natural Resources.

23 (e) "Dredging" means the removal or displacement by any  
24 means of soil, sand, gravel, shells, or other material, whether  
25 or not of intrinsic value, from any State or private wetlands.

26 (f) (1) "Filling" means either:

27 (i) The displacement of navigable water by the  
28 depositing into State or private wetlands of soil, sand, gravel,  
29 shells, or other materials; or

30 (ii) The artificial alteration of navigable  
31 water levels by any physical structure, drainage ditch, or  
32 otherwise.

33 (2) "Filling" includes storm drain projects which  
34 flow directly into tidal waters of the State.

35 (3) "Filling" does not include:

36 (i) Drainage of agricultural land;

1 (ii) In-place replacement or repair of shore  
2 erosion control structures using substantially similar materials  
3 and construction design; or

4 (iii) Planting of wetlands vegetation when no  
5 grading or fill in State or private wetlands is necessary.

6 (g) "Landward boundary of wetlands" means the common  
7 boundary between wetlands as defined in this section and lands  
8 not included within the definitions of wetlands appearing in this  
9 section.

10 (H) "PIER" MEANS ANY PIER, WHARF, DOCK, WALKWAY, BULKHEAD,  
11 OR OTHER SIMILIAR STRUCTURE THAT IS CONSTRUCTED ON PILINGS IN  
12 ORDER TO:

13 (1) PERMIT THE UNOBSTRUCTED FLOW OF THE TIDE; AND

14 (2) PRESERVE THE NATURAL CONTOUR OF THE LAND.

15 [(h)] (I) "Person" means any natural person, partnership,  
16 joint-stock company, unincorporated association or society, the  
17 State, any unit of the State, a political subdivision, or other  
18 corporation of any type.

19 [(i)] (J) "Private wetlands" means any land not considered  
20 "State wetland" bordering on or lying beneath tidal waters, which  
21 is subject to regular or periodic tidal action and supports  
22 aquatic growth. This includes wetlands, transferred by the State  
23 by a valid grant, lease, patent, or grant confirmed by Article 5  
24 of the Declaration of Rights of the Constitution, to the extent  
25 of the interest transferred.

26 [(j)] (K) "Public notice" means the notice that the  
27 Department publishes in a newspaper serving the local subdivision  
28 affected and in the Maryland Register concerning an application  
29 to dredge or fill State or private wetlands. The notice shall  
30 include a description of the proposed dredging or filling and its  
31 location and shall advise the public of the opportunity to submit  
32 written comments or to request a hearing on the application.

33 [(k)] (L) "Regular or periodic tidal action" means the rise  
34 and fall of the sea produced by the attraction of the sun and  
35 moon uninfluenced by wind or any other circumstance.

36 [(l)] (M) "Secretary" means the Secretary of Natural  
37 Resources.

38 [(m)] (N) "State wetlands" means any land under the  
39 navigable waters of the State below the mean high tide, affected  
40 by the regular rise and fall of the tide. Wetlands of this  
41 category which have been transferred by the State by valid grant,  
42 lease, patent or grant confirmed by Article 5 of the Declaration  
43 of Rights of the Constitution shall be considered "private  
44 wetland" to the extent of the interest transferred.

1 9-104.

2 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD  
3 OF PUBLIC WORKS MAY NOT ISSUE A LICENSE UNDER THIS TITLE FOR ANY  
4 PROJECT INVOLVING THE CONSTRUCTION OF A DWELLING UNIT ON A PIER  
5 LOCATED ON STATE WETLANDS.

6 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
7 SECRETARY MAY NOT ISSUE A PERMIT UNDER THIS TITLE FOR THE  
8 CONSTRUCTION OF A DWELLING UNIT ON A PIER LOCATED ON PRIVATE  
9 WETLANDS.

10 Article - Transportation

11 6-206.

12 (a) Subject to Subtitle 4 of this title, the Administration  
13 may:

14 (1) Provide for the preservation of navigation within  
15 its territorial jurisdiction, including the establishment of  
16 lines beyond which piers, bulkheads, wharves, pilings,  
17 structures, obstructions, or extensions may not be made or  
18 extended;

19 (2) In order to foster and facilitate navigation and  
20 prevent injury to persons or property:

21 (i) Prohibit, provide for, and regulate within  
22 its territorial jurisdiction the shipment, storage, handling, and  
23 transportation of explosives and other materials that it  
24 determines to be dangerous;

25 (ii) Provide for the stationing, anchoring, and  
26 moving of vessels or other watercraft; and

27 (iii) Adopt rules and regulations to prevent  
28 any refuse or other matter from being thrown into, deposited in,  
29 or placed where it may fall or be washed into any navigable  
30 waters;

31 (3) Make surveys or charts of navigable waters within  
32 its territorial jurisdiction and ascertain the depth and course  
33 of the channels of these waters;

34 (4) In order to prevent injury to navigation or  
35 health:

36 (i) Erect, maintain, and authorize the erection  
37 and maintenance of wharves, bulkheads, piers, and pilings; and

38 (ii) Adopt regulations governing their  
39 erection, maintenance, and repair, INCLUDING REGULATIONS TO  
40 PROHIBIT THE ERECTION, MAINTENANCE, OR REPAIR OF ANY WHARF, DOCK,  
41 PIER, BULKHEAD, OR PILING THAT IS ASSOCIATED WITH THE  
42 CONSTRUCTION OF A DWELLING UNIT ON A PIER; and

1 (5) As to wharves, docks, piers, bulkheads, or  
2 pilings, it owns or controls:

3 (i) Regulate their use;

4 (ii) Lease or rent them;

5 (iii) Impose and collect dockage from vessels  
6 and watercraft lying at or using them; and

7 (iv) Collect wharfage and other charges on  
8 goods, wares, merchandise, or other articles landed at, shipped  
9 from, stored on, or passed over them.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall  
11 take effect July 1, 1989.

SENATE OF MARYLAND

91r0874

No. 93  
(PRE-FILED)

M1

By: Senator Simpson (Chairman, Joint Committee on Chesapeake Bay  
Critical Areas)

Requested: October 18, 1988

Introduced and read first time: January 11, 1989

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Chesapeake Bay Critical Areas - Cutting or Clearing  
3 Trees - Equitable Remedies

4 FOR the purpose of providing certain remedies in equity for  
5 violation of certain critical area protection program  
6 criteria controlling the cutting or clearing of trees in  
7 certain areas of the Chesapeake Bay Critical Areas;  
8 authorizing a local jurisdiction to bring certain actions  
9 under this Act; requiring the chairman of the Chesapeake Bay  
10 Critical Area Commission to refer certain cases to the  
11 Attorney General; expanding the authority of the Attorney  
12 General to seek certain equitable relief; providing for the  
13 scope and application of this Act; requiring certain persons  
14 to prepare, oversee, and approve certain plans to replant  
15 trees in certain areas of the Chesapeake Bay Critical Areas;  
16 providing for the content, submission, and approval of plans  
17 to replant trees under this Act; and generally relating to  
18 the equitable remedies provided for the cutting or clearing  
19 of trees in violation of certain laws and regulations for  
20 the Chesapeake Bay Critical Areas.

21 BY repealing and reenacting, without amendments,

22 Article - Natural Resources  
23 Section 8-1815  
24 Annotated Code of Maryland  
25 (1983 Replacement Volume and 1988 Supplement)

26 BY adding to

27 Article - Natural Resources  
28 Section 8-1817  
29 Annotated Code of Maryland  
30 (1983 Replacement Volume and 1988 Supplement)

-----  
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.

Preamble

WHEREAS, The Joint Committee on Chesapeake Bay Critical Areas was created in 1984 to meet with the Chesapeake Bay Critical Area Commission and to review the development and implementation of the criteria for program development in the areas of the State subject to the Critical Area Law; and

WHEREAS, Chapter 234 of the Acts of 1988 expanded the authority of the Joint Committee on the Chesapeake Bay Critical Areas to include, among other things, a determination of whether the criteria need to be strengthened in any area to make the Chesapeake Bay Critical Area Protection Program more effective in the protection of the water quality and habitat of the Chesapeake Bay and its tributaries; and

WHEREAS, Instances of clearing or cutting of trees without reforestation have occurred along the Chesapeake Bay Critical Area; and

WHEREAS, Neither State nor local law currently allows a local jurisdiction or, when acting on a referral from the Chesapeake Bay Critical Area Commission under § 8-1815 of the Natural Resources Article, the Attorney General to require a person who clears or cuts trees in the Critical Area to replant the trees; and

WHEREAS, This Act does not apply to any cutting or clearing of trees that is allowed under regulations adopted by the Chesapeake Bay Critical Area Commission, including regulations entitled "Forest and Woodland Protection" and "Habitat Protection Areas in the Critical Area"; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

8-1815.

(a) Violators of the provisions of programs approved or adopted by the Commission shall be subject to prosecution or suit by local authorities, who may invoke the sanctions and remedies afforded by State or local law.

(b) Whenever the chairman has reason to believe that a local jurisdiction is failing to enforce the requirements of a program applicable to a particular development, the chairman shall serve notice upon the local enforcement authorities. If within 30 days after service of such notice, the local authorities have failed to initiate an action to remedy or punish the violation, the chairman may refer the matter to the Attorney General.

1 (c) Upon referral of an alleged violation under subsection  
2 (b) of this section, the Attorney General may invoke any sanction  
3 or remedy available to local authorities, in any court of  
4 competent jurisdiction in which the local authorities would be  
5 authorized to prosecute or sue the violator.

6 (d) In addition to any other sanction or remedy available,  
7 the Attorney General may bring an action in equity to compel  
8 compliance or restrain noncompliance with the requirements of  
9 approved project plans, and to compel restoration of lands or  
10 structures to their condition prior to any modification which was  
11 done in violation of approved project plans.

12 (e) Notwithstanding any other provision of this section,  
13 whenever a development in the Critical Area is proceeding in  
14 violation of approved project plans and thereby threatens to  
15 immediately and irreparably degrade the quality of tidal waters  
16 or fish, wildlife, or plant habitat, the Attorney General, upon  
17 request of the chairman, may bring an action to restrain the  
18 violation and, as appropriate, to compel restoration of any land  
19 or water areas affected by the development.

20 8-1817.

21 (A) (1) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO  
22 ANY OTHER SANCTION, REMEDY, OR PENALTY PROVIDED BY LAW.

23 (2) THIS SECTION DOES NOT APPLY TO ANY CUTTING OR  
24 CLEARING OF TREES THAT IS ALLOWED UNDER REGULATIONS ADOPTED BY  
25 THE COMMISSION UNDER THIS SUBTITLE.

26 (B) IF A PERSON CUTS OR CLEARS OR PLANS TO CUT OR CLEAR  
27 TREES WITHIN THE 100-FOOT BUFFER LANDWARD FROM THE MEAN HIGH  
28 WATER LINE OF TIDAL WATERS, TRIBUTARY STREAMS, OR TIDAL WETLANDS  
29 IN THE CHESAPEAKE BAY CRITICAL AREA IN VIOLATION OF REGULATIONS  
30 ADOPTED BY THE COMMISSION ENTITLED "FOREST AND WOODLAND  
31 PROTECTION" AND "HABITAT PROTECTION AREAS IN THE CRITICAL AREA",  
32 WHETHER OR NOT THE PERSON HAS A FOREST MANAGEMENT PLAN OR A  
33 SEDIMENT CONTROL PLAN FOR THE CRITICAL AREA, THE AUTHORITIES IN  
34 THE AFFECTED LOCAL JURISDICTION MAY BRING AN ACTION IN EQUITY:

35 (1) TO REQUIRE THE PERSON TO REPLANT TREES IN THE  
36 CRITICAL AREA WHERE THE CUTTING OR CLEARING OCCURRED ACCORDING TO  
37 A PLAN PREPARED BY THE STATE FORESTER OR A REGISTERED,  
38 PROFESSIONAL FORESTER WHO IS APPROVED BY THE DEPARTMENT; OR

39 (2) TO RESTRAIN THE PLANNED VIOLATION.

40 (C) IF THE CHAIRMAN OF THE COMMISSION HAS REASON TO BELIEVE  
41 THAT THE AUTHORITIES IN A LOCAL JURISDICTION ARE FAILING TO  
42 ENFORCE THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE  
43 CHAIRMAN SHALL REFER THE MATTER TO THE ATTORNEY GENERAL AS  
44 PROVIDED UNDER § 8-1815(B) OF THIS SUBTITLE.

45 (D) ON REFERRAL OF AN ALLEGED VIOLATION UNDER SUBSECTION  
46 (C) OF THIS SECTION, THE ATTORNEY GENERAL MAY INVOKE THE REMEDIES

1 AVAILABLE TO THE AUTHORITIES IN THE LOCAL JURISDICTION UNDER  
2 SUBSECTION (B) OF THIS SECTION IN ANY COURT OF COMPETENT  
3 JURISDICTION IN WHICH THE LOCAL AUTHORITIES WOULD BE AUTHORIZED  
4 TO PROSECUTE TO SUE.

5 (E) IN ADDITION TO ANY OTHER SANCTION OR REMEDY AVAILABLE,  
6 THE ATTORNEY GENERAL MAY BRING AN ACTION IN EQUITY AS PROVIDED  
7 UNDER SUBSECTIONS (B) AND (D) OF THIS SECTION.

8 (F) ON THE REQUEST OF THE AUTHORITIES OF A LOCAL  
9 JURISDICTION OR THE CHAIRMAN OF THE COMMISSION, THE STATE  
10 FORESTER OR A REGISTERED, PROFESSIONAL FORESTER WHO IS APPROVED  
11 BY THE DEPARTMENT SHALL PREPARE, OVERSEE, AND APPROVE THE FINAL  
12 IMPLEMENTATION OF A PLAN TO REPLANT TREES IN ANY PART OF THE  
13 CHESAPEAKE BAY CRITICAL AREA WHERE TREES ARE CUT OR CLEARED IN  
14 VIOLATION OF SUBSECTION (B) OF THIS SECTION.

15 (G) (1) IF A REGISTERED, PROFESSIONAL FORESTER PREPARES A  
16 PLAN TO REPLANT TREES UNDER THIS SECTION, THE REGISTERED,  
17 PROFESSIONAL FORESTER SHALL SUBMIT THE PLAN TO THE STATE FORESTER  
18 FOR FINAL APPROVAL WITHIN 30 DAYS AFTER THE PLAN IS SUBMITTED.

19 (2) THE STATE FORESTER SHALL ACT AS EXPEDITIOUSLY AS  
20 POSSIBLE IN GIVING FINAL APPROVAL OF THE PLAN.

21 (3) THE STATE FORESTER MAY NOT UNREASONABLY WITHHOLD  
22 FINAL APPROVAL OF THE PLAN.

23 (H) (1) A PLAN TO REPLANT TREES UNDER THIS SECTION MAY  
24 INCLUDE A MIXTURE OF SPECIES AND SIZES OF TREES, INCLUDING MATURE  
25 TREES.

26 (2) THE STATE FORESTER OR A REGISTERED, PROFESSIONAL  
27 FORESTER MAY DETERMINE THE SPECIES AND SIZES OF TREES FOR  
28 REPLANTING. HOWEVER, THE REPLANTING OF ONLY SEEDLINGS IS NOT  
29 ENCOURAGED.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall  
31 take effect July 1, 1989.

SENATE OF MARYLAND

91r0018  
SB 52/88 - EEA

No. 169  
(PRE-FILED)

M1

By: Senator Malkus  
Requested: March 25, 1988  
Introduced and read first time: January 11, 1989  
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Chesapeake Bay Critical Areas

3 FOR the purpose of expanding the areas of land and water in the  
4 State to be included in the Chesapeake Bay Critical Area  
5 Protection Program; excluding certain areas of the State  
6 from the provisions of this Act; altering the membership of  
7 the Chesapeake Bay Critical Area Commission; providing for  
8 the appointment at certain times of certain members of the  
9 Commission; requiring certain maps to be prepared and  
10 submitted to the Commission and to the General Assembly at  
11 certain times; providing for the implementation of certain  
12 criteria under this Act at certain times and under certain  
13 conditions; revising certain laws to provide for the phasing  
14 in of the initial planning area for criteria adopted under  
15 this Act; providing for the development of programs based on  
16 the criteria adopted under this Act; incorporating a plan  
17 with certain dates to implement this Act; providing for  
18 certain growth allocation conditions for development and  
19 land uses at certain times for areas under the Critical  
20 Area; providing for certain intrafamily transfers under  
21 certain circumstances at certain times for areas under the  
22 Critical Area; providing for an impervious surfaces  
23 limitation under certain conditions at certain times for  
24 areas under the Critical Area; generally relating to phasing  
25 in the initial planning area and the criteria for the  
26 initial planning area under this Act; and generally relating  
27 to the extent of the Chesapeake Bay critical areas of the  
28 Chesapeake Bay Critical Area Protection Program.

29 BY repealing and reenacting, with amendments,

30 Article - Natural Resources  
31 Section 8-1804(a), 8-1807, 8-1808(a)(2) and (d)(1),  
32 8-1808.1(a), 8-1808.2(b), 8-1808.3(b), 8-1812(a),  
33 8-1813(a) and (d), and 8-1814(a).  
34 Annotated Code of Maryland  
35 (1983 Replacement Volume and 1988 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
{Brackets} indicate matter deleted from existing law.

BY adding to

Article - Natural Resources  
Section 8-1809.1  
Annotated Code of Maryland  
(1983 Replacement Volume and 1988 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

8-1804.

(a) The Commission consists of [26] 33 voting members who are appointed by the Governor, as follows:

(1) A full-time chairman, appointed with the advice and consent of the Senate, who shall serve at the pleasure of the Governor;

(2) [11] 15 individuals, appointed with the advice and consent of the Senate, each of whom is a resident and an elected or appointed official of a local jurisdiction. At least [1] 2 of these [11] 15 individuals must be an elected or appointed official of a municipality. These individuals shall serve on the Commission only while they hold local office. Each shall be selected from certain counties, or from municipalities within said counties, as follows, and only after the Governor has consulted with elected county and municipal officials:

(i) 1 from each of Baltimore City, and Anne Arundel, Baltimore, MONTGOMERY, and Prince George's counties;

(ii) 1 from Harford or Cecil County;

(iii) 1 from Kent or Queen Anne's County;

(iv) 1 from Caroline or Worcester County;

(v) 1 from Talbot or Dorchester County;

(vi) 1 from Wicomico or Somerset County; [and]

(vii) 2 from Calvert, Charles or St. Mary's County, both of whom shall not be from the same county;

(VIII) 1 FROM CARROLL OR HOWARD COUNTY;

(IX) 1 FROM FREDERICK OR WASHINGTON COUNTY; AND

(X) 1 FROM ALLEGANY OR GARRETT COUNTY;

(3) [8] 11 individuals, appointed with the advice and consent of the Senate, who shall represent diverse interests, and

1 among whom shall be a resident from each of the [6] 9 counties  
2 that are listed and from which an appointment has not been made  
3 under paragraph (2) of this subsection and 2 of the [8] 11  
4 members appointed under this item shall be at large members; and

5 (4) The Secretaries of Agriculture, Economic and  
6 Employment Development, Housing and Community Development, the  
7 Environment, Natural Resources, and State Planning, ex officio,  
8 or, instead of any of the Secretaries, another representative of  
9 that Secretary's department appointed at the request of the  
10 Secretary.

11 8-1807.

12 (a) The initial planning area for determination of the  
13 Chesapeake Bay critical area consists of:

14 (1) FOR THE DEVELOPMENT OF PROGRAMS UNDER CRITERIA  
15 THAT WERE EFFECTIVE ON MAY 13, 1986 BY VIRTUE OF APPROVAL IN  
16 JOINT RESOLUTIONS 36 AND 37 OF THE 1986 SESSION OF THE GENERAL  
17 ASSEMBLY:

18 (I) All waters of and lands under the  
19 Chesapeake Bay and its tributaries to the head of tide as  
20 indicated on the State wetlands maps, and all State and private  
21 wetlands designated under Title 9 of this article; and

22 (II) All land and water areas within 1,000 feet  
23 beyond the landward boundaries of State or private wetlands and  
24 the heads of tides designated under Title 9 of this article; AND

25 (2) FOR THE DEVELOPMENT OF PROGRAMS ON OR BEFORE  
26 DECEMBER 1, 1992 UNDER THE SAME CRITERIA THAT WERE EFFECTIVE ON  
27 MAY 13, 1986 BY VIRTUE OF APPROVAL IN JOINT RESOLUTIONS 36 AND 37  
28 OF THE 1986 SESSION OF THE GENERAL ASSEMBLY:

29 (I) 1. ALL WATERS OF AND LANDS UNDER THE  
30 NONTIDAL TRIBUTARIES OF THE CHESAPEAKE BAY EXTENDING FROM THE  
31 NONTIDAL HEADWATERS TO THE TIDAL MAIN STREAM OF THOSE TRIBUTARIES  
32 AS INDICATED ON FLOOD INSURANCE RATE MAPS PREPARED BY THE FEDERAL  
33 EMERGENCY MANAGEMENT AGENCY AND USED BY THE PLANNING AND ZONING  
34 DEPARTMENTS OF EACH LOCAL JURISDICTION IN THE STATE; AND

35 2. ALL LAND AND WATER AREAS WITHIN 1,000  
36 FEET BEYOND THE LANDWARD BOUNDARIES OF THE NONTIDAL TRIBUTARIES  
37 UNDER THIS ITEM; AND

38 (II) DRAINAGE DITCHES ARE NOT INCLUDED UNDER  
39 THE PROVISIONS OF ITEM (I) OF THIS PARAGRAPH.

40 (B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO ANY  
41 AREA OF THE STATE THAT LIES TO THE WEST OF THE EASTERN  
42 CONTINENTAL DIVIDE IN THE STATE.

43 [(b) (1) (i)] (C) (1) (I) In determining the Chesapeake Bay  
44 critical area within its boundaries, a local jurisdiction may

1 exclude those portions of the planning area designated in  
2 subsection (a) of this section which the local jurisdiction finds  
3 to be:

4 1. Part of a developed, urban area in  
5 which, in view of available public facilities and applicable laws  
6 and restrictions, the imposition of a program would not  
7 substantially improve protection of tidal AND NONTIDAL water  
8 quality or conservation of fish, wildlife, or plant habitats; or

9 2. Located at least 1,000 feet from open  
10 water and separated from open water by an area of wetlands which  
11 it is found will serve to protect tidal water quality and fish,  
12 wildlife, or plant habitats from adverse impacts of development  
13 in the excluded area.

14 (ii) A portion of urban area to be excluded  
15 shall be at least 50 percent developed and may not be less than  
16 2,640,000 square feet in contiguous area or the entire initial  
17 planning area located within the boundaries of a municipality,  
18 whichever is less.

19 (2) A local jurisdiction shall include in any program  
20 submitted to the Commission under § 8-1809 a designation of those  
21 portions of the Chesapeake Bay Critical Area proposed for  
22 exclusion under paragraph (1) of this subsection, together with  
23 all factual information and expert opinion supporting its  
24 findings under this subsection.

25 (3) The Commission shall approve a local  
26 jurisdiction's designation of portions to be excluded unless the  
27 Commission finds, based on stated reasons, that the decision of  
28 the local jurisdiction was:

29 (i) Not supported by competent and material  
30 evidence; or

31 (ii) Arbitrary or capricious.

32 (4) If the Commission develops the program to be  
33 applied in a local jurisdiction, it shall exclude areas as  
34 appropriate to meet the intent of paragraph (1) of this  
35 subsection.

36 [(c)] (D) The Chesapeake Bay Critical Area shall consist  
37 of:

38 (1) Those areas designated in subsection (a) of this  
39 section, except any areas excluded in accordance with [subsection  
40 (b)] SUBSECTIONS (B) AND (C) of this section; and

41 (2) Additional areas proposed for inclusion by local  
42 jurisdictions and approved by the Commission.

1 (E) THE COUNTIES AND MUNICIPALITIES AFFECTED BY THE INITIAL  
 2 PLANNING AREA DESIGNATED IN SUBSECTION (A)(2) OF THIS SECTION  
 3 SHALL:

4 (1) PREPARE MAPS OF THE INITIAL PLANNING AREA; AND

5 (2) SUBMIT THE MAPS TO THE COMMISSION FOR ITS  
 6 APPROVAL ON OR BEFORE JULY 1, 1991.  
 7 8-1808.

8 (a) (2) The Governor shall include in the budget a sum of  
 9 money to be used for grants to reimburse local jurisdictions for  
 10 the reasonable costs of developing a program under this section.  
 11 Each local jurisdiction shall submit to the Governor by [October  
 12 31, 1984] MAY 1 OF EACH YEAR a detailed request for funds that  
 13 are equivalent to the additional costs incurred in developing the  
 14 program under this section.

15 (d) (1) The Commission shall promulgate by regulation on or  
 16 before December 1, 1985 FOR THE INITIAL PLANNING AREA DESIGNATED  
 17 IN § 8-1807(A)(1) OF THIS SUBTITLE, AND ON OR BEFORE DECEMBER 1,  
 18 1992 FOR THE INITIAL PLANNING AREA DESIGNATED IN § 8-1807(A)(2)  
 19 OF THIS SUBTITLE; criteria for program development and approval,  
 20 which are necessary or appropriate to achieve the standards  
 21 stated in subsection (b) of this section. Prior to developing  
 22 its criteria and also prior to adopting its criteria, the  
 23 Commission shall hold at least [6] 9 regional public hearings,  
 24 one in each of the following areas:

25 (i) Harford, Cecil, and Kent counties;

26 (ii) Queen Anne's, Talbot, and Caroline  
 27 counties;

28 (iii) Dorchester, Somerset, and Wicomico  
 29 counties;

30 (iv) Baltimore City and Baltimore County;

31 (v) Charles, Calvert, and St. Mary's counties;  
 32 [and]

33 (vi) Anne Arundel and Prince George's counties;

34 (VII) MONTGOMERY AND HOWARD COUNTIES;

35 (VIII) CARROLL, FREDERICK, AND WASHINGTON  
 36 COUNTIES; AND

37 (IX) ALLEGANY AND GARRETT COUNTIES.

38 During the hearing process, the Commission shall consult  
 39 with each affected local jurisdiction.

40 8-1808.1.

1 (a) (1) This section is intended to establish conditions  
2 for development in the Chesapeake Bay Critical Area in addition  
3 to those established in criteria of the Commission, THAT WERE  
4 EFFECTIVE:

5 (I) ON MAY 13, 1986 BY VIRTUE OF APPROVAL IN  
6 JOINT RESOLUTIONS 36 AND 37 OF THE 1986 SESSION OF THE GENERAL  
7 ASSEMBLY FOR THE INITIAL PLANNING AREA DESIGNATED IN §  
8 8-1807(A)(1) OF THIS SUBTITLE; AND

9 (II) ON OR BEFORE DECEMBER 1, 1992 FOR THE  
10 INITIAL PLANNING AREA DESIGNATED IN § 8-1807(A)(2) OF THIS  
11 SUBTITLE.

12 (2) However, in the event of any inconsistency  
13 between the criteria and the provisions of this section, this  
14 section shall control.

15 8-1808.2.

16 (b) Notwithstanding density limitations established in  
17 criteria of the Commission, THAT WERE EFFECTIVE: (1) ON MAY 13,  
18 1986 BY VIRTUE OF APPROVAL IN JOINT RESOLUTIONS 36 AND 37 OF THE  
19 1986 SESSION OF THE GENERAL ASSEMBLY FOR THE INITIAL PLANNING  
20 AREA DESIGNATED IN § 8-1807(A)(1) OF THIS SUBTITLE; AND (2) ON  
21 OR BEFORE DECEMBER 1, 1992 FOR THE INITIAL PLANNING AREA  
22 DESIGNATED IN § 8-1807(A)(2) OF THIS SUBTITLE, as part of its  
23 local program, a local jurisdiction may submit provisions by  
24 which an owner of a parcel of land in the resource conservation  
25 area may be permitted to make bona fide intrafamily transfers.

26 8-1808.3.

27 (b) This section controls over any other requirement  
28 concerning impervious surfaces limitations in the critical area  
29 THAT WERE EFFECTIVE:

30 (1) ON MAY 13, 1986 BY VIRTUE OF APPROVAL IN JOINT  
31 RESOLUTIONS 36 AND 37 OF THE 1986 SESSION OF THE GENERAL ASSEMBLY  
32 FOR THE INITIAL PLANNING AREA DESIGNATED IN § 8-1807(A)(1) OF  
33 THIS SUBTITLE; AND

34 (2) ON OR BEFORE DECEMBER 1, 1992 FOR THE INITIAL  
35 PLANNING AREA DESIGNATED IN § 8-1807(A)(2) OF THIS SUBTITLE.

36 8-1809.1.

37 (A) A LOCAL JURISDICTION SHALL:

38 (1) USE THE SAME CRITERIA FOR A PROGRAM ADOPTED UNDER  
39 § 8-1808 OF THIS SUBTITLE, INCLUDING THE CRITERIA ADOPTED UNDER  
40 TITLE 14, SUBTITLE 15 OF THE CODE OF MARYLAND REGULATIONS  
41 (COMAR), TO PREPARE A NEW PROGRAM FOR THE INITIAL PLANNING AREA  
42 DESIGNATED IN § 8-1807(A)(2) OF THIS SUBTITLE;

1 (2) SUBMIT THE PROGRAM TO THE COMMISSION ON OR BEFORE  
2 JULY 1, 1992; AND

3 (3) IMPLEMENT THE PROGRAM ON OR BEFORE DECEMBER 1,  
4 1992.

5 (B) ON OR BEFORE DECEMBER 1, 1992, THERE SHALL BE IN  
6 EFFECT, THROUGHOUT THE CHESAPEAKE BAY CRITICAL AREA, PROGRAMS  
7 APPROVED OR ADOPTED BY THE COMMISSION WITH RESPECT TO THE INITIAL  
8 PLANNING AREA DESIGNATED IN § 8-1807(A)(2) OF THIS SUBTITLE.

9 8-1812.

10 (a) After the Commission has approved or adopted a program,  
11 the chairman of the Commission has standing and the right and  
12 authority to initiate or intervene in any administrative,  
13 judicial, or other original proceeding or appeal in this State  
14 concerning a project approval in the Chesapeake Bay Critical  
15 Area. The chairman may exercise this intervention authority  
16 without first obtaining approval from the Commission, but the  
17 chairman shall send prompt written notice of any intervention or  
18 initiation of action under this section to each member of the  
19 Commission. The chairman shall withdraw the intervention or  
20 action initiated if within 35 days after the date of the  
21 chairman's notice, at least [13] 17 members indicate disapproval  
22 of the action, either in writing addressed to the chairman or by  
23 vote at a meeting of the Commission. A member representing the  
24 local jurisdiction affected by the chairman's intervention or  
25 action may request a meeting of the Commission to vote on the  
26 chairman's intervention or action.

27 8-1813.

28 (a) [From June 1, 1984 with] WITH regard to any subdivision  
29 plat approval or approval of a zoning amendment, variance,  
30 special exception, conditional use permit or use of a floating  
31 zone, affecting any land or water area located within the initial  
32 planning area [identified in Section 8-1807(a) of this subtitle,]  
33 for which application is completed after [that date] JUNE 1, 1984  
34 FOR THE INITIAL PLANNING AREA DESIGNATED IN § 8-1807(A)(1) OF  
35 THIS SUBTITLE, OR AFTER JUNE 1, 1989 FOR THE INITIAL PLANNING  
36 AREA DESIGNATED IN § 8-1807(A)(2) OF THIS SUBTITLE, the approving  
37 authority of the local jurisdiction in rendering its decision to  
38 approve an application shall make specific findings that:

39 (1) The proposed development will minimize adverse  
40 impacts on water quality that result from pollutants that are  
41 discharged from structures or conveyances or that have run off  
42 from surrounding lands; and

43 (2) The applicant has identified fish, wildlife, and  
44 plant habitat which may be adversely affected by the proposed  
45 development and has designed the development so as to protect  
46 those identified habitats whose loss would substantially diminish  
47 the continued ability of populations of affected species to  
48 sustain themselves.

1 (d) This section does not apply to any application  
2 initially filed:

3 (1) [prior to] BEFORE March 1, 1984 FOR THE INITIAL  
4 PLANNING AREA DESIGNATED IN § 8-1807(A)(1) OF THIS SUBTITLE; OR

5 (2) BEFORE MARCH 1, 1989 FOR THE INITIAL PLANNING  
6 AREA DESIGNATED IN § 8-1807(A)(2) OF THIS SUBTITLE.

7 8-1814.

8 (a) After [760 days have elapsed from the date upon which  
9 criteria adopted by the Commission become effective] THE PERIODS  
10 OF TIME STATED IN § 8-1809(F) OF THIS SUBTITLE WITHIN WHICH  
11 PROGRAMS APPROVED OR ADOPTED BY THE COMMISSION MUST BE IN EFFECT,  
12 any State or local agency that proposes development which has not  
13 been subject to project approval by the local jurisdiction under  
14 an approved program, including buildings, treatment plants,  
15 roads, railroads, and airports, in the Chesapeake Bay Critical  
16 Area shall, before it begins the development, receive the  
17 approval of the Commission in accordance with procedures or  
18 exceptions set forth in regulations adopted by the Commission  
19 using the standards set forth in § 8-1808(b)(1) through (3) of  
20 this subtitle. These regulations shall be promulgated on or  
21 before September 1, 1987 FOR THOSE PORTIONS OF THE CRITICAL AREA  
22 DESIGNATED IN § 8-1807(A)(1) OF THIS SUBTITLE, AND ON OR BEFORE  
23 DECEMBER 1, 1992 FOR THOSE PORTIONS OF THE CRITICAL AREA  
24 DESIGNATED IN § 8-1807(A)(2) OF THIS SUBTITLE, and only after  
25 consultation with affected State and local agencies..

26 SECTION 2. AND BE IT FURTHER ENACTED, That the members of  
27 the Chesapeake Bay Critical Area Commission added by Section 1 of  
28 this Act shall have initial terms commencing January 1, 1992.  
29 The initial members from Allegany, Garrett, and Washington  
30 Counties serve for initial terms of 4 years; the initial members  
31 from Frederick and Montgomery Counties serve for initial terms of  
32 3 years; and the initial members from Howard and Carroll Counties  
33 serve for initial terms of 2 years.

34 SECTION 3. AND BE IT FURTHER ENACTED, That the Department  
35 of Natural Resources shall present to each House of the General  
36 Assembly on the first day of the 1992 Session a set of the maps  
37 prepared under § 8-1807(d) of the Natural Resources Article.  
38 Unless the General Assembly enacts a bill establishing different  
39 boundaries for the initial planning area of the Chesapeake Bay  
40 Critical Area designated in § 8-1807(a)(2) of the Natural  
41 Resources Article, the initial planning area as mapped by the  
42 Department will be the basis for criteria prepared by the  
43 Commission and for programs prepared by local jurisdictions.

44 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall  
45 take effect July 1, 1989.

STATUS OF LOCAL PROGRAMS  
AS OF JANUARY 4, 1987

<u>JURISDICTION</u>	<u>APPROVED BY</u> <u>COMMISSION</u>	<u>ENACTED</u> <u>LOCALLY</u>
Anne Arundel Co (Highland Beach)	5/18/88	8/26/88
* Annapolis	6/8/88	1/23/89 Sched.
Baltimore City	10/7/87	12/31/87
Baltimore Co.	2/3/88	6/13/88
Calvert Co.	9/29/88	12/29/88
Chesapeake Beach	9/7/88	10/20/88
** North Beach - Do not have document - need hearing before Commission approved		
** Caroline Co. - Do not have document - need hearing before Commission approved		
Denton	12/7/88	
Federalburg	12/7/88	
* Greensboro	1/6/88	1/19/89 Sched.
Hillsboro	1/4/89	
Cecil Co.	5/18/88	7/5/88
Perryville	5/18/88	5/26/88
Chesestown	5/18/88	5/24/88
Port Deposit	5/18/88	6/23/88
North East	5/18/88	6/26/88
Chesapeake City	6/15/88	8/8/88
Elkton	1/4/89	
** Charles Co. - need hearing before Commission approved		
Indian Head	1/4/89	
Dorchester Co.	6/29/88	9/1/88
Church Creek	8/17/88	Resolution for Exclusion 5/23/88
Brookview	6/29/88	5/23/88
Galestown	7/6/88	5/23/88
Vienna	9/7/88	12/5/88
Secretary	9/7/88	10/6/88
Eldorado	6/29/88	Resolution for Exclusion 5/23/88
Cambridge	9/28/88	10/10/88
Harford Co.	3/30/88	6/15/88
Harre de Grace	3/30/88	6/6/88
Kent Co.	1/20/88	4/17/88
Chestertown	1/4/89	
Betherton	3/2/88	5/26/88
Mtlington	3/2/88	6/29/88
Rock Hall	2/3/88	7/7/88
Prince George's Co.	10/21/88	1/1/88
* Queen Anne's Co.	6/29/88	1/24/89 Sched.

* Centreville	11/16/88	tentative approval - need hearing	
** Church Hill		need hearing before Commis. votes	
Queen Anne	1/4/89		
Queenstown	12/21/88		
St. Mary's Co.	6/1/88	took over.	
Leonardtown	9/17/88		11/14/88
** Somerset Co.	8/17/88	tentative approval - need to finish changes	
Cusfield	8/17/88		12/26/88
Princess Anne	9/28/88		12/5/88
** Talbot Co.	12/21/88	vote to send back	
Easton	5/18/88		6/26/88
Oxford	3/2/88		5/30/88
St. Michaels	1/6/88		5/10/88
** Wicomico Co.		} Just received final Program No hearings held locally on final Program	
** Wardsville Springs			
** Sharptown			
** Salisbury			
** Worcester Co.	12/21/88	vote to send back	
Pocomoke City	1/20/88	excluded	
** Snow Hill	1/18/89	vote to send back.	

\* = those to pay attention to.

\*\* = those in need of take over action

75% ~~OK~~ thru. St. Mary's Co. - delays T.F. Ford Dean

98% ~~OK~~ Charles Co. - P. Hearing 2 of them  
15<sup>th</sup> part of Feb.  
Their corridor - out  
rest in Buffer - out  
no issues

95% Caroline Co. - Has not called back. Need hearing  
& growth allow<sup>d</sup> language  
But all changes have been made.

95% Queen Anne's Co. - I am comparing the CAC approved  
plan of June 1988 with the revised version  
submitted on January <sup>4<sup>th</sup></sup> 1989. It has major  
reorganization of its regulations. On January 13, 1989  
they submitted Buffer Exemption Area Maps - on top  
map paper. I have not looked at them yet.  
According to 2-10-1989 it. Sec 7 30-days to  
comment on  
these

all the  
pieces  
are there.

Put  
with  
Jan.  
minutes

95% ~~OK~~ Church Hill - Since  
if they on it Town  
not we can  
approve for  
since

most vote as  
Aug Feb 1, 1989  
ask to  
public hearing  
on program  
to Jan 30<sup>th</sup>

80% ~~OK~~ Talbot Co. - I have received a draft of the County's  
response back to us. They expect to send  
it officially to us within 2 weeks. They  
have scheduled a local public hearing on  
Feb 2, 1989.

100% ~~OK~~ North Beach - P. H. Jan 24<sup>th</sup>, Can  
approve Feb 1<sup>st</sup>

95% Salisbury - letter for that

65% Worcester Co. - " " "

50% Somerset Co. - Fall, comments -  
90% going over item/  
Charlie Sched item.

Wicomico Co. - }  
85% Mardela Sprng. - } Towns need hearings  
Shaptown - } Co. acceptable wording  
By Feb 1st.  
No maps yet.

75% ~~OK~~ thru. St. Mary's Co. - delays T.F. Ford Dean

98% ~~OK~~ Charles Co. - P. Hearing 2 of them  
+ 15 part of Feb.  
View corridor - out  
rest in Buffer - out  
no issues

95% Caroline Co. - Has not called back. Need hearing  
& growth allow<sup>2</sup> language  
But all changes have been made

95% Queen Anne's Co. - I am comparing the CAC approved  
plan of June 1988 with the revised version  
submitted on January 4<sup>th</sup> 1989. It has major  
reorganization of its regulations. On January 13, 1989  
they submitted Buffer Exemption Area Maps - on top  
map paper. I have not looked at them yet.  
According to 8-1809(e) the CAC has 30-days to  
comment on the proposed changes. The CAC must vote on  
these changes by the next CAC meeting Feb 1, 1989

all the  
pieces  
are there.

95% ~~OK~~ Church Hill - Another sent modified program back to  
Town. They have set up local public hearing  
for January 30, 1989. Expect to vote on program  
immediately thereafter and send to CAC. Jan 30<sup>th</sup>  
If they on it  
not we can  
approve

80% ~~OK~~ Talbot Co. - I have received a draft of the County's  
response back to us. They expect to send  
it officially to us within 2 weeks. They  
have scheduled a local public hearing on  
Feb 2, 1989.

100% ~~OK~~ North Beach - P. H. Jan 24<sup>th</sup>. Can  
approve Feb 1<sup>st</sup>

*Charles  
Caroline*

*immed*

✓ (Motion #1) A motion was made and seconded that pursuant to the action taken by the Commission at its December 21st Meeting, the Commission will notify Charles County that the Commission will put in place the Program submitted by the County with any missing parts, using the generic Program of the Commission. The Commission urges you to continue working on Charles County's Program for submittal and approval, because as soon as the County's Program can be approved and implemented, the Commission's adoption process will stop. The vote was 15 in favor with 2 opposed.

Motion #1 for Caroline County.

15 in favor with 2 opposed

✓ Queen Anne's County:

(Motion #2) A motion was made and seconded that pursuant to the action taken by the Commission at its December 21st Meeting, the Commission will notify Charles County that the Commission will put in place the Program submitted by the County with any missing parts, using the generic Program of the Commission. The Commission urges you to continue working on Charles County's Program for implementation, and as soon as the Program becomes approved and implemented, the Commission's adoption process will stop. 15 in favor with 2 abstentions.

✓ Church Hil: (Motion #1) 14:3

- ✓ North Beach: (Motion #1) 11:6
- ✓ Salisbury: (Motion #1) with the addition that in the letter to them, the Commission informs the Town that it is please that the Town will be completed its Program so soon. 13:4
- ✓ Worcester Co.: (Motion #1) 13:4
- Wicomico Co.: (Motion #1) 13:4
- Mardella Springs: (Motion #1) 13:4
- Sharptown: (Motion #1) 13:4
- ✓ Annapolis: Motion to send the December 23rd letter. 12:4
- ✓ Grennsboro: same as Annapolis. 12:4
- ✓ Snow Hill: same as Annapolis. 23rd letter. 13:4
- ✓ Somerset Co.: Motion to continue to negotiate with the County, and the Panel to report the progress to the Commission at every Commission Meeting. 15:2

Motion to approve the proposed project for a fuel storage building in Sandy Point State Park with the conditions that

the building should be protected against collision from cars by installing curbs and/or concrete posts;

it should be designed to be explosion-proof and should be well ventilated;

in case of fuel spillage, a 10 gallon non-draining sump should be installed and absorbent material should be provided;

all cans should be stored on racks.



**RECEIVED**

JAN 11 1989

**DNR  
CRITICAL AREA COMMISSION**

PLANNING, PERMITS AND INSPECTIONS

## Worcester County

ROOM 116 COURT HOUSE

SNOW HILL, MARYLAND 21863

301-632-1200

BOARD OF APPEALS  
PLANNING COMMISSION  
AGRICULTURAL PRESERVATION  
ENVIRONMENTAL PROGRAMS

ELECTRICAL BOARD  
SHORELINE COMMISSION  
ECONOMIC DEVELOPMENT  
LICENSE COMMISSIONERS

January 9, 1989

Dr. Sarah Taylor  
Chesapeake Bay Critical Areas Commission  
Department of Natural Resources  
Tawes State Office Building D-4  
Annapolis, Maryland 21401

RE: Worcester County Critical Area Plan

Dear Dr. Taylor,

This letter is to confirm that on January 3, 1989, the Worcester County Commissioners met with you and Mr. Thomas Ventre to discuss the above referenced plan.

As a result of this meeting, the County Commissioners decided not to take any further action towards amending the County's Plan. Upon receiving and reviewing the State generic plans as was proposed and discussed during the same meeting, the County Commissioners may take further action towards a Plan amendment.

Please do not hesitate to contact this office with any questions you may have concerning this matter.

Thank you for your continued cooperation.

Sincerely,

  
Kelly Henry  
Planner