

Commission Meetings & Corresp.

Apr 1989

MSA\_51832-58

CHESAPEAKE BAY CRITICAL AREA COMMISSION

AGENDA

275 West Street  
Suite 320  
Annapolis, Maryland

April 5, 1989

1:00 - 6:00 p.m.

- |             |   |  |
|-------------|---|--|
| 1:00 - 1:10 | Approval of Minutes of<br>March 1st & 2nd                           | Robert Price<br>Vice-Chairman                |
| 1:10 - 1:20 | <u>Program Approvals, Amendment Approvals and<br/>Presentations</u> |  |
|             | Vote on Town of Church Hill<br>Program 2:10                         | Shepard Krech/Panel/<br>Anne Hairston        |
|             | Vote (Perhaps) on Town of<br>North Beach Program 2:10               | Ardath Cade/Panel/<br>Ren Serey              |
|             | Vote on Charles County<br>Program 2:10                              | James Gutman/Panel/<br>Ren Serey             |
|             | <del>Vote (Perhaps) on St. Mary's<br/>County Program</del>          | <del>James Gutman/Panel/<br/>Ren Serey</del> |
|             | Vote on Talbot County<br>Program 2:10                               | James Gutman/Panel/<br>Charles Davis         |
|             | Vote (Perhaps) on City<br>of Salisbury Program 2:10                 | William Bostian/<br>Panel/Tom Ventre         |
|             | Vote on Dorchester County<br>Program Amendment 2:10                 | Robert Schoeplein/<br>Panel/Tom Ventre       |
| 2:00 - 2:15 | Status of Somerset County<br>Program                                | Tom Ventre                                   |
| 2:15 - 3:00 | <u>Project Approvals and Presentations</u>                          |  |
|             | Vote on Sandy Point State<br>Park Redevelopment 2:10                | Albert Zahniser/<br>Panel/Abi Rome           |
|             | Vote on Queen Anne's Park<br>at Port America 2:10                   | Kathryn Langner/<br>Panel/Abi Rome           |
|             | Vote on Queen Anne's Bridge<br>on the Patuxent River 2:10           | Kathryn Langner/<br>Panel/Abi Rome           |
|             | Vote on 4-H Center - Fishing<br>and Boating 2:10                    | Kathryn Langner/<br>Panel/Abi Rome           |

	Status of Cambridge State Marine Terminal Project	Abi Rome
	Presentation of Magruder's Landing - Boating Facility at Patuxent River Park	Steve Lotspeich, MNCPPC
3:00 - 3:15	Break	
3:15 - 3:45	<u>General Approval and MOUs</u>	
	Status of Forestry General Approvals	Steele Phillips/ Panel/Anne Hairston
	Status of DOT MOU and MOU With Baltimore City and MPA	Sarah Taylor
3:45 - 4:15	<u>Legal Matters</u>	
	Status of Bellanca Appeal, City of Crisfield	Lee Epstein
4:15 - 4:45	<u>Legislation and Other Updates</u>	
	Status HB 1045 (Linton) Charge for Management Plans	Sarah Taylor <i>killed</i>
	Status of SB 169 (Malkus) Critical Area Expansion	Sarah Taylor <i>killed</i>
	Status of SB 578 (Weingrad) Agricultural Assessment	Sarah Taylor <i>killed</i>
	Status of SB 608 (Collins) Compensation for 1 du/20	Sarah Taylor <i>held - summer study</i>
	SB 515 (Malkus) Compensation-Tree Buffer (50-ft)	Sarah Taylor <i>held - summer study</i>
	Status of SB 93/HB 272 (Simpson/Arnick) Cutting of Trees in Critical Area	Sarah Taylor <i>? slow progress dispute over professions preparing plan</i>
	Vote on HB 156/SB 191 (Arnick/Della) Pier Housing	Sarah Taylor <i>not leaving it (ie killed)</i>
4:45 - 5:00	Old Business	Robert Price Vice-Chairman
	New Business	

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held  
March 1, 1989

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

J. Frank Raley, Jr.	Ronald Karasic
Thomas Osborne	Kathryn Langner
Samuel Bowling	Shepard Krech, Jr.
Albert Zahniser	James E. Gutman
William Corkran	G. Steele Phillips
Victor Butanis	Ronald Adkins
Wallace Miller	Russell Blake
Ronald Hickernell	William Bostian
Carolyn Watson for	Robert Perciasepe of DOE
Parris Glendening	Secretary Cawley of DOA
Acting-Secretary Kreitner of DSP	

Vice-Chairman Price reported that Mr. Epstein requested clarification of an item noted in the Minutes of the Meeting of February 15th, before approval could be voted upon for those Minutes.

Mr. Epstein, because of his absence at that meeting, asked the Commission to reiterate its thoughts on the "conditions for approval" of Queen Anne's County's revised Program ordinances.

A discussion ensued to reexamine what had passed during the vote, and what Mr. Davis and Mr. Joe Stevens had presented to the Commission regarding the County's position.

Mr. Epstein suggested that in the motion for approval, the words "revised by the staff report and staff recommendations" be added as a clarifying amendment.

A discussion ensued concerning what actually had taken place at the Meeting.

Mr. Osborne said in summary that while the Commission did have a far-reaching discussion, the context was that the Commission was accepting and approving the plan subject to the staff recommendations. He said that the motion clarifies that the Commission approved the plan with revisions, as resubmitted, subject to the staff recommendations.

Dr. Krech added that the word "totally" on page two should read "totalling".

The Minutes of the Meeting of February 15, 1989, were approved as amended.

Vice-Chairman Price introduced Mr. Ronald Kreitner, Acting Secretary of the Department of State Planning.

Vice-Chairman Price then asked Ms. Louise Lawrence to present the Soil Conservation and Water Quality Plan General Approval. Ms. Lawrence reported that there is a request for general approval of the Commission for Soil Conservation and Water Quality Planning activities in the Critical Area. She distributed copies of the proposed MOU requiring the signature of the Department of Agriculture, the State Soil Conservation Committee, and the Critical Area Commission. The MOU was presently being developed in order for the Soil Conservation Districts to comply with the criteria in the development of SCWQ plans. Ms. Lawrence explained what the MOU contained, and what its objective was. She said that the SCWQ plans that had been developed under the Chesapeake Bay Program are different from other types of conservation plans in that they require the consideration of all components that address soil erosion, such as any type of water-disposal issues; water quality and quantity issues; animal waste and agricultural chemicals and their offsite affects; and any type of resource/habitat management compliance.

Ms. Lawrence then explained the process for developing a SCWQ plan, and said that the SCD will work with each landowner to assure that the plan developed can be implemented within the context of the individual's agricultural operation while conforming to the Critical Area criteria.

Mr. Osborne asked how it will be ensured that plans will be implemented and what penalties would there be if they are not.

Ms. Lawrence answered that if the farmer is acting in good faith and sincerely making the attempt to implement BMPs, then there are no penalties for not implementing a plan within the 5-year dictate.

Mr. Osborne asked if there shouldn't be a tracking mechanism to record the progress of implementation for these plans?

Ms. Lawrence answered that the tracking mechanism is referenced in the MOU, and that the Department of Agriculture takes part of the responsibility of reporting to the Critical Area Commission directly. The agricultural section of each plan contains a mechanism for the individuals to report directly to the County on their plan's progression. She said that all of the Districts have a monitoring system.

Mr. Phillips said that if a farmer has signed a Cooperator's Agreement, then they are not penalized if a District cannot get to their farm to devise a plan immediately.

Mr. Osborne asked if these approved plans are comprehensible enough that the farmer can and does actually follow these approved plans. Secretary Cawely answered that the farmers do believe in the merits of soil conservation.

Mr. Epstein asked if it would be helpful to add to the MOU that the Commission would periodically be apprised about how these plans are being developed and implemented by a report from the Department, to determine if progress was being made.

Mr. Adkins noted that the MOU is important in that SCWQ plans are helpful to the farming community, and the Commission should encourage and support this effort.

Vice-Chairman Price said that a Subcommittee would be reviewing the MOU and would report back to the Commission.

Vice-Chairman Price then asked Mr. Steve Holt and Mr. Ken Ropp, Waterway Improvement Program, DNR, to present the Cambridge State Marine Terminal project. Mr. Holt reported that the site is located in Cambridge Creek off the Choptank River in Dorchester County. He said that the project will be retrofitting to rehabilitate the existing facility for servicing and marine repair of State-owned boats. There will be a timber bulkhead replacement and installation of two timber pier sections at the ends of the existing timber piers.

Mr. Zahniser made a suggestion to use large gravel backfill to drain runoff from the boatyard repair area.

Mr. Adkins said that portions of the Cambridge Program were excluded from the Critical Area, and it should be checked to see if this project is in the excluded portions of the City.

Mr. Hickernell said that he would want the Commission to be kept informed as to the actions of DNR regarding this project, as it progresses to the design phase of development. Messrs. Holt and Ropp agreed to this.

Vice-Chairman Price asked Mr. Gutman, Panel Chairman, to report on the Natural Parks Study. Mr. Gutman reported that the Panel has decided that the Study is now complete and recommends it be professionally edited, as the Panel feels the text should be reduced in size. After editing, the Panel will again review the text.

A motion was made and seconded that in order to review the guideline document for Natural Parks, an editor be secured to make the current document more concise.

Vice-Chairman Price then asked Mr. Steele Phillips, Panel Chairman, to report on the Forest Management Panel meeting. Mr. Phillips reported that the Panel had met several times and found many problems with mapping and other issues. The Panel needs the opportunity to reconvene and continue working on these issues.

Vice-Chairman Price asked Mr. Zahniser, Panel Chairman, to report on the Marina and Boat Ramps Panel meeting. Mr. Zahniser reported that the Waterway Improvement Division of DNR submitted a proposal for general approval of a method for handling all of the permits for State projects concerning piers, bulkheads, etc. The Panel has met twice on this issue. The Panel had met with Mr. Ellsworth and he has agreed to work with the Panel, and that DNR will waive the 15-day and 60-day decision requirements of the Commission. The Panel is presently developing specific standards for construction of these various projects. There are two times when the project should be submitted to Commission staff: 1) when a site location is being considered; and 2) when engineering plans are developed. The Panel is working toward a general approval for most of these projects and that will relieve the Commission of a considerable work load.

Vice-Chairman Price then asked Mr. Ventre to report on Somerset County. Mr. Ventre reported that the County Commissioners requested Commission review of growth allocation for the Somerset Springs project. The Panel was now satisfied that they could make a review on the locational aspects of the request.

Mr. Raley asked if the request was for the Commission to review the County's process for allocating growth.

Mr. Ventre answered that the issue wasn't the process for counting growth allocation, but whether the Panel had sufficient information about the particular proposed development to review the growth allocation request. He said that in view of what had been submitted by the County to date, the Panel now feels that it has sufficient information to begin review.

Vice-Chairman Price added that the official position of the Commission is that the County does not have a Program, though the County feels it does. The question arises whether the Panel can approve the amendment of a Program that does not exist. The Commission had agreed to meet with the County to reconcile any

differences between the County's Program and the Commission's criteria. To date, these meetings have not taken place.

Mr. Adkins said that the problem was the change of staff at the Commission. Mr. Ventre is now trying to catch up and will be continuing with the meetings with the County and Panel.

Dr. Taylor suggested that by the Commission's April Meeting, the issues could be defined, and all that can be resolved at the staff level will be resolved.

Mr. Zahniser asked if the map amendment could be treated as an addendum or change to a Program submitted but not yet approved.

Mr. Epstein said that this was possible, if done within 30 days, but his hope is that the issue would be mooted by an agreement between the County and the Commission on the changes that would need to be made. So far, it seems that there is some agreement, so the issue of what it is they've come to the Commission with, and how the Commission needs to treat it, hopefully will be mooted within 30 days. If that's not the case, then Mr. Epstein recommended that the Commission take some action to treat it as a change to a submitted Program.

Mr. Zahniser said if it were a change, it would move forward, and when the Commission voted on the Program, it would be passed with the Program.

Mr. Epstein answered that, practically speaking, it doesn't matter what you call it, as long as the end result is some kind of a signal to the County as to what this Commission feels about that request.

Mr. Epstein said that if the Commission regarded this amendment as a change to a submitted, but as yet, unapproved Program, then the Commission has 30 days for review, but he hopes the issue would be resolved by then.

Mr. Zahniser asked if the growth allocation is figured on the County's process, and not the Commission's.

Vice-Chairman Price answered affirmatively.

Mr. Adkins said that the County's debiting system is unique, and the Commission has not previously dealt with growth allocation as it is presently being suggested by the County. The Commission should look at the way it has treated interim growth allocation awards in the past.

Dr. Krech said his concern was that the County growth-allocated acreage of this project does not accurately reflect the total amount of acreage that will be used for this development, and that that total amount needs to be counted.

Mr. Epstein reiterated that if the Commission does not believe the County to have a Program in place, then the Commission will need to treat this issue as if it were a change to a submitted Program which would give the Commission a 30-day review period. Upon request, he promised to give the matter more thought and get back to the Commission the next day with the results of more careful consideration on his part.

Mr. Gutman said that he strongly urges the Commission to make a decision on this application at the next Commission Meeting.

Vice-Chairman Price then asked Dr. Taylor to give the Commission a legislative status report. Dr. Taylor reported that HB 1045 - prohibiting Forest, Park, and Wildlife Service from charging a fee for the development of Forest Management Plans in the Critical Area, is being amended by Delegate Linton. The House Committee has not voted on the Bill as yet, but will be doing so soon.

SB 169 - Expanding the Critical Area, Senate Economic and Environmental Affairs Committee held a hearing on the Bill and will do so again later in the week, with the amendments included. Senator Malkus requested Commission presence.

SB 578 - Agricultural Use Assessment - the Commission has not taken a position.

SB 608 - Critical Area Land Preservation Foundation - A Foundation is to be put in place to award compensation for the loss in property value for those who must comply with the 1 du/20 acres density criteria. The Bill will be heard and voted upon later in the week.

HB 272 & SB 93 - to provide for replanting of trees cut in the Buffer. The Bill is being rewritten.

HB 156 & SB 191 - Pier Housing. The House had held a hearing.

Dr. Taylor asked Mr. David Carroll to report on HB 156 and SB 191. Mr. Carroll said that the Governor's Office would not support the Bill as it stands as a complete prohibition that would leave large piers to rot away in the Baltimore Harbor, but

believes that there are some viable alternatives for their use. The Governor's Office will support amendments to the Bill as follows:

- 1) that construction must be on a pier in existence before 1985;
- 2) that expansion of a pier greater than 20% of its area not be able to be carried out;
- 3) that it is approved by the local Planning and Zoning office;
- 4) that it be in an area designated IDA
- 5) that it allows public access, where appropriate.

Vice-Chairman Price asked what configuration constitutes a pier. Mr. Carroll answered any pier, wharf, dock, walkway, bulkhead, or other similar structure constructed on pilings to permit the unobstructed flow of the tide.

Vice-Chairman Price asked if there were any piers already identified for potential redevelopment. Mr. Carroll answered affirmatively.

Mr. Carroll said that when the amendments are included in the Bill, the Commission will receive a copy.

Mr. Osborne asked if Baltimore City had taken an active role in testifying in the Legislation? Mr. Carroll answered affirmatively, and that the City would like an amended Bill similar to the suggested amendments.

Mr. Epstein asked if the Bill would, as it now stands, preclude Baltimore City from using its currently proposed method of approving piers for development. Mr. Carroll answered affirmatively.

#### UNDER OLD BUSINESS

Vice-Chairman Price asked Mr. Davis to report on Queen Anne's County's Program. Mr. Davis said that he has met with the County to go over the language that modifies the Program, adding words to reflect the concern about industrial and commercial uses in the RCA. The institutional use issue, as stated in the Program, defers the appropriateness-of-use question to the Commission at the time of project submittal.

Mr. Bowling said that his understanding was the County agreed to bring each institutional use before the Commission, and the Commission would determine whether that use was appropriate.

Mr. Epstein said that the Commission should not serve as a super zoning board determining use in a County.

Mr. Osborne said that his understanding was in concord with Mr. Bowling, that the County would be willing to bring these issues back to the Commission for further discussion.

Mr. Osborne said that institutional use is such a grey area and that it is important for the Commission to discuss this issue and find a solution.

Mr. Perciasepe stated that his understanding was the Commission did not want to further delay the approval of the County's plan because it contained an issue that the Commission did not think could be readily resolved. He said that the County had agreed to work further on the language and bring it before the Commission.

Mr. Davis further reported that a process by which the County will be defining Buffer Exemption Areas is noted in the County's Program, giving the Commission a 30-day review period.

Vice-Chairman Price said that Mr. Davis is expecting more information from the County, and suggested continuing discussion of this issue at Thursday's Meeting.

Vice-Chairman Price asked Mr. Epstein to apprise the Commission of the Attorney General's opinion on the 90-day Program approval process. Mr. Epstein reported that the AG's central office had received the request and was developing the opinion at this time.

Mr. Epstein reported on the Kent County/Langford Farms lawsuit. He said that Judge Boyer has still not issued an opinion on the Commission's Motion to Dismiss. The case is thus still going forward and may get to trial.

There being no further business, the Meeting was brought to a close.

March 2, 1989

CHESAPEAKE BAY CRITICAL AREA COMMISSION

The meeting reconvened and was called to order by Vice-Chairman Price with the following Members in attendance:

Wallace Miller	Russell Blake
Victor Butanis	William Corkran
Shepard Krech, Jr.	Ronald Karasic
Ronald Hickernell	Samuel Bowling
Kathryn Langner	Thomas Osborne
William Bostian	Ronald Adkins
Ed Thomas for	Carolyn Watson for
Ronald Kreitner	Parris Glendening
James E. Gutman	G. Steele Phillips
Deputy Secretary Cade of DHCD	Robert Schoeplein of DEED
Secretary Cawley of DOA	

Vice-Chairman Price asked Dr. Taylor to report on the FY 90 Commission Budget. Dr. Taylor reported that the Commission has sustained a Budget cut in three areas. The Commission has normally had a total of \$1.4 - \$1.5 million that are distributed to the counties and the towns to help them develop and, now, implement Programs. The amount was reviewed by Budget and Fiscal Planning with the intent that these grants be cost-shared on a 50/50 basis. As a result, two categories of funds were created. One \$750,000 in general funds, not requiring a match. The Second category, special funds, have a limit on the attainment that can be reached. A total limit \$700,814 was placed in the special funds for local governments. Local jurisdictions more financially solvent than others, would contribute to the special fund, which would be shared with the jurisdictions that could not cost-share. The specifications of this idea are still being developed, but it appears as if there is only a total of \$750,000 to distribute among the 60 jurisdictions.

Dr. Taylor said that the cut also included the staff. In this year, four contractual planners, and two contractual secretaries were hired. Four of the contractual positions will have to be dropped in the beginning of FY 90, if the Commission cannot receive supplemental funding. The third category in which the Commission is affected is with the Geographic Information System. We have been providing State-match monies, in cash and in-kind services to federal monies that we receive from the Dept. of Commerce, Coastal Zone Program. For FY 90, the Coastal Zone Program has set aside another \$100,000 of federal funds to enable the Commission to continue the work with St. Mary's, Kent, and Cecil Counties on the mapping project. In FY 90, the Commission wants to expand that capability to Dorchester and Somerset Counties, and Baltimore City. She said that without additional supplemental funds, the Commission will not be able to match federal monies, and so the Commission will lose them.

In regard to the \$750,000, \$30,000 each, would be distributed to the 16 counties and Baltimore City. The decision was made that each county would receive one funded position. The towns would share the remainder of the money (about \$270,000). A circuit rider program would need to be developed. Dr. Taylor said that in the next week, she, Ed Thomas, Ron Kreitner, Mark Wasserman, and David Carroll will meet to see what can be done to keep the Critical Area Program moving forward. She said that supplemental funding had been requested.

Mr. Osborne said that he thought the mechanism described would be awkward, and given the controversial nature of the Critical Area Program, now was not the time to pull back funds. The Commission had been hesitant to see the Program revised, and changed, and lose its strength, and it was poor timing to try to pull back the monies. He said the Commission should take a position that it feels this action is inappropriate, and its important now, in the implementation stage, that the Commission continue with the kind of commitment it began with several years ago.

Mr. Bostian said that he completely agreed with Mr. Osborne and wanted to add that in the early stages of the Critical Area Program, the Commission informed the jurisdictions that the Commission would be assisting them in the development and the implementation of their Programs, either by way of funding, or by providing the expertise they would require. To now inform the jurisdictions that the Commission does not have the money to do this would encourage them to feel that the Program won't have to move forward, and that was not the attitude the Commission wanted to encourage.

Mr. Miller said that many of the smaller jurisdictions feel that they have already been put upon, and this was just adding to it. He said that local governments will be reluctant to contribute more of their funds to the effort if the State continues to back out.

It was asked how this funding cut came to be.

Dr. Taylor explained that in 1988, five jurisdictions did not spend all of their allocated funding. By the time the Commission was informed, it was too late to reprogram, so in the books, there was a several hundred-thousand dollar carry-over. All of the rest of the jurisdictions have spent all of the money they had requested. She said that this was probably the reason that Budget and Fiscal Planning, in looking at the track record, thought that in 1990, the Commission did not need the amount of

funding it had previously received for these jurisdictions.

Dr. Taylor said that secondly, there was the assumption that local jurisdictions were not contributing to the Critical Area Program. She stated that almost every jurisdiction that can contribute to the local Program does so and that this totals \$1.3 million.

Mr. Schoepflein asked Dr. Taylor what the status of the staff would be if the cut was made. Dr. Taylor answered that there would be five planners remaining.

A motion was made and seconded that it be made known that the Commission is opposed to cuts in the budget, and that an alternative funding arrangement should be sought.

Mr. Gutman suggested that the consequences of the budget cut should be clearly stated, so that whoever reviews this budget would know exactly what will be lost if this cut was enacted.

Mr. Phillips said that the Dorchester County Commissioners have said from the beginning that without the necessary funding, they cannot administer and enforce the Program.

Mr. Bowling said that to impose a further workload on the staff and then to cut the budget doesn't make any sense.

A call for the question was requested, the vote was taken as 14 in favor with 3 abstentions (cabinet officials present).

Vice-Chairman Price said that Dr. Taylor would prepare correspondence with the motion and background material to be submitted.

Mr. David Carroll of Governor's Office, summarized the 2020 Report, Bay Initiatives and the role it would play in management of resources in the future. He explained that a panel of experts from Virginia, Pennsylvania, Washington, D. C., and the Chesapeake Bay Commission, met to look at development to the year 2020, and where development has been in Maryland in the Chesapeake Bay watershed. He discussed the substantial land use, transportation, and water quality problems that were projected.

Vice-Chairman Price asked why the Critical Area Commission was not mentioned in the report. Mr. Carroll answered that the report was to apply to the entire State, and detailed efforts were not mentioned.

Vice-Chairman Price introduced the Honorable John C. North, II, the designated Commission Chairman. His Honor said that he was pleased to be present that day to meet everyone. His Honor informed the Commission that his workload at the courthouse in Easton, was such as to keep him from assuming the duties of the Chairman of the Commission for possibly another month, but that he hoped he could complete his present tasks by the end of March. He said that he had a great affinity for the Bay and had been aware of its decline in recent years, so that he was very anxious to assist in its revitalization, and begin his work with the Commission. He said that he felt the most important goal was to judge fairly and see that the responsibilities of the Commission are discharged in ways that include the interest and rights of all concerned with the Bay, and that he was looking forward to working with the Commission.

The Commission then was divided into three subcommittee groups to organize and formulate strategies for handling future Commission tasks and responsibilities.

After meeting, each subcommittee reported on the tasks that it felt were first priorities, and how these tasks would be accomplished.

Mr. Bowling was chosen as Chairman of the Subcommittee for Review of State and Local Projects. Mr. Karasic was chosen as Chairman of the Program Amendments and Implementation Subcommittee. Mr. Gutman was chosen as the Chairman for the Special Issues Subcommittee. Each Chairman reported on the schedule for its meetings, and explained what the priorities and goals would be and the plan of action for those activities.

#### UNDER OLD BUSINESS

Vice-Chairman Price asked Mr. Epstein to report on Somerset County's Growth Allocation issue. Mr. Epstein reported that after having reviewed the situation, his conclusion was that there would not be a need to specify the number of days for the Commission's review period, and that the 30-day period he'd mentioned the previous day, was inappropriate in this circumstance. If the Commission chooses to use 90 day's time, that would be acceptable.

Mr. Hickernell said that the 30-day review period was chosen as a requirement period in which the Commission should act. He said that he felt it would be more advantageous to the County and the Commission to allow more time for review.

Mr. Adkins said that the only request by the County would be that the Commission review period not extend beyond the 90-day time frame.

Vice-Chairman Price asked Mr. Davis to report on Queen Anne's County Program. Mr. Davis reported that he had received the revised Program on the previous day, from the consultants for the County, Redman/Johnston Assoc. He said that the County had listed land uses not permitted or strictly limited within RCAs. To the list was added "new commercial or industrial uses as defined in Queen Anne's County Zoning Ordinance". In addition, institutional uses in RCAs shall be submitted to the Commission for review and be subject to the interpretation of whether or not the use constitutes an industrial or commercial use under the provisions of the criteria.

Vice-Chairman Price said that he was comfortable with the new language that states the County won't take action without the Commission's approval.

Mr. Davis said that he reviewed the document and found it to include all of the other requested changes. Certain procedural aspects of the Buffer Exemption process remains to be discussed with the County and the Panel. He said that he still needs to discuss with the County Planner, the appropriateness of some Buffer Exemption Areas.

Mr. Epstein stated that the Commission should realize that this Program is different from other Programs in that the County itself, will decide where the Buffer Exemption Areas will be, with only the advice of the Commission.

Vice-Chairman Price then asked Mr. Davis to report on Talbot County's Program. Mr. Davis reported that the panel suggested that there are two issues to be considered: 1) clarification of controls on the 15% imperviousness limit; and 2) growth allocation procedures and, particularly, allocation of a full 5%. The County does not encourage LDA to increase to IDA based on Commission policy. Consequently, the County does not plan to use most of its second  $2\frac{1}{2}\%$  for those types of conversions. Mr. Davis said that the County has requested to use it within RCAs next to existing LDAs or IDAs. The Commission should decide this issue by the next Commission Meeting.

Critical Area Commission  
Minutes - 3/2/89  
Page Six

Mr. Adkins asked if the County has an overlay zone? Mr. Davis answered that the County had revised its zoning ordinance. Its new zones are subsets of the IDA, LDA, RCA land classifications. These classes are cross-referenced in the proposed Program.

Mr. Gutman asked what issues are yet unresolved. Mr. Davis answered that the Commission must make a decision whether the Program should include commitments about the second  $2\frac{1}{2}$  when the County hasn't used its first  $2\frac{1}{2}$ .

There being no further business, the Meeting was adjourned.



3.6.86

JUDGE SOLOMON LISS  
CHAIRMAN

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

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

- Thomas Osborne  
Anne Arundel Co.
- James E. Gutman  
Anne Arundel Co.
- Ronald Karasic  
Baltimore City
- Albert W. Zahniser  
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.

To: Mark Bundy  
Chesapeake Bay Special Projects

From: Sarah J. Taylor, Executive Director  
Chesapeake Bay Critical Area Commission

Re: Summary-Accomplishments of Chesapeake Bay  
Critical Area Commission for Bay Program

Since May 13, 1986, the date when the criteria took effect, the Commission:

1. has held 60 hearings in the affected jurisdictions pursuant to Section 8-1809 of the Critical Area Law;
2. has approved 44 programs and has approved 5 exclusions from the Chesapeake Bay Critical Area Program. There are 11 programs that still need to receive final approval from the Commission. They are: St. Mary's Co., Worcester Co., Wicomico Co., Charles Co., and Caroline Co., as well as Snow Hill, Sailsbury, Sharptown, Mardella Sprins, Church Hill, and North Beach.
3. has promulgated regulations identifying those classes of applications for project approval at the local level pursuant to Section 8-1811 of the Law.
4. has promulgated regulations pursuant to Section 8-1814 of the Law, for state and local agency proposals which are not subject to review by local jurisdictions under their approval programs, but which we subject to Commission review and are not subject to review by the local jurisdictions under their approval programs, but which we subject to Commission review and approval.

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

Memo  
Page 2  
February 28, 1989

5. has completed six guidance documents on the criteria including
  - a) Guidebook for Application of the Criteria;
  - b) Guidebook on Transferable Development Rights;
  - c) Guidebook on Non-tidal Wetlands;
  - d) Guidebook on Application of the 10% Stormwater Management Criterion.
  - e) Guidebook on Forest Interior Dwelling Birds.
  - f) Guidance Paper on the Counting of Growth Allocation
6. has completed studies:
  - a) Analysis on the 1 Dwelling Unit per 20 acres criterion; and
  - b) Economic Baseline and Impact of the Criteria.
7. has reviewed 351 local project submittals from 16 jurisdictions and approved 27 State agency projects.
8. has approved 20 local government program amendments and denied two.

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

3/2/85

SUBCOMMITTEE FOR SPECIAL ISSUES

- \* interpret the criteria ( uses the Commission wanted to see for the RCA).
- \* develop policies for Commission vote
  - septic
  - expanding the 1000 foot boundary
  - excluding portions of preliminary planning areas
- \* develop regulations for Commission vote:
  - Oil and Gas Exploration
- \* comment on Legislation as it arises and prepare for Commission position
- \* review criteria for changes and additions
  - 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
- \* assess need for special studies

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

3/2/89

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

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
- Dawn McCleary
- "Wally" Alade and staff

MEMORANDUM OF UNDERSTANDING

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.

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

4. Provisions requiring a Forest Management Plan for farms which harvest timber.

#### 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.

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.

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

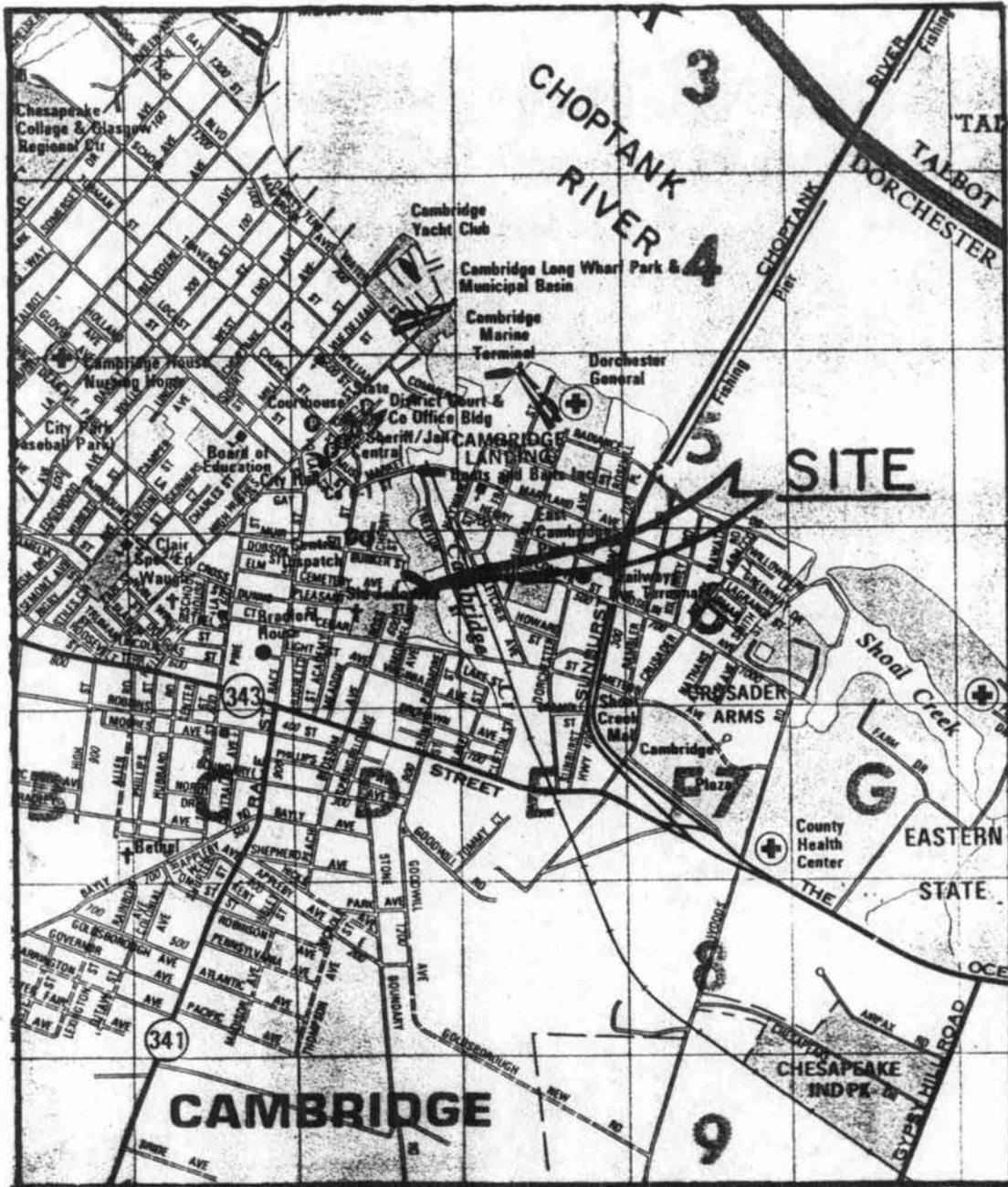
A. Timber Bulkhead Replacement

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 this proposal 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

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

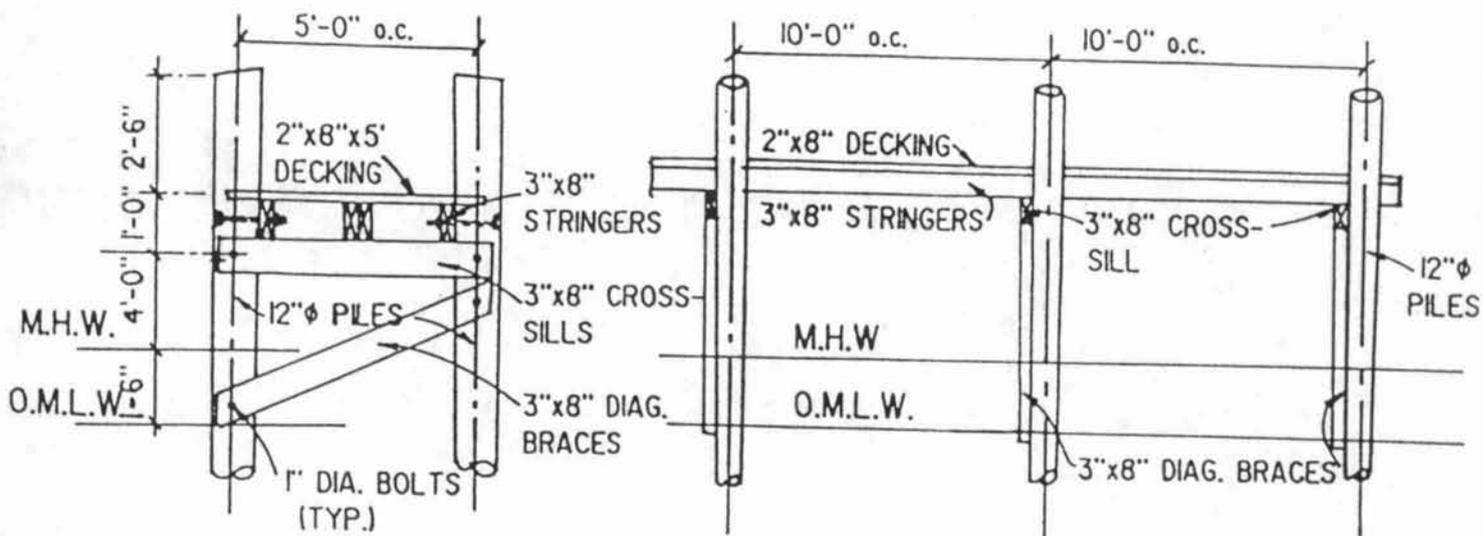
For Tidal Waters, please submit one copy of the application to:

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:

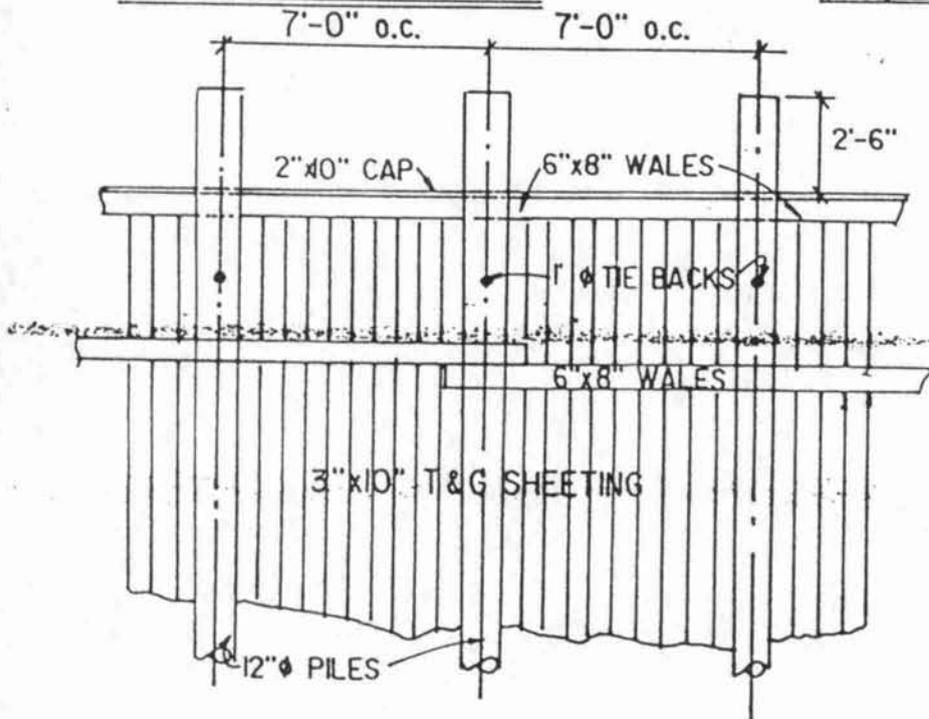
Waterway Permits Division  
Water Resources Administration  
Tawes State Office Building D-2  
Taylor Avenue  
Annapolis, Maryland 21401  
(301) 974-2265



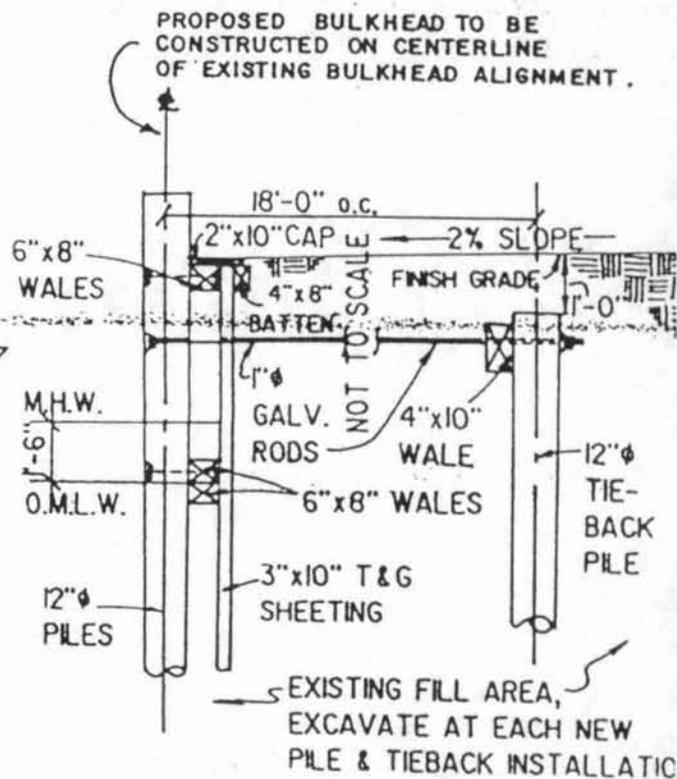


END PIER SECTION: I"=40'-0"

SIDE PIER ELEVATION: I"=60'-0"



TIMBER BULKHEAD ELEVATION  
I"=50'-0"



BULKHEAD SIDE PROFILE: I"=40'-0"

PURPOSE: STATE MARINE MAINTENANCE  
FACILITY RESTORATION

ADJACENT PROPERTY OWNERS:

- ① ANNA E. RUSSELL
- ② MUR CORP c/o HERMAN J. STEVENS
- ③ CAMBIDGE CEMETERY
- ④ JAMES WHEATLEY

## DETAILS

SCALE AS NOTED

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

## PROPOSED TIMBER BULKHEAD & TIMBER PIER ADDITIONS

IN CAMBRIDGE CREEK

COUNTY: DORCHESTER COUNTY

CITY OF CAMBRIDGE

STATE: MARYLAND

APPLICATION BY: DEPT. OF NATURAL RESOURCES  
BOATING ADMINISTRATION  
WATERWAY IMPROVEMENT PRO

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.



3.5 Copies

JUDGE SOLOMON LISS  
CHAIRMAN

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

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

- Thomas Osborne  
Anne Arundel Co.
- James E. Gutman  
Anne Arundel Co.
- Ronald Karasic  
Baltimore City
- Albert W. Zahniser  
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.

To: Mark Bundy  
Chesapeake Bay Special Projects

From: Sarah J. Taylor, Executive Director  
Chesapeake Bay Critical Area Commission

Re: Summary-Accomplishments of Chesapeake Bay  
Critical Area Commission for Bay Program

Since May 13, 1986, the date when the criteria took effect, the Commission:

1. has held 60 hearings in the affected jurisdictions pursuant to Section 8-1809 of the Critical Area Law;
2. has approved 44 programs and has approved 5 exclusions from the Chesapeake Bay Critical Area Program. There are 11 programs that still need to receive final approval from the Commission. They are: St. Mary's Co., Worcester Co., Wicomico Co., Charles Co., and Caroline Co., as well as Snow Hill, Sailsbury, Sharptown, Mardella Sprins, Church Hill, and North Beach.
3. has promulgated regulations identifying those classes of applications for project approval at the local level pursuant to Section 8-1811 of the Law.
4. has promulgated regulations pursuant to Section 8-1814 of the Law, for state and local agency proposals which are not subject to review by local jurisdictions under their approval programs, but which we subject to Commission review and are not subject to review by the local jurisdictions under their approval programs, but which we subject to Commission review and approval.

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

Memo  
Page 2  
February 28, 1989

5. has completed six guidance documents on the criteria including
  - a) Guidebook for Application of the Criteria;
  - b) Guidebook on Transferable Development Rights;
  - c) Guidebook on Non-tidal Wetlands;
  - d) Guidebook on Application of the 10% Stormwater Management Criterion.
  - e) Guidebook on Forest Interior Dwelling Birds.
  - f) Guidance Paper on the Counting of Growth Allocation
6. has completed studies:
  - a) Analysis on the 1 Dwelling Unit per 20 acres criterion; and
  - b) Economic Baseline and Impact of the Criteria.
7. has reviewed 351 local project submittals from 16 jurisdictions and approved 27 State agency projects.
8. has approved 20 local government program amendments and denied two.



JUDGE SOLOMON LISS  
CHAIRMAN

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

SARAH J. TAYLOR, PhD  
EXECUTIVE DIRECTOR

COMMISSIONERS

- Thomas Osborne  
Anne Arundel Co.
- James E. Gutman  
Anne Arundel Co.
- Ronald Karasic  
Baltimore City
- Albert W. Zahniser  
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.

MEMORANDUM:

TO: Critical Area Commission Members

FROM: Tera Lisa Harnish

DATE: April 20, 1989

SUBJ: Subcommittee and Panel meetings  
scheduled for May 3, 1989.

PLACE: West Garrett Place, Suite 320  
275 West Street, Annapolis, MD

The following is a list of Subcommittee and Panel meeting scheduled for May 3, 1989, before the Commission meeting.

9:30 - 11:30  
(Chairman's Office)

PROGRAM AMENDMENT SUBCOMMITTEE:

Ronald Karasic, Ch., Ronald Adkins, Shepard Krech, Wallace Miller, Ronald Kreitner, Ronald Hickernell, and J. Frank Raley, Jr.

9:30 - 11:30  
(Conference Room)

PROJECT SUBCOMMITTEE:

Kathryn Langner, Ch., Samuel Bowling, William Corkran, Jr., Thomas Jarvis, G. Steele Phillips, Russell Blake, Thomas Osborne, Ardath Cade, and Robert Schoeplein.

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

9:30 - 11:30  
(Executive Director's  
Office)

SPECIAL ISSUES SUBCOMMITTEE:

James E. Gutman, Ch., William Bostain, Parris Glendening, Robert Perciasepe, Robert Price, Jr., Albert (Skip) Zahniser, Torrey Brown, and Wayne Cawley.

11:30 - 11:45

DORCHESTER CO. PANEL: (Growth Allocation)

(Conference Room)

Robert Schoeplein, Ch., Shepard Krech,  
William Bostain, Ronald Kreitner,  
Samuel Bowling, and Robert Price, Jr.

12:00 - 12:30

KENT CO. PANEL: (Text Amendments)

(Chairman's Office)

Victor Butanis, Ch., Torrey Brown,  
James E. Gutman, Ronald Karasic,  
Kathryn Langner, William Corkran,  
and Thomas Jarvis.