

Commission meetings & corresp.

Aug 1989

MSA - 51832-61



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

COMMISSIONERS

Thomas Osborne
Anne Arundel Co.

James E. Gutman
Anne Arundel Co.

Ronald Karasic
Baltimore City

Ronald Hickernell
Baltimore Co.

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.

William Corkran, Jr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

July 19, 1989

Dear Commission Member:

The regular monthly Meeting of the Critical Area Commission will be held on August 2nd, 1989, at the Commission Office, 275 West Street, Annapolis. A copy of the Agenda for the Meeting and Minutes of the Meeting of July 5th are enclosed.

Mr. Hal Kassoff, Administrator, State Highway Administration, will be the guest speaker. He will review the various types of projects, describe the project development and planning process through the construction phase and describe the enforcement of State Highway construction design specifications. In the past, the Commission has had many questions with respect to this process. This Meeting should afford ample opportunity to ask these questions and to provide comments to Mr. Kassoff.

Also enclosed is a schedule for Subcommittee and Program Panel meetings. I look forward to seeing you on August 2nd.

Sincerely,

Judge John C. North, II
Chairman

CABINET MEMBERS

JCN/jjd

Wayne A. Cawley, Jr.
Agriculture

Enclosures

Robert Schoeplein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

Ronald Kreitner
Planning

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

275 West Street
Suite 320
Annapolis, Maryland

August 2, 1989

1:00 - 5:00 p.m.

1:00 - 1:10 Approval of the Minutes
of July 5, 1989

ok

John C. North, II
Chairman

1:10 - 2:15 Program Review & Amendment

Somerset County
Update & Discussion

** letter sent + distributed*

Robert Price, Ch./
Tom Ventre/Panel

Tom Daming O.K'd the letter.

St. Mary's County Program
Update & Discussion

** update on g.a. problems*

James Gutman, Ch./
Ren Serey/Panel

Vote on Baltimore Co.
Amendment

** O.K. unan.*

Bob Perciasepe, Ch./
Anne Hairston/Panel

Hold until Bob comes

Vote on Kent County
Amendment

done

** Comments sent back*

John C. North, II
Chairman, Pat Pudelkewicz/Panel

Victor Butanis

Vote on St. Michael's
Program Amendment

done

** O.K. amend. approved Sept Mtg.*

John C. North, II
Chairman, Pat Pudelkewicz/Panel

Vote on Town of Oxford
Program Amendment

Sept Mtg.

John C. North, II
Chairman/Abi Rome

Hold for a telephone call.

Vote on Town of Snow Hill
Program

done

** O.K. unanimous*

Kathryn Langner, Ch./
Sarah Taylor

Vote on Caroline County
Program

Victor Butanis, Ch./
Sarah Taylor

2:30 - 3:00 Project Evaluation

Vote

Dorchester Co. - G.A. Residential S.D. 4 acres lots

Tom Ventre / Robert Price Acting Ch.

Vote on Waterfowl
Enhancement Project, DNR
(Handy Property, Somerset
County)

done

ok unan.

Kathryn Langner, Ch./
Samuel Bowling, Ch./
Dawn McCleary

Vote on Stemmer's Run
Boat Facility, DNR
(Cecil County)

done

ok unan.

Kathryn Langner, Ch./
Samuel Bowling, Ch./
Abi Rome

Hal Kessoff needs to have his presentation moved up to 2:15 from 3:00.

Vote (Possibly) on Light Rail Project for Baltimore City and Anne Arundel Co. (Awaiting consistency determination)

Kathryn Langner, Ch.
Samuel Bowling, Ch./
Dawnn McCleary

Sept

*MO
Vote.
Lee
advised
to wait
until Balt Co
Part completed*

Presentation and Vote on St. Mary's College-Montgomery Hall - *Fine Arts Bldg.*

Kathryn Langner, Ch./
Samuel Bowling, Ch./
Pat Pudelkewicz

done

PRESENTATION

3:00 - 4:00

Project Development and Enforcement Within State Highway Administration

Mr. Hal Kassoff,
SHA *Mr. Ed Stein*
Mr. Charlie Adams, Landscapa

4:00 - 4:30

Policies & MOUs

Update - Amendments Procedure and Other Subcommittee Work

Cynthia Simpson, ash, Envt Review
~~Pat Pudelkewicz~~
Larry Duket

Update - Special Issues

James Gutman, Ch./
Sarah Taylor

Update - Project Evaluation

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

4:30 - 5:00

Update - Geographic Information System

Dr. O'wole Alade

*(Sept mtg.)
It is O.K.
with that.*

5:00 - 5:30

New Business
Old Business

*- Tickets for the Ball.
P.G. Co. -
Farm Plan.*

John C. North, II
Chairman

Next Meeting:

September 6, 1989, Patterson Farm and Museum, Calvert County 1:00 p.m.

map to parking area.

SUBCOMMITTEE MEETINGS

- 9:30 - 10:30 Panel for the MOU with Dept. of Transportation
James Gutman, Sam Bowling, Skip Zahniser, Shepard Krech, Bill Corkran, Bob Perciasepe
- 9:30 - 11:30 Project Evaluation Subcommittee
Kay Langner, Sam Bowling, Bill Corkran, Tom Jarvis, Steele Phillips, Russell Blake, Ardath Cade, Bob Schoeplein, Louise Lawrence
- 10:30 - 11:30 Special Issues Subcommittee
James Gutman, Bill Bostian, Parris Glendening, Bob Perciasepe, Bob Price, Skip Zahniser, Torrey Brown, Wayne Cawley
Program Amendments Subcommittee
Ron Karasic, Ron Adkins, Shepard Krech, Ron Kreitner, Ron Hickernell, J. Frank Raley, Tom Osborne, Victor Butanis, Larry Duket
- 11:30 - 12:00 Snow Hill Panel
Kay Langner, Bill Bostian, Ron Adkins, Russell Blake
- 12:00 - 12:30 Caroline County Panel
Vic Butanis, Ron Karasic, Tom Jarvis, Wayne Cawley, Bob Price

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
July 5, 1989

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

J. Frank Raley, Jr.	Albert Zahniser
Victor Butanis	Ronald Hickernell
James E. Gutman	Thomas Jarvis
G. Steele Phillips	William Corkran
Samuel Bowling	Russell Blake
Robert Price, Jr.	Kathryn Langner
Carolyn Watson for Parris Glendening	Louise Lawrence for Secretary Cawley
Robert Schoeplein of DEED	Torrey Brown of DNR
Ronald Kreitner of OPP	

Chairman North acknowledged the presence of President Alexander Raisin of the Kent County Commissioners.

The Minutes of the Meeting of June 7th were approved as written.

Chairman North asked Dr. Kevin Sullivan to present and distribute the draft work on the "Chesapeake Bay Critical Area Commission Criteria and Program Development Activities". He asked that the Commission review this work and submit to him any comments or suggestions.

Chairman North commended Dr. Sullivan for the task that he had accomplished. Mr. Epstein pointed out that the work includes an index to the Commission's activities by topic, actions during the hearings, certain issues that the Commission dealt with over the years, as well as legal opinions.

Chairman North asked Mr. Tom Ventre to present an update of Somerset County Program. Mr. Ventre reported that there were seven outstanding issues that needed resolution. Six of these issues have all but been resolved. He said that concerning the one remaining issue regarding growth allocation there appears to be an impasse. The County's Program proposes a development pad up to a certain size as the area to be deducted in the calculation of growth allocation. The balance of the parcel beyond this pad would not be developed. He said that this was counter to the Commission's view of its criteria. Mr. Ventre said that his suggestion would be to send the County correspondence that the issue must now be resolved.

Chairman North reported that a meeting had been held comprising himself, Secretary Brown, Tom Ventre, Tom Deming,

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Sarah Taylor, and Robert Price. It was concluded at that meeting, that the matter had gone beyond staff capability to handle and that correspondence should be sent.

Mr. Gutman suggested that if the issues concerning Somerst County were similar to those problems concerning St. Mary's County, perhaps the staff and Panel of both should meet to resolve the differences.

Mr. Raley suggested that since St. Mary's County is moving forward toward a resolution, it would not be helpful now to combine the two factions as the issues are dissimilar.

Mr. Ventre said that both counties' issues concerned growth allocation, but the two counties are proposing different methods of counting it.

Mr. Zahniser said that these two issues will set a precedent, and that they should be handled similarly by the Commission to ensure consistency.

Chairman North asked Mr. Serey to explain the difficulty concerning St. Mary's County. Mr. Serey explained that the County is proposing to deduct growth allocation in three different ways. He said that one process would be for large projects, another would be for minor lots, and the third for single lot subdivision. He then described the method that the County was proposing. Mr. Serey said that the Panel will continue to meet to resolve this issue with the voluntary assistance of Dr. Sullivan.

Mr. Hickernell said that the substantial difference between the two Counties was in the stage of the process. He said that the dialogue between the Commission and Somerset County was indeed at an impasse and further discussion would not be effective; however, the dialogue with St. Mary's County continues to prove helpful and he, therefore, suggested that the Commission give the staff and County more time to continue discussion.

Chairman North asked Mr. Serey if a time frame for resolution was known. Mr. Serey said that the County Commissioners would hold a public hearing in the middle of August. The staff and Panel would meet before this and would provide some recommendations.

Secretary Brown suggested that St. Marys's County have the opportunity to read the letter that the Commission will send to Somerset County. Chairman North concurred.

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Chairman North asked Ms. Anne Hairston to report on Baltimore County's Program amendment. Ms. Hairston reported that the amendment concerns the County's establishment of its procedure to apply growth allocation. The Panel had held its hearing on June 27th. There was no opposition to the amendment, but it was felt that there was not enough opportunity for public comment. The Panel suggested extending the period for written public comment for two more weeks.

A motion was made and seconded that the period for written public comment addressing Baltimore County's Program amendment be extended for two weeks until July 22nd. The vote was unanimously in favor.

Chairman North then asked Ms. Pat Pudelkewicz to report on Kent County's amendment status. Ms. Pudelkewicz reported that a joint hearing was held by the Panel with the Kent County Commissioners on the County's new zoning ordinance. She said that the staff and Mr. Epstein have reviewed the ordinance and that comments will be forthcoming. A tentative Panel meeting was scheduled for July 20th to review those comments and a vote is anticipated at the August Commission meeting.

Ms. Pudelkewicz said that there had been a concern raised as to what was to be considered by the Commission as the County's formal submittal date. She said that she and Mr. Epstein, after discussion, decided that June 22 would be designated as the submittal date, as that was the public hearing date of the elected body of officials.

Kent county Commissioner Raisin then commented that the date was not important to decide as the County had only submitted a draft ordinance which it expected to revise before formal submission to the Commission. Mr. Epstein asked, to clarify, whether Mr. Raisin was saying that the County had not yet submitted its proposal, and Mr. Raisin confirmed that was the case.

Chairman North then chose Panels for the Towns of St. Michael's and Oxford as follows:

Shepard Krech, Bill Corkran, Bob Perciasepe, Tom Jarvis and Judge North for St. Michael's. Sam Bowling, James Gutman, Bob Schoepflein, Louise Lawrence, Frank Raley, and Ron Kreitner as a possible substitute, for Oxford.

Chairman North then asked Ms. Rome to report on the project for Lake Conoy Floating Piers at Pt. Lookout State Park, St. Mary's County. Ms. Rome reported that this was a State project

on State lands at Pt. Lookout. The project would be to replace an existing 150-ft. pier and to install an additional 321 feet. The existing 200-ft. pier was to be extended with two L-shaped sections that are 80 x 40 feet in length. A new 160-ft. pier was proposed. An 80ft. x 10-ft. gravel pull-off area, a 300-ft. gravel walkway, and a 39-ft. timber catwalk are to be installed. The project will transfer floating pier sections from Somers Cove Marina, Crisfield, to Pt. Lookout. Ms. Rome said that the Subcommittee met to review and discuss this project, and recommended approval.

Mr. Bowling concurred that the improvements were badly needed as the facility is well-used.

A motion was made and seconded that the Commission approve the State project for Lake Conoy Floating Piers at Pt. Lookout State Park, St. Mary's County. The vote was unanimously in favor.

Chairman North asked Mr. Joseph Romanowki, Project Coordinator for the Central Light Rail Line, to present the project proposed for construction in Baltimore City and Anne Arundel County. Mr. Romanowski explained the design of the project and that the project would not adversely impact wetlands or any lands within the Critical Area.

Mr. Gutman asked if the work would involve grading or disturbance of existing topography. Mr. Romanowski answered affirmatively.

Mr. Gutman asked what measures would be taken so that there would not be any erosion from those sites. Mr. Romanowski answered that the Department of the Environment is being consulted in terms of sediment and soil erosion control requirements. The majority of the grading would be done on the existing corridor, removing old ballast and replacing it with new ballast. He said that areas that would be changed the most would be in Baltimore City and that construction of parking lots and stations would be the only impervious construction added.

Mr. Gutman then asked if any grading and sediment plans were prepared for any jurisdiction and were they a part of the package submitted to the Commission. Mr. Romanowski answered that the plans had been prepared but not submitted to the Commission, but could be made available upon request.

Mr. Gutman expressed his concern that the impacts that may occur should be examined by the staff to ensure that the necessary protection is being provided.

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Ms. McCleary explained that the only consideration at this time by the Commission, would be whether the project was to be classified as a major development. The staff was still in the process of reviewing the environmental impacts of the project.

Ms. Nancy Kelly of Coastal Resources, Inc., explained the Baltimore City Critical Area impact. She said that area through which the track would run was mostly developed. She said that approximately seven acres of the City would be impacted by construction and showed where those areas were located.

A motion was made and seconded that the Commission recognize the Central Light Rail Line project in Baltimore City and Anne Arundel County as a "major development" COMAR 14.19.04.01. The vote was unanimously in favor.

Chairman North asked Mr. Larry Duket to report on Giles Landing Subdivision in Wicomico County. Mr. Duket reported that the Department of State Planning's intervention had been requested. The site contained a riparian forest located on Quantico Creek. He said that the County did not make findings required by §8-1813, and that there was a legal issue as to whether the appeals process complies with State Planning's zoning law. State Planning's Assistant Attorney General was moving forward to file motions to intervene asking that the project be remanded to the Planning Commission so that the environmental issues can be dealt with.

;Chairman North explained that the Commission received a letter from the Chairman of the Worcester Environmental Trust at Snow Hill, which enclosed an article from the Daily Times concerning Giles Landing. The letter stated that 115 acres of the 130-acre parcel were in RCA along a tidal portion of Quantico Creek. The letter further stated that proposed Giles Landing development was not water-dependent and would destroy valuable needed and diminishing habitat on the Lower Eastern Shore. It is an important staging area for Snow Geese. Runoff from the development and its future roads and residences would adversely affect water quality in the Creek impacting submerged aquatic vegetation and other living resources. Presently the area was woodland and farmland.

Mr. Kreitner commented that the basis for intervention was to assure that interim findings be made which had not been made prior to approval of the application.

A motion was made and seconded that the Commission support the intervention of the Maryland Office of Planning. The vote was unanimously in favor.

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Chairman North asked Ms. Louise Lawrence to report on the MOU with the Department of Agriculture. Ms. Lawrence said that she had been working with Commission staff to amend portions of the MOU. The most substantial changes that have taken place concerning what the Department agrees to contains language as to how the Department would report and track progress in the Critical Area through the Soil Conservation Districts. Also, the Department will help the Commission to evaluate the Department's program by annually offering a field review of some of the projects. She said that the other change concerned what all parties agree to and relates to any changes that might have to occur with the process as it develops and allows the process of amending and modifying the memorandum in the future. She said that the General Approval document was still being modified and would hopefully be ready for Commission review by August.

A motion was made and seconded that the Commission approve the Memorandum of Understanding between the Department of Agriculture and the Chesapeake Bay Critical Area Commission. The vote was unanimously in favor.

Chairman North then asked Mr. Gutman to report on the policy on Shared Facilities. Mr. Gutman reported that during the last Subcommittee meeting, almost all of the elements concerning this policy have been resolved and the final draft had been prepared and distributed.

He reported that the Subcommittee was continuing discussion of uses in RCA and all issues concerning that topic have not been resolved, but hopefully would be by the next Commission meeting.

He reported that concerning the issue of expansion beyond the 1,000-foot line, there were still some difficulties remaining.

A motion was made and seconded that the Commission approve the final policy on Shared Facilities for the Limited Development and Resource Conservation Areas. The vote was unanimously in favor.

Chairman North reported that a discussion was held between Mr. Gutman and he, concerning the activities of the Department of Transportation in building roads and not providing for sediment control. He asked Mr. Gutman to explain to the Commission his concerns.

Mr. Gutman explained that from State Highway projects, particularly along Route 50, there has been enormous soil loss ~~at the headwaters of~~ many creeks and rivers. He said that
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although there are laws concerning sediment control, and enforcement capability of the Department of the Environment to ensure that plans are followed, there remains evidence of and significant on-going violations. He said that the Critical Area Law gives the Commission authority over development in the Critical Area, such as the projects of the State Highway Administration, and the Commission has a responsibility to protect the headwaters of these creeks, notwithstanding that which belongs to the Department of the Environment.

He said that although at this time, there was a draft of an MOU between the Commission and the Department of Transportation, there needs to be careful additional attention paid to the work of the State Highway Administration and how this could be incorporated in the MOU. Mr. Gutman said that his suggestion to the Chairman was to create a panel that would specifically review State Highway projects in the Critical Area.

Mr. Blake asked if the problem was that there were adequate laws in existence but were not being enforced. Mr. Gutman answered that that was part of the problem, and that the Commission needs to intervene as much as possible for the enforcement of those existing laws as this concern involves the Commission.

Mr. Epstein asked how this proposal would involve the time frame concerning the MOU, or for submittal of DOT projects before the Commission.

Dr. Taylor answered that the Commission had received and reviewed all of the projects being proposed by DOT, which included all State Highway, State Aviation, Mass Transit, and Maryland Port Administration projects. In review of those projects, it had been ascertained that approximately 40 or 50 out of approximately 100 proposed projects are in some form or other in the Critical Area. She said that the staff's intention was to contact the Department of Transportation with a listing of those projects to inform DOT that the Commission desires to review them.

She said that the MOU has been under development for approximately over one year, and after his review, Mr. Gutman had discovered that the MOU was lacking in clarity.

Mr. Hickernell asked in what way State Highway was responsible for the present condition of those creeks suffering from runoff of its projects.

Mr. Gutman answered that one of the problems was the attitude of State Highway as to what its priorities are and what

its responsibility was, coupled with the belief that one-time only enforcement or protection was necessary and follow-up precautions were not required.

Chairman North answered that a State Highway representative was asked to join the next Commission meeting to answer any questions from the Commission.

Chairman North then chose the Panel to review State Highway projects as follows: Sam Bowling, Skip Zahniser, and Bill Corkran, and Bob Perciasepe and Shepard Krech would be added when they are informed and show agreement to having been chosen.

Chairman North asked Mr. Bowling to report on the activities of the Project Evaluation Subcommittee. Mr. Bowling reported that a presentation had been made to the Subcommittee on the Lady Maryland Foundation Marine Institute, the National Aquarium, and the Christopher Columbus Centre. These projects are all proposing education as a substitute for the Buffer mitigation. Neither project sponsor wants to have to pay the enormous mitigation sums for encroaching in the Buffer. All proposers believe in the substitution of education for achieving water quality improvement and habitat. While it appears to be approved in COMAR, the Subcommittee requested Mr. Epstein to review this before submittal to the full Commission. Mr. Bowling said that this was the first time where education was proposed as a substitute for actual accomplishment. Mr. Epstein stated that he would see if the issue warranted legal opinion.

Chairman North asked Mr. Duket to report on the activities of the Program Amendments and Procedures Subcommittee. Mr. Duket reported that the Subcommittee had proposals to amend sections to the Law--§8-1802 relating to definitions and amend §8-1809 which is the approval and adoption of Programs. The Subcommittee had defined "Program amendment" and "Program refinement".

Mr. Duket said that another concern was that if deficiencies were found in an adopted Program, how could this be corrected. This was provided for in the proposed changes to the Law. An amendment was also proposed that, as necessary, a local jurisdiction may combine various local approvals required for a specific project approval into a single request to the Commission for Program amendment or refinement.

Mr. Butanis, Subcommittee Chairman, added that attention should be drawn to specific provisions in the proposed amendments which state that local jurisdictions that fail to submit a comprehensive review and comply with the amendments under Section 1809(g), would forfeit local funding and technical assistance.

Under new subparagraph L, if a local jurisdiction is notified of a deficiency, it is given an opportunity to respond to that deficiency. If it fails to do so, the loss of funding sanction had been provided.

Mr. Gutman asked if the language on other sanctions should be expressly stated. Mr. Butanis answered that he had discussed this matter with Mr. Epstein and neither of them know whether these sanctions are inherent in the Law itself without having to be expressed.

Mr. Price asked Mr. Duket to explain what was meant by Program deficiency. Mr. Duket answered that his understanding was the Commission had approved Programs that it found were not working, or which had misapplied a particular criterion, and the amendment would provide a method for the Commission to specifically inform the jurisdiction what the problem was.

Ms. Watson commented that she wanted to bring to the attention of the Subcommittee the need to allow for zoning map amendments to overlay zoning maps for these growth allocations because as it now stood a local jurisdiction could not amend its overlay zones to utilize growth allocation unless there was a proven mistake, or at least, that was how the Prince George's County Hearing Examiners Office was reading the legislation.

UNDER NEW BUSINESS

Dr. Taylor introduced Mr. Andrew Falk, Summer intern to the Commission, who will be reviewing local Programs and how they have dealt with Buffers, and what are the strengths and weaknesses in the implementation of the Buffer criteria.

She reported that the Commissions staff has received Caroline County and Snow Hill's Program. She will be contacting the Panels of the two jurisdictions before the next Commission meeting.

She reported that the next Commission meeting will be at the Commission Office, but the September meeting will be at the Patterson Park Museum.

Dr. Taylor was asked for an update on the schedule for the Joint Legislative Oversight Committee Hearings. She said that that schedule would be sent to the Commission.

There being no further business, the Meeting was adjourned.



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

August 2, 1989

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Wicomico Co.

Russell Blake
Worcester Co.

The Honorable Phillip L. Gerald
President
Somerset County Commissioners
County Office Building
Princess Anne, MD 21853

Dear President Gerald:

As you know, the Chesapeake Bay Critical Area Commission and Somerset County have sought to reconcile, through negotiation at the technical staff level, a number of inconsistencies that remained between the Commission's established critical-area regulations, criteria and policy, and wording in the County's proposed Critical Area Protection Program. These staff level discussions were established as part of a parliamentary motion of the Commission (made at its August 17, 1988 meeting) that gave tentative approval to the balance of the County's program. The discussions were to focus on seven major issues.

After nearly one year of staff discussion, the County has agreed to modifications in its program that bring it into compliance with six of the seven issues.

The remaining issue concerns the method that the County would use to calculate deductions from its growth reserve in its awarding of growth allocation to new or expanded development. On this key issue, the Commission and the County are at an impasse.

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

Robert Schoepflein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

Ronald Kreitner
Planning

The County's method is not in conformance with the Commission's expressed, adopted policy on the method of calculating areas to be deducted from a jurisdiction's growth reserve. The

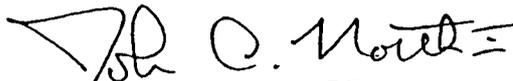
The Honorable Phillip L. Gerald
August 2, 1989
Page Two

County, for its part, is not willing to accept the Commission's policy and bring this element of its program into conformance with that policy. The Commission, for its part, can neither make nor allow exceptions to conformance with its policy, one with which all other Critical Area jurisdictions are in conformance.

In our view, this situation is both unfortunate and unnecessary. It is also our view--shared with the Attorney General of Maryland--that a nonconforming and noncomplying local program is exposed to significant legal risk.

Over the year that the Commission and the County have sought to reconcile the disagreements and resolve the issues between them, there has always been the hope--at least on the part of this Commission--for the possibility of making the Critical Area Program work in Somerset County, as it is working in other parts of the Eastern Shore and Western Shore. We shall continue to do what is necessary to make it work, and to make the hope a reality. In the meantime, this Commission will not approve any awards of growth allocation at the local level until this issue is resolved. We suggest that the Commission use part of its September meeting where both sides of the presentation can be heard and where a decision will be made.

Sincerely,



John C. North, II
Chairman

JCN:msl

THE STATUS OF THE CRITICAL AREA COMMISSION
MANAGEMENT AND GEOGRAPHIC INFORMATION SYSTEM

A little over a year ago, the status of the Commission's Management Information System was presented to the Commission and staff members. The system was designed to acquire land parcel records and to create the associated land parcel maps using the computer technology. The method of map creation was to use legal records such as the deeds and plats acquired from the County courthouses.

Conceptually, map creation using coordinate geometry in terms of encoding the metes and bounds and other surveying descriptions in deeds and plats is one of the most accurate methods of automated mapping. However, due to the raw data inadequacies, discrepancies and other flaws usually associated with land survey information in deeds, this mapping technique was terminated.

As the result of the deficiencies that led to the termination of the computer mapping project, the Executive Director, Dr. Sarah Taylor, requested an in-depth examination into the most appropriate, efficient and functional system that will meet our information processing needs. In view of the Commission's need to develop a land-use and natural resources database that is pertinent to monitoring the Critical Area Programs, an alternative computer mapping and data processing system was developed. It was decided that a remote sensing based GIS that is capable of providing the tools to manage, utilize and manipulate land-related data for tracking development and

evaluating projects was the most appropriate. It should be noted that the computer hardware will be upgraded commensurably with the GIS application capabilities so desired.

The Reason for Computer Upgrade

The computer system currently in use cannot meet the additional demands being placed upon it. The word architecture, processing speed, storage capacity, and single-user capability features that enabled the Commission to begin its GIS three years ago, are now insufficient, ineffective, and inefficient.

Background

The Chesapeake Bay Critical Area Commission began to develop a GIS three years ago, because of: 1) the mandate under the Law for project analysis, tracking, and approval (§8-1814 and §8-1809); 2) the mandate under the Law for tracking the development of 60 Programs; 3) accountability to the Legislature and to the Governor and citizens of Maryland as to whether the Chesapeake Bay Critical Area Program was an effective tool that made a difference to the health of the Chesapeake Bay through tracking the changes in land use; and 4) greater need to streamline decision-making on projects between the 60 local governments and the State agencies.

In FY 87, the Commission staff devoted time to develop a Program with the City of Annapolis as a demonstration to begin to place data of various types into a micro-computer and merge these

data with parcel by parcel tax maps. Data formats were tested and information was aligned on a geodetic grid.

In FY 88, the demonstration project with Annapolis continued. The Program was de-bugged and the entire 1000' shoreline for the City was placed in the computer so that resources could be assessed and changes to land use could be tracked. The City personnel were trained to use the system so that tracking of projects and programmatic changes could be accomplished locally.

In FY 89, with assistance from the MCZMP (NOAA/OCRM Grant), the Commission expanded its service to Cecil County, Kent County, Queen Anne's, and St. Mary's County. In addition, the Commission has begun to incorporate resource data from other State agencies so as not to duplicate the effort for the 1000' area. Two software packages are being used: MIPS (Mapping and Image Processing System), and Arc/Info.

It is anticipated that within the next three years, State FY 91, 92, and 93, 80 - 90% of the county governments (16 counties and the City of Baltimore) will be using the tracking system.

Justification For The Choice Of System

It is the intention of the Commission staff to accomplish the required program implementation process in the most consistent and efficient manner. Hence, in designing the existing system for the Commission, not only was the hardware and software configuration thoroughly evaluated for functionality, but the user needs, application, data input and output methods,

data processing procedures, data types and scales, and data structures were critically examined for useability.

In view of the above, it was decided that the information processing system must have the capability to:

- 1) Do image processing for visual referencing, land-use classification and natural resources recognition.
- 2) Handle large volume of data, considering the amount of information needed for all the 60 local jurisdictions.
- 3) Link related graphical (maps), non-graphical (textural) and photographic (remotely sensed) data simultaneously and interactively to one another using the application overlays and topology. (Topology is also called geographic intelligence. This is the hallmark of GIS, because it allows the computer to present spatial phenomena to the understanding of human eyes or perception. Hence, we are able to create the linkages and interrelationships between one land feature and another. Topology simple means where land features or natural resources lie in relation to other resources or features).
- 4) Process both raster (descrete or dot) and vector (continuous or line) data types that are acquired through the scanning or digitizing of hard copy data such as maps, photographs and graphs.
- 5) Convert raster data type into vector and vice versa.
- 6) Process information through data manipulation without having to halt data input.
- 7) Accommodate multi-users.

- 8) Interface with other systems in the State agencies and in local jurisdictions in order to import and export information on a data sharing basis so as to reduce duplication of effort.
- 9) Interact with the existing computers and peripherals such as digitizer, printer, plotter or optical disc drive.

The justification for the selection of an enhanced system for the Commission is based on the shortcomings of the microcomputers and the current technological capabilities, and the hardware requirements needed for meeting the performance level envisioned for an image processing based GIS. The basic conceptual configuration for the level of sophistication needed by the Commission can be adequately met by a minicomputer platform.

This notion is based on the GIS and mapping and image processing configuration that has the multi-user, multi-tasking processor and processing power of the host computer and the mass volume, as well as diverse database that needs to be supported.

In the light of the image processing capability designed for the Commission's GIS, the data storage capacity needed on the platform becomes very crucial. Because analog images can only be scanned to become computer compatible, the converted images are stored in raster mode. An overwhelming amount of disk space is a necessity for the storage space needed in a computer that not only processes vector data, but also processes image data and, at the same time, generates new descriptive attribute files.

It is a generally accepted notion that spatial information processing systems require large databases in a permanent manner on massive storage devices. Also, there is no multi-user support capability available on microcomputer platforms. Therefore, a comparative investigation of various hardware that can meet the Commission's GIS capabilities has led us to choose the Hewlett Packard 9000 series, model 370. It is believed that this choice of system will attain the desired functions needed for image processing based GIS application.

System Description

As opposed to the microcomputers that have been in use for the past three years, the Commission will be installing in about two to three weeks, a newly funded minicomputer that will handle the Commission's operations more efficiently. The minicomputers will readily interface with the mainframe system being developed by the Department of Natural Resources in concert with the Office of Planning.

The upgrading of the Commission's system will meet the envisioned GIS capability and will attain an efficient performance level per dollar of investment and still be able to use existing peripheral equipment.

The selected system has been found to be the most ideal for attaining the envisioned GIS capabilities because it has a 33-megabyte/32-bit internal interactive architecture. Also, the product will have a built-in local area network with interfaces for high connectivity; a direct memory access; multi-user

servers; input/output (I/O) expansion to create a communication path for integrating a multi-vendor environment; support of shared peripherals to reduce the cost of a work cluster; and provide file server capability to allow centralized access to programs and data with revision control, as well as provide linkage to the mainframe.

The product's 33 megahertz Random Access Memory (RAM) capability and floating point co-processor's clock rate to yield floating points makes it a very unique processor. In addition, the proposed model 370 CH has a 64 kilobyte cache, and supports a high resolution colour monitor needed for image processing. This product also supports the Hewlett-Packard "read and write many times" optical disk drive which provides the data editing capability required of the Commission's GIS.

System Selection Criterion and Application

It was realized that as important as the hardware is to data storage and processing, and the software is to data manipulation and application, so also is the availability of data, format of existing data, hardware platform (micro or minicomputer), number and sophistication of users. The budget and management support are equally important to the overall system. Therefore, all of these factors were considered in the selection process to ensure the appropriateness of the system to effect development tracking and project evaluation.

Regardless of all of the above factors, the selected system for GIS application must have a database structure simple enough to ensure efficient database management. Hence, the database for the selected system is such that it is designed and structured to do image processing and spatial assessments using map data and associated textual information.

In view of the database structure and the application for which the system is to be used, the operations of the Commission's system are grouped into five categories: 1) data compilation and screening; 2) data conversion from hard copy into digital formats using scanning and digitizing devices; 3) spatial and non-graphical database management and analyses; 4) quantitative data processing (spatial statistics); and 5) qualitative data processing (spatial evaluation).

Because mapping and database capabilities are the backbones of GIS when spatial analysis is the primary function, it is deemed necessary for the Commission's purposes to complement those capabilities with image processing capability. Reason being that it will provide visual and spatial referencing to assess those changes that are manifested on the landscape as the result of the prescribed development patterns and natural resources management practices in the Critical Area Protection Plan. Hence, the effectiveness of the Critical Area program can be objectively assessed and future decisions or amendments to the law can be based on empirical evidences.

The Commission's GIS application is to enable the computer to represent spatial phenomena (e.g., IDA, LDA, and RCA; Agricultural/Forest land-uses; or man-caused disturbances on the landscape) and spatially-related data (e.g., acreage of forestland in RCA, shore length or percentage of impervious surface created on a given site). When a planner looks at a map of the State, he must be able to create the linkages between the various features such as the Chesapeake Bay and the adjoining forestland or built-up areas. The interactive capability of GIS in terms of overlays of spatial data is not simply displaying one map on top of another. It is the ability to know, for example, whether a forestland in an RCA borders the Bay, or lies within or lies outside of a non-tidal wetland boundary.

In the light of the above examples, the Commission has engaged in defining the logical selection of the elements in the Critical Area criteria on a geographic basis, using what is being developed as "program implementation monitoring indices". Program Implementation Monitoring Indices are those resource management indicators that can be spatially assessed to determine if proposed projects meet the minimum requirements and standards stipulated in the Critical Area statute. That is, the Commission's Regional or Natural Resources Planners will be able to manipulate the database, for example, to delineate all of the areas in an LDA or RCA that lie within Habitat Protection Areas, and fall within 100 feet of the newly constructed highway 97, but less than 500 feet from Route 50 in Anne Arundel County. This

example can be used to monitor some specific areas of a Program that deals with habitat protection in the Critical Area.

Commission planners in charge of project evaluation will be able to assess site plans. For example, a proposed housing subdivision plan can be assessed or verified for compliance with the amount of impervious surface to be created. If the area of imperviousness exceeds 15% of the project site, as stipulated in the criteria, such a project application may be denied approval.

Explanation Of The Commission's GIS And Scope OF Work

Currently, the Commission is engaged in a demonstration project with St. Mary's, Kent, Queen Anne's and Cecil Counties as part of the efforts to establish a much-needed GIS for tracking development in the Critical Area, and monitoring local jurisdiction Program implementation. Presented below is an in-depth description of the scope of work we have been and will be engaged in to establish a functional GIS for the Critical Area Commission.

In view of the variety of GIS capabilities, the diversity of its applications, and the proliferation of the application packages, a definition of the Commission's GIS is as follows: GIS is a concept that provides the tools to manage, utilize, and manipulate land-related data or location-related phenomena through its ability to interactively combine layers of spatial data with corresponding descriptive data using its topological properties. The Commission's GIS will enable the computer to represent spatial phenomena (e.g., IDA, LDA, and RCA;

Agricultural/Forest land-uses, or man-caused disturbances on the landscape) and spatially-related data (e.g., acreage of forestland in RCA, shore length or percentage of impervious surface created on a given site).

Explaining the basis upon which the Commission's GIS is being developed, our scope of work includes the following:

1. The database needs and data types were assessed so as to design a database structure and data management system that can meet the Commission's needs. As a result, a Land Information System is being established. Land Information System is a concept in Information organization which is the structuring and formatting of land-related data files. The data files structure must, however, consist of a geodetic control and a base map that will allow spatial registration of the various layers of data.

For the purposes of the Commission, the tax map was selected as the base map as opposed to the USGS Quad Maps. The reason for the selection is that spatial registration of resource or land-base data to other ancillary data is important for the management and regulation of land uses. For example, habitat protection mitigation measures require the knowledge of the relationships between the boundaries of the area to be protected and boundaries of land ownership in order to delineate or identify parcels that can adversely impact such habitat. Delineating buffer areas adjacent to forestland or agricultural land must be related to other ancillary data so that planners can identify parts of land ownership parcels

where exceptions can be permitted for commercial harvesting of trees if clearing is done by selection.

2. Hard copy maps and analog images are being converted into computer-compatible formats. This is being done by digitizing tax maps upon which the geodetic controls will be established and by scanning remotely-sensed data as well as other ancillary data such as topographic, soils, and land-use maps. Also, for those data needed for project evaluation, they will be scanned or digitized. The mode of data conversion will depend upon the most appropriate method of converting the data type, such as site plans, proposed project reports, or other types of data submitted for evaluation.
3. We will be testing and applying the various data identified and assembled for project evaluation using the two software packages being assessed for our GIS. The two packages are mapping and Image Processing System (MIPS) and Arc/Info. Using the tax maps as our base map, other ancillary data will be overlaid in a variety of combinations so as to ensure compliance with the different elements of the criteria.
4. Employing the various data that we convert into computer compatible formats, an examination of the useability of rasterized (scanned) data and vectorized (digitized) data will be done. This is an important consideration in order to assess the cost-effectiveness of building the database needed for GIS. The reason for such an examination is to ensure that computer-assisted data management and manipulation is

the most efficient method to perform the task at hand. While GIS has been advocated for efficacy, the cost-effectiveness and affordability is of the essence to most local jurisdictions who depend on the Commission for technical assistance. Therefore, as a secondary objective, the economic feasibility of the GIS concept for the Commission and the local jurisdictions is being examined.

Summary

The Commission's Information Management System Division (IMSD) has embarked upon developing a computer-aided program implementation monitoring method. The development of a computer-based data management system for tracking development in the Critical Area is necessary, so as to empirically assess the effectiveness of the local programs in accomplishing the goals of the Critical Area statute.

In view of this, the Executive Director of the Commission initiated the GIS concept to be studied if it can meet our needs. Upon thorough examination of the GIS concept, it was concluded that it is the most efficient way to establish a methodology by which projects can be evaluated in a consistent manner. Consequently, this will give the Commission a tool for monitoring development in the Critical Area. As part of the Critical Area Law requirements, it is imperative that such a system be established so that projects can be evaluated for consistency and in compliance with the program (Critical Area Law, Section 8-1811). If such a system can be put in place, it

will provide the Commission with the capability to assess its overall Program.

In order to have in place a GIS that will meet the needs of the Commission, the IMSD has been working in concert with other divisions to develop a useable database and a functional methodology. For a GIS to be useful, the database has to be assembled and structured in a way that can expedite the functions for which it is designed. Therefore, the GIS that has been developed for the Commission is intended to be useable for both the Commission and the local jurisdictions. The reason for considering the local jurisdictions is to ensure consistency in the approval and data types with which projects are evaluated. Such a consideration is important because the Commission relies on the local jurisdictions to report those classes of applications for project approval. Hence, a useable database and methodology at the local level is deemed important for consistency.

Because of the uniqueness of the Commission's GIS which will be image processing based, and considering the large volume of data to be handled, the Commission's computer system will be moved away from the microcomputer platform to a minicomputer level. Because this computer is high-powered in data processing and data storage, most State agencies that work with the Critical Area program will have unrestricted access to the data being developed on the system.

SUBCOMMITTEE REPORT

August 2, 1989

APPLICANT: St. Mary's College

PROJECT: Montgomery Hall Improvements

RECOMMENDATION: APPROVAL

DISCUSSION:

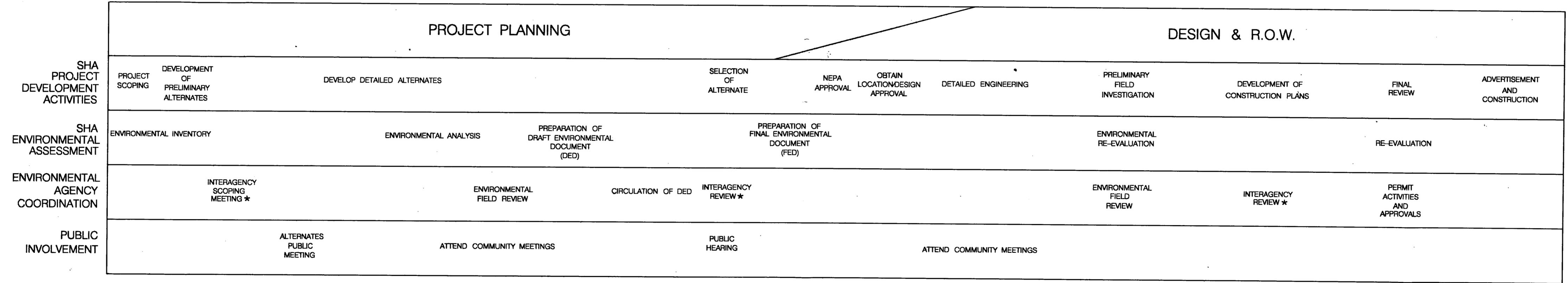
St. Mary's College proposes to make the following improvements to the grounds of Montgomery Hall, the school's fine arts building:

1. Reconfiguration of the loading dock area and service drive.
2. Relocation of the entrance walk.
3. Removal of concrete pavers, with replacement of grass.
4. Landscape planting with trees and shrubs.

The improvements will result in the reduction of 1,644 square feet of impervious surface and the correction of erosion problems.

4 TO 5 YEARS

PROJECT DEVELOPMENT PROCESS FOR MAJOR PROJECTS



* SHA & ENVIRONMENTAL AGENCIES MEET QUARTERLY TO REVIEW PROJECTS INFORMAL STAFF

PROPOSED CONSERVATION PROJECTS
FOR CRITICAL AREAS OFFSET
April 1989

The following projects related to preservation of the Chesapeake Bay or the Critical Areas Program, are proposed by the National Aquarium as an offset to the Critical Areas assessment for the construction of the Marine Mammal Pavilion on Pier 4. These projects include new or renovated programs, publications, public displays and exhibits which are being planned for completion over the next two and one-half years, or are currently underway.

The cost to the Aquarium for completing these projects is over \$140,000. This includes staff salaries and benefits, supplies, printing, and other direct costs associated with completing these projects. In addition, a 10% administrative fee has been added. This is the negotiated fee for administrative costs used in our grants with the National Science Foundation.

CHESAPEAKE BAY-RELATED SCHOOL PROGRAMS

School Program Brochure for 1989-90

Preserving the Cheapeake Bay will be developed as the theme for the annual school brochure, which includes a poster for classroom use. 18,000 copies are distributed throughout Maryland, Pennsylvania, District of Columbia, Virginia, Delaware, and New York. All are states within the Bay watershed.

PROJECT BUDGET	FY89	FY90	FY91
Staff time		945	
Printing		8,700	
Mailhouse and distribution		875	
TOTAL		\$10,520	

"Maryland: Mountains to the Sea" Auditorium Program

A new auditorium program, "Maryland: Mountains to the Sea" will be created to explore important water habitats in the state of Maryland. This conservation-oriented program for grades 4-6 will involve 5,000 students from all over the mid-Atlantic region. Approximately 35 sessions of this program will be offered.

PROJECT BUDGET	FY89	FY90	FY91
Staff time		\$1,600	
Printing		100	
Supplies		200	
TOTAL		\$1,900	

Outreach Conservation Program

\$28,000

In order to address the need for regional conservation education, NAIB has added a second full time position to the Outreach staff. This outreach specialist will develop and present programs in Baltimore City, Baltimore, Howard, and Anne Arundel counties. Local school districts and childrens theater groups will be involved in the design of a lively, interactive production on local trash and water problems.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time		\$21,500	
Supplies		3,400	
Professional Fees		1,000	
Travel		1,000	
Printing		<u>1,900</u>	
TOTAL		\$28,800	

CHESAPEAKE BAY CURRICULUM AND TEACHER TRAINING

Chesapeake Bay Curriculum Booklets

\$2,000

This popular materials will be revised reprinted for use by teachers throughout the mid-Atlantic region. The five curriculum booklets, two for elementary and three for secondary, include an introduction and classroom activities related to the Bay including biology, ecology and conservation issues. A filmstrip is also be available as part of the curriculum package.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time		500	
Printing		<u>1,500</u>	
TOTAL		\$2,000	

The Changing Chesapeake

\$20,000

This 60-page booklet will be combine a children's reader with activities which can involve school classes or families. The Chesapeake is explored from many angles including how it was formed, the history of settlement and development, the animal and plant life, and human impacts on the Bay.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time	7,500		
Printing	11,500		
Distribution		<u>1,000</u>	
TOTAL	\$20,000		

Baltimore City Chesapeake Bay Curriculum

\$3,500

Staff will work this summer with the science office to develop an elementary curriculum unit for City school students. In addition, in-service training with this curriculum will be provided for city teachers.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time		\$3,000	
Supplies		500	
TOTAL		\$3,500	

Bay Ecology In-Service Course \$1,000
 Each year the Aquarium offers a one week in-service course to local teachers covering aquatic studies and resources. One day is spent out on the Bay, either with the Chesapeake Bay Foundation or the Lady Maryland. Teachers learn techniques for conducting simple field studies and discuss how the bay has changed through history.

PROJECT BUDGET	FY89	FY90	FY91
Staff time		400	
Boat fee		400	
Printing		100	
Supplies and equipment		100	
TOTAL		\$1,000	

CONSERVATION EDUCATION PROGRAMS FOR MEMBERS AND THE GENERAL PUBLIC

Endangered Estuary Lecture \$1,500
 On March 15, 1989 the Aquarium will hosted evening program featuring Mr. William Baker, President of the Chesapeake Bay Foundation and Mr. David Carroll, the Governor's Chesapeake Bay Coordinator. As leaders in the local conservation efforts surrounding the Bay, they will be discussing the history, mariculture, development and pollution problems of the region.

PROJECT BUDGET	FY89	FY90	FY91
Staff time	150		
Printing	1,100		
Supplies	250		
TOTAL	\$1,500		

Canoeing/Hiking Excursions \$2,000
 Each quarter the Aquarium conducts Members day trips to various field sites in the region. Each of these is led by a professional naturalist and an Aquarium staff member. These natural history trips concentrate on local ecology and the effects of people on these areas. About 12 trips are offered each year to a total of 220 people.

PROJECT BUDGET	FY89	FY90	FY91
Staff time	500	500	500
Professional fees	1,250	1,250	1,250
Printing	250	250	250
TOTAL	2,000	2,000	2,000

CHESAPEAKE BAY EXHIBITS

Habitat Theater \$5,000
 The "Chesapeake: A Bay at Risk" is an 8-minute, multi-media program which is shown continuously in the Habitat Theater. It focuses on the many reasons why the Bay is important, discusses the current state of the Bay, and pictures human impacts on the bay and possible solutions. The presentation will be updated to specifically explain the Critical Areas Program and its potential for reducing pollution and habitat destruction caused by waterfront development.

PROJECT BUDGET	FY89	FY90	FY91
Staff time	1,500		
Professional fees	3,000		
Supplies	500		
TOTAL	\$5,000		

Habitat Theater Handouts

\$1,500

Through the Habitat Theater we have previously distributed Chesapeake Bay Foundation materials on individual efforts, as well as materials from Governor Schaefer's "One Million Marylanders" campaign. Staff will compile and print updated handout describing what steps concerned citizens can take to help.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time		\$ 500	
Printing		<u>1,000</u>	
TOTAL		\$1,500	

Portable Display "The Bay and You"

\$1,500

This amusing interactive traveling display is taken to various festivals and events throughout the region as part of the marketing and educational efforts. The display features questions about pollution and its impact on the Bay. A correct answer lights up the eyes on a giant blue crab.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time	500		
Materials	<u>1,000</u>		
TOTAL	\$1,500		

Migrating Exhibit

\$18,000?

The striped bass exhibit will be totally renovated to display small bass which will be tagged and held until they are ready to go back into the wild. Fisheries and Wildlife staff will assist with this part of the project. In addition, all graphics will be redone to discuss problems with rockfish populations.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time		6,150	
Materials for renovation and graphics		11,675	
Travel		<u>175</u>	
TOTAL		\$18,000	

Maryland: Mountains to the Sea Gallery

\$30,000

This exhibit gallery will be renovated to update the conservation message.

<u>PROJECT BUDGET</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
Staff time			9,500
Materials			<u>20,500</u>
TOTAL			\$30,000

NATIONAL AQUARIUM IN BALTIMORE
CRITICAL AREAS PROGRAM

<u>PROJECT BUDGET SUMMARY</u>	<u>FY89</u>	<u>FY90</u>	<u>FY91</u>
School Program Brochure		10,520	
Maryland: Mountains to the Sea Program		1,900	
Outreach Conservation Program		28,800	
Chesapeake Bay Curriculum Booklets		2,000	
The Changing Chesapeake	20,000		
Baltimore Chesapeake Curriculum		3,500	
Bay Ecology In-Service Course		1,000	
Endangered Estuary Lecture	1,500		
Canoeing/Hiking Excursions	2,000	2,000	2,000
Habitat Theater	5,000		
Habitat Theater Handouts		1,500	
Portable Display	1,500		
Migrating Exhibit		18,000	
Maryland: Mountains to the Sea Gallery			<u>30,000</u>
TOTAL	<u>\$30,000</u>	<u>\$69,220</u>	<u>\$32,000</u>
 TOTAL FY89, FY90, FY91			 \$131,220
Indirect costs at 10%			<u>13,122</u>
GRAND TOTAL			<u>\$144,342</u>



JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

COMMISSIONERS

June 28, 1989

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Baltimore City

Ronald Hickernell
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Cecil Co.

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Talbot Co.

William Corkran, Jr.
Talbot Co.

William J. Bostian
Wicomico Co.

Russell Blake
Worcester Co.

Mr. Joseph Romanowski
Project Coordinator
PB/MK
301 North Charles Street
Suite 600
Baltimore, MD 21201

Re: Central Light Rail Line

Dear Mr. Romanowski:

Thank you for submitting Critical Area reports for the Central Light Rail Line in Baltimore City and Anne Arundel County. The Chesapeake Bay Critical Area Commission will review the project under COMAR 14.19, Regulations for Development in the Critical Area Resulting From State and Local Agency Programs (enclosed).

From our review of the reports, the Commission has determined that the Light Rail project represents a State agency action of "major development." Chapter 4 of the Regulations defines such an action as "development of a scale that may cause State-wide, regional, or interjurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction." COMAR 14.19.04.01. The review period for projects under this section is 60 days. COMAR 14.19.07.04B(4).

The Commission is required to seek comments on the proposed project from the affected local jurisdictions. Our staff has been in contact with the appropriate agencies in Baltimore City and Anne Arundel County, but as yet has not

CABINET MEMBERS

Wayne A. Cawley, Jr.
Agriculture

Robert Schoepflein
Employment and Economic Development

Robert Perciasepe
Environment

Ardath Cade
Housing and Community Development

Torrey C. Brown, M.D.
Natural Resources

Ronald Kreitner
Planning

Mr. Joseph Romanowski
June 28, 1989
Page Two

received final comments. The Commission will endeavor to complete its consultations and review as expeditiously as possible. Your presentation to our subcommittee on May 24, 1989 provided helpful information.

Now that the Critical Area reports are complete, I feel that the full Commission would benefit from a presentation and discussion. I invite you to attend the Commission's meeting on July 5, 1989 at 1 p.m. The Commission office is located at 275 West Street, Annapolis, Suite 320.

If you have questions or need additional information, please contact Ms. Dawnn McCleary or Mr. Ren Serey at 974-2426.

Sincerely,

Handwritten signature of John C. North II in cursive script, with a small mark to the right.

John C. North, II
Chairman

JCN:msl

cc: Ms. McCleary
Mr. Serey



JOHN C. NORTH, II
CHAIRMAN

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- Ronald D. Adkins
Somerset Co.
- Shepard Krech, Jr.
Talbot Co.
- William Corkran, Jr.
Talbot Co.
- William J. Bostian
Wicomico Co.
- Russell Blake
Worcester Co.

MEMORANDUM

TO: Critical Area Commission

FROM: Special Issues Subcommittee

DATE: June 27, 1989

SUBJ: Final Policy on Shared Facilities for the Limited Development Area and Resource Conservation Area

Situation 1: There is a non-percable lot in the Critical Area and a percable lot in the Critical Area. Is the percable lot able to be used to treat the non-percable lot's wastes?

Yes, but only if the percable lot meets the following conditions:

- a) the lot must have been legally recorded as of December 1, 1985, in compliance with 14.15.02.07 of the criteria (COMAR 14.15) which took effect on May 13, 1986;
- b) the system for the percable lot must have received Health Department approval;
- c) the treatment of wastes must not occur in floodplain soils pursuant to COMAR 26.04.02 of the Department of the Environment's Regulations;
- d) the 100-foot Buffer requirement of COMAR 14.15.09.01 is followed as a setback from open tidal waters or from the landward side of tidal wetlands;

CABINET MEMBERS

- Wayne A. Cawley, Jr.
Agriculture
- Robert Schoepflein
Employment and Economic Development
- Robert Perciasepe
Environment
- Ardath Cade
Housing and Community Development
- Torrey C. Brown, M.D.
Natural Resources
- Ronald Kreitner
Planning

- e) the cutting of trees to provide for an area to treat the wastewater shall be in conformance with the applicable criteria in COMAR 14.15.02 and COMAR 14.15.09, which became effective on May 13, 1986;
- f) the percable and non-percable lots must be owned by the same person, but if there is to be a long-term easement or lease involving different parties, the percable lot must be abutting the non-percable lot;
- g) the owner is to be the one financially responsible for the maintenance, upgrading or replacement of the system under normal operational standards or in case of system failure;
- h) the county must have an approved Groundwater Protection Plan before situations of this nature can receive approval;
- i) the treatment system must comply with the Department of the Environment's current applicable regulations (§ 9-217 of the Environment Article);
- j) the land area for the treatment system on the percable lot shall be counted against the growth allocation if densities on the buildable lot exceed the prescribed density of the local Critical Area Program's designation. The excess density will require growth allocation to be used and this constitutes an amendment to a local Program which must be approved by the Critical Area Commission.

Situation 2: There is a lot in the Critical Area which does not perc. There is a lot outside of the Critical Area which does perc. Is it acceptable to the Commission to use the percable lot outside of the Critical Area to treat the wastes from the buildable lot inside the Critical Area, which is non-percable?

Yes, but under the following conditions:

- a) the lot inside the Critical Area must have been legally recorded as of December 1, 1985;
- b) the system for the percable lot outside the Critical Area must have received Health Department approval;
- c) the treatment of wastes must not occur in the floodplain soils pursuant to COMAR 26.04.02;

- d) the criteria must be followed for the lot in the Critical Area when development takes place;
- e) the percable and non-percable lot must be owned by the same person or, if there is a long-term easement or lease allowed, the percable lot must abut the non-percable lot;
- f) the owner is to be the one financially responsible for the maintenance, upgrading or replacement of the system under normal operational standards or in case of system failure;
- g) the county must have an approved Groundwater Protection Plan before situations of this nature can receive approval;
- h) the treatment system must comply with the Department of the Environment's current applicable regulations (§9-217 of the Environment Article);
- i) densities on the buildable lot inside the Critical Area shall comply with the prescribed density of the local Critical Area Program's designation or count against the growth allocation, unless the lot is grandfathered. If density is exceeded, the situation requires the use of growth allocation and is to be considered an amendment requiring Critical Area Commission approval.

Situation 3: An applicant owns a lot inside the Critical Area which percs. The same applicant also owns land outside of the Critical Area which does not perc. The applicant wishes to handle the wastes from the area outside of the Critical Area on the lot inside the Critical Area. The applicant may or may not want to build on the lot inside the Critical Area as well. Is this acceptable to the Commission?

Yes, but only if the following conditions are met:

- a) treatment of wastes in the Critical Area is the only option a developer has;
- b) the lot inside the Critical Area must have been legally recorded as of December 1, 1985, in compliance with 14.15.02.07 of the criteria (COMAR 14.15), which took effect on May 13, 1986;

- c) the system for the percable lot must have received Health Department approval;
- d) the treatment of wastes must not occur in floodplain soils pursuant to COMAR 26.04.02 of the Department of the Environment's Regulations;
- e) the 100-foot Buffer requirement of COMAR 14.15.09.01 is followed as a setback from open tidal waters or the landward side of tidal wetlands for the treatment system;
- f) the cutting of trees to provide for an area to treat the wastewater shall be in conformance with the applicable criteria in COMAR 14.15.02 and COMAR 14.15.09 which became effective on May 13, 1986;
- g) the percable and non-percable lot must be owned by the same person, but if there is to be a long-term easement or lease involving different parties, the percable lot must abut the non-percable lot;
- h) the owner is to be the one financially responsible for the maintenance, upgrading or replacement of the system under normal operational standards or in case of system failure;
- i) the county must have an approved Groundwater Protection Plan before situations of this nature can receive approval;
- j) the treatment system must comply with the Department of the Environment's current applicable regulations (§9-217 of the Environment Article);
- k) the entire area for each treatment system on the percable lot inside of the Critical Area shall be counted against the growth allocation if the density limit, counting each individual system or the number of units served as that many treatment systems, exceeds the prescribed density of the percable land classified in the Critical Area. Exceeding the density involves the use of growth allocation which is an amendment to a local Program, requiring Commission approval.

NOTE: In all three situations, and in addition to the other conditions so noted, if there is more than one lot involved, an agreement must be signed between the owners of the lots and the local jurisdiction specifying the following:

1. A responsible, preferably public, authority has control of the facility either through ownership or operation. This should ensure adequate operation and maintenance are performed as required and that a mechanism to collect funds for repairs exists;
2. Area equivalent to that required for sewage disposal in subdividing land for individual on-site systems, is available in the shared facility sewage disposal area (i.e., a minimum of 10,000 sq. ft. for each home to be served);
3. Existence of, and responsibility for, the shared facility is recorded in the land records;
4. Funds are available to effect facility repairs as necessary; and
5. The controlling authority ensures all facilities under its control cannot be dissolved until equivalent or better facilities are available.

/jjd

CHARGE TO:

The Ches. Bay Critical Area Commission - State Highway Memorandum of Understanding Panel (Hereinafter known as the "MUD Panel")

PURPOSE:

Create the policy and the directive for the protection of the Critical Area, its buffer, habitat (including trees) and wetlands during and after construction of roads by the State Highway Administration.

AUTHORITY:

Section 8-1814. Chapter 1.01 B (14) (a) & (16). Chapter 5.05 plus Environmental Article section 4.101.1 (c) (defining 'pollution')

ELEMENTS FOR CONSIDERATION:

Notification to CAC - time & documents

C A C approval - start-work date

e.g. Required control (5' perimeter dyke) and total suspended solids limit on discharge from sediment trap (800 mg/l)?

Sequence schedule - maintenance schedule

Mitigation - ratio of tree replacement

Enforcement - by local program - local inspection or MDE enforcement.

Penalties (if any). Stop work orders.

General approval - limited to road repair and trash collection.

Final
Proposed

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 14.15.06.03 and 14.19.03.01

THIS AGREEMENT, dated, _____, 1989, 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 THAT BY MAY 13, 1991 all farms within the Critical Area 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) identify 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 a 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 by MAY 13, 1991 all farms in the Critical Area have and be implementing a Soil Conservation and Water Quality (SCWQ) Plan which has been currently approved by the local Soil Conservation District. However, landowners unable to meet the May 13, 1991 deadline may continue farming if they sign up as Soil Conservation District Cooperators until a SCWQ plan can be developed.
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 on an annual basis in January of each year. Reports shall include the number of SCWQ plans developed in the critical area out of total needed, the number of Cooperative Agreements signed and the number of new BMPs installed.
3. To include intermediate Critical Area planning goals within the annual Memoranda of Understanding with each local Soil Conservation District.
4. To coordinate an annual field review representative of soil conservation and water quality planning efforts in the Critical Area.

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 the technical guidance developed for use by Soil Conservation Districts as application to the Critical Area Commission for general approval under that regulation. This guidance shall be consistent with the criteria in COMAR 14.15.

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.

E. ALL PARTIES AGREE

1. To meet every three years to review and modify the Agreement as necessary. The first review will take place in June, 1991.

MARYLAND DEPARTMENT OF AGRICULTURE

Secretary

Date

STATE SOIL CONSERVATION COMMITTEE

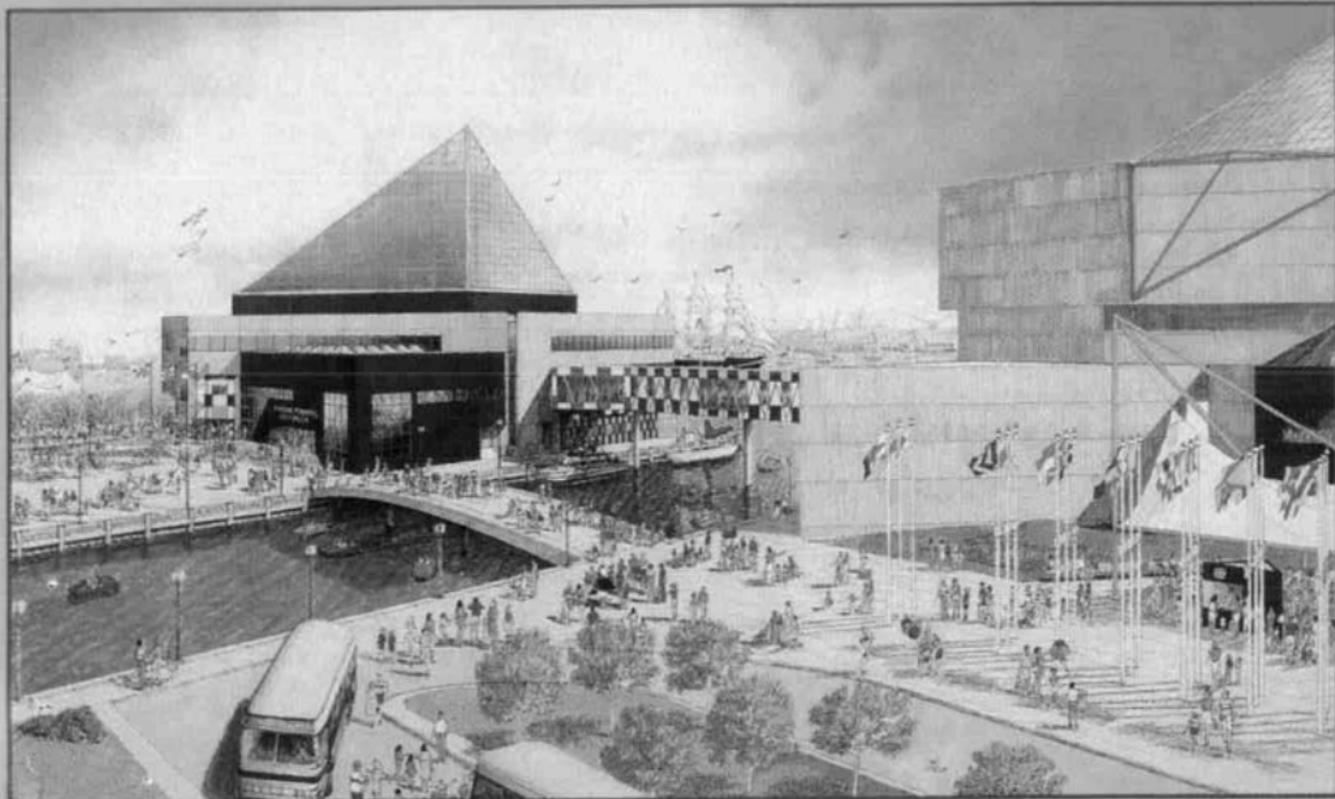
Chairman

Date

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Chairman

Date



With Your Help

The Aquarium's early years have been an unqualified success because of our many friends. The future of the Pier 4 Marine Mammal Pavilion depends upon continuing such support. The Pier 4 Campaign goal of \$30 million can be met only through a partnership of public and private funding sources. Both the City and State are making significant contributions to the new building. Now, we need your help to reach our goal. We are seeking \$6.9 million from individuals, corporations and foundations. You can support the Pier 4 Campaign through a three-year pledge or a one-time contribution. Please take part in this exciting opportunity by making your commitment today.



National Aquarium in Baltimore

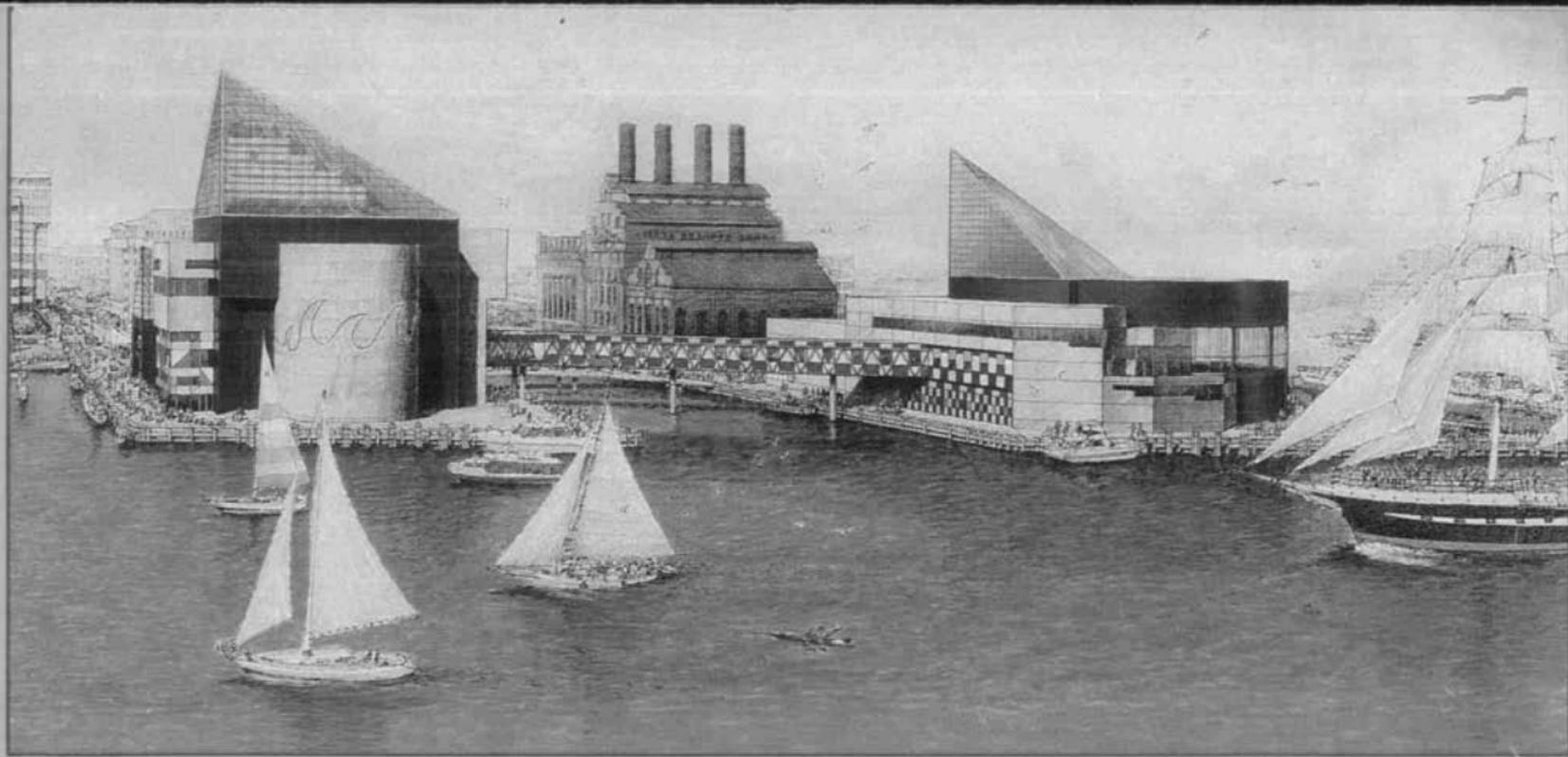
Campaign Office

Pier 3, 501 East Pratt Street

Baltimore, MD 21202

(301) 576-3876 or 576-3865

A copy of the National Aquarium in Baltimore's financial statement is available upon request.



**NATIONAL
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William Donald Schaefer
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Melvin A. Steinberg
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Wayne A. Cawley, Jr.
Secretary

Robert L. Walker
Deputy Secretary

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
State Soil Conservation Committee

August 28, 1989

RECEIVED

AUG 29 1989

DNR
CRITICAL AREA COMMISSION

The Honorable John North, Chairman
Critical Area Commission
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Judge North:

Enclosed please find three copies of the Memorandum of Understanding among the Maryland Department of Agriculture, State Soil Conservation Committee and Critical Area Commission with original signatures. As you recall this agreement was approved at the July 5 meeting of the Critical Area Commission.

After affixing your signature to each copy, please return two to my attention so we may retain them for our records.

If you have additional questions, please let me know.

Sincerely,

Louise Lawrence
Executive Secretary

LL:rf

cc: Rosemary Roswell

50 HARRY S TRUMAN PARKWAY, ANNAPOLIS, MARYLAND 21401

(301) 841-5700
Baltimore/Annapolis Area



(301) 261-8106
Washington Metro Area

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 14.15.06.03 and 14.19.03.01

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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

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MARYLAND DEPARTMENT OF AGRICULTURE

Wayne C. Lawley Jr.
Secretary

Aug. 8/1989
Date

STATE SOIL CONSERVATION COMMITTEE

Floyd Allen Jr.
Chairman

8/24/89
Date

CHESAPEAKE BAY CRITICAL AREA COMMISSION

John C. North
Chairman

9/1/89
Date