

Commission Meetings & Corresp.

March 1989

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JUDGE SOLOMON LISS  
CHAIRMAN

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

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

February 23, 1989

Thomas Osborne  
Anne Arundel Co.

James E. Gutman  
Anne Arundel Co.

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.

Dear Commission Member:

A retreat for the Chesapeake Bay Critical Area Commission has been scheduled for March 1st and 2nd at the Aspen Institute, Wye Mills, Maryland. March 1st will consist of panel meetings in the morning, a lunch break, followed by a regular full member meeting in the afternoon. Agendas for all events are enclosed.

March 2nd is a day set aside to review accomplishments as well as to assess the issues upon which membership needs to focus. We will embark upon examination of the Criteria, our procedures and processes, and ways to improve our working capabilities with local governments. An agenda is enclosed for this day as well.

Above all, the two-day overnight retreat offers us an opportunity to meet socially and to talk with our new Chairman, Judge John North II, with Bill Corkran from Talbot County and with Ron Kreitner, the newly appointed Acting Secretary for the Department of State Planning.

All of us on the staff look forward to working with you for these two days. All accommodations have been arranged for with the Institute. Enclosed are directions to the center as well as the Minutes from February 15, 1989.

Sincerely,

Sarah J. Taylor, PhD  
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:lp  
Enclosures

CHESAPEAKE BAY CRITICAL AREA COMMISSION

MORNING AGENDA

COMMISSION MEETING ASPEN INSTITUTE

WYE MILLS

March 1, 1989

9:30-10:00	Arrive at Aspen, Coffee & Doughnuts (Main Conference Center, Pick up name tags, etc.)
10:00-11:00	Somerset County Panel Meeting Bob Price, Jr, Chairman/ Russell Blake/ Bill Bostian Ron Karasic/Shep Krech/ Tom Ventre, Staff
11:00-11:15	Natural Parks Panel Meeting Jim Gutman, Chairman/ Ron Karasic/ Sam Bowling/ Shep Krech/ Wally Miller/ Tom Osborne
11:15-1200	Marina Piers and Boat Ramps General Approval Panel  Skip Zahniser, Chairman Sam Bowling/ Jim Gutman Bob Schoeplin/Bill Kreitner CORKRAN
12:00-1:00	Lunch (Dining Room)
1:00-5:00	Commission Meeting

CHESAPEAKE BAY CRITICAL AREA COMMISSION MEETING

AFTERNOON AGENDA

ASPEN INSTITUTE, WYE MILLS

1:00-1:10	Approval of Minutes of February 15, 1989	Vice Chairman Bob Price
1:10-1:30	Vote on Talbot Co Critical Area Program	Charlie Davis & Panel
1:30-2:15	Presentation & Discussion General Approval for Soil Conservation and Water Quality Plans	Louise Lawrence MD Dept of Agriculture
2:15-3:00	Presentation & Discussion Cambridge State Marine Terminal, Cambridge Creek	Steve Holt, Waterway Improvement Discussion, Dept, of Natural Resources
3:00-3:15	Natural Park Study Report of Status	Jim Gutman, Panel Chairman and Dawnn McCleary
3:15-4:00	Status Reports:  a) Forest Management  b) Marina & Boat Ramps  c) Somerset County Panel	G. Steel Phillips, Panel Chairman and Anne Hairston  Skip Zahniser. Panel Chairman Abi Rome and Pat Pudelkewitz  Robert Price, Jr. Panel Chairman & Tom Ventre
4:00-4:30	Legislative Update	Governor's Office Sarah Taylor Lee Epstein

HB 1045 Forest Management Plans  
 SB 169 Expanding the Critical Area  
 SB 515 State Compensation for  
     Prohibition to Harvest Trees  
 SB 578 Agricultural use Assessment  
 SB 608 Critical Area Land Preservation  
     Foundation  
 HB 272/SB 93 Cutting of Trees  
     In the Buffer  
 HB 156/SB 191 Pier Housing

4:30-4:45	Old Business	Vice Chairman Bob Price
4:45-5:00	New Business-Balt City Panel	Charlie Davis
5:00-6:00	Free time	
6:00-7:00	Social Hour	
7:00-8:00	Dinner	
8:00-9:30	Panel-General Approvals Forest Management Panel	

G. Steel Phillips, Chairman  
 Jim Gutman  
 Bill Bostian  
 Shep Krech  
 Bob Perciasepe

Anne Hairston  
 Staff

CHESAPEAKE BAY CRITICAL AREA COMMISSION MEETING

ASPEN INSTITUTE, WYE MILLS

March 2, 1989

8:00-9:00	Breakfast (Buffet) Dining Hall	
9:00-9:10	Introduction	Meeting Room
9:10-10:00	The Chesapeake Bay Program, 2020 Report, Bay Agreement, Critical Areas-How do they all fit together? Presentation and Discussion	David Carroll Chesapeake Bay Coordinator Governor's Office
10:00-10:30	What Have we Accomplished as a Commission	Sarah Taylor
	Where do we go from here?	Sarah Taylor
10:30-12:00	Subcommittees Begin Discussions: Identify the Issues Identify the Approaches to Handle the Issues Start Working on the Issues	
12:00-1:00	Lunch	
1:00-2:00	Subcommittees continue work	
2:00-3:00	Report Out & Concensus	

Panel Meetings set for March 1, 1989, Aspen-Wye Island (Wye Woods Conference Room)

SUSQUEHANNA STATE PARK BOAT RAMP @ 10:00 a.m.

Skip Zahniser  
Robert Schoeplein  
Jim Gutman  
Victor Butanis

SOMERSET COUNTY @ 10:00 a.m.

Bob Price, Jr.  
Russell Blake  
William Bostain  
Ronald Karasic  
Shepard Krech

NATURAL PARKS @ 11:00 a.m.

Jim Gutman  
Ron Karasic  
Sam Bowling  
Shepard Krech  
Wally Miller  
Thomas Osborne

MARINA & BOAT RAMPS @ 11:15 a.m.

Skip Zahniser  
Sam Bowling  
Jim Gutman  
Robert Schoeplein  
William Corkran

FOREST MANAGEMENT @ 8:00 p.m.

Steele Phillips  
Jim Gutman  
William Bostain  
Shepard Krech  
Bob Perciasepe

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held

~~January~~ 15, 1989

~~FEBRUARY~~

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 Acting Vice-Chairman Karasic with the following Members in attendance:

G. Steele Phillips	Shepard Krech, Jr.
Wallace Miller	Victor Butanis
J. Frank Raley, Jr.	James E. Gutman
Samuel Bowling	Russell Blake
Ronald Hickernell	William Corkran
Albert Zahniser	Kathryn Langner
Thomas Osborne	Parris Glendening
Robert Perciasepe of DOE	Robert Schoeplein of DEED
Deputy Secretary Cade of DHCD	Secretary Brown of DNR

The Minutes of the Meeting were approved with the addition of Susan Scotto in attendance for Robert Perciasepe.

Acting Vice-Chairman Karasic asked Mr. Charles Davis to report on the status of the Program for Centreville. Mr. Davis said that the Town had resubmitted the Program that the Commission had tentatively approved. Maps were submitted in final form and a public hearing had been held.

Dr. Krech, Panel member, said that it was brought to the attention of the Panel that some of the local community felt that the Buffer Exemption Areas, defined and mapped in the Program, did not satisfy the Commission's intent for Buffer Exemption Areas.

Mr. Davis said that the original Program did not map the Buffer Exemption Areas, and that some of the proposed rules for designating those areas did not comply with the criteria. However, the Town has since mapped those areas, and they are consistent with the Buffer Exemption Areas in other Programs that the Commission has approved.

Mr. Blake concurred that there had been controversy concerning a particular property, but felt the Program to be a good one, and that it should be approved.

Mr. Davis then reviewed for the Commission, each of the Buffer Exemption Areas, and explained what uses existed on each.

A motion was made and seconded that the Commission, pursuant to the Critical Area Law, Section 8-1809(d), approve Town of Centreville'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 18:0 in favor.

Acting Vice-Chairman Karasic asked Mr. Samuel Bowling to report on Calvert County's extension of the Critical Area. Mr. Bowling explained that the County wishes to extend the Critical Area on a property totally 125 acres, 55 of which are in the Critical Area and are designated RCA. He said the request had been approved by the Calvert County Planning Commission, and the Natural Heritage Program and the Panel are favorably inclined towards it. He then showed, by use of map, the proposal for development of the subdivision.

Ms. Sally McGrath, Calvert County Planner explained that the Planning Commission approved the proposal with the conditions that the applicant must establish a Forest Management Program on the property before any of the lots are transferred, and the property will not be eligible to apply for the use of the 5% growth allocation.

Acting Vice-Chairman Karasic noted that there was no opposition at the hearing on Thursday.

A motion was made and seconded that the Commission approve the amendment to Calvert County's Critical Area Program, extending the Critical Area. The vote was 19:0 in favor.

Acting Vice-Chairman Karasic asked Mr. Serey to report on the status of the Program for North Beach. Mr. Serey reported that the Town Council was to hold a public hearing before submitting the Program to the Commission. The Council has decided to make some changes to the Program, and he is awaiting its submittal.

Acting Vice-Chairman Karasic asked Mr. Zahniser to report on the Hallowing Point State Project. Mr. Zahniser reported that a finger pier is to be placed along the side of an existing ramp, putting a small jetty underneath the pier to keep the ramp from silting in. He said it is a necessary project that has no impact on the environment, and the Panel recommends approval.

A motion was made and seconded that the Commission approve the Hallowing Point State Project. The vote was 17:0 in favor.

Acting Vice-Chairman Karasic asked Ms. Hairston to report on the Cecil County Program amendment. Ms. Hairston reported that there were three map amendments submitted by the County. The first was from the Oblates of St. Francis DeSales property, Camp Brisson. The intent is to change the designation of RCA to LDA on the basis of a mistake in the original classification in order to be consistent with the County's mapping rules and all of the other campgrounds mapped as LDA.

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Deputy Secretary Cade asked if a precedence exists throughout the State on the designation of camps. Ms. Langner answered that in Cecil County, all camps are mapped LDA.

Mr. Bowling answered that in Charles County, they are mapped RCA.

Mr. Gutman said that he was be opposed to an LDA designation for this camp, as much of the development within it has considerably deteriorated.

Mr. Davis remarked that the designation of camps differs from Program to Program.

Mr. Bowling asked if it was correct that in Queen Anne's County, institutional use is permissible in RCA, or is that one of the arguments still to be considered. Mr. Davis answered that that is an issue still to be considered.

Ms. Langner noted that the Program, as approved by the Commission, states that campgrounds will be designated as LDA.

Mr. Hickernell said that there will be differences from County to County, but the Commission had approved Cecil County's Program and must hold to its original decision.

Mr. Butanis concurred.

Mr. Osborne asked how large the site was. Ms. Hairston answered 40 acres.

A motion was made and seconded that the Commission approve the Amendment to the Cecil County Program to change the designation of Camp Brisson from RCA to LDA. The vote was 16 in favor with 1 abstention.

Ms. Hairston next reported on the second amendment of the Program, the H & S Investments, Inc.'s property, Sunset Pointe. The proposal is to add 119.7 acres of RCA to the Critical Area creating six additional lots. This extension prevents substantial development adjacent to the Critical Area, and all of the area is included as RCA. She said that the Panel recommends approval, because the extension protects substantial agricultural resources. She then showed the area, by use of a map and showed where the units will be placed.

Ms. Langner said that the owners were not allowed to cut the trees, and the homes would be placed back from the water.

Mr. Zahniser asked if there were covenants following the deed to the fact that there cannot be additional clearing and the houses cannot be any closer to the water?

Mr. Zahniser asked if there could be language in the motion to include the restrictive covenants. Ms. Hairston answered that that would be acceptable.

Mr. Gutman asked if it were possible to make some reference as to who would be responsible.

Mr. Zahniser answered that the restrictions would be written on the plat and that each lot owner would be responsible.

Mr. Miller answered that he felt it was beyond the jurisdiction of the Commission to dictate what covenant is to be written on a deed.

Mr. Zahniser answered that the Commission's approval is contingent upon the restrictions of development of this property and the developer is in agreement with the restriction. He further stated that his only concern was to have building restriction lines drawn on the plans, and that a limit as to the amount of clearing that would be allowed be stipulated.

Mr. Osborne said that the County is requesting an RCA designation for this property, and that that is substantial in and of itself, to regulate the development process.

Mr. Bowling said that what is needed is a long-term guarantee to assure that no further future development will occur.

The representative for the property owner said that the owner has the intention of complying with any of the Commission's development restrictions and explained that when the plat is subject to the recordation process, the review of the restrictive covenants will occur on the part of the local planning department, who will ensure that all of the conditions that are placed will be met, and that the documents are reviewed by the County Attorney for legal sufficiency.

Mr. Glendening concurred that the recorded plat will show any restrictions.

Mr. Gutman suggested that the Commission approve the amendment, but to include that a statement expressed in the nature of a restriction that will be recorded either in the deed,

or on the plat be forwarded to the Commission as soon as possible, for Commission review.

Mr. Glendening asked if it would be appropriate if the staff concurs with the findings.

Mr. Zahniser suggested approval of the amendment, but that it should express two conditions: 1) that the houses be set back 300' from the shoreline; and 2) that the residue property used to increase the number of Critical Area lots have no further subdivision other than what is allowed in RCA.

Mr. Bowling suggested there should be no further subdivision.

A motion was made and seconded that the Commission approve the amendment for the extension of the Critical Area by 119.7 acres of RCA at Sunset Pointe; subject to the following conditions: 1) that the houses in the six additional lots created by the extension, be set back at least 300 feet from the shore; and 2) that the property added in the extension be in restrictive covenants which allow no further subdivision. The vote was 17 in favor with 1 abstention.

A motion was made and seconded that when a jurisdiction submits an amendment where a parcel outside of the Critical Area is to be added to a parcel in the Critical Area, there should be made available to the Commission, the text or the final plat that is to be recorded, that would state the restriction.

Mr. Butanis said that the Commission is requiring these restrictions, and a developer would not know in advance what those restrictions would be.

Mr. Glendening suggested adding "where possible", because sometimes the developer is made aware of what restrictions would be requested.

Mr. Hickernell said that he felt the way to handle these events is as the Commission has been doing so in the past. To now suggest to the jurisdictions that they must have a covenant when submitting an amendment to the Commission would not be justified.

Mr. Perciasepe agreed that actually having concrete information before the Commission in order to review what the agreements are between the staff, the County and the developer, is helpful. He then reminded the Commission of the existence of the Panel created to review the issue of adding land to the Critical Area for the purpose of increasing the amount of growth

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allocation, and the parameters under which the Commission would accept such an increase. He suggested that this problem be referred to that Panel.

A call for the question was requested. The motion was defeated with 12 opposed, 2 in favor, and 1 abstention.

The third amendment concerns Hall Creek, Inc. property Budd's Landing. The amendment is to extend the Critical Area by 6.6 acres to create one additional lot. The Panel denied approval, because there is little resource protection guaranteed by the extension.

A motion was made and seconded to accept the Panel's recommendation to deny approval of the amendment concerning the extension of the Budd's Landing property. The vote was 18:0 in favor.

Acting Vice-Chairman Karasic then asked Ms. Hairston to report on the Program amendment for Harford County. Ms. Hairston reported that the amendment is to resolve an inconsistency in the Program concerning minor additions and accessory structures. She said that the approved Program allows accessory structures within the landward 50 feet of the Buffer with appropriate mitigation; however, minor additions were not included in the Program language. She explained that minor additions are usually smaller and have less impact than accessory structures and are treated similarly in zoning. The County submitted the amendment in order to treat minor additions in the same fashion as accessory structures to avoid having to issue multiple variances. The hearing had been held on February 13th, and the record will remain open for 10 days. She said that the Panel recommends approval of the amendment.

Mr. Perciasepe, Panel member, said that no opposition was shown to the amendment at the hearing, but it had been agreed to keep the record open should any opposition arise.

A motion was made and seconded that the Commission approve the amendment to Harford County's Program, subject to the County not receiving unfavorable comment during the time the record of the hearing remains open. The vote was 17 in favor with 1 abstention.

Acting Vice-Chairman Karasic reported that there are Bills before the Legislature that the Commission needs to consider. He asked Mr. Davis to explain those Bills to the Commission.

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Mr. Davis explained that some Bills had had initial hearings in the Legislature this week, and the Bill Reports sent to the Committees had deferred recommendations because the Commission had not voted on them. He said one of the Bills sponsored by Senator Simpson and Delegate Arnick, SB 93 and companion HB 272 related to the cutting of trees in the Critical Area. He said that the Bill provides remedies for violations that may take place in the context of any of the Critical Area Programs. The Bill authorizes a local jurisdiction to bring violators to task by replanting trees..

Mr. Deming added that Bill creates a remedy not present in the existing Law, where if someone is violating the provisions of a Program or of the Statute, in the case where a Program has not been approved, the violator must replant the cut trees, not solely pay a fine or go to jail, leaving the area destroyed.

Mr. Davis said that the staff recommendation is to support the Bill and to include the amendments proposed by DNR.

A motion was made and seconded that the Commission support SB 93 and HB 272 with the inclusion of the amendments proposed by DNR. The vote was 17 in favor with 1 abstention.

Mr. Davis then reported that Senator Malkus sponsored SB 169, to establish a Critical Area 1000' back from tributary streams that would be shown on FEMA floodplain maps, which would focus on all parts of the State. The Bill also requires the Commission's criteria to be applied within these areas.

Dr. Krech said that his understanding was that it would increase the amount of acreage that would allow development in the existing Critical Area. The 5% growth allocation would be increased, and developers could continue to develop along the Bay shoreline.

Ms. Langner asked if this were not the same Bill the Commission voted on last year. Mr. Davis answered that the Bill has changed slightly, but in effect, introduces a State-wide program similar to last year's Bill.

Mr. Glendenning said that the bill passed the Senate last year, because those that supported the clean up of the Bay believed that this Bill was the logical extension. However, this Bill would create a higher percentage of each county being affected by the Critical Area Law, and the counties would not welcome further development restrictions.

Mr. Osborne said that he felt the State needs to do more than is presently being done to protect the Bay, but he feels that this legislation is premature and needs further examination. He said that perhaps this idea should be coordinated with the 2020 Panel recommendations as future directions are looked at for determining regulations of land use State-wide. He believed that the Commission should not support that Bill as it exists at present.

Mr. Davis agreed that that is what the staff discovered, and that if the Bay is to be cleaned-up, there should be an extension of some of these concepts, but that to apply the entire criteria would not be appropriate.

Mr. Stephen Bunker, Science Advisor for the Chesapeake Bay Foundation, said that the Foundation supports the Bill in concept, but that there are extreme technical problems with the Bill that need to be corrected before the Foundation can give its approval, and explained what the Foundation felt those problems to be.

A motion was made and seconded that the Commission support SB 169 as written.

Mr. Phillips suggested an amendment to the motion to include the Commission approval of the concept of the Bill.

Mr. Bowling said that he was in agreement with the concept of the Bill, but he was opposed to the Bill itself, as written.

Acting Vice-Chairman Karasic reminded the Commission that the staff recommendation was to take no position.

A call for the question was requested. The motion was defeated.

It was suggested that the Commission support the staff recommendation for the Bill and a clarification of the staff recommendation was requested.

Mr. Percisepe said he agreed with Mr. Osborne's previous statement, that the general idea of having to do some kind of upland land use management is appropriate, in coordination with the 2020 Panel.

Discussion on the Bill was then tabled until a more comprehensive motion could be developed that would express the Commission's concerns.

Mr. Davis reported on SB 515, State Compensation for the Prohibition of Harvesting of Trees. He explained that this Bill requests the State to compensate persons who would not be allowed to cut trees within their Buffer, as part of the Critical Area Program. The staff recommendation was to oppose this Bill.

A motion was made and seconded to oppose support of SB 515. The vote was 16 in favor with 2 abstentions.

Mr. Davis then reported on HB 1045, Forest Management Plans, which would place a prohibition on DNR from charging fees when it develops a forest management plan concerning the selective cutting of trees that are allowed by regulation to be cut in the Critical Area. Mr. Davis reported that the only fees charged as part of the process, are fees associated with the Forest Conservation and Management Agreement, or inspection. The staff recommendation was to oppose the Bill as unnecessary.

A motion was made and seconded to oppose HB 1045. The vote was 12 in favor, 3 opposed, with 2 abstentions.

Mr. Davis reported that SB 578, Property Tax-Agricultural Use Assessment-Soil Conservation and Water Quality Plans, places financial burden on the agricultural landowners not having SC & WQ Plans in place by 1991. The Bill states that unless a plan is in place, or the landowner agrees to be a cooperator, as prescribed in the criteria, the Agricultural Use Assessment will be taken from the property. Mr. Davis said that there was no defined staff recommendation at this time concerning the Bill.

Mr. Miller remarked that he did not feel that this Bill is under the Commission's jurisdiction for consideration.

Mr. Perciasepe agreed that unless the Bill affects the Commission directly, the Commission should not take a position.

A motion was made and seconded that the Commission provide no position concerning SB 578. The vote was 17 in favor, with 1 abstention.

Mr. Davis then reported on SB 608 concerning a Critical Area Land Preservation Foundation. He explained that the purpose of the Foundation was to be a mechanism by which landowners, who lost value in their land because they had the density allowed in RCA reduced to 1 dwelling unit per 20 acres, be compensated for the loss.

Mr. Raley said that the Bill is beyond the jurisdiction of the Commission. He further stated that the Commission was given the responsibility to administer the Law, and that if any compensation is given, that decision should be up to the Executive Department or the Legislature.

A motion was made and seconded that the Commission take no position concerning SB 608.

Mr. Glendening said that he did not agree with not taking a position as the Bill is not a good one, and the Commission should oppose it.

The previous motion was then changed to reflect that the Commission oppose SB 608. The vote was 16 in favor, with 2 abstentions.

Acting Vice-Chairman Karasic announced that the motion concerning SB 169 was now ready for a vote.

A motion was made and seconded that the Critical Area Commission opposes adoption of SB 169 concerning the physical extension of the Critical Area boundary. The Commission supports the concept of improved resource and land management beyond the present Critical Area boundary, and recommends that appropriate management programs be evaluated by State agencies as the Year 2020 Panel recommendations are considered for implementation. The vote was 17 in favor with 1 opposed.

Acting Vice-Chairman Karasic then asked Mr. Davis to report on Queen Anne's County Program amendments. Mr. Davis discussed the issues concerning the implementation of the County's Program namely through a Critical Area ordinance that does not follow procedures specified in Article 66B, rather than through the County's zoning ordinance.

He said that another issue is the removal of prohibitions of industrial and commercial uses within the RCA. The revised Program document states that the base zone would determine the land uses allowed within RCAs. Some base zones within RCA overlay zones, allow industrial, commercial, and institutional uses. Institutional uses, as defined by the County's zoning ordinance, include uses that the Commission may consider to be commercial uses, such as golf courses, campgrounds, nursing homes, etc. The Commission's criteria do not define commercial, industrial, and institutional uses. He said the Commission's classification of IDAs, LDAs, and RCAs, generally was applied to the Critical Area using a broad concept of intensity of use, not on specific types of uses.

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Mr. Stevens said that the County is willing to prohibit industrial and commercial uses in RCA, but that the County needs further guidance from the Commission concerning appropriate institutional uses. He suggested that the Commission develop an acceptable use list.

Mr. Hickernell suggested that the issue be deferred to the Panel.

Mr. Bowling stated that the definition of institutional use does not appear to be consistent with the definition of an RCA.

Mr. Bill Riggs, Commissioner of Queen Anne's County said that the County has written a new comprehensive and new zoning ordinance, and requests the Commission to allow the County to implement its Program.

Secretary Brown asked for clarification of the actions that were expected of the Commission concerning the issue.

Acting Vice-Chairman Karasic answered that his understanding is that the solutions to the issues are still being contemplated and have been put before the Commission for discussion purposes only, and the recommendation is that the matter be referred to the staff, in concurrence with the Panel, so to resolve these issues as expeditiously as possible.

Mr. Raley suggested that since the issue of uses within RCA has implications for other Programs, the Commission should consider assigning a separate Panel to review, and provide recommendations.

Mr. Perciasepe stated that his understanding of the situation is that there are three land use classifications in the Critical Area, IDA, RCA and LDA. These contain certain restrictions on development, densities, and use. It doesn't matter what the County feels the underlying district is, or what the County's zoning ordinance says is permitted in those districts, its the overlaying Critical Area District that would control the kinds of developments.

Mr. Davis answered that the County's revised Program states the use within the resource conservation zones would be defined by the uses allowed in base zone.

Mr. Hickernell stated that where there is a discrepancy between uses allowed by a local Program and the uses allowed by the criteria, the criteria would dominate.

Mr. Osborne suggested that this issue should be something for a Panel and the staff to review.

Mr. Stevens explained that the Commission can review the County's decisions concerning institutional uses in RCAs, through the Commission's project review process, and that the Commission can determine whether it is an appropriate use at that time.

Mr. Glendening said he believed that any development in RCAs---other than 1 du/20 and existing industrial and commercial uses---needs to receive approval from the Commission as growth allocation.

Mr. Glendening asked if there was anything in the plan that had been submitted, that implied that this "use list" is authorized or approved by the Commission's actions for RCAs.

Mr. Davis answered that the Program, as part of the new regulation, specifically states that the uses that would be allowed in RCAs are as defined in the County's zoning ordinance.

Mr. Stevens said that the County could include in the revised Program, a prohibition of commercial and industrial uses within RCA, and that the Commission would be given the opportunity to decide on the appropriateness of particular institutional uses as the Commission becomes aware of those uses on particular sites, through the project review process.

A motion was made and seconded that the Commission approve the Queen Anne's County Program as revised, subject to the conditions stated by Mr. Stevens. The vote was 18:0 in favor.

#### UNDER NEW BUSINESS

Acting Vice-Chairman Karasic reported that there had been a request made that the matter involving the widening of Route 50 be brought before the Commission for comment by the Severn River Commission Chairman, Mr. Roy Hoagland. Mr. Hoagland said that the current Severn River watershed area that is in the Severn River Commission's jurisdiction, is undergoing a great deal of highway construction. One of the sites is the headwaters of Weems Creek. As a result of the SRC's participation, they became aware that the plans were not reviewed by the Critical Area Commission. In an attempt to preserve the watershed, SRC has asked State Highway Administration if they would voluntarily submit the plans to the Commission for review. SHA has agreed to this stating that the reason they had not previously done so was that since the Army Corps permit had been issued subsequent to

the adoption of the Commission's regulations, SHA was exempted from Critical Area review.

Mr. Hoagland said that after meeting with Ms. Rome and Mr. Epstein, it was felt that the regulations are unclear as to what point in time a State highway's project will, if at all, be exempted from review. Since additional projects will be forthcoming, SRC would like to clarify this matter.

Mr. Osborne said that he doesn't know how many State agencies are involved with projects in the Critical Area that are unknown to the Commission, but that that is something the Commission should examine.

Acting Vice-Chairman Karasic asked Mr. Glendening to give an update on Indian Queen South Development and Bald Eagle Protection. Mr. Glendening said that the issue was the Indian Queen subdivision, which had been subdivided before the Critical Area criteria were developed and the County Program had been approved. The Planning Board approved the development plans and when development began, a bald eagle was discovered on the property. The developer revised the plans to accommodate the bald eagle habitat, to the satisfaction of the Prince George's Planning Board. It was understood that the habitat issue was resolved. Subsequently, however, DNR staff indicated that problems still remained with regard to the habitat protection, and disagreement within DNR as to what should be done. Legal Counsel indicated that intervention was possible. The Planning Commission was asked to reconsider its decision. The Planning Commission is now working with the developer to either move the disturbance line or to have some type of exchange in terms of fees that would normally be paid. The Planning Board will not give approval until the issue has been resolved satisfactorily.

Mr. Glendening distributed a handout describing Prince George's County's review procedures for developments within the Critical Area. He explained that this review process is the first step before any subdivision review process begins, and is now standard operating procedure for the County. He said that the County is satisfied that it has been working well.

Acting Vice-Chairman Karasic asked Ms. Rome to report on Sandy Point State Park. Ms. Rome said that the proposal is for the redevelopment of Sandy Point State Park at both the East and South Beaches. She asked Mr. Plocek, DNR, and a representative from the RBA Group, to give the presentation.

Mr. Plocek explained the design and the proposal for redevelopment of East and South Beaches. He reported that the total cost for the reconstruction of these two park facilities is approximately \$5 million.

Acting Vice-Chairman Karasic said that the Panel for these projects will be reviewing the proposal.

Acting Vice-Chairman Karasic asked Mr. Zahniser to present the Point Lookout Fishing Pier proposal. Mr. Zahniser said that the pier, restrooms, and associated park facilities are being moved to a more appropriate location at an abandoned hotel site. He said that the Panel has met and tentatively approved the project as it will be an improvement over the already accepted plan. There will be a fish cleaning station in phase 2 of the project, and funding shall be pursued by the State. Runoff from the access road and parking area for one inch of rainfall shall be contained in infiltration ditches which are landward from the parking area.

A motion was made and seconded that the Commission approve the Point Lookout Fishing Pier proposal with the addition of a fish cleaning station in phase 2 of the project, and run-off from the access road and parking area for one inch of rainfall shall be contained in infiltration ditches which are landward from the parking area. The vote was 15:0 in favor.

Acting Vice-Chairman Karasic asked Dr. Ken Schwartz and Dr. Ken Weaver from the Maryland Geological Survey to present information on oil and gas activities in the Chesapeake Bay. Dr. Weaver gave an historical background of oil drilling activities in Maryland, and showed where MGS feels deposits now exist, and where oil companies are now searching. He said that natural gas was discovered in Western Maryland in 1944, but it was not until 1949 that the first commercial discovery well was drilled in the Mountain Lake Park field. Small quantities of natural gas are still produced from this field, but no oil has ever been produced in Maryland.

Dr. Weaver reported that oil and gas exploration has mostly been concentrated in Western Maryland, but in the last several years, exploratory activity has increased to Eastern Maryland in the vicinity of the Chesapeake Bay. He said that the Maryland Geological Survey purchased the Maryland portion of a non-exclusive seismic line across the Delmarva Peninsula. The Survey has interpreted that the major area of interest is located in a 10 to 20 mile-wide belt traversing Southern Maryland across the Chesapeake Bay and the Maryland portion of the Delmarva Peninsula. This belt may contain structural or stratigraphic

traps, but it is not known whether the basin would produce natural gas or oil.

Dr. Weaver noted that HB 297 authorizes the Board of Public Works to lease State property beneath lands or waters of the State for production or reserve of oil and gas. The Department of Natural Resources is directed to prepare environmental, fiscal, and economic impact statements concerning the proposed leasing of land. HB 296 directs the Critical Area Commission to develop guidelines for the effects of oil gas drilling in the Critical Area by 1991.

Dr. Schwartz then explained what it is the geologist is looking for when they pick the sites to be drilled, and explained the process involving the drilling for gas and oil on land and on the Bay.

UNDER OLD BUSINESS

Acting Vice-Chairman Karasic asked Mr. Phillips, Panel Chairman, to report on the Forest Management Panel. Mr. Phillips reported that the Panel had met, but decided tht further discussion is needed on the Forest, Park and Wildlife approval,

There being no further business, the Meeting was adjourned.

Severn River Commission



ANNE ARUNDEL COUNTY  
ANNAPOLIS, MARYLAND 21404

February 14, 1989

Dr. Robert Price  
Acting Chairman  
Critical Areas Commission  
275 West Street  
Annapolis, Maryland 21401

CRITICAL AREAS REVIEW OF SHA PLANS

Dear Dr. Price:

As a result of the recent I-68 highway construction at the headwaters of Weems Creek in Annapolis (a Critical Area), the Severn River Commission (SRC) became aware of the lack of review by the Critical Areas Commission (CAC) of this project. Ed Stein, of the State Highway Administration (SHA), stated that as the issuance of the Army Corps permit occurred ~~after~~ <sup>before</sup> June 11, 1988, the project was "grandfathered" out of any Critical Areas review. TAP

The SRC asked Mr. Stein if the SHA would voluntarily submit the project plans to the CAC for review and comments. He agreed; however, upon discussing the matter with Ms. Sarah Taylor, Mr. Stein conveyed to us the CAC's decision that as the Corp permit had issued, the CAC was unwilling to review the plans. It is important to note that the Waterway Construction permit had not issued as of June 11, 1988; it was issued on June 22, 1988.

In a recent discussion with Ms. Abby Rome and Lee Epstein, Esq., I received the Attorney General's interpretation that Chapter 5, Section .02 (B) of the Regulations exempted out any project which was already in a "final project planning phase." Based on a schedule of events, Mr. Epstein concluded that the Weems Creek project was in the "final project planning phase" on June 11, 1988, and, therefore, the Regulations did not apply.

The Regulations do not state that a project in its final planning phase is exempt from Critical Areas review and regulations. Nor do they contain a specific "grandfathering" clause removing in-process state projects from review. Thus, the SRC's questions are as follows:

1. What is the "final project planning phase," in fact (as versus statutory definition), for this and other SHA projects?

2. Is it the CAC's position that any project for which a Corp permit issued prior to June 11, 1988, is "grandfathered?" What if the permit were applied for but not issued? How does the application and issuance of a Waterway Construction permit fit into the decision of whether the project is "grandfathered?" Similarly, how do approvals and issuance of other permits (e.g., grading permits) fit into the CAC review process?

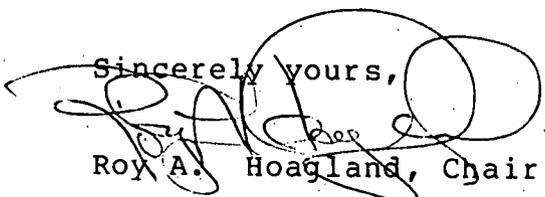
3. If the CAC believes that certain SHA projects are "grandfathered," on what specific statute and regulation is it relying?

4. If the SHA is willing to voluntarily submit in-process projects for review by the CAC, will the CAC agree to perform that review so additional environmental and conservation measures can be addressed?

The SRC's overriding concern is that there are additional state highway construction projects planned and in-process in our area of jurisdiction which affect sites within the Critical Areas. Because of the tremendous disturbance these construction projects create, a definitive determination of the applicability of the Critical Areas statute and regulations to these state projects is essential to the well-being of the Severn and its watershed.

The Severn River Commission thus respectfully requests that the Critical Areas Commission expeditiously evaluate the issues which we have raised and provide us with a formal response. If any member of the CAC should have questions, please contact me at 266-6161.

Sincerely yours,

  
Roy A. Hoagland, Chair

RAH/apc

cc. E. Stein, SHA  
L. Epstein, Attorney General's Office  
S. Taylor, CAC  
A. Rome, CAC  
Commission Members

## Research Committee

# RECENT DEVELOPMENTS IN OIL AND GAS EXPLORATION IN MARYLAND

By Kenneth N. Weaver  
Director  
Geological Survey  
Baltimore, Maryland

### Introduction

Oil and gas exploration has historically been concentrated in western Maryland in the Appalachian Physiographic Province (Figure 1). In the last several years this picture has changed, with exploratory activity increasing in eastern Maryland in the vicinity of the Chesapeake Bay. The story of this activity, historical exploration and production of hydrocarbons in Maryland, speculation about the extent of the oil and gas play, and the general climate for oil and gas drilling in eastern Maryland is the subject of this paper.

### Geologic Setting

Maryland is divided into five physiographic provinces (Figure 1). The Appalachian Plateau Province is underlain by gently folded shale, siltstone and sandstone. Folding has produced broad anticlines which expose Devonian rocks at the surface. The great preponderance of natural gas produced in Maryland has been derived from the Devonian strata (Oriskany Formation).

The Valley and Ridge Province is underlain by strongly folded and faulted sedimentary rocks of Paleozoic age. The eastern part of the province is a broad valley called The Great Valley which is underlain by Cambrian and Ordovician limestones and dolomites. The western part of the province is more rugged terrain underlain by Silurian to Mississippian shale and sandstone with intervening valleys underlain by Silurian and Devonian limestones. Small quantities of natural gas have been produced from this province. No natural gas has been discovered in the remaining physiographic provinces in Maryland.

The Blue Ridge Province is a large anticlinal fold, both limits of which are composed of Cambrian quartzites, and is cored by Precambrian metamorphic rocks (gneiss and greenstone).

The Piedmont Province is underlain by completely folded and faulted metamorphic rocks which are in some places intruded by igneous rocks. Rock types vary from highly metamorphic gneisses, schists and marbles in the east to slightly metamorphosed volcanic rock, slate, phyllite and marble in the west. The extreme western part of the Piedmont is composed of Cambrian and Ordovician limestones which underlie The Frederick Valley. The western Piedmont also contains rift basins which were formed during the separation of the continents in early Mesozoic time. These rift basins are filled with

red siltstone, shale and sandstone. Although most of the Piedmont and Blue Ridge are considered unprospective for oil and gas, the Mesozoic rift basins are believed to have some potential for hydrocarbon production.

The Coastal Plain Province is underlain by a wedge of unconsolidated sediments including gravel, sand, silt and clay which overlap the rocks of the Piedmont along an irregular contact known as the Fall Line. Eastward, this wedge of sediments thickens to more than 8,000 feet at the Atlantic coast line. The sedimentary basin continues beneath the Atlantic Ocean onto the Continental Shelf extending for some 75 miles offshore where the sediments thicken to more than 40,000 feet.

The rocks beneath the Coastal Plain sedimentary wedge are similar to the metamorphic and igneous rocks in the Piedmont Province. Mesozoic rift basin rocks are also present under some parts of the Coastal Plain.

### Hydrocarbon Exploration in Maryland

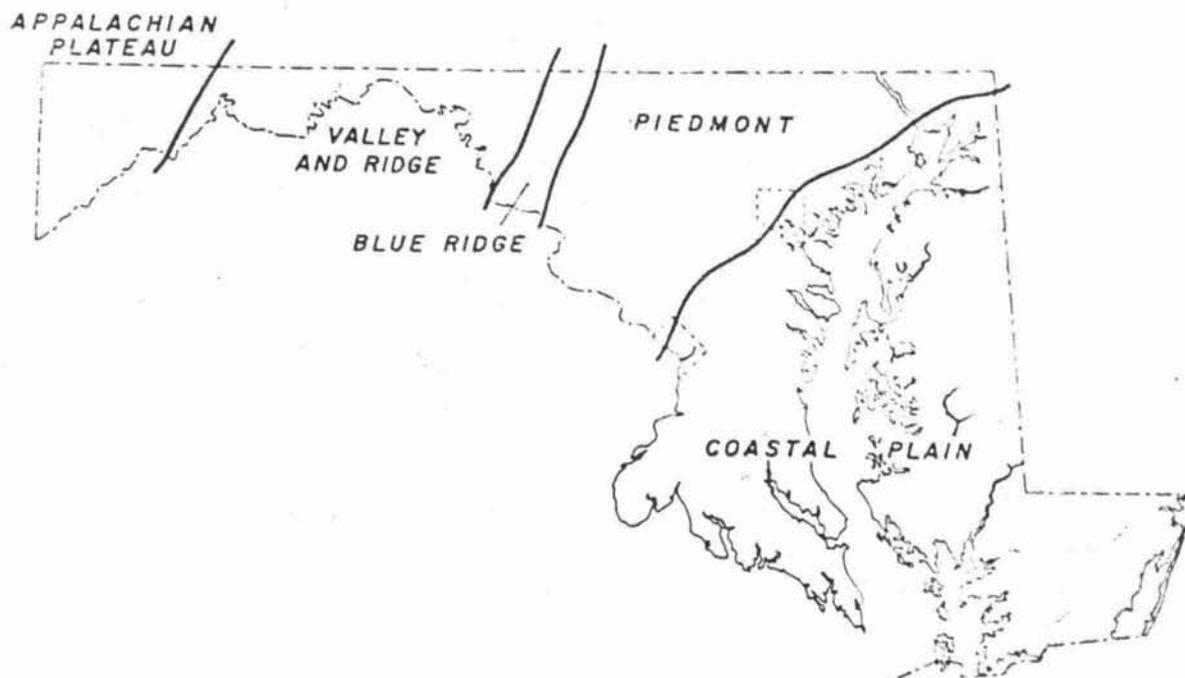
Although several early 20th Century attempts were made at exploratory drilling for oil, the first serious efforts were begun in December 1942 when the Ohio Oil Company began extensive geophysical work in the two easternmost counties in Maryland (Anderson, 1948). Their activity attracted the attention of other major oil companies resulting in a large amount of land on Maryland's Eastern Shore under lease. As a result of the geophysical work, three wells were drilled, one

### Research Committee Report

The Research Committee moved to establish a sub-committee to develop a white paper and report on the need of research and development of additional petroleum recovery methods, especially to encounter and produce petroleum in additional pools and in close proximity to existing fields and to effectively infield drill such fields as found appropriate. This sub-committee consists of: Lee C. Gerhard of Kansas, Chairman, Morris W. Leighton of Illinois, Vice-Chairman, Donald C. Haney of Kentucky, R. Thomas Seagall of Michigan, and Charles Mankin of Oklahoma.

Figure 1

PHYSIOGRAPHIC MAP OF MARYLAND



in 1944 (Hammond #1) and one in 1945 (Bethards #1) both of which penetrated basement rocks but failed to encounter oil or gas. The third well (Maryland Esso #1) was drilled in 1946, 4 1/2 miles north of Ocean City. It reached a total depth of 7,710 feet and also was a dry hole.

Natural gas was discovered in 1944 in the Accident Field in extreme Western Maryland but it was not until 1949 that the first commercial discovery well (Beachy #1) was drilled in the Mountain Lake Park field (Singewald, 1954). Small quantities of natural gas are still produced today from this field. Several other small fields or extensions of fields from adjacent states (West Virginia and Pennsylvania) were discovered later but these are no longer producing. No oil has ever been produced in Maryland.

In order to test the feasibility of storage of natural gas in a fresh water Coastal Plain aquifer, a regional gas company drilled 18 stratigraphic test wells in Prince George's County (east of Washington, D.C.) in the period 1955 to 1969. Seven of the wells penetrated consolidated Mesozoic sediments beneath the unconsolidated Cretaceous and younger unconsolidated sediments. Seismic surveys run concurrently with the drilling corroborated that Mesozoic rift basin rocks were present beneath the Coastal Plain in Southern Maryland.

About the same time, a group out of Hanover, Pennsylvania was drilling exploratory test wells in the exposed Gettysburg and Newark Mesozoic Basins in Pennsylvania and Maryland. In 1962 a well was drilled near Keymar in Frederick County in the Gettysville Mesozoic rift basin rocks. The well was drilled to 6,230 feet, 1,000 feet of which were in Mesozoic sediments. No oil or natural gas was found in this well or the others drilled in Pennsylvania.

Recent Rift Basin Exploration

Recent exploration in the rift basins stretching from Georgia to Nova Scotia has been summarized (Bowman, et al., 1987). In Maryland and adjacent areas, recent exploration on the Coastal Plain has been restricted mainly to land and marine seismic (Figure 2). In 1984, Geophysical Services, Inc. conducted land seismic in Southern Maryland (Charles, St. Mary's and Calvert Counties). During 1984 and 1985, several contractors including Teledyne and Western Geophysical conducted land seismic on the Eastern Shore of Maryland (area east of the Chesapeake Bay) and in Delaware. In October of 1986, Spectrum Resources conducted a marine geophysical survey in the Chesapeake Bay between Annapolis, Maryland and the Virginia Capes (Figure 2). During the period January to March, 1988, Western Geophysical conducted "infill" seismic traverses in the Chesapeake Bay from the Chesapeake Bay Bridge to about 30 miles south of the bridge. Also, "infill" traverses were run in the Potomac River south of Charles and St. Mary's Counties (Figure 2).

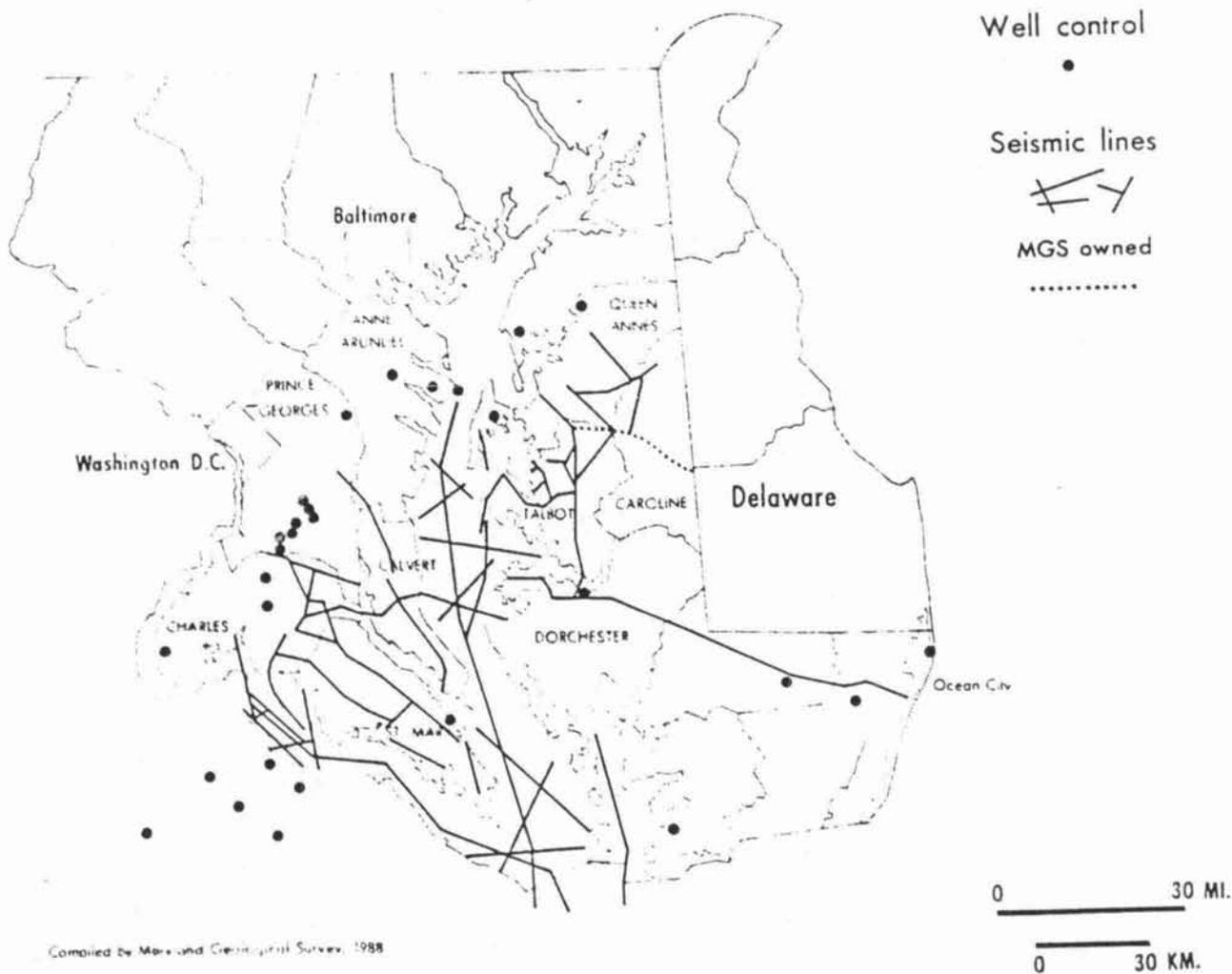
The Maryland Geophysical Survey purchased the Maryland portion of a non-exclusive seismic line across the Delmarva Peninsula. The line indicates the presence of Mesozoic rift basin rocks beneath the post-rift unconformity at the eastern end of the traverse (dashed line in Figure 2).

Interpretation of the Area of Interest

Using data from previous exploratory drilling, deep water-well drilling, purchased seismic, interpretation of placement and length of infill seismic, and existing aeromagnetic and gravity maps of eastern Maryland, the Maryland Geological Survey has

Figure 2

SEISMIC TRAVERSES AND WELL CONTROL  
USED TO DEFINE THE TAYLORSVILLE BASIN IN MARYLAND



Compiled by Maryland Geological Survey, 1988

interpreted that the major area of interest is located in a 10 to 20 mile-wide belt traversing Southern Maryland, across the Chesapeake Bay and the Maryland portion of the Delmarva Peninsula (Figure 3). Gravity data also suggest that the belt may continue into and possibly through Delaware. This belt or portions thereof contain buried Mesozoic basin rocks. Areas within this belt may contain structural or stratigraphic traps that may be prospective for hydrocarbons but it is not known whether the basin would produce natural gas or oil.

Public information on the type of rocks which infill the Taylorsville Basin in Maryland are extremely sparse. Six stratigraphic test wells were drilled by a Texaco-Exxon group in the Northern Neck of Virginia just south of the Potomac River (Figure 2). Information from these tests are not publicly available. Exploratory drilling in other Mesozoic rift basins (Richmond Basin of Virginia, Deep River Basin of North Carolina) are reported to have produced significant hydrocarbon shows (Bowman, et.al., 1987).

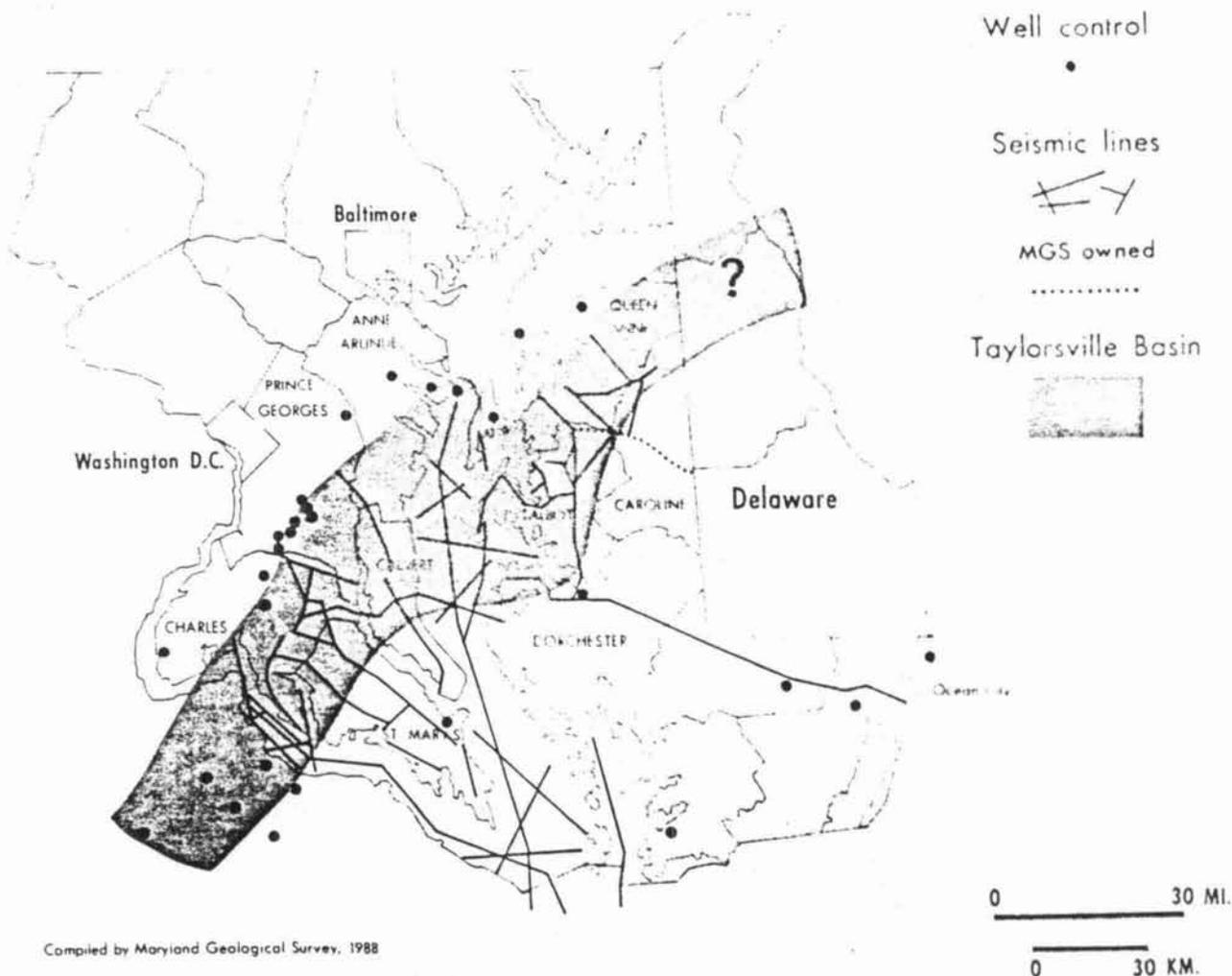
Leasing in Maryland

It has been reported in the press that Texaco has leased an estimated 25,000 acres in Southern Maryland. SEPCO has estimated that they have leased 20,000 acres on Maryland's Eastern Shore (Talbot and Queen Anne's Counties) and it is possible that Texaco and Exxon have leased another 20,000 acres making a total of 40,000 acres leased on the Eastern Shore.

Because oil and gas exploration and leasing are unfamiliar activities in eastern Maryland, a public meeting was arranged by the local agricultural extension agent in Queen Anne's County. Maryland Geological Survey personnel presented the geological background for the leasing interest, a local lawyer discussed leasing agreement, and a planning and zoning official discussed local regulations pertaining to oil and gas exploration.

Figure 3

INTERPRETATION OF AREA OF INTEREST  
AND PROPOSED BELT OF TAYLORSVILLE BASIN IN MARYLAND



Compiled by Maryland Geological Survey, 1988

Legislation and Climate for  
Oil and Gas Exploration in Maryland

Although Maryland has been a natural gas producing state for almost 40 years, all of the production has been in Western Maryland, a relatively sparsely populated region of the state. The State of Maryland has had oil and gas exploration laws and regulations on the books for over three decades and few problems have surfaced in connection with exploration and production of natural gas.

Exploration for hydrocarbons in more urbanized eastern Maryland in the vicinity of the Chesapeake Bay puts the activity in entirely new light. People in the Baltimore-Washington area and the Eastern Shore are not familiar with oil or natural gas exploration. It is an activity that is perceived as being another environmental threat to the already troubled Chesapeake Bay and tributaries. In fact, the recent flurry of exploration activity related to the Taylorsville Basin comes at the time that the States of Maryland, Virginia, Pennsylvania, Delaware,

the District of Columbia and the federal government are employing major resources of time, money and technology to clean up the Bay and tributaries. It was in this milieu that the Maryland General Assembly enacted three major pieces of legislation in 1988 related to oil and gas exploration.

House Bill 296 updates the bonding and liability requirements of the preexisting law. It also allows the Department of Natural Resources to require environmental studies prior to the granting of a permit to drill.

House Bill 297 authorizes the Board of Public Works to lease state property beneath lands or waters of the state for production or reserve of oil and gas. It authorized the Board to adopt regulations and nominate areas for leasing. The Department of Natural Resources, in cooperation with other units of state government, is directed to prepare environmental, fiscal and economic impact statements concerning the proposed leasing of land.

House Bill 313 is the most far reaching. It reads, "... Notwithstanding any other law, a person may not drill for oil or gas in the waters of the Chesapeake Bay or any of its tributaries ... ." Although this law prohibits drilling for oil or gas through Bay waters into the substrate, it does not preclude directional drilling from land to prospective targets beneath the Bay or its tributaries.

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## CURRENT OIL AND GAS RESEARCH AND DEVELOPMENT IN ALABAMA

By Robert M. Mink  
Assistant Oil & Gas Supervisor  
Geophysics and Offshore Division  
State Oil and Gas Board  
Tuscaloosa, Alabama

### Introduction

Although the Southwest Alabama Region (Figure 1) is the major oil and gas producing region, the Black Warrior basin continues to be the most active area for oil and gas exploration. The presence of multiple reservoirs at shallow depths and relatively low drilling and completion costs have provided incentives for exploration and development in this region. Although the reserves discovered to date in the Black Warrior basin are not as large as those discovered in southwest Alabama, the success rate of drilling productive wells is greater. In southwest Alabama, the principal target zones for exploration and development are the prolific Snackover and Norphlet Formations of Jurassic age, newly discovered Cretaceous sands, and the shallow Miocene sands. Sandstones of Mississippian age are the primary exploration targets in the Black Warrior Basin Region. The Pottsville Formation of Pennsylvanian age is the target for coalbed gas. Over 420 million barrels of oil and condensate and 1.9 trillion cubic feet of natural gas have been produced in Alabama. Remaining recoverable reserves statewide have been estimated by the Geological Survey of Alabama/State Oil and Gas Board to be 500 million barrels of oil and condensate and 16 trillion cubic feet of natural gas.

### Onshore North Alabama

#### History of Oil and Gas Development

North Alabama is physiographically divided into four regions which are the Black Warrior basin, the Tennessee Valley, the Appalachian Fold and Fault, and the Piedmont Regions

(Figure 1). Most of the petroleum exploration and development activities for North Alabama have been concentrated in the Black Warrior basin Region because it has produced the majority of the hydrocarbon resources for the area.

The search for oil and gas in the Black Warrior basin of North Alabama began in the early 1900's with the first well being drilled in 1909. By 1917, more than 40 wells had been drilled in the area and most of the drilling was near the Fayette Field in the Pottsville Formation (Figure 2) in central Fayette County. The Fayette Field (Figure 3) was later connected by a pipeline to a distribution system at Fayette, Alabama. In 1911 and 1912, wells were drilled near Jasper in Walker County that encountered gas in the Hartselle Sandstone (Figure 2).

Following the discovery of the Fayette Field, oil and gas exploration was slow and sporadic for the next 60 years. In 1950, Lewis sand production was discovered in the Hamilton Field in Marion County.

The 1970 discovery of oil in the Carter sand at the East Detroit Field (Figure 3) in Lamar County initiated extensive exploration, leasing and drilling. The following year, three gas fields and one oil field were discovered in northern Lamar County.

The 1972 discovery of gas in the West Fayette Field resulted in increased mineral leasing and exploration in the Black Warrior basin. Two additional gas fields and one oil field were discovered in Fayette County that year.

The discovery of gas in the Jasper and Nauvoo Fields initiated drilling activity in Walker and southern Winston

**THE ANNOTATED CODE  
OF THE PUBLIC GENERAL LAWS  
OF MARYLAND**

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**1988 Cumulative Supplement**

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Prepared by the Editorial Staff of the Publishers

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Director, State Department of Legislative Reference

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**Natural Resources**

§§ 1-101 to 7-909

1983 REPLACEMENT

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*Effective Date of Statutes*

See Md. Const., Article XVI, § 2

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Annotated through 540 A.2d 31. For complete  
scope of annotations and legislation, see  
preface in supplement to Volume 1.

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7-205. Land Reclamation Committee.

## § 6-104.2. Same — Chesapeake Bay Critical Area.

(a) *Additional requirements for permit.* — In addition to other applicable provisions of law, a person may not obtain a permit for the drilling of an oil or gas well under § 6-104 of this subtitle in the Chesapeake Bay Critical Area, as defined under § 8-1807 of this article, and may not drill for oil or gas exploration in the Chesapeake Bay Critical Area unless:

(1) The Chesapeake Bay Critical Area Commission provides written approval of the proposed drilling;

(2) The applicant completes an environmental impact study that includes a comprehensive analysis of the potential for any adverse environmental effects as a result of the drilling;

(3) The Department consults the governing body of the county in which the drilling will occur; and

(4) The Department considers any written recommendations of the Chesapeake Bay Critical Area Commission and the governing body of the county in which the drilling will occur.

(b) *Commission to adopt criteria.* — By January 1, 1991, the Chesapeake Bay Critical Area Commission shall adopt criteria that assures the protection of land and water resources in the Critical Area and that shall apply throughout the Chesapeake Bay Critical Area for:

(1) Production of oil or natural gas on lands or waters leased by the State; and

(2) Exploration or production of oil or natural gas on any lands in the Critical Area.

(c) *Environmental impact study.* — (1) In addition to other applicable provisions of law, an applicant for any production or exploratory drilling that will occur on, in, under, or through the Chesapeake Bay Critical Area, including wells drilled outside the Critical Area by a method known as slant drilling that will pass through the Critical Area, shall complete and submit with the application an environmental impact study that addresses the potential for any adverse environmental effects on the Critical Area as a result of the drilling.

(2) (i) The Department shall forward a copy of the permit application and the environmental impact study referred to in subsection (c) (1) to the Critical Area Commission for its review and comment.

(ii) The Department shall consider and comment in writing on the objections and concerns of the Critical Area Commission before issuing a permit under this subsection. (1988, ch. 777.)

*Cross reference.* — See Editor's note to § 6-104.1 of this article.

## § 6-104.3. Same — Chesapeake Bay or tributaries.

Notwithstanding any other law, a person may not drill for oil or gas in the waters of the Chesapeake Bay or any of its tributaries. (1988, ch. 779.)

*Editor's note.* — Chapter 779, Acts 1988, designated this section as § 6-104.1, but since §§ 6-104.1 and 6-104.2 had previously been added by ch. 777, Acts 1988, the section added

by ch. 779 has been designated as § 6-104.3 herein.

Section 2, ch. 779, Acts 1988, provides that the act shall take effect July 1, 1988.



JUDGE SOLOMON LISS  
CHAIRMAN

STATE OF MARYLAND  
**CHESAPEAKE BAY CRITICAL AREAS COMMISSION**  
DEPARTMENT OF NATURAL RESOURCES  
TAWES STATE OFFICE BUILDING, D-4  
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Ardath Cade  
Housing and Community Development

Torrey Brown  
Natural Resources

Constance Lieder  
Planning

Dear Commission Member:

This is to update you on the retreat of the Critical Area Commission held March 1st and 2nd at the Aspen Institute. Enclosed are items that were distributed at the meeting:

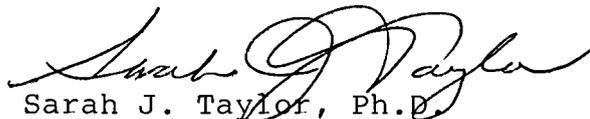
- (1) Cambridge State Marine Terminal Project which was presented and which will require a vote;
- (2) Proposed Memorandum of Understanding with the Department of Agriculture that presents a working arrangement with them on the review of Soil Conservation and Water Quality Plans and other Agriculture responsibilities.

Also enclosed are three sheets of paper describing the three standing subcommittees that were created to handle the issues, policies, procedures and criteria examination before the Commission. Please examine these to see which subcommittee you have been assigned to. Except for the eleven panels in existence to handle the final approval of programs and the two panels for general approvals (forestry, ramps and piers) which should finish their work in March, all other panels are to be considered dissolved. All work will take place at the subcommittee level so that Commission meetings can become more directed toward decision-making. Members will serve for one year on each subcommittee to provide for continuity and consistency of decision-making on programs and projects. At the end of the year, members will be rotated.

Commission Member  
March 6, 1989  
Page Two

All of this reorganization is for the purpose of reducing meetings to one meeting a month with subcommittees meeting in the morning and a full Commission meeting being held in the afternoon. For your information, the next Commission meeting is scheduled for April 5, 1989. Specific notification will be sent at a later date.

Sincerely,

  
Sarah J. Taylor, Ph.D.  
Executive Director

SJT:msl

Enclosures

cc: Ren Serey  
Charlie Davis

Rec'd  
3/1/89

PROJECT DESCRIPTION  
OF  
DEVELOPMENT  
CAMBRIDGE STATE MARINE TERMINAL  
CAMBRIDGE CREEK  
DORCHESTER COUNTY, MARYLAND

MARYLAND DEPARTMENT OF NATURAL RESOURCES  
BOATING ADMINISTRATION  
WATERWAY IMPROVEMENT PROGRAM  
905-A COMMERCE ROAD  
ANNAPOLIS, MARYLAND 21401

PROJECT DESCRIPTION  
OF  
DEVELOPMENT  
CAMBRIDGE STATE MARINE TERMINAL  
CAMBRIDGE CREEK  
DORCHESTER COUNTY, MARYLAND

MARYLAND DEPARTMENT OF NATURAL RESOURCES  
BOATING ADMINISTRATION  
WATERWAY IMPROVEMENT PROGRAM  
905-A COMMERCE ROAD  
ANNAPOLIS, MARYLAND 21401

PREPARED BY:

MARYLAND DEPARTMENT OF NATURAL RESOURCES

BOATING ADMINISTRATION

WATERWAY IMPROVEMENT PROGRAM

905-A COMMERCE ROAD

ANNAPOLIS, MARYLAND 21401

(301) 841-5607

Project Description of Development

at

Cambridge State Marine Terminal

in Cambridge Creek

Located in the City of Cambridge, Dorchester Co., Maryland

I. Background and History

This site is located in Cambridge Creek off the Choptank River. The site is owned and operated by the State of Maryland, Department of Natural Resources, Boating Administration, Waterway Improvement Program. The site serves as a marine maintenance and service terminal, providing the Waterway Improvement Program a Mid Bay Regional Field Station, Marine Depot for boat maintenance and repairs, supplies and storage capacity.

II. Scope of Work

The development included in this program is as follows:

1. Timber Bulkhead Replacement
2. Timber Pier Extensions

III. Source of Funds

Waterway Improvement Funds - These funds shall be used for all design fees and other fees associated with the design such as soil borings, soil testing surveys, etc. and all construction costs and related costs such as inspections, testing, utility locations, change orders, etc.

IV. User Agency Description

This facility will be operated and maintained by the Boating Administration, Waterway Improvement Program, an agency of the Department of Natural Resources.

V. Project Description

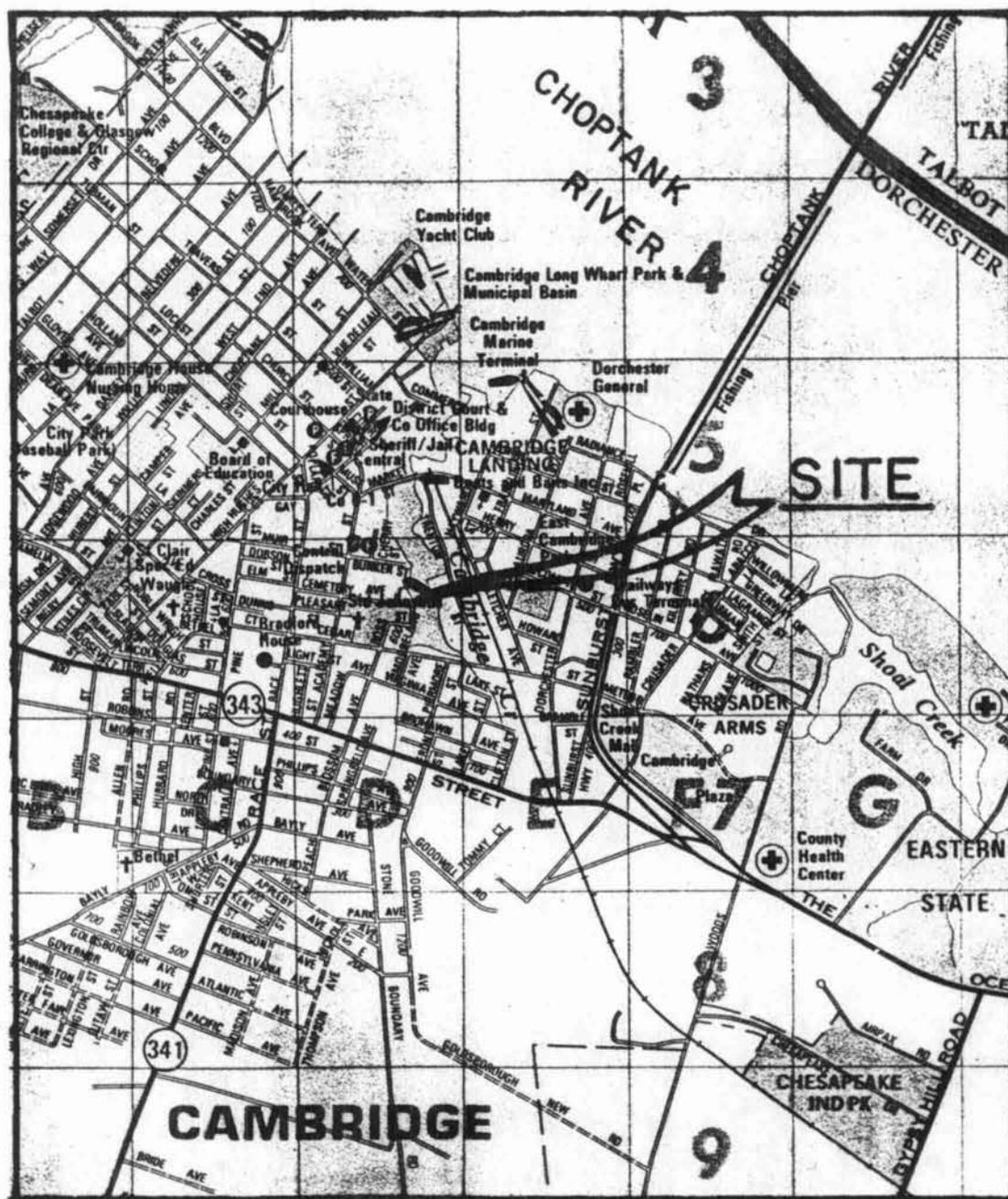
A. Timber Bulkhead Replacement

Construct approximately 600 linear feet of proposed new timber bulkhead 18 inches channelward of existing timber wall.

1. Backfill with select fill behind proposed new bulkhead and existing wall.
2. Repave and adjust site to its original grade and condition.

B. Timber Pier Additions

Install (2) 5ft. wide X 20ft. long timber pier sections at ends of existing timber piers.



**SITE LOCATION MAP**  
**CAMBRIDGE STATE MARINE TERMINAL**  
**PROPOSED TIMBER BULKHEAD REPLACEMENT**  
**& TIMBER PIER EXTENSIONS**  
**DORCHESTER COUNTY MARYLAND**

U.S. Department of the Army

Corps of Engineers

Permits  
(Pending)

State of Maryland

Water Resources Administration

Wetlands License  
(Pending)

# JOINT FEDERAL / STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NON-TIDAL WETLAND IN MARYLAND

- All applications must be accompanied by plan drawings which show the location and character of the proposed work. For specific information on what is required on the plans, refer to the instruction package. 8½" x 11" black & white drawings are required for every application. Full construction plans are required for projects submitted to the Waterway Permits Division.
- Any application which is not completed in full or is accompanied by poor quality drawings may be returned and will result in a time delay to the applicant.
- If you need help understanding how to fill out the application form, please refer to the instruction booklet.

## APPLICATION NUMBER:

(To be assigned by the agencies)

## 1. APPLICANT INFORMATION:

Department of Natural Resources

Name: Waterway Improvement Program Telephone: ( 301 ) 841-5607

Address: 905A Commerce Road

City: Annapolis State: Maryland Zip: 21401

## 2. AGENT / ENGINEER INFORMATION:

Name: Steven T. Holt Telephone: ( 301 ) 841-5607

Address: 905-A Commerce Road

City: Annapolis State: Maryland Zip: 21401

## 3. PRINCIPAL CONTACT, if not the applicant:

Name: Same as #2 above Telephone: ( 301 ) 841-5607

4. PROJECT DESCRIPTION: (1) Remove existing timber bulkhead and construct approximately 600 linear feet proposed new timber bulkhead at same alignment.

(2) Construct (2) 5' wide X 20' long timber pier end sections channelward of existing piers.

## 5. PROJECT PURPOSE:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Shore Erosion Control  | <input type="checkbox"/> Erosion/Sediment Control      | <input type="checkbox"/> Storm Drain/Stormwater Management |
| <input type="checkbox"/> Utility Installation   | <input type="checkbox"/> Improve Navigable Access      | <input type="checkbox"/> Marina                            |
| <input type="checkbox"/> Create Waterfowl Habitat   | <input type="checkbox"/> Improve Fish Habitat          | <input type="checkbox"/> Fill                              |
| <input type="checkbox"/> Temporary Construction   | <input type="checkbox"/> Stream Channelization         | <input type="checkbox"/> Bridge                            |
| <input type="checkbox"/> Beach Nourishment  | <input checked="" type="checkbox"/> Maintenance/Repair | <input type="checkbox"/> Dam                               |
| <input type="checkbox"/> Residential/Commercial Development   | <input type="checkbox"/> Small Pond                    | <input type="checkbox"/> Road                              |
| <input checked="" type="checkbox"/> Other: (describe) <u>Timber pier extensions and timber bulkhead replacement</u> |  | <input type="checkbox"/> Culvert                           |

## CERTIFICATION:

I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are not inconsistent with Maryland's Coastal Zone Management Plan.

APPLICANT MUST SIGN: Steven T. Holt Date: Dec. 5, 1988

**6. PROJECT LOCATION:** This project is in  Tidal  Non-Tidal Waters. (Please Check One)

County: Dorchester Name of Waterway: Cambridge Creek

Site Address or Location: Cemetery Avenue

Directions from nearest intersection of two state roads: Heading west to Academy Avenue turn left, go one block to stop light at Cedar Street, turn left and proceed to junction at Rte 50.

County Book Map (A.D.C.) Coordinates: Page: 12 Letter: D Number: 6

**7. TYPE OF PROJECT:**

Work Proposed	Overall Length (in feet)	Average Width (in feet)	Maximum Distance Channelward From Mean High Water For projects in tidal waters (in feet)
<input checked="" type="checkbox"/> Bulkhead	<u>600 ft.</u>	<u>2' - 6"</u>	<u>Existing 8 ft. water depth</u>
<input type="checkbox"/> Revetment			
<input type="checkbox"/> Vegetative Stabilization			
<input type="checkbox"/> Gabions			
<input type="checkbox"/> Groins or Jetties			
<input type="checkbox"/> Boat Ramp			
<input checked="" type="checkbox"/> Pier	<u>(2) 20 ft. extension</u>	<u>5 ft. each</u>	<u>80 ft. from M.H.W.</u>
<input type="checkbox"/> Breakwater			
<input type="checkbox"/> Road Crossing			
<input type="checkbox"/> Utility Line			
<input type="checkbox"/> Outfall Construction			
<input type="checkbox"/> Dredging			
<input type="checkbox"/> New <input type="checkbox"/> Maintenance			
<input type="checkbox"/> Hydraulic <input type="checkbox"/> Mechanical			
<input type="checkbox"/> Other: For other projects, please supply project dimensions including the area of disturbance (acreage), volume of fill (cubic yards), type of fill, and area (acreage) of wetlands to be impacted.			

**8. PROPOSED STARTING DATE:** April 1989

**9. CONTRACTOR'S NAME** (If known): Unknown at this time

**10. LAND USE:**

Current Use Is:  Agriculture  Wooded  Marsh/Swamp  Meadow  Developed  
 Present Zoning Is:  Residential  Commercial  Agriculture  Other: State Marine Maintenance Facility

**11. OTHER PERMITS REQUIRED:**  Building Permit  Soil Conservation District  Other: WPA Wetlands License

**12. NOTIFICATION OF ADJACENT PROPERTY OWNERS:**  
 The applicant/agent will be informed by the permitting agencies when notification of adjacent property owners is required.

**IMPORTANT: PLEASE MAIL YOUR APPLICATIONS TO THESE AGENCIES**

**Federal Government**

U.S. Army Corps of Engineers  
 Baltimore District  
 P.O. Box 1715  
 Baltimore, Maryland 21203-1715  
 Attention: NABOP-R  
 (301) 962-3670

**State Government**

For Tidal Waters, please submit one copy of the application to:

Tidal Wetlands Division  
 Water Resources Administration  
 Tawes State Office Building D-4  
 Taylor Avenue  
 Annapolis, Maryland 21401  
 (301) 974-3871

For Non-tidal Waters, please submit one copy of the application to:

Waterway Permits Division  
 Water Resources Administration  
 Tawes State Office Building D-2  
 Taylor Avenue  
 Annapolis, Maryland 21401  
 (301) 974-2265



Rec'd  
3/1/89

CHESAPEAKE BAY CRITICAL AREAS COMMISSION

Discussion

of

Relative Criteria

CAMBRIDGE STATE MARINE TERMINAL

DEVELOPMENT PLAN

CHESAPEAKE BAY CRITICAL AREA CRITERIA

(Discussion of Relative Criteria)

The Cambridge State Marine Terminal is a marine maintenance and service terminal which provides the Waterway Improvement Program with a Mid Bay regional field station, a marine depot for boat maintenance and repairs and a supply and storage area. The marine terminal is owned and operated by the State of Maryland, Department of Natural Resources, Waterway Improvement Program.

The following paragraphs refer to COMAR 14.19.01 through 14.19.08 "CHESAPEAKE BAY CRITICAL AREA COMMISSION: REGULATIONS FOR DEVELOPMENT IN THE CRITICAL AREA RESULTING FROM STATE AND LOCAL AGENCY PROGRAMS."

Para. 14.19.05.03 Development

- sub para. B(1)(b) The proposed development is required to occur in the Critical Area, however it is continued development of an existing marine facility in an area of intense development.
- sub para. B(1)(e) All applicable State and Federal permits for the proposed development have been applied for.
- sub para. B(2)(b) All sediment & erosion control permits will be obtained.
- sub para. B(2)(c) There are no permeable areas within the limit of contract at the project site.
- sub para. B(2)(d) There are no areas of public access at the marine terminal.

Para. 14.19.05.04 Water Dependent Facilities

- sub para. A(1) The proposed timber bulkhead replacement and timber pier extensions are water dependent as they are dependent upon the water by reason of the intrinsic nature of its operation.
- sub para. B(1)(d) There are no non-water-dependent structures or operations associated with the proposed plan.
- sub para. B(2)(a) The proposed development will not significantly alter existing water circulation patterns or salinity regimes.
- sub para. B(2)(b) Cambridge Creek has adequate flushing characteristics.
- sub para. B(2)(c) Disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized.
- sub para. B(2)(d) Sewage discharge from boats will be strictly prohibited.
- sub para. B(2)(e) There are no shellfish beds in the vicinity of the project site.
- sub. para. B(2)(h) Interference with the natural transport of sand will be minimized.

MEMORANDUM OF UNDERSTANDING

Rec'd  
3/1/89

AMONG

THE MARYLAND DEPARTMENT OF AGRICULTURE  
THE MARYLAND STATE SOIL CONSERVATION COMMITTEE AND  
THE CHESAPEAKE BAY CRITICAL AREA COMMISSION

AUTHORITY: Natural Resources Article, Section 8-1814, Annotated Code of Maryland; COMAR 14.15.06.63 and 14.19.03.01

THIS AGREEMENT, dated, \_\_\_\_\_, 1988, memorializes the understanding reached by the Maryland Department of Agriculture "Department", the Maryland State Soil Conservation Committee "SSCC", and the Chesapeake Bay Critical Area Commission "Commission".

WHEREAS, the Department is responsible for administering and implementing policies that further the management of soil erosion and agricultural nonpoint source pollution, and

WHEREAS, the SSCC is responsible for developing, formulating, reviewing, and refining policies concerning soil and water conservation matters, and

WHEREAS, the SSCC developed the Maryland Agricultural Water Quality Management Program (1987), a comprehensive strategy to address water quality problems which originate from agriculture, which strategy includes the development of Soil Conservation and Water Quality Plans for each farm in the State, and

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

WHEREAS, both the Critical Area Criteria and the Maryland Agricultural Water Quality Management Program (1987) have among their objectives the reduction of potential adverse impacts to the Chesapeake Bay and the promotion of water quality, and

WHEREAS, the Critical Area regulations (COMAR 14.15.06.03A (3) require all farms within the Critical Area to have in place and be implementing a currently approved Soil Conservation and Water Quality Plan approved by the local Soil Conservation District, and

WHEREAS, the local Soil Conservation Districts currently have and use Field Office Technical Guides and other technical references for the development of Soil Conservation and Water Quality Plans, and

WHEREAS, State and local agencies may seek a general approval from the Commission for programs that result in the development of local significance in the Critical Area, and

WHEREAS, Critical Area regulations (COMAR 14.19.03.01A) identifies Soil Conservation and Water Quality planning as an activity that results in development of local significance on private land in the Critical Area.

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

A. GENERAL OBJECTIVE

The objective of this Memorandum of Understanding is to establish responsibilities for the granting of general approval of the Soil Conservation and Water Quality Planning program described in the Maryland Agricultural Water Quality Management Program (1987).

B. THE DEPARTMENT AGREES

1. To assist the Soil Conservation Districts help farmers meet the requirements imposed by the Chesapeake Critical Area Protection program. Among these requirements is the mandate that all farms in the Critical Area have and be implementing a Soil Conservation and Water Quality Plan which has been currently approved by the local Soil Conservation District.
2. To work with the local Soil Conservation Districts in tracking District progress towards meeting the Critical Area planning goals and to report this progress to the Commission.
3. To include intermediate Critical Area planning goals within the annual Memoranda of Understanding with each local Soil Conservation District.

4. *To report to the Commission as to the status on an annual basis.*  
C. THE SSCC AGREES

1. To provide leadership through its interagency cooperative effort to assure that technical guidance used and assistance provided by Soil Conservation Districts is consistent with and in detail sufficient to meet the general approval requirements of COMAR 14.19.03.01 B(1)-(3).
2. To submit documentation of technical guidance developed for use by Soil Conservation Districts as application to the Critical Area Commission for general approval under that regulation.

D. THE COMMISSION AGREES

1. To seek comments from local jurisdictions in the Critical Area on the proposed general approval of the Soil Conservation and Water Quality Planning program.

2. To grant general approval for the Soil Conservation and Water Quality Planning Program upon considering local jurisdiction comments and after finding that the program conforms with COMAR 14.15 and 14.19.03 and will not cause any significant adverse effect on the growth allocation of a local jurisdiction. The Commission may condition or request modifications to the subject program at that time.

MARYLAND DEPARTMENT OF AGRICULTURE

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

STATE SOIL CONSERVATION COMMITTEE

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

CHESAPEAKE BAY CRITICAL AREA COMMISSION

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

## SOIL CONSERVATION AND WATER QUALITY PLANNING IN THE CRITICAL AREA

### INTRODUCTION

COMAR 14.19.03.01A allows state agencies to seek a general approval from the Chesapeake Bay Critical Area Commission for programs of classes of activities that result in development of local significance in the Critical Area. Soil Conservation and Water Quality planning is identified as an activity that results in development of local significance.

In accordance with the terms of the Memorandum of Understanding among the Maryland Department of Agriculture, the Maryland State Soil Conservation Committee and the Chesapeake Bay Critical Area Commission, the following information is submitted to support a request for general approval of soil conservation and water quality planning activities in the Critical Area.

The program information represents the State's Soil Conservation and Water Quality planning program in the Critical Area which is locally implemented by Soil Conservation Districts.

COMAR 14.19.03.01.B requires that the following information be supplied to the Commission:

1. A description of the program or class of activities
2. An assessment of the extent to which development resulting from the program or class of activities will be consistent with COMAR 14.15
3. A proposed process by which the program or class of activities will be conducted so as to conform with the requirements of COMAR 14.15.

The information which follows is formulated to be in compliance with these requirements.

### PROGRAM DESCRIPTION

Soil Conservation and Water Quality Plans are agricultural land use plans developed to make the best possible use of a landowner's soil and water resources while protecting and conserving those resources for the future. It identifies best management practices which the farmer has agreed to install to treat undesirable conditions or improve the agricultural operation. It also delineates a schedule for installation of bmps with which the landowner concurs.

Soil Conservation Districts work cooperatively with a number of other agencies to promote, develop and assist in the implementation and maintenance of Soil Conservation and Water Quality Plans.

Soil Conservation and Water Quality planning is a dynamic process that considers changing patterns of land use, optimum economic and environmental land use, available resources and their constraints and a landowner's production objectives and financial standing. Soil Conservation and Water Quality planning also must meet local, state and federal program objectives. The Critical Area program is one of these state objectives.

Technical expertise is provided to farmers by Soil Conservation Districts and their cooperating agencies. The agricultural operation and farm's natural resource base are evaluated. Existing conditions that may cause or have the potential to cause soil erosion or detrimental impacts to water quality and other related resources are identified. Best management practices are recommended and designed with the concurrence of the landowner to treat identified problems or improve the overall environmental or economic conditions of the agricultural operation. Financial and technical assistance may be provided for implementation of best management practices.

The class of program activities that may "result in development of local significance in the Critical Area" relates to the installation of best management practices. Actual installation and construction may cause land disturbance, earth-moving and land shaping to achieve the desired results.

#### CRITICAL AREA CONSISTENCY

The Critical Area regulations require all agricultural land within the Critical Area to be managed in accordance with a Soil Conservation and Water Quality Plan. They also set forth resource protection components that must be addressed within this process.

Soil Conservation Districts will achieve consistency with critical area requirements through use of their Field Office Technical Guides (FOTG). The USDA Soil Conservation Service develops these guides as a technical reference in accordance with local physical resources and current standards and specifications for best management practices. Maryland's FOTG requires the use of a total Resource Management System for compliance with both the Critical Area Program and the State Water Quality Management Program.

A Resource Management System establishes resource base protection from the impacts of:

- 1) soil erosion
- 2) water disposal
- 3) animal wastes and agri-chemicals
- 4) resource management (soil, plants, animals)
- 5) water management (quantity and quality)
- 6) off-site effects

Specifically Soil Conservation and Water Quality plans in the Critical Area will include or address the following elements when applicable:

1. BMPs for the control of nutrients, animal wastes, pesticides and sediment runoff in order to protect productivity and enhance water quality.

2. Minimization of contamination of water from animal feeding operations including manure storage systems.

3. Provisions for the protection of Habitat Protection Areas including:

- a. Water quality and habitat protection equivalent to a 25-foot vegetated filter strip along tidal waters
- b. Prohibition against the feeding or watering of livestock within 50 feet of mean high water or edge of tidal wetlands (whichever is further)
- c. Maintenance of a 25-foot buffer or equivalent protection around identified nontidal wetlands where an activity may disturb the wetland or its wildlife resources (grazing of livestock not restricted)
- d. Protection of the hydrologic regime and water quality of identified nontidal wetlands
- e. Mitigation for any diking, draining or filling of nontidal wetlands which have a seasonally flooded or wetter water regime
- f. Provisions to protect the habitats of species in need of conservation and endangered and threatened species
- g. Wildlife habitat protection as related to identified colonial water bird nesting sites, historic waterfowl staging and concentration areas in tidal and nontidal wetlands, existing riparian forests, Natural Heritage Areas, forest areas utilized for breeding by forest interior dwelling birds, and other plant and wildlife habitat areas of state, federal or local significance
- h. Minimization of adverse impacts to anadromous fish propagation areas
- i. Provisions requiring a Forest Management Plan for farms which harvest timber.

*We are not going to tell someone they must do a, b, c & d. They are going to suggest alternatives. This applies to X frame*

*Consider habitat (forestland, N-t wetland etc.) of a farmer is not touching the area*

PROPOSED PROCESS

The process for developing a SCWQ plan will continue to be a dynamic one. Soil Conservation Districts will work with each landowner to assure the plan developed can be implemented within the context of the individual's agricultural operation while conforming to the Critical Area Criteria.

Soil Conservation Districts will utilize both technical support references and the cooperation and assistance available from other agencies to implement these programs.

*then no recommendation a BMP*

*How do you assure that the plans will be in place?*

The following references will be utilized in the recommendation, design and installation of suitable best management practices:

- 1) USDA-SCS Field Office Technical Guide
- 2) Manure Management Manual - SSCC, 1989
- 3) Maryland Wildlife Biology and Management Handbook-DNR & SCS

The Soil Conservation Service will act as technical lead providing up-to-date standards and specifications for best management practices. The University of Maryland, Cooperative Extension Service will provide information and assistance related to the rates, timing and methods of application for animal and chemical fertilizers as well as information in the use of pesticides and integrated pest management.

Soil Conservation Districts will obtain copies of all mapped resource areas such as nontidal wetlands, Natural Heritage Areas, anadromous fish propagation areas, and habitat areas for threatened and endangered species.

These areas will initially be identified in the SCWQ plan. Follow-up protection or management will not occur unless the landowner proposes conversion or activities affecting these sensitive areas. In these cases the appropriate section within the Department of Natural Resources will be contacted for site specific information and input related to resource protection.

Habitat enhancement practices may be included in the SCWQ plan, but will not be required unless existing activities are impacting a sensitive habitat area.

Soil Conservation Districts will continue to work with the Department of the Environment to resolve identified agricultural water quality problems.

SUBCOMMITTEE FOR THE REVIEW OF PROGRAM AMENDMENTS, AND IMPLEMENTATION

- \* review amendments and prepare position for Commission vote
- \* finalize policies and procedures as to what the Commission wants to see submitted, in what manner etc.
- \* propose changes to the Critical Area Law for streamlining the process
- \* define what acceptable program changes happen to be
- \* develop options for revising local programs that have been approved but which are deficient

\* *Somerset Co.*

PROPOSED COMPOSITION

Ron Adkins  
Shepard Krech  
Wallace Miller  
Ron Kreitner  
Victor Butanis  
Ron Hickernell  
J. Frank Raley, Jr.  
Ron Karasic  
Judge North as a roving member

Staff:

Charles Davis  
Anne Hairston  
Thomas Ventre  
Sarah Taylor  
Lee Epstein  
"Wally" Alade and staff

#1 streamlining process, hearing  
procd. for program's amendm.

May 1<sup>st</sup> - all suggestions

June 1<sup>st</sup> - comments from  
local jurist

August - program  
amendments

### Internal

Commission  
public hearing } types of  
amendm.

#2 Submittals to the Commission  
Categories of submittals

#3 Program change  
by April 1<sup>st</sup> - kinds  
of program changes +  
suggestions for change.

next mtg. in 2 wks.  
subcommittee mtg.  
1:00 p.m.

SUBCOMMITTEE FOR REVIEW OF STATE AND LOCAL PROJECTS AND FOR CERTAIN PROJECTS  
RECEIVED FROM PROJECT NOTIFICATION

- \* review state and local projects for Commission vote
- \* review important local projects
- \* develop procedures for approval of State and local projects
- \* coordinate Commission review with Public Service Commission reviews for power plant facilities; develop Memorandum of Agreement with Public Service Commission to facilitate joint reviews
- \* review and approve general approval applications from other State agencies:
  - piers and ramps
  - forestry
  - soil conservation and water quality plans
  - mosquitoes
- \* develop, review and approve Memoranda of Understanding with other State agencies on procedures to review State projects

*keep the 2 existing panels as their work will be completed in March, then they can dissolve*

PROPOSED COMPOSITION:

William Corkran, Jr.  
Thomas L. Jarvis  
G. Steele Phillips  
Russell Blake  
Samuel Bowling  
Kathryn Langner  
Thomas Osborne  
Ardath Cade  
Robert Schoepflein  
Judge North as a roving member

Staff:

Ren Serey  
Abi Rome  
Pat Padulkewicz  
Sarah Taylor  
Lee Epstein  
Dawnn McCleary  
"Wally" Alade and staff

9:30 A.M. at the Commission

5 things

interim procedures for State + Local  
proj. MOU's w/ st agen. proj.

Gen Appr.

Fed Activities.

PSC

local Pl. offices - 2 way tech. asst  
+ office.

Review of private devel. projects

SUBCOMMITTEE FOR SPECIAL ISSUES

*immed*

\* interpret the criteria ( <sup>PUD's</sup> uses the Commission wanted to see for the RCA)

*Growth Allocation*

\* develop policies for Commission vote.

*immed*

- septic's

- expanding the 1000 foot boundary

*wait - under litigation*

- excluding portions of preliminary planning areas

*wait - needs legal interpretation*

\* develop regulations for Commission vote:

- Oil and Gas Exploration

*immed next year*

\* comment on Legislation as it arises and prepare for Commission position

\* review criteria for changes and additions

*Spring time*

- piers and moorings ratio

- building on piers

- floating homes

- LDA criteria for marinas

- LDA criteria for sediment control and soil erosion

- consistency with State condo law

- PUD's

*- focus on efficiency*  
*- non-tidal wetlands*  
*- language - gray areas*  
*- legal application*  
*- amend the criteria not the law.*  
*- % of tree removal + impermeousness to lots*  
*< 1/2 acre*  
*- lower the density + put in performance standards, Build in incentives.*

*future*

\* assess need for special studies

\* *growth allocation*

PROPOSED COMPOSITION

William Bostian ✓

Parris Glendening ✓

Jim Gutman ✓

Robert Perciasepe ✓

Robert Price, Jr. ✓

Skip Zahniser

Torrey Brown

Wayne Cawley ✓

Judge North as a roving member

Staff:

Sarah Taylor

Charles Davis

Ren Serey

Lee Epstein

Scientific Advisor when hired

- Report Out

- Next Mtg.

Talbot Co.

Somerset Co.

Queen Anne Co.

- write ltr on budget

CHAIRMAN, AND OTHERS AS NECESSARY INCLUDING LEE EPSTEIN, SARAH TAYLOR

- \* review and propose legal action because of program non-compliance or project not adhering to criteria or local program
- \* work with Oversight Committee
- \* answer Legislative requests

STAFF AS A WHOLE

- \* revise acreage estimates
- \* obtain final versions of programs
- \* inventory State agencies and their responsibilities
- \* index local programs

EXISTING ELEVEN PANELS

- \* finish final approval of local programs; once final approval, panel no longer needed