

Commission Meetings & Corresp.

Jan 1990

MSA_51832-66



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.

December 21, 1989

Dear Commission Member:

The January 3rd meeting of the Chesapeake Bay Critical Area Commission will be held at 1:00 p.m. at the Commission Office, 275 West Street, Suite 320, Annapolis, Maryland. A separate Subcommittee notice has been mailed to you for that Wednesday morning.

Enclosed is the Agenda for the meeting and a project description for the St. Mary's College Science Building which will be discussed on Wednesday. The Minutes will be distributed before the meeting on Wednesday.

I look forward to your attendance at our first meeting in the New Year. May you all have a happy holiday.

Sincerely,

Judge John C. North, II
Chairman

JCN/jjd

Enclosures

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

FINAL

AGENDA

CHESAPEAKE BAY CRITICAL AREA COMMISSION

275 West Street
Suite 320
Annapolis, Maryland

January 3, 1989⁹⁰

9:30 - 4:30 p.m.

1:00 - 1:10 Approval of the Minutes of December 6, 1989
Distribution of material - Packets + SC mtg.
PROJECTS

John C. North, II
Chairman

1:10 - 2:10 Vote on St. Mary's College Science Building - Concept Approval - later approval of site plan planting plan
concept approved

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

Vote on St. Mary's College Boat House Expansion
for sailboards approved

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

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

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

Vote on Anacostia River Dredge Placement Sites, Prince George's County
need reforestation plan/buffer to subcommittee approved

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

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

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

Vote on Maryland Rt. 648 New Bridge Over Patapsco River (Anne Arundel and Baltimore Counties)
approved, need 10% calculation

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

PROGRAMS

~~2:10 - 2:20~~ ~~Vote on Worcester County Critical Area Program (Tentative)~~ ~~Thomas Ventre~~

2:10 - 2:20 Presentation of Evaluation Objectives for Baltimore County To Distribute Growth.
Anne Haviston

(See other side)

MOU'S

2:20 - 2:40 MOU with Department of Agriculture on Mosquito Control Program *approved* Liz Zucker

PRESENTATIONS

2:40 - 3:15 ✓ Chesapeake Bay Environmental Education/Vistors Center Kent Island Ren Serey

✓ Oil and Gas Regulations Liz Zucker

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

Next Commission Meeting: February 7, 1990

hfu.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Minutes of Meeting Held
December 6, 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:

Samuel Bowling	Thomas Jarvis
Kathryn Langner	Victor Butanis
William Corkran	G. Steele Phillips
Ronald Adkins	James E. Gutman
Albert Zahniser	Shepard Krech, Jr.
Robert Price, Jr.	J. Frank Raley, Jr.
Ronald Hickernell	Russell Blake
Parris Glendening	Louise Lawrence for
Deputy Secretary Cade of DHCD	Secretary Cawley
Robert Schoeplein of DEED	

The Minutes of the meeting of September 6, 1989, and the informal meeting of October 4, 1989 were approved as written.

Chairman North asked Ms. Anne Hairston to report on the policy of extension of the 1,000-foot Critical Area Boundary. Ms. Hairston explained that the Commission had received a request for this extension and she and the Panel had developed a policy for the extension of the Critical Area that examined alternative courses of action, proposed guidelines, administrative requirements, and primary reasons for the extension. She explained that currently, land must be added as RCA and growth allocation would be generated.

She said that the Special Issues Subcommittee had met that morning and contributed a few changes to the policy such as allowing growth allocation for extended areas, excluding non-tidal wetlands and publicly-owned lands.

Mr. Bowling expressed his concern regarding growth allocation. Ms. Lawrence explained that if additional growth allocation is granted, it is not to be used in the Critical Area, but in the extended area, unless certain conditions prevail.

Mr. Zahniser remarked that his concern was that "useless land" would be made part of the Critical Area in order to increase growth allocation that would be used for higher density development elsewhere, but it is necessary to allow growth allocation if an RCA is extended, because that is what the Law provides for.

Mr. Epstein said that the Criteria states if a County has an RCA designation, the County receives 5% growth allocation. If it extends the RCA, it should logically receive that much more

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growth allocation. What can be done, however, is to limit from where that growth allocation is derived. He said that a jurisdiction does not receive growth allocation if it is extending to include a non-tidal wetland or publicly-owned land.

Mr. Gutman said that the Subcommittee recommended approved of the policy.

A motion was made and seconded that the guidelines for the extension of the 1,000-foot Critical Area be approved and adopted with the clarification of the language of growth allocation placement contained in the December 6th Staff Report, as amended. The vote was 16 in favor with 1 opposed.

Chairman North asked Ms. Abi Rome to present the request for an MOU and a general approval with the Waterway Improvement Program of the Boating Administration, Department of Natural Resources. Ms. Rome distributed a summary of these requests. She explained that the MOU would outline the procedures that the Waterway Improvement Program and the Critical Area Commission will use for the submission, review and approval of development which utilizes Waterway Improvement funds in the Critical Area. She said that the general approval request identifies the types and scope of projects which would qualify for general approval, sets standards for development that are consistent with the criteria, and describes the procedures for project submission and review.

Mr. Bowling, Subcommittee Chairman, reported that the Subcommittee recommended approval.

A motion was made and seconded that the Commission approve the MOU with Waterway Improvement Program of the Boating Administration, DNR, and General Approval. The vote was unanimously in favor

Chairman North then asked Ms. Pudelkewicz to report on the MOU with the Public Service Commission. Ms. Pudelkewicz reported that one of the functions of the PSC was to issue Certificates of Public Convenience and Necessity that allow the construction of power plants and associated facilities. She said that this issuance is noted in the Commission's regulations as a State action which requires approval of the Commission. The intent of the MOU is to coordinate the efforts of the PSC and the Critical Area Commission in the approval of the Certificate. The Power Plant Research and Environmental Review Division of DNR, is also involved in this process as it is responsible for the environmental review of these applications. She explained that

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the MOU is therefore, between the Critical Area Commission, the Public Service Commission, and the Department of Natural Resources.

Ms. Pudelkewicz then explained the various sections within the MOU that concern definitions, general objective, notice of a utility's application and the issues to be addressed in that application, joint hearings, approval process, time frame, and amendment of the MOU.

Ms. Watson asked if the Commission would automatically be involved in any applications now in progress. Mr. Epstein answered that as far as was known, there were not any ongoing applications in the Critical Area.

A motion was made and seconded that the Commission approve the MOU between the Maryland Public Service Commission, the Chesapeake Bay Critical Area Commission, and the Maryland Department of Natural Resources. The vote was unanimously in favor.

Chairman North asked Ms. Anne Hairston to report on the Forest, Park and Wildlife Service and District Forestry Board General Approvals. Ms. Hairston reported that the two general approval documents to be voted upon are guidelines that had been developed for FPWS to prepare its Timber Harvest Plans in the Critical Area and a general approval that sets up the guidelines for the District Forestry Boards to approve those Plans. The guidelines establish that the preparation and approval of the Plans would be in conformance with those sections of the criteria, and sets up the process for approval.

Ms. Hairston said that the recommended changes had been made to the documents. Mr. Phillips reported that the Subcommittee recommended approval with the conditions.

A motion was made and seconded that the Commission approve the General Approval of the Forest, Park and Wildlife Service of the Department of Natural Resources, and District Forestry Board with the conditions that: 1) there be included additions or corrections mentioned in the staff report concerning conditional approval of the variance language, legal references, enforcement information, attachments to approved plans and references to local Programs and requirements for developing habitat protection measures if none are contained in the local Program; 2) a task force shall be set up and composed of members from the Forest, Park and Wildlife Service, District Forestry Board, Critical Area Commission staff, local agencies and other involved parties charged with refining the General Approvals and resubmitting

revised General Approvals one year from the date of Commission approval; 3) where local Critical Area Program ordinances contain conflicts of process, the Commission will mediate between FPWS and the local jurisdictions to negotiate an acceptable procedure. The vote was unanimously in favor.

Chairman North reported that he, Dr. Taylor, and Mr. Epstein had appeared before the Legislative Oversight Committee several times in the past months to obtain the Committee's views on what would be appropriate legislation for changing the manner in which modifications would be made to the criteria. He said that at their last meeting, three options were discussed as to how changes might be accomplished. He then explained each of the options.

The first option was that the Critical Area Commission make changes to the criteria through the AELR Committee and through the Maryland Register which would necessitate the holding of at least one public hearing on the Eastern Shore and one on the Western Shore; that notice of the proposed changes would be furnished to all Critical Area jurisdictions; that there be legislative review via the AELR Committee with the Oversight Committee; and that all other regulation promulgation requirements of the State government, Article B, be followed. Chairman North said that this action would be the simplest way of changing the Criteria, and was the option the Commission had earlier proposed.

The second option would be to promote regulations by using the original adoption process in law, which would employ a similar mechanism to that originally evolved for Commission amendments to the criteria. This would require at least six public hearings. The General Assembly would review and approve the regulations.

The third option was to require all changes to the criteria be made by Legislation in the General Assembly as statutory amendments and to appear in the Code.

Chairman North explained that the third option was the more restrictive way of accomplishing criteria changes. He said that after some discussion before the Oversight Committee, it was determined that the second option would be the most favorable. Mr. Epstein felt that there was a possibility that the Committee might be more liberally disposed to option one. Chairman North said that after Subcommittee discussion, the general sense was that it would be appropriate for the Oversight Committee to be asked to make a second review of this matter, so that changes in

the criteria would be promulgated through the normal Maryland Register procedure.

Senator Raley remarked that there should be actual as well as legal notice sent to all jurisdictions.

Mr. Epstein noted that the legislation that the Commission devised a few months ago included that there be direct notice to the local jurisdictions.

Mr. Serey reported that after discussion of the three options, the Subcommittee recommended that the first option, which included the procedure outlined in the Commission's amendment package approved several months ago, be the procedure that the Commission adopt.

A motion was made and seconded that the Commission support Option #1 which would allow the Commission to promulgate regulations through the standard State regulatory process as specified in the previously approved amendment package. The vote was 16 in favor with 1 abstention.

Chairman North asked Ms. Abigail Rome to report on the navigational aids project at Martin State Airport, Baltimore County. Ms. Rome reported that the proposal was to install two electronic navigational instruments on a grassy area between two runways 920+ feet from the mean high tide of Frog Morter Creek. A localizer consisting of an antennae array system and an electronics equipment unit housed in a shelter building would be place on a concrete pad. In addition, approximately 400 feet of 2-foot wide trenches would be excavated to run power cables for the navigational aids. Ms. Rome said that the Subcommittee recommended approval.

A motion was made and seconded that the Commission approve the placement of navigational aids at Martin State Airport, Middle River, Baltimore County. The vote was unanimously in favor.

Chairman North then asked Ms. Rome to report on the Pocomoke Sound Dredge Disposal, Somerset County. Ms. Rome reported that the Capital Programs Administration, Department of Natural Resources, and the Army Corps of Engineers proposed to hydraulically dredge 40,000 cubic yards of sandy material from the mouth of the Pocomoke River. The site was a 17-acre upland diked disposal area which was currently covered with Phragmites. Ms. Rome said that the spoil would be piped through a 12-inch PVC pipe placed on the ground running across 50 feet of sparsely vegetated Buffer. She said that no vegetation would be

disturbed. The Commission had previously given the project tentative and unofficial approval.

A motion was made and seconded that the Commission approve the Pocomoke Sound dredge disposal project at the Pocomoke Sound Wildlife Management Area in Somerset County. The vote was unanimously in favor.

Chairman North asked Ms. McCleary to report on the Washington Suburban Sanitary Commission's water pumping station, Prince George's County. Ms. McCleary reported that the Sanitary Commission proposed a new water pumping station at the Western Branch Sewage Plant in an IDA. She said that WSSC expected the existing nonpoint source pollutant loadings would be reduced by at least 10%. Since WSSC reviewed the site and plans with staff of the Watershed Protection Branch of Prince George's County's Department of Environmental Resources, they concluded that modifying the existing stormwater drain system was not feasible. Ms. McCleary said that the site to be replanted was previously graded for staging and construction trailers as part of the treatment plant's nitrogen removal. The Subcommittee recommended that WSSC design a draft and final replanting plan of the site that had been disturbed to be reviewed by the Commission staff and Prince George's County.

A motion was made and seconded that the Commission approve the proposed water pumping station of the Washington Suburban Sanitary Commission at the Western Branch Sewage Plant, Prince George's County, with the conditions that a planting plan for the site which is previously being used for staging and construction trailers as part of the treatment plant's nitrogen removal, be designed and finalized for consistency with the Critical Area State and Local Regulations and Prince George's County's Critical Area Program. The vote was unanimously approved.

Chairman North asked Ms. Rome to report on the new laboratory and office building at the Wye Research and Education Center in Queen Anne's County. Ms. Rome reported that the proposal was to remove three of the buildings and the bituminous paving at the Center, and construct an 11,840 sq. ft. laboratory and office building and 40-car parking lot. She said that some grading would be required but all disturbance would be kept out of the buffer. The total imperviousness would be 12% of the site and a 10% pollutant loading reduction would be accomplished. Trees and shrubs would be planted in order to provide mitigation for the increase in stormwater discharge and to satisfy the reforestation requirements. In addition, a 3-foot wide dripstrip would be run along the sides of the building to collect runoff.

Mr. Bowling reported that the Subcommittee approved the project as proposed.

A motion was made and seconded that the Commission approve the new laboratory and office building project at the Wye Research and Education Center in Queen Anne's County. The vote was unanimously in favor.

Chairman asked Mr. Ventre to report on the Growth Allocation request in Dorchester County. Mr. Ventre reported that the County Commissioners' request concerned two small, four-lot residential subdivisions. He said that these two projects were of that class of 19 subdivisions for which the Commission gave a categorical approval last January. He said that the Dorchester Panel held a hearing in October and heard testimony concerning the subdivisions.

Mr. Ventre explained that one of these subdivisions--Kenneth R. Cox--was approved by operation of Law in November due to the running of time and the lack of a quorum at the last Commission meeting to take a vote. The Dorchester Panel had recommended approval of this growth allocation request.

Mr. Hickernell asked how much acreage was involved in the growth allocation request. Mr. Ventre answered that the Cox subdivision was 16.96 acres from RCA to LDA, and Beverly Estates was for 25.1 acres.

A motion was made and seconded that the Commission approve the Dorchester County Commissioners' request for Growth Allocation for Beverly Estates. The vote was unanimously in favor.

Mr. Adkins recommended as a point of procedure that the Commission approve the request for growth allocation for the Cox subdivision, as well.

A motion was made and seconded that the Commission approve the request for growth allocation for the subdivision, Kenneth R. Cox in Dorchester County. The vote was unanimously in favor.

Chairman North asked Ms. Hairston to report on the Town of Elkton's map amendment. Ms. Hairston reported that the Town had requested a change in mapping due to mistake, of 26.52 acres from LDA to IDA. The acreage consisted of 3 parcels containing the Town Sewage Treatment Plant and the Cecil County Detention Center. She said that these uses existed before December 1, 1985, and that the area under consideration was developed fully. She said that the Panel recommended approval of the change by

mistake of the 26 acres. The area met the minimum qualifications for IDA, and the classification of institutional uses as IDA was consistent with the mapping rules in the Elkton Critical Area Program. A hearing had been held by the Panel and recommended approval.

A motion was made and seconded that the Commission approve the change in mapping of 26.52 acres from LDA to IDA in the Town of Elkton, Cecil County. The vote was unanimously approved.

Chairman North asked Mr. Gutman, Panel Chairman, to report on the Critical Area Program for St. Mary's County. Mr. Gutman reported that the County had been most cooperative with Commission staff and Panel and that much effort had been made to produce the County's Program.

Mr. Serey said that the Program was returned to the County for recommended changes. The County has completed the changes and held its public hearing before resubmission of its Program to the Commission. The Panel's previous concerns regarding the mapping methodology were addressed and resolved. He said that the Panel recommended approval.

Ms. Louise Lawrence remarked that she did not know if it was the County's intent to preclude the creation of new agricultural land in the Critical Area. Under the criteria, the intent was to restrict creation of new agricultural land in wetlands and special habitat areas, or steep slopes. She said that it appeared that the County had added language which also includes forest woodlands and sensitive areas. She said that her concern was that the County's Program appeared to preclude any additional agricultural land created in the Critical Area.

Mr. Ford Dean, Chairman of the County's Critical Area Task Force, answered that it was the County's intent that if new agricultural land was created in the Critical Area, it be done in such a fashion that would not be detrimental to concerns such as water quality, plant and wildlife habitat, wetlands, etc.

Ms. Lawrence questioned whether the County's policy included agriculture as a protected land use.

Mr. Dean answered that he felt the County would agree to review this concern under the 90-day approval process that would follow Commission approval of the Program.

Mr. Serey reported that another concern was raised at the Commission's public hearing in March, 1988, regarding the Maryland Rock property on Breton Bay. The County had designated

the property as an RCA parcel. The property contains the processing facilities of former and ongoing mining operations. The County had notified the Commission that during the period following approval, it may decide to change the designation. The Panel had agreed to the RCA designation.

Mr. Warren Rich, Attorney for the owners of the Maryland Rock property, noted that he felt the property should be designated as IDA as there was intense industrial use on that property as of December 1, 1985.

Mr. Dean replied that the County would be reviewing the property designation during the 90-day approval process.

Deputy Secretary Cade asked if this issue had been brought to the Panel's attention. Mr. Gutman answered affirmatively, and that it was felt that the Program should be given approval with the understanding that the County may reconsider this issue and either submit a change before local adoption, or submit a Program amendment to the Commission at a later date.

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

Chairman North announced the resignation of Senator J. Frank Raley, Jr. from the Commission as of January, and the departure of Ms. Abi Rome to South America. He thanked the Senator for his contribution to the Commission, and Ms. Rome for her diligence and hard work on the Commission staff.

There being no further business, the meeting was adjourned.

SUBCOMMITTEE REPORT

January 3, 1990

Applicant: Maryland-National Capital Park and
Planning Commission

Project: Queen Anne's Park at PortAmerica

Recommendation: APPROVAL

Discussion:

Queen Anne's Park at PortAmerica is located on the Potomac River, south of the Woodrow Wilson Bridge in Prince George's County. The Critical Area Commission, at its meeting on April 5, 1989, approved the following aspects of the project:

- 1) an access ramp from the Capital Beltway to the State Visitor Center located on the PortAmerica site;
- 2) access road related to the ramp and the Visitor Center; and
- 3) the regional stormwater management facility located on M-NCPPC property and the PortAmerica site.

M-NCPPC, at this time, requests Commission approval of the following recreation elements of the park.

1) Hiker/biker trail - A 12-foot wide section of the Potomac Heritage Trail, coordinated by the National Park Service, will extend around Smoot Bay, under the Wilson Bridge and link with another section of the trail north of the bridge. A rest shelter and exercise stations will be located along the trail. The area where the trail is proposed is a narrow strip adjacent to the access roads to the bridge. Almost the entire length of the trail will be in the Buffer. M-NCPPC proposes to align the trail through open areas, where possible, and around major trees. The trail surface will be pervious concrete; stormwater will be directed away from the water. Restoration of disturbed areas and afforestation will be provided.

2) Fishing pier and boat rental facility - A fishing pier will extend into Smoot Bay from Rosalie Island. This area will include a boat rental facility (nonmotorized boats). Access to this area will be provided by a connecting trail (8-10' wide) to the hiker/biker trail.

3) A Clivus Multrum composting toilet will be located near the

Subcommittee Report
January 3, 1990
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pier/boat rental facility.

4) An observation platform will be located near the tip of Rosalie Island. Access will be provided by a connecting trail (8-10' wide).

5) A parking lot for 30 vehicles will be located near the State Visitor Center building. Stormwater will be managed for water quality through an infiltration trench.

6) An abandoned barge docking facility on Rosalie Island will be removed and the area will be restored.

Subcommittee site visit: November 29, 1989

Staff contact: Ren Serey

SUBCOMMITTEE REPORT

January 3, 1990

Applicant: St. Mary's College

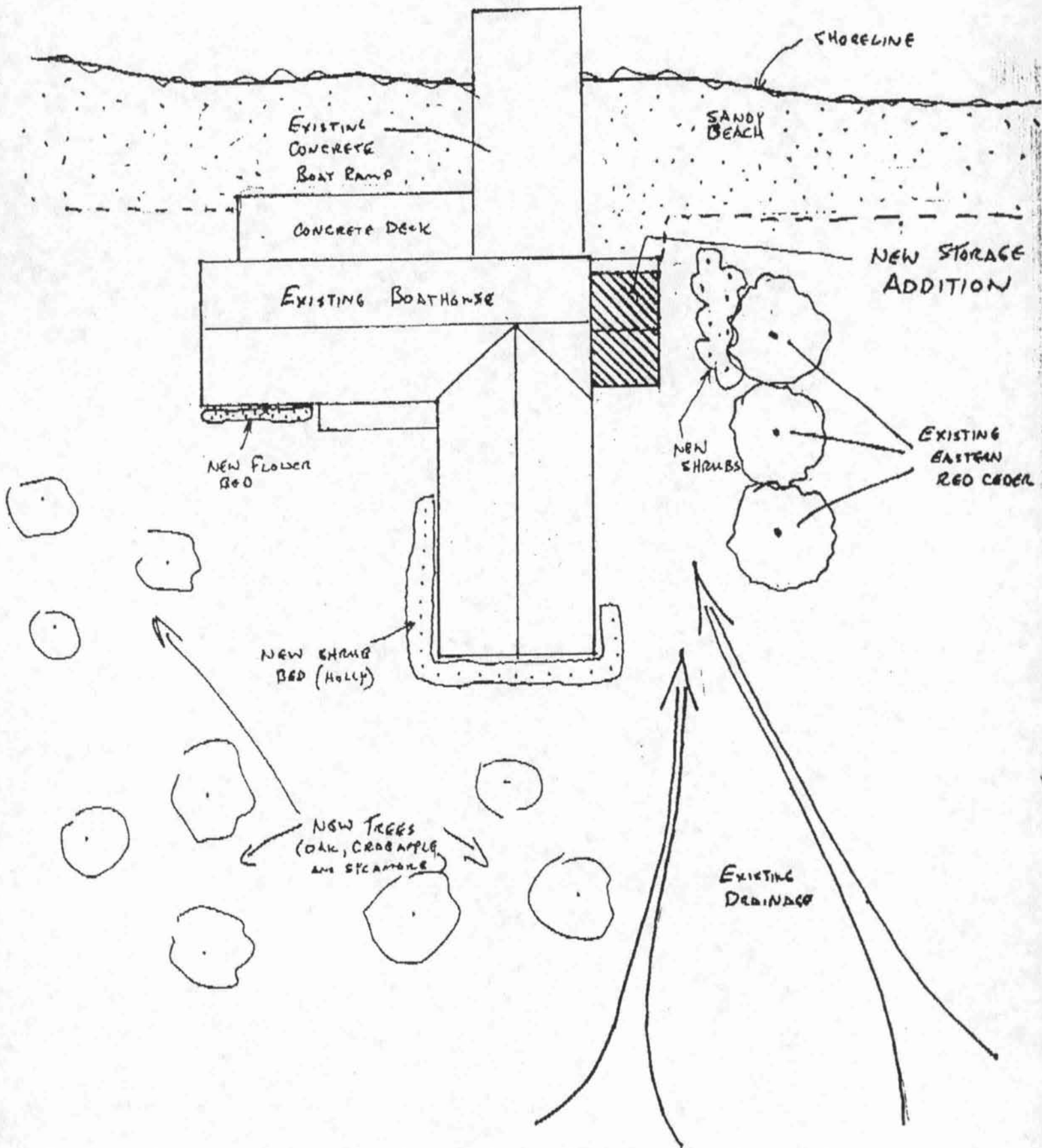
Project: Boathouse Addition

Recommendation: APPROVAL

Discussion:

St. Mary's College proposes to expand an existing boathouse located in the Buffer on the St. Mary's River. The boathouse currently occupies 1600 square feet. The expansion proposed is 198 square feet and will be used to store sailboards and equipment. The site has been used for storage of boat trailers. The soil is compacted; there is no vegetation present. Additional plantings of trees and shrubs will be provided adjacent to the disturbed area and elsewhere on the boathouse grounds.

Contact person: Ren Serey



ATTACHMENT "B"

Outline of Oil/Gas Regulations for the Critical Area

Introduction

Brief history of the C.A legislation and oil/gas mandate

Chapter 1 Definitions

Mixture of C.A. terms and new oil/gas terms

Chapter 2 Oil/Gas Development in the C.A.

General Policies

Geophysical surveys (including seismic surveys)

Well Construction and Drilling

Pipelines

Water-dependent facilities (including oil spill facilities)

Chapter 3 Habitat Protection Areas

Buffer

Non-tidal Wetlands

Threatened/Endangered Species

Plant and Wildlife Habitat

Anadromous Fish Spawning Streams

Chapter 4 Information Requirements

Environmental Assessment

Exploration Plan (for geophysical surveys)

Alternative Site Analysis for wellsites

Plan of Operations for drilling

Pollution Prevention Plan (for spills and blowouts)

Reclamation Plans

Chapter 5 Conditional Approval

Chapter 6 Commission Review Process (panels, timelines)

Chapter 7 Appeals

Chapter 8 Enforcement

Baltimore County
Department of Environmental Protection
& Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3733

Robert W. Sheesley
Director

January 2, 1990



Dennis F. Rasmussen
County Executive

Judge John C. North, II, Chairman
State of Maryland
Chesapeake Bay Critical Area Commission
West Garrett Place, Suite 320
275 West Street
Annapolis, Maryland 21401

Dear Judge North:

Please find attached a copy of the submission requirements and evaluation objectives for Baltimore County's Growth Allocation design competition.

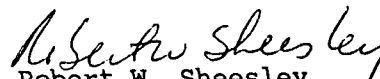
At the August 2, 1989 meeting, the Commission voted unanimously to approve Baltimore County's Program Amendment subject to two conditions:

1. Language must be written into the bill which requires the County to send a copy of the submission requirements and evaluation objectives for the design competition to the Critical Area Commission for review (e.g., Section 22-21(h)(1)).
2. The language in Section 22-21(g)(2) must be clarified to limit off-site enhancement offered by a proposal to only that which can show a nexus, or direct relationship, to the proposal and its impacts.

The amendment with changes was enacted on October 16, 1989. The submission requirements and evaluation objectives are enclosed for the Commission's review. Mr. David Flowers will represent this Department at the January 3, 1990 meeting at which time final Commission approval is requested.

If there are any questions, please contact Mr. David Flowers at 887-2904.

Very truly yours,


Robert W. Sheesley
Director

RWS:tjg
Attachment

cc: The Honorable Ronald Hickernell
Ms. Anne Hairston
Mrs. Janice Outen
Mr. David Flowers

Chesapeake Bay Critical Area Program

Growth Allocation Procedure

Conceptual Site Plan

I. PURPOSE

In order to apply for growth allocation, an applicant shall submit a conceptual development plan to the Department of Environmental Protection and Resource Management by November 7, 1990. This plan shall demonstrate the likelihood that a development project could be designed (and subsequently approved through the normal County development review process) in compliance with the State and Baltimore County requirements. If the project is awarded growth allocation, the County would then reserve a sufficient amount of its "growth allocation" acreage to allow the project to seek County development review approval for the density and/or the uses allowed by its current, or requested, zoning classification. The conceptual development plan review is neither a substitute for the County development review process, nor a guarantee of eventual County development review approval.

To take advantage of this opportunity, an applicant shall submit 12 copies of a conceptual site plan showing the information listed in Part II and comply with the design standards in Part III.

II REQUIRED INFORMATION

The applicant has the option of submitting one conceptual site plan showing existing and proposed conditions, or submitting two separate plans, one showing existing conditions, and one showing proposed conditions. The two plan option should be considered for more complicated proposals.

A. The conceptual site plan shall be drawn to scale (not smaller than 1" = 100'), and include the following information:

- 1) Existing topography (2 ft. contour intervals), with cross-hatching on areas of more than 15% slope;
- 2) Existing soil types (from County Soil Survey, unless more recent information is available);
- 3) Existing "forest" and "developed woodlands," as delineated on 1" = 200' aerial photos (Jan. 1986) available from the Department of Environmental Protection and Resource Management;
- 4) Perennial and intermittent streams, springs and bodies of water;
- 5) Floodplains (100-year riverine) and flood areas (100-year tidal);

- 6) Tidal and non-tidal wetlands;
- 7) Storm drains, water, and sewer lines intended to serve the development;
- 8) Critical Area line;
- 9) Proposed development envelope with schematic layout of lots, buildings, parking, streets, local open space, and stormwater management systems; and
- 10) Schematic building elevations.

B. The site plan shall also contain the following information:

- 1) Name, address and phone number of the applicant;
- 2) Name, address and phone number of the person or firm who prepared the plan;
- 3) North arrow, date, written and graphic scales;
- 4) Vicinity map (1" = 2000');
- 5) Current and proposed zoning of subject property; and
- 6) Tabulation of:
 - a. Total acreage of the property;
 - b. Total acreage of property within the Critical Area;
 - c. Density computations and parking requirements based on zoning; and
 - d. Total acreage in "forest" and in "developed woodlands" and the acreage of each type proposed to be cleared.

III. DESIGN STANDARDS - An application may be made for a Limited Development Area (LDA) or an Intensely Developed Area (IDA) classification, depending upon the use, density, and total acreage proposed. For specifics, please contact the Department of Environmental Protection and Resource Management. The general standards that shall be met by all applicants are outlined in Section A. Sections B and C contain the specific standards for IDAs and LDAs, respectively. This applicable standard shall be considered by the applicant and will be used by this County in evaluating the proposal.

A. General

1. Clustering is preferred to minimize impervious surfaces and destruction of vegetation.

2. Dredging, filling, or construction in non-tidal and tidal wetlands is prohibited.

3. A minimum 25-foot buffer shall be maintained around non-tidal wetlands.

4. To protect the hydrologic regime and water quality of non-tidal wetlands, infiltration of run-off shall be maximized and discharge points decentralized.

5. A minimum 100 foot buffer shall be established from each bank of non-tidal tributary streams. The buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils.

6. A 300-foot undisturbed buffer is required landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams. This buffer may be reduced if it can be shown that greater habitat or water quality benefits could be achieved through other site specific measures.

7. Development in Habitat Protection Areas, as defined on the Department of Environmental Protection and Resource Management's 1" = 200' scale aerial photographs, is prohibited unless it can be shown that the location of the activities and/or the limitations or restrictions placed on them will avoid adverse impacts to the functions of the Area(s) or species dependent upon them.

B. Intensely Developed Area Standards

1. New Intensely Developed Areas shall be at least 20 acres.

2. Every acre of forest or developed woodland, as delineated on the January, 1986 Baltimore County Forest and Developed Woodland aerial photographs, removed shall be replaced on a 1:1 acreage basis. Trees and woody vegetation cleared in LDA's shall be replaced within the County's Critical Area. Forest or developed woodlands cleared in RCAs (RC 20 or RC 50 Zones) shall be replaced only in RCAs (RC 20 or RC 50 Zones).

Replacement sites do not have to be indicated at this time; however, the applicant shall agree to remove and replace, or afforest, according to an approved Forest Establishment Agreement and Plan, or to pay fees-in-lieu which the County shall use for forest replacement only.

3. Post-development phosphorus pollutant loadings from the site shall be 10% below the on-site level prior to development. Calculations documenting the likelihood of meeting this standard as well as approximate size and location of components shall be shown.

4. Vegetation shall be established in permeable areas if practicable.

5. If possible, limited public access to the shoreline shall be provided.

C. Limited Development Areas

1. All development activities that must cross or affect streams shall be designed to:

- a. Reduce increases in flood frequency and severity that are attributed to the development;
- b. Retain tree canopy so as to maintain stream water temperature within normal variation;
- c. Provide a natural substrate for streambeds; and
- d. Minimize adverse water quality and quantity impacts of stormwater.

2. A wildlife corridor system shall be incorporated into the plan.

3. For the alteration of forest or developed woodland as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:

- a. No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared, provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.
- b. If no forest or developed woodland exists on the development site, the applicant shall afforest 15% of the site according to an approved Forest Establishment Agreement and Plan.
- c. Replacement sites do not have to be shown; however, the applicant shall agree to remove, replace, or afforest according to an approved Forest Establishment Agreement and Plan or to pay fees-in-lieu which the County shall use for forest replacement only.

4. Development on slopes greater than 15% is prohibited unless it is the only effective way to maintain or improve the stability of the slope and is consistent with the policies in COMAR 14.15.02.04B.

5. The sum of all man-made impervious areas shall not exceed 15% of the lot, parcel or property proposed to be developed, except that lots less than or equal to one acre each, and located in a subdivision approved after June 1, 1986 may contain impervious areas up to 25% of the lot.

6. The approximate size and location of the stormwater management components shall be shown in the plan acknowledging the following requirements:

a) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

b) Infiltration of water is maximized throughout the site and storm drain discharge points are decentralized;

c) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15, and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state.

For additional information, please contact Mr. David C. Flowers at, Baltimore County Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Towson, Maryland 21204, telephone number 887-2904.

BALTIMORE COUNTY
CHESAPEAKE BAY CRITICAL AREA PROGRAM
GROWTH ALLOCATION
EVALUATION OBJECTIVES

BALTIMORE COUNTY CHESAPEAKE BAY CRITICAL AREA
EVALUATION OBJECTIVES FOR GROWTH ALLOCATION

Evaluation Objectives

All Growth Allocation requests shall be submitted to the Department of Environmental Protection and Resource Management in the form of a Conceptual Site Plan. All requests shall meet the applicable minimum standards for development set forth in the County's Chesapeake Bay Critical Area Program.

Because of the limited amount of acreage available for growth allocation, the award process will be highly competitive. Recommendations for awarding growth allocation will be made by the Growth Allocation Review Committee, using the following evaluation objectives:

1. Consistency with other established County land-use policies, plans, and initiatives;
2. Adequacy of public facilities and services (sewer, water, roads, fire, police, schools, etc.);
3. Fulfillment of unmet needs in relation to County policies for community and economic development as stated in the current Baltimore County Master Plan;
4. Anticipated ability of the project to comply with County Development Regulations;
5. Functional compatibility with the surrounding area (traffic volumes and circulation; height, bulk, setbacks, appearance, and noise); and
6. Overall excellence of the development concept in meeting or exceeding the purpose of the Critical Area Program.

Each Conceptual Site Plan will be evaluated and ranked by the Growth Allocation Review Committee in terms of how well it, in comparison to other proposals, achieves the environmental and community enhancement objectives that are expressed as questions in Table 1. It is the responsibility of the applicant to fully answer each of these questions in a text that is to accompany each Conceptual Site Plan.

TABLE 1: Environmental and Community Enhancement Evaluation Objectives

A. Resource Protection

How does the proposal:

1. minimize clearance of trees and woody vegetation?
2. maximize buffers for tidal and non-tidal wetlands, drainage ways, steep slopes, floodplains?
3. optimize shoreline protection measures, especially those that are non-structural?
4. minimize disturbance on steep slopes and soils with development constraints?
5. protect existing natural features and habitats?
6. minimize stream crossings?
7. minimize grading?
8. protect existing Habitat Protection Areas?
9. minimize the effect of disturbance on breeding activities of birds, wildlife, and fish by timing development to avoid critical periods?

B. Resource Enhancement

How does the proposal:

1. minimize post-development pollutant loadings in stormwater?
2. optimize open space?
3. minimize percentage of impervious surfaces?
4. optimize afforestation?
5. optimize the continuation of Critical Area standards outside the Critical Area?

6. optimize improvement of off-site environmental conditions (e.g., correction of failing septic systems, wetland establishment or rehabilitation, treatment of off-site stormwater, debris removal, shoreline stabilization, etc.)?
7. optimize use of wildlife corridors?
8. optimize stream restoration?
9. maximize infiltration and decentralization of storm water management discharge points?
10. enhance habitats through forest management, wildlife plantings, additional protection, monitoring, etc.?

C. Design Qualities

How does the proposal optimize:

1. affordability of housing?
2. compatibility with surrounding neighborhoods and environment?
3. unique features of site?
4. the preservation of architecturally or historically significant structures?
5. landscaping?
6. pedestrian walkways?
7. coordination between housing types and/or commercial uses?
8. siting incorporating visual focal points, use of existing physical features, variation in building setbacks and groupings?
9. innovative construction techniques (e.g., underground parking, solar heating/cooling, coordination of materials, harmonious use of materials and varied architectural styles)?

D. Location Objectives

How does the proposal optimize:

1. location of new IDAs (LDA conversion adjacent to existing IDAs)?
2. location of new LDAs (adjacent to existing LDAs or IDAs)?

E. Offsite Community Enhancement*

Note: Offsite enhancement shall be directly related to the anticipated development within the Critical Area.

How does the proposal optimize:

1. repair or construction of off-site infrastructure--most notably storm drains, sewer, water, and roads?
2. community facilities (e.g., repair or construction of schools; libraries; recreational facilities such as pools, skating rinks, sports fields; family support or child care centers)?
3. provision of community services (e.g., providing land or building for police, contribution to local improvement efforts)?
4. employment opportunities?

* The fulfillment of these objectives shall be considered only when all the environmental, design, and locational objectives have been maximized.

CRITICAL AREA COMMISSION STAFF REPORT

1-3-90

Issue: Evaluation Objectives for Baltimore County's Growth Allocation Competition

Commission Action Needed: Review of Evaluation Objectives and endorsement

Summary: The Commission approved Baltimore County's bill for issuing growth allocation in August 1989, and required that the County send the evaluation objectives for the design competition to the Commission for review. Commission staff commented on the objectives in a preliminary stage last year. Any concerns or comments that the Commission may have with the County's growth allocation evaluation objectives should be given to the County at this time.

Growth allocation requests will be submitted with a conceptual site plan, upon which the design competition will be based. All plans must meet the Critical Area Criteria at a minimum, and growth allocation will be awarded to those projects which optimize the 34 evaluation objectives, compared to the other projects submitted. The evaluation objectives have five categories: resource protection, resource enhancement, design qualities, locational objectives, and offsite community enhancement. The evaluation objectives are mostly the habitat and water quality concerns essential to the Criteria. The design qualities category includes concerns such as housing affordability, aesthetics, historic preservation, and compatibility with the neighborhood, which are important to the County, but not incorporated in the Criteria. Offsite community enhancement objectives also include concerns for County facilities, but these objectives are only used for evaluation of the projects once the other objectives are maximized. Offsite enhancement must be directly related to the project.

The design competition will be judged by the Growth Allocation Review Committee. The committee consists of the directors of the Dept. of Environmental Protection and Resource Management, Office of Planning and Zoning, Dept. of Public Works, Dept. of Recreation and Parks, and the Economic Development Commission.

Recommendation: Endorse the growth allocation evaluation objectives.

Staff: Anne Hairston

ST. MARY'S COLLEGE OF MARYLAND
ST. MARY'S CITY, MARYLAND 20686

NEW ACADEMIC BUILDING

CHAPTER I - Introduction and Background Information

St. Mary's College of Maryland requests conceptual approval from the Chesapeake Bay Critical Area Commission to construct a new science facility within the Critical Areas Zone. This report provides background information about St. Mary's College of Maryland and its need to create additional science facilities, a description of the proposed project, and preliminary findings that the project is consistent with requirements of Comar 14.19.

Conceptual approval from the Critical Areas Commission is sought as a result of the schedule required for this project. Project design must begin in January 1990 to allow for occupancy in the year 1992. An architectural and engineering team has been hired, but their work will not begin until the site selected for this facility has been approved. When the design effort for this development has progressed to the point when an engineering analysis can be completed, a technical report on this project, and the offsets proposed to mitigate its impact in the critical areas, shall be submitted to the Commission for approval.

College Profile: St. Mary's College of Maryland is a public, co-educational liberal arts college located in St. Mary's City, Maryland. The College occupies a distinctive niche in American higher education. It is an affordable, public institution offering an excellent liberal arts education and small-college experience of the sort more commonly found at prestigious private colleges. For families throughout the Mid-Atlantic region, St. Mary's serves as a less expensive alternative to selective private colleges. Many of the best students in Maryland's public higher education system attended St. Mary's. Here they find a gifted faculty, an exceptionally high level of contact with their professors, small classes, a rigorous liberal arts curriculum, a strong spirit of community, and a place of uncommon beauty.

In its devotion to undergraduate liberal arts education and its role as a "public alternative" to fine small private colleges, St. Mary's is unique among Maryland state colleges and unusual nationally. The state legislature recognizes this special status by comparing St. Mary's to a select group of other, similar small colleges as peer institutions when considering the schools needs and its success in fulfilling its mission. The state also sets apart St. Mary's by allowing it to be governed by an independent board of trustees. Only one other public college has an independent board.

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The College enrolls about 1,400 students, approximately 1,200 of whom are full-time. Three-quarters of the full-time students live on campus. There are 78 full-time faculty members. The student/faculty ratio is 15:1. All students at St. Mary's must complete rigorous general requirements called the General Education Program. The program includes required courses in biology and physical science. Students must also direct their studies to one or more of sixteen traditional academic majors. The General Education Program has recently been a focus of development for the College. Supported by a \$171,000 matching grant from the National Endowment for the Humanities, St. Mary's faculty have worked for the past two years to bring a higher level of integration to the course of study completed by all students.

St Mary's is known throughout Maryland for the extraordinary beauty of its surroundings. The campus encompasses 275 acres of lawn and woodland along the shores of the St. Mary's River, which flows into the Potomac near that river's juncture with the Chesapeake Bay. Located seventy miles southeast of Washington, D.C., the campus occupies part of St. Mary's City, the site of Maryland's original colonial capital. The College neighbors a state park that preserves the 17th century settlement through interpretive archaeological work, reconstructions, exhibits, and "living history" performances. A Location Map and Campus Map are provided as Attachments "A" and "B".

The College's own history is closely linked to the historic significance of its location. Established by the state legislature in 1840 to commemorate Maryland's bicentennial, the school began as a "female seminary". It gradually evolved into a girl's high school and then, in 1927, into the state's first public junior college. Men were first admitted in 1949. In 1964, the legislature authorized the development of a four-year college, St. Mary's College of Maryland, which awarded its first baccalaureate degrees in 1971. Thus, while the institution has a long history -- and a strong tradition of being "special", by virtue of this relationship to Maryland's origins -- it is quite young as a four-year college.

Despite this youth, St. Mary's has earned a wide recognition for academic excellence. It is the most selective institution in Maryland's public higher education system, admitting forty-six percent of applicants. The average Scholastic Aptitude Test score of incoming freshmen has increased by 190 points in the past six years, to 1,135 in 1989 -- and in each of six years St. Mary's has led the entire state system in average SAT scores. An honors program attracts students whose SAT scores typically exceed 1,300 -- The average was 1,325 for the group entering in 1988 -- and whose high school grade point averages exceed 3.5. More than forty percent of the College's graduates pursue advanced studies, compared to an average of thirty percent for the

graduates of other state schools and thirty-five percent for the graduates of the College's peer institutions.

Existing Facilities and Future Need:

As the College began to improve the academic quality of the institution, it became obvious that the existing physical plant was inadequate in both the quantity and condition of space. Recognizing this as a constraint to achieving the goals of the institution, the College embarked on a facility improvement program. The first initiative in that program was the development of a quantitative Facilities Master Plan. This report, Facilities Master Plan 1986-1995, provided an analysis of the existing facilities and future campus needs and made the following findings:

- A. Only one academic building (Montgomery Hall Fine Arts Center) has been constructed on this campus in the past twenty years. This facility is the only structure on campus designed specifically for the programs of the baccalaureate institution. All other programs and services of the College are housed in older buildings, which were planned, built or renovated more recently in date but at a time when there was no precise understanding of the size of the student body or the needs of the emerging four-year program.
- B. The College lacks sufficient space and suitable facilities in most areas of operation. The existing facilities do not meet the minimum allowances of the Space Planning Guidelines for Maryland Colleges and Universities, and the undersized and generally poor configuration of the existing physical plant poses a significant impediment for the future development and cost-effective operation of the College.
- C. The most urgent needs are for additional (and replacement) space to accommodate laboratory instruction in the physical, natural, social, and behavioral sciences. In fact, the College's guideline deficit of laboratory space to support the instructional programs in the natural and behavioral sciences is greater than its inventory.
- D. To alleviate the deficiency of laboratory space, a new science building is required for the Division of Natural Science and Mathematics. This facility will replace the existing outmoded laboratories and provide additional laboratories to meet the demands of the curriculum. As a future project, the existing laboratories will be renovated and redeployed for social science programs.

Design Master Plan:

Though the Facilities Master Plan 1986-1995 adequately identified a program to resolve the College's space deficiencies quantitatively, it did not provide the qualitative guidance needed to ensure that future development would be consistent with the historic and ecologic nature of the campus. Recognizing this need, the College Board of Trustees ordered the development of a Design Master Plan. This effort was performed by Jaquelin T. Robertson, a prominent architect and planner of national acclaim, who was then the dean of the school of architecture of the University of Virginia. As stated by Mr. Robertson, the Design Master Plan aspires to "reinforce the academic goals as set forth by the College by qualitatively establishing a revitalized organization for the physical campus, while at the same time enhancing and conserving its natural environment. It offers a design framework within which the College can create an image more closely in keeping with its academic reputation, introducing certain fundamental planning, architectural and landscape concepts which will ensure new patterns of consistency for all future development".

The Design Master Plan was developed through 1987 and approved by the College Board of Trustees in December 1988. The development of the Design Master Plan included site visits and discussions with faculty, staff, and students. Throughout the process, consultations were held with the College neighbors, the St. Mary's City Commission and Trinity Parish. Further, presentations of the plan were made to the local delegation and the general public.

One of the most important tasks resolved by the Master Plan was the siting for the new science facility. In analyzing potential building sites, Mr. Robertson recognized that "while preservation and conservation of the natural landscape is thus a constraint to anything other than the most carefully considered planning effort, preserving and enhancing those unique characteristics of the campus, which its community regards as 'sacred', is one of the imperatives of this Master Plan".

The site chosen for the science facility was considered the most viable site only after thorough consideration of potentially available alternative sites. These sites, shown in Attachment C, include sites adjacent to Queen Anne, adjacent to Charles Hall, adjacent to Kent Hall, and north of Fisher's Road. The site north of Fisher's Road was selected for the following reasons:

- A. This site supports the academic goals of the College. This location, adjacent to the gym and fine arts building, will improve the balance of academic facilities between the old campus precinct and the north campus precinct. The building will serve to strengthen the collegiate environment in the north precinct.
- B. Historical resources located in the old campus and central campus precincts preclude those areas from future major development. As a result, all major development at St. Mary's College will be directed to the north campus precinct. This constraint eliminated the site adjacent to Charles Hall.
- C. This site meets the program needs of the facility as it is accessible to salt water from St. Mary's river. This water is needed to support the marine biology laboratories which require aquatic animal holding tanks.
- D. This site has sufficient land available for this facility, including parking, without changing the existing topography or causing any deforestation. Environmental concerns related to the site adjacent to Queen Anne precluded its selection.
- E. This site is located in an area of intensive development. The facility will provide an opportunity to enhance the quality of storm water runoff from the existing area, primarily through elimination of the existing parking lot which currently drains directly into St. Johns Pond.
- F. This site has no significant archaeological resources which would prohibit construction.

CHAPTER II - Project Description

Scope:

This project consists of a new academic building of approximately 55,200 gross square feet. The facility will provide laboratories, classrooms, and offices for the Division of Natural Science and Mathematics. This division includes the disciplines of Biology, Chemistry, Physics, Computer Science, and Mathematics.

Included within this science facility are eleven laboratories to support courses in Biology, Zoology, Botany, Ecology and Environmental Pollution, Anatomy, Estuarine and Marine Biology, Chemistry, Physics, Astronomy, Earth Science, and Computer Science. Also included are eight classrooms, four research laboratories, a greenhouse, aquatic holding tanks, and an observatory platform.

This facility will become a major instructional building at the College. It will increase available classroom space by thirty-seven percent and laboratory space by seventy-three percent. Further, the facility will be used by the entire student population as the College curriculum requires that core courses in mathematics, biological sciences, and physical science be taken by all students.

The biology program requires the development of an aquatic animal holding room. This facility requires fresh and sea water holding tanks for holding and culturing specimens used in the instructional program and for student and faculty research projects. Because the biology program is largely built around the estuarine plants and animals of the St. Mary's River and Chesapeake Bay, a special circulating estuarine water system is required. Estuarine organisms are especially sensitive to changes in their native environments and must be in constant contact with estuarine water. To give all students in the College an appreciation for aquatic resources (the Chesapeake Bay and the St. Mary's River, in particular) and the sensitivity of aquatic environments to stress, the biology faculty uses aquatic organisms as a major thrust and focus in the biology program. St. Mary's College is the only undergraduate college in Maryland able to provide a program that intensively uses aquatic organisms in its curriculum.

To support the aquatic holding tanks, this development includes an estuarine water system. This system will require that two supply and two return lines be installed from the St. Mary's River to the building and will include a pumping facility near the shoreline. The system will supply river water to the holding tanks at a rate of ten gallons per minute and return the water back to the river at the same rate. This Water Dependent

Facility will replace a current obsolete estuarine system at another building. Due to the intrinsic nature of the system the building must be located reasonably close to the river.

In addition to the building it is anticipated that this development will require that the existing parking lot adjacent to Somerset Hall Gymnasium be removed. In total, parking facilities will be created for 275 vehicles to replace the existing 202 vehicle lot. Fisher Road will also be realigned. The existing asphalt lot and access road currently drains directly into St. John's Pond untreated. The new lots and road will be engineered with offsets to improve the quality of stormwater runoff.

Siting:

As stated previously, this site shown in Attachment D, was selected through analysis of alternate sites. With respect to the critical areas, it should be recognized that all College land within and approximate to the academic area of the campus is within the critical area (see Attachment D). For this project to be located within the existing academic area, it must be constructed within the critical areas.

This new academic facility must be located within the existing academic area because any location outside of this area would be so remote as to be incompatible with the academic mission of St. Mary's College. The Master Plan acknowledges that to fully support the academic programs of the College, this facility must do more than merely fit into the existing campus. Through its location and siting, this building must maintain and enhance an atmosphere of collegiality which is achieved only through close interaction between the various divisions of the faculty, and between the faculty and the student body. This facility must be located within the existing academic area of the campus to maintain the sense of the academic community which is vital to the success of the College.

In addition to integrating the academic programs, this facility must fit into the pedestrian nature of the campus. Currently, all facilities are within easy walking distance from one another, and vehicular traffic through campus is minimal. Location of this facility outside of the academic area would extend the walking trip time beyond reasonable limits and require a complete restructuring of the class schedule to allow for longer breaks between classes. The distance from one end of the academic area to the first site outside the critical area exceeds fourteen minutes. This time frame would not allow students and faculty a reasonable amount of time between classes to collect their belongings, confer with one another, and arrive at their next designated point within the existing fifteen minute interval

between classes. Maintaining the pedestrian nature of the campus is essential to the continued development of the campus as an academic community.

Locating the facility outside the critical areas would also require a significant increase in parking spaces and vehicular traffic. Since the walking trip time would be too great, students would have to be allowed to drive across campus from building to building. This is a practice that is currently not permitted because of a shortage of parking space. Locating this facility outside the critical areas would require an increase of over 500 spaces of which over half would be located in the critical areas. These additional parking spaces would cost over \$600,000.

The specific siting of this project within the academic area of the campus was achieved through careful analysis of available sites which could support a facility of this size and complexity. The site was finally selected only after thorough consideration of its impact on the academic programs, environmental characteristics, and archaeology. As stated previously, this site will enhance the collegiate environment of the north campus without hindering the pedestrian nature of the campus. Additionally, there are no significant archaeological resources to constrain this site and this site provides an opportunity to improve the quality of stormwater runoff into the Chesapeake Bay.

CHAPTER III - Findings

The site for this development is located within the Critical Areas of the Chesapeake Bay as shown in Attachment "D". St. Mary's College shall during the planning and design of this facility ensure that the regulations stipulated by Comar 14.19 are adhered and that the criteria set forth therein will be fully complied with. In addition, St. Mary's College shall require the consulting engineers to consider additional measures beyond the minimal requirements set forth in the regulations. These additional measures shall be evaluated based on their cost effectiveness and implemented in an effort to provide the greatest value of protection to the environment.

The following findings are keyed to Chapter 5 of the regulations.

5.03 Development:

- A. This project site is identified by the local jurisdiction (St. Mary's County) to be in an Area of Intense Development. The site is bound by Fisher's Road on one side and is adjacent to Somerset Hall. The site currently is used for parking access to the townhouses, and intramural athletic fields.
- B. As discussed previously, this development cannot be located outside of the critical areas. [.03B.(1)(a)]. Within the campus critical areas, this project will be directed towards the existing Area of Intense Development described above [.03B.(1)(b)]. The development will not include the following:
 - Solid or Hazardous Waste Collections or Disposal [.03B.(1)(c)].
 - Heavy Industry [.03B.(1)(d)].
 - Transportation and Utilities [.03B.(1)(d)].
 - Permanent Sludge Facilities [.03B.(1)(d)].
- C. The project will require the installation of four supply and return pipes (two each) into the St. Mary's River. These lines are required as part of the estuarine water system needed to support the aquatic animal holding tanks within the new facility. Permits for this work will be obtained from the applicable state and federal agencies at such time as the design of this estuarine water system is sufficiently advanced to submit proper applications [.03B.(1)(e)].

- D. The development shall, as described herein adhere to the applicable requirements of the Habitat Protection Area criteria [.03B.(2)(a)].
- E. This development will be designed in accordance with current state regulations for stormwater management and will be submitted to the applicable state agencies for approval. Offsets will be provided as part of this development to reduce pollutants by at least ten percent of the predevelopment levels. Additional offsets to reduce pollutants more than ten percent shall be evaluated during the design phase of this project [.03B.(2)(b)].
- F. St. Mary's College is a public institution and provides public access to most areas of the campus. The public currently uses the St. Mary's River beach along Route 5 for recreational use. Current public access to the St. Mary's River will not be impacted by this development [.03B.(2)(d)].
- G. None of the following are applicable to this development:
- Port Facility Development [.03B.(2)(e)].
 - Cluster Development [.03B.(2)(f)].
 - Forests or Developed Woodlands [.03B.(2)(g)].
- H. Since this development is within an existing Area of Intense Development, requirements of 5.03B.(3) and (4) are not applicable. However, soil erosion and sedimentation control measures will be developed and approved by the applicable state agencies and implemented during construction. Storm water management will also be developed in accordance with the applicable state requirements and will include a minimum ten percent reduction in pollutants from the current levels.
- I. No off-site impacts will result on the local jurisdiction's Critical Area Program from this development [.03B.(5)].

5.04 Water Dependent Facilities:

- A. This project includes the development of an estuarine water system to support the academic program intended for this facility. The system shall consist of two supply and two return lines which will extend from within the St. Mary's River to this new building. These

pipes will be small in diameter (six inches or less) and shall be buried underground in areas currently maintained as lawn areas. Only one supply and one return line will be in operation at a time. The system will provide river water at a constant rate of approximately ten gallons per minute to the aquatic animal holding tanks and discharge back to the river at the same rate, thus providing four water changes per day. Attachment "D" shows a conceptual layout of this system [.04A.(1)].

- B. As discussed previously in the project description, this water dependent facility is an integral part of this project. As it is required to support marine biology studies which form an essential component of the education program of St. Mary's College of Maryland, this system must be considered a recognized public need. Further, paragraph 5.04B.(8) allows for development of water dependent facilities to support research. This system will support both undergraduate laboratories and faculty research.

Because of the limited amount of disturbance required for this system, there will be only minimal impact on water quality, fish, plant, and wildlife habitats. Disturbances to the lawn areas within the buffer will be kept to a minimum during construction. Also, landscaping will be provided around the pumping house to screen it from view and to offset the loss of permeable soil. All other facilities associated with this development shall be located outside the buffer [.04B.(1)].

- C. The estuarine water system will not have any significant impact to the factors listed in paragraph 5.04B.(2) of the regulations.
- The flow rates for intake and discharge are low enough to have no impact to existing circulation patterns and salinity regimes.
 - The area of the St. Mary's River that the pipes shall be placed in has considerable flushing characteristics.
 - No wetlands will be disturbed, and submerged aquatic plants will be disturbed minimally, and only during the installation of the system.
 - There will be no adverse effect to water quality.
 - Disturbance to shellfish beds will be minimal. The supply and return lines shall be located within a large oyster bed. Disturbance to this bed shall be

limited to the installation of these pipes only. The discharge will not have any adverse effects on the oyster bed or in the water quality in general.

- Dredging, if required to install the pipes, will be conducted so as to have the least impact. The method of dredging shall be determined by the consulting engineers during design of this facility and reviewed as required by the appropriate state and federal authorities.
- There will be no interference to the natural transport of sand.

During the design of the system by the engineering consultants, the College shall ensure that the above factors are fully considered and implemented. Additional measures beyond the minimal requirements shall be considered. [.04B.(2) & (3)].

- D. Sections 5.04B.(5), (6), (7), and (9) of the regulations do not apply to this development.

5.05 Shore Erosion Protection Works:

This section does not apply to this project.

5.06 Forest and Woodland Protection:

The site for this development does not contain any "forest" or "developed woodlands".

5.07 Agriculture:

This section does not apply to this project.

5.08 Surface Mining:

This section does not apply to this project.

5.09 Buffer:

This development shall be located outside of the buffer with the exception of the estuarine water system. This system shall have minimal impact on the buffer. The following guidelines shall be adhered to for this water dependent facility:

- A. Existing vegetation will be minimally disturbed, and in such cases, additional vegetation shall be planted.
- B. Impervious surfaces shall be limited to the installation of a small pump house to provide the

water to the new building. Additional vegetation and other offsets shall be considered to mitigate any adverse impacts.

- C. No trees or shrubs shall be cut within the buffer. In addition, the College will ensure that the project is developed in a manner that will protect the buffer from further affects of man-made disturbances. Offsets will be provided for the reduction or removal of sediments, nutrients, or to check substances entering the St. Mary's River, Fisherman Creek, or St. John's Pond.

5.10 Non-Tidal Wetlands:

This section does not apply to this project.

5.11 Threatened and Endangered Species and Species in Need of Conservation:

This project will not impact upon the habitats protection areas referenced in these sections of the regulation. Attachment "E" provides a determination by the Department of Natural Resources.

5.12 Plant and Wildlife Habitat:

This project will not impact upon the habitats protection areas referenced in these sections of the regulation. Attachment "E" provides a determination by the Department of Natural Resources.

5.13 Anadromous Fish Propagative Waters:

This project will not impact upon the habitats protection areas referenced in these sections of the regulation. Attachment "E" provides a determination by the Department of Natural Resources.

5.14 Natural Parks:

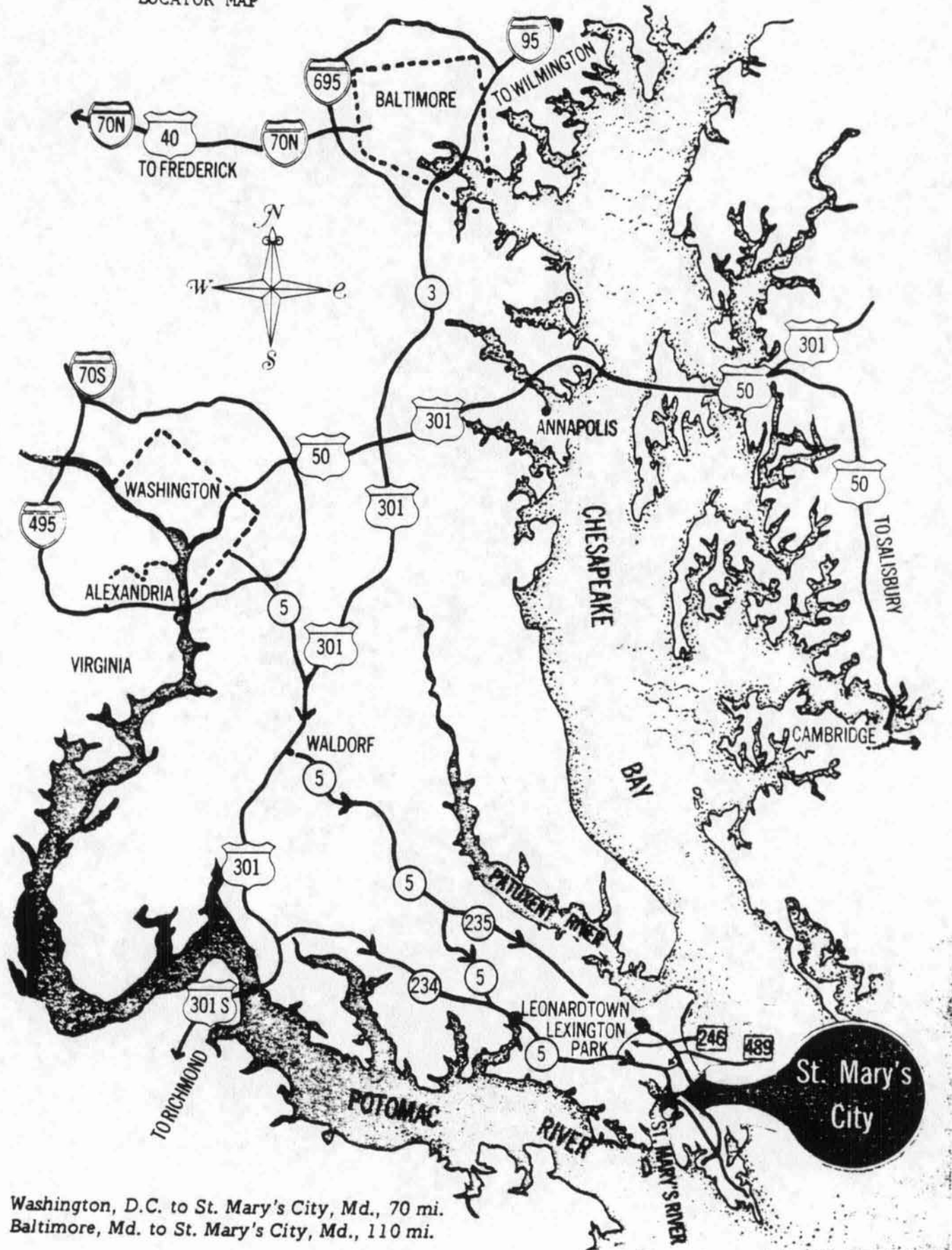
St. Mary's College of Maryland is a public institution located within a unique environmental setting. Within the academic care of the campus exists the St. Mary's River, tidal creeks and ponds, brackish marshes, and forests. All of these areas are open to the public for recreation and education. This project will not adversely affect these valuable resources.

LIST OF ATTACHMENTS

- A. Location Map.
- B. Campus Map.
- C. Campus precincts and alternative building sites.
- D. New academic building and critical areas boundaries.
- E. Letter from the Department of Natural Resources concerning habitat protection areas.

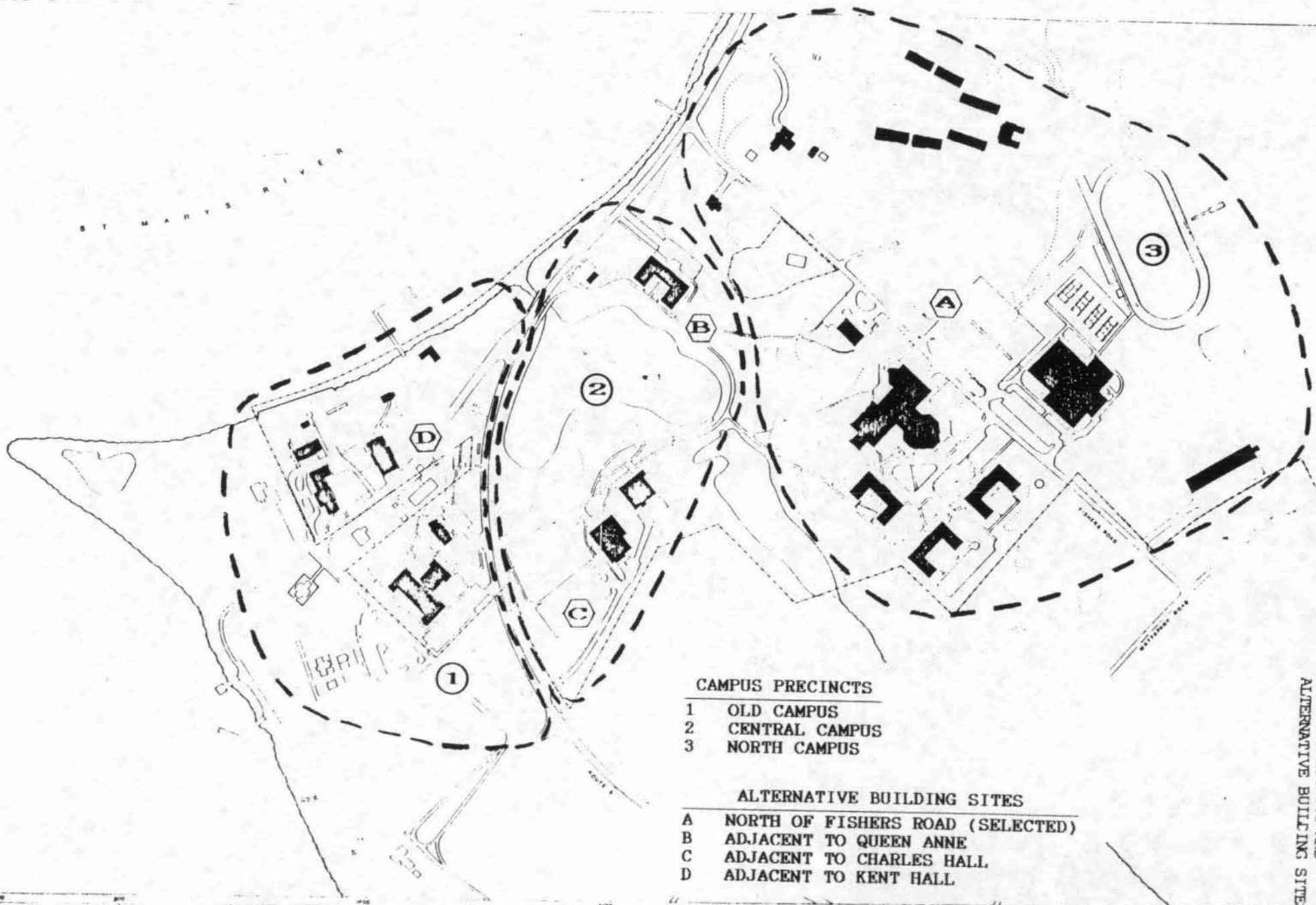
ST. MARY'S COLLEGE OF MARYLAND
St. Mary's City, Md.

LOCATOR MAP



ATTACHMENT B: CAMPUS MAP





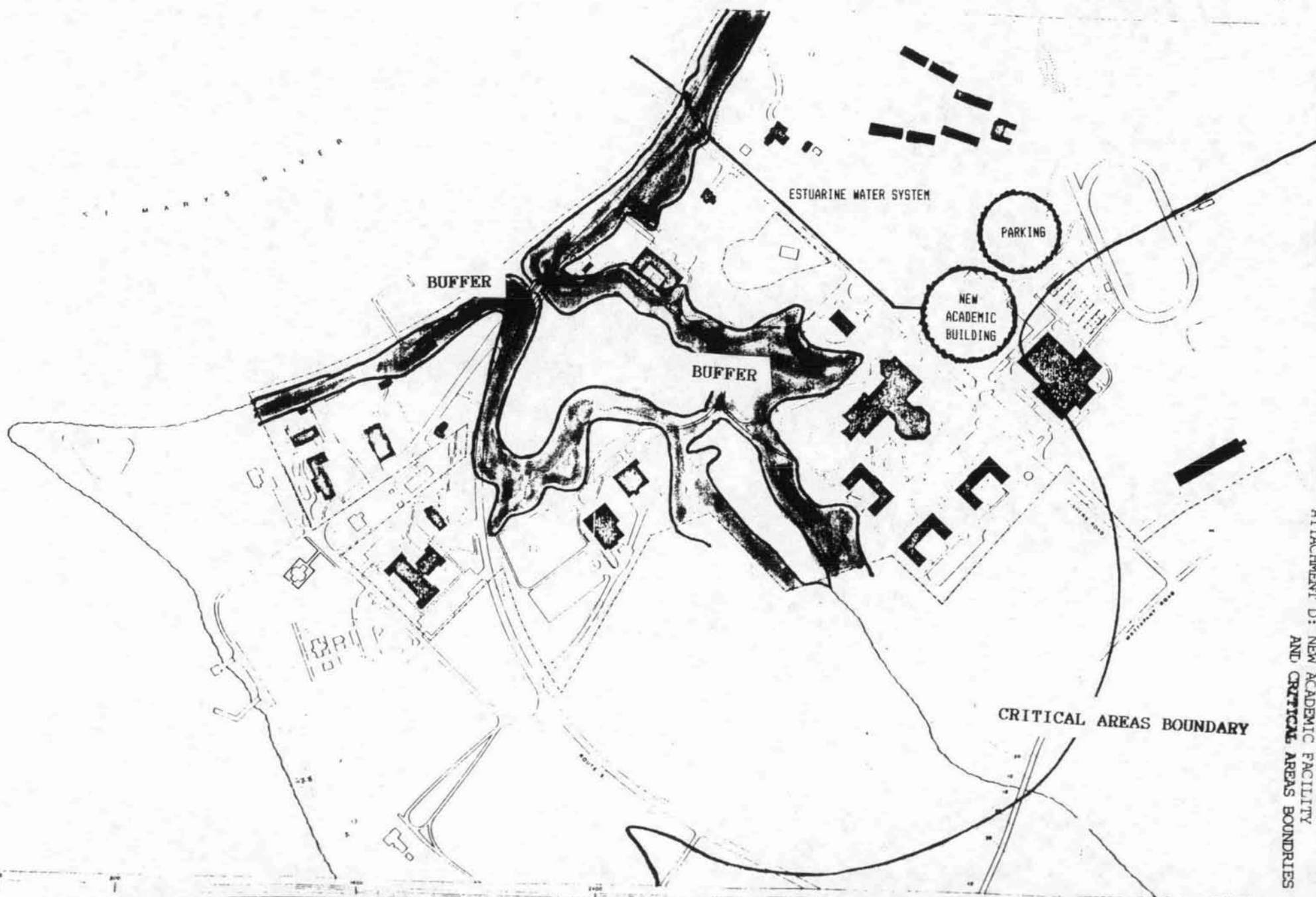
CAMPUS PRECINCTS

- 1 OLD CAMPUS
- 2 CENTRAL CAMPUS
- 3 NORTH CAMPUS

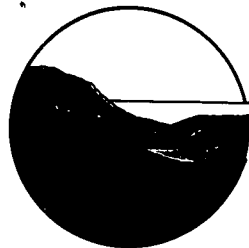
ALTERNATIVE BUILDING SITES

- A NORTH OF FISHERS ROAD (SELECTED)
- B ADJACENT TO QUEEN ANNE
- C ADJACENT TO CHARLES HALL
- D ADJACENT TO KENT HALL

ATTACHMENT C: CAMPUS PRECINCTS AND ALTERNATIVE BUILDING SITES



ATTACHMENT D: NEW ACADEMIC FACILITY
AND CRITICAL AREAS BOUNDRIES



Maryland Department of Natural Resources

Forest, Park and Wildlife Service
Tawes State Office Building
Annapolis, Maryland 21401

William Donald Schaefer
Governor

Torrey C. Brown, M.D.
Secretary

Donald E. MacLauchlan
Assistant Secretary

August 10, 1989

Mr. Charles Jackson
Director of Capital Projects
ST. MARY'S COLLEGE OF MARYLAND
St. Mary's City, Maryland 20686

Re: Habitat Protection Areas

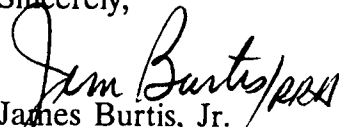
Dear Mr. Jackson:

This is in response to your request for information regarding the above referenced project. There are no known Federal or State threatened or endangered plant or wildlife species present at this project site.

However, as per our phone conversation the site location was changed to North of Fishers Road and this letter applies to that new site.

If you have any further questions please contact me at (301) 974-3195.

Sincerely,


James Burtis, Jr.
Director

JB:dec

cc: Robert Miller
Janet McKegg
Jeff Horan
Judy Harding
Bill Gates
Bill Brumbley
Vivian Marsh
ER# 89.06.351

Telephone: _____
DNR TTY for Deaf: 301-974-3683

STAFF REPORT

January 3, 1990

Applicant: St. Mary's College
Project: New Science Building
Recommendation: APPROVAL of concept plan for building location; Commission review of design plans, stormwater management and planting plans at design stage.

Discussion:

St. Mary's College requests concept approval for the location of a new Science Building within the Critical Area. Technical aspects of the Commission's regulations, such as stormwater management and planting, will be addressed at the design stage and submitted to the Commission.

The Science Building will contain approximately 55,200 square feet, with 11 classroom laboratories, four research laboratories, a greenhouse, and aquatic holding tanks. A circulating estuarine water system will supply a continuous flow of water from the St. Mary's River to the biology laboratory. This system will consist of 2 supply lines and 2 return lines. It will supply and return water at the rate of 10 gallons per minute. It replaces an existing system at another campus building.

The current use of the site is a parking lot from which stormwater drains into St. John's Pond, a tidal area. Stormwater flow from the new building will meet the 10% pollutant reduction requirement and will be directed away from the pond. Several alternative sites were analyzed, but found unacceptable for reasons including disturbance of archeological resources and distance from other academic buildings. The College has not found significant archeological resources at the proposed site. No clearing will be necessary.

The proposed building site is not in the Buffer. The only Buffer disturbance will result from location of a pumping facility for the estuarine water system. This facility will be reviewed by the Commission at the design stage.

Staff contact:

Ren Serey

SUBCOMMITTEE REPORT

January 3, 1990

Applicant: Maryland-National Capital Park and Planning
Commission

Project: Dredge Disposal Sites - Anacostia River Park

Recommendation: APPROVAL

Discussion:

M-NCPPC proposes to deposit dredge spoil from the Anacostia River on two sites in the Anacostia River Park in Prince George's County.

Approximately 145,000 cubic yards of spoil will be dredged by the Corps of Engineers. The dredging activity and the suitability of the disposal sites will be reviewed by the Corps and the National Marine Fisheries Administration.

The site on the east side of the river has been used by the police as a practice shooting range. The western site is a portion of a former landfill. Both sites have been highly disturbed and routinely used for dumping of trash and debris.

Contact person: Ren Serey

STAFF REPORT

1/3/90

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

Issue: Vote by the Critical Area Commission on the MOU

Staff Recommendation: Approval of MOU

Discussion:

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

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

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

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

Staff Contact: Liz Zucker

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

THE DEPARTMENT AGREES

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

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MARYLAND DEPARTMENT OF AGRICULTURE AND
THE CRITICAL AREA COMMISSION

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

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

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

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

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

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

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

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

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

THE COMMISSION AGREES

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

MODIFICATIONS TO SCOPE

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

MERGER

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

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

STATE OF MARYLAND

COMMISSIONERS

FRANK O. HEINTZ
CHAIRMAN

WILLIAM A. BADGER
LILO K. SCHIFTER
CLAUDE M. LIGON
LINDA M. THOMAS



BRYAN G. MOORHOUSE
GENERAL COUNSEL

RONALD E. HAWKINS
EXECUTIVE SECRETARY

GREGORY V. CARMEAN
EXECUTIVE DIRECTOR

PUBLIC SERVICE COMMISSION

231 E. BALTIMORE STREET
BALTIMORE, MARYLAND 21202-3486
(301) 333-6000
TTY FOR DEAF: 333-6661

January 8, 1990

Ms. Patricia J. Pudelkewicz
Natural Resources Planner
Chesapeake Bay Critical Areas Commission
West Garrett Place, Suite 320
275 West Street
Annapolis, Maryland 21401

James M. Teitt, Director
Power Plant & Environmental Review Division
Maryland Department of Natural Resources
Tidewater Administration
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

RECEIVED

JAN 12 1990

DNR
CRITICAL AREA COMMISSION

Re: Memorandum of Understanding

Dear Ms. Pudelkewicz and Mr. Teitt:

Enclosed please find a copy of the signed Memorandum of Understanding between the Maryland Public Service Commission, the Chesapeake Bay Critical Areas Commission, and the Department of Natural Resources.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Carla G. Pettus'.

Carla G. Pettus
Assistant General Counsel

CGP:pc
Enclosure

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MARYLAND PUBLIC SERVICE COMMISSION,
THE CHESAPEAKE BAY CRITICAL AREA COMMISSION, AND
THE MARYLAND DEPARTMENT OF NATURAL RESOURCES

AUTHORITY: Natural Resources Article, Section 8-1814,
Annotated Code of Maryland; Article 78, §54A and
54B, Annotated Code of Maryland; Natural
Resources Article, §3-306, Annotated Code of
Maryland; COMAR 14.19.04.01 and 14.19.07.02E;
and COMAR 20.80.02.03D.

THIS AGREEMENT, Dated December 14, 1989, memorializes the
understanding reached by the Maryland Public Service
Commission, the Chesapeake Bay Critical Area Commission, and
the Maryland Department of Natural Resources,

WHEREAS, the Public Service Commission is responsible
for the issuance of a Certificate of Public Convenience and
Necessity for power plants, as defined below, and

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

WHEREAS, the Department of Natural Resources is
responsible for making a study and investigation of, and for
forwarding recommendations regarding, a proposed
Certificate, to the Public Service Commission, and

WHEREAS, the Critical Area Commission has approval
authority over certain State or local agency development
actions within the designated Critical Area that have not
been subject to project approval by the local jurisdiction
under an approved Critical Area program, and;

WHEREAS, Critical Area regulations (COMAR 14.19.01.01B54) identify the issuance of a Certificate of Public Convenience and Necessity by the Maryland Public Service Commission that allows the construction of a power plant as a "State and local agency action," and

WHEREAS, Critical Area regulations (COMAR 14.19.07.02E) require the Critical Area Commission to hold joint hearings, as appropriate, with the Public Service Commission for the purposes of reviewing applications for power plants, and

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

A. DEFINITIONS

1. "Power plant" means property or facilities constituting an integral plant or unit for the generation of electric energy, including any new generation unit that would be added to an existing generation facility and transmission facilities.
2. "Project" means power plant.
3. "Application" means an application for a Certificate of Public Convenience and Necessity issued by the Public Service Commission.

B. GENERAL OBJECTIVE

The objective of this Memorandum of Understanding is to establish a process for coordination between the Public Service Commission, the Chesapeake Bay Critical Area Commission, and the Department of Natural Resources for the review and approval of applications for Certificates of Public Convenience and Necessity for power plants in the Chesapeake Bay Critical Area.

C. NOTICE OF APPLICATION

1. The Maryland Public Service Commission will amend its regulations and whatever forms, letters, or other materials it uses to inform applicants as to the process used or requirements imposed for the formal review of an application for a Certificate of

Public Convenience and Necessity, to indicate the additional requirements, authority, and any changes to process or procedure noted hereunder, for power plants wholly or partly within the Chesapeake Bay Critical Area. Until such time as the Public Service Commission regulations are amended for this purpose, the procedures described in this Memorandum of Understanding in "C. Notice of Application" and "D. Issues to be Addressed in Application" will apply on a provisional basis.

2. The Maryland Public Service Commission will notify the Chesapeake Bay Critical Area Commission in the event of:
 - a. Receipt of an application for a Certificate of Public Convenience and Necessity for a power plant wholly or partly within the Critical Area; and,
 - b. Request by an applicant for the establishment of a Project Coordinating Committee for the purpose of gaining a Certificate of Public Convenience and Necessity for a power plant wholly or partly within the Critical Area.
3. The Public Service Commission will send a copy of an application for a Certificate of Public Convenience and Necessity to the Critical Area Commission within ten (10) working days of its receipt by the Public Service Commission.
4. If phased proceedings are requested by the applicant and approved by the Public Service Commission, the applicant may submit to the Public Service Commission a partial application as per COMAR 20.80.02.03. Typical phases of a project application may be: 1) siting of a project; (2) need for a project; 3) cost of and financing for the project and alternatives under the proposed plan;

and (4) environmental impact of the project. The Critical Area Commission will only review and approve those phases of the application dealing with the siting and environmental impact of the project when all or part of each of these phases falls under the regulatory jurisdiction of the Critical Area Commission.

D. ISSUES TO BE ADDRESSED IN APPLICATION

1. If a Project Coordinating Committee is established to guide an applicant in the preparation and submittal of an application for a Certificate of Public Convenience and Necessity, whenever the project is wholly or partly within the Critical Area, the Critical Area Commission will be a member of this Committee, and will notify the applicant of the Critical Area criteria which need to be addressed.
2. If a Project Coordinating Committee is not established, the Public Service Commission will notify the applicant of the requirement to contact the Critical Area Commission to identify issues which must be addressed in the application as per COMAR 14.19.04.02.

E. JOINT HEARINGS

1. The Public Service Commission and the Critical Area Commission will hold joint hearings as required by COMAR 14.19.07.02E.
2. Any advertisement by the applicant of hearings arranged by the Public Service Commission, shall be coordinated with the Critical Area Commission.
3. Any public or adjudicatory hearings held pursuant to Article 78, §54A or B, Annotated Code of Maryland, involving Critical Area land may be jointly hosted by the Public Service Commission and the Critical Area Commission. It will be the general practice

for the Critical Area Commission to empower the Public Service Commission Hearing Examiner to represent the Critical Area Commission. Critical Area Commissioners, or a designated panel of Commissioners, may attend any such hearings at their discretion.

4. The Critical Area issues to be addressed will be agreed upon by the Critical Area Commission and the Department of Natural Resources in a scoping meeting to be attended by Chesapeake Bay Critical Area Commission staff, Critical Area Commission panel, and Department of Natural Resources staff.

The Department of Natural Resources is hereby granted the authority to develop, evaluate, and report to the Public Service Commission and to the Chesapeake Bay Critical Area Commission on whatever Critical Area-related information is required under COMAR 14.19, in cooperation and coordination with Critical Area Commission staff. Cross examination undertaken at hearings on behalf of Department of Natural Resources shall also cover Critical Area matters and concerns, in coordination with Critical Area Commission staff.

5. A copy of the complete hearing transcript for the Public Service Commission hearing will serve as the Critical Area Commission record of proceedings made pursuant to COMAR 14.19.07.03B.
6. Immediately at its issuance, a copy of the hearing examiner's Proposed Order will be forwarded to the Critical Area Commission, and will serve as the primary basis for panel and full Commission discussions.

F. APPROVAL OF PROJECT APPLICATION

1. The full Critical Area Commission shall make its final determination by majority vote of approval,

disapproval, or approval with conditions, of a project for a power plant in the Critical Area.

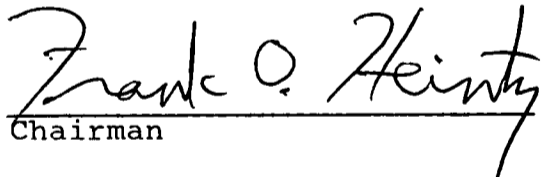
G. TIME FRAME

1. The Critical Area Commission shall automatically be granted an extension to the time frame for review of the project as specified in COMAR 14.19.07.04B.
2. The additional time afforded the Critical Area Commission to review a project and make a determination will be consistent with the time frame required by the Public Service Commission to review an application and make a determination. This time frame will extend to sixty (60) days beyond the receipt of the hearing examiner's Proposed Order by the Critical Area Commission unless otherwise agreed by the two agencies.

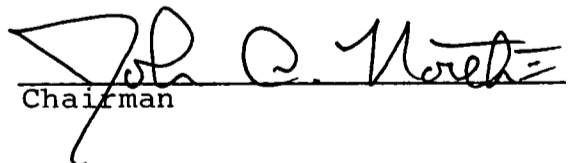
H. AMENDMENT OF THIS MEMORANDUM

This Memorandum of Understanding may be amended in writing, by the agreement of all parties hereto, at any time.

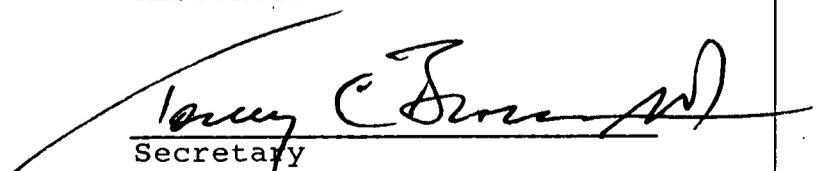
PUBLIC SERVICE COMMISSION


Chairman

CHESAPEAKE BAY CRITICAL AREA
COMMISSION


Chairman

DEPARTMENT OF NATURAL
RESOURCES


Secretary

Serving People and Maryland's Number One Industry - Agriculture



William Donald Schaefer
Governor

Melvin A. Steinberg
Lt. Governor

Wayne A. Cawley, Jr.
Secretary

Robert L. Walker
Deputy Secretary

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE

January 23, 1990

Judge John C. North, II
Chairman
Chesapeake Bay Critical Areas Commission
West Garrett Place, Suite 320
275 West Street
Annapolis, Maryland 21401

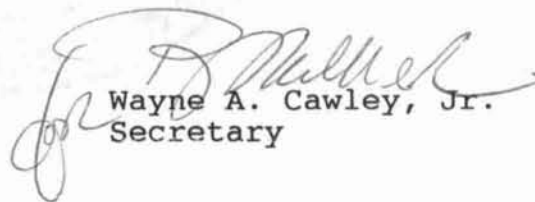
Dear Judge North:

As requested, I have enclosed a signed original Memorandum of Understanding between the Chesapeake Bay Critical Areas Commission and the Department of Agriculture for mosquito control in the Critical Areas.

We, too, look forward to working with you and your staff on this worthwhile protection program.

Should any questions arise, please feel free to contact our Contract Monitor, Dr. Stan Joseph at 841-5870.

Sincerely,



Wayne A. Cawley, Jr.
Secretary

WAC:saf

Enclosure

cc: Stan Joseph

RECEIVED

JAN 29 1990

**DNR
CRITICAL AREA COMMISSION**

50 HARRY S TRUMAN PARKWAY, ANNAPOLIS, MARYLAND 21401

(301) 841-5700
Baltimore/Annapolis Area



(301) 261-8106
Washington Metro Area

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE MARYLAND DEPARTMENT OF AGRICULTURE AND
THE CHESAPEAKE BAY CRITICAL AREA COMMISSION
FOR MOSQUITO CONTROL ACTIVITIES
IN THE CRITICAL AREA**

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

THIS AGREEMENT, dated, January 23, 1990,
describes the understanding reached by the Maryland
Department of Agriculture "Department", and the Chesapeake
Bay Critical Area Commission "Commission".

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

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

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

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

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

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

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

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

THE DEPARTMENT AGREES

1. To utilize integrated pest management concepts and
best management practices to accomplish mosquito
control within the Chesapeake Bay Critical Area;
2. To encourage cooperating agencies to follow
Department guidelines in implementing mosquito
control activities;
3. To assure full compliance with State and federal
pesticide laws and regulations;
4. To pursue Open Marsh Water Management as a viable
non-chemical control technique that offers
enhancement of wetland habitat for waterfowl, fish,
and submerged aquatic vegetation;

5. To include the Commission on the Maryland Mosquito Control Advisory Committee;
6. To provide the Commission with copies of Corps of Engineers wetlands permit applications for projects identified by the Commission as ones of potential concern;
7. To withdraw certain projects from the general approval process, if, after reviewing the wetlands permit application, Commission staff finds that unresolved issues remain with respect to how a proposed project relates to the water quality and habitat protection goals of Critical Area criteria. Such projects would then be submitted individually for full Commission vote; and
8. To report to the Commission by:
 - a) Sending copies of results of monitoring conducted on individual projects as soon as such reports are available;
 - b) Submitting, on an annual basis, a summary of ongoing monitoring of open marsh water management and insecticide activities, proposals for changes in techniques, general program updates, etc.

THE COMMISSION AGREES

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

MODIFICATIONS TO SCOPE

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

MERGER

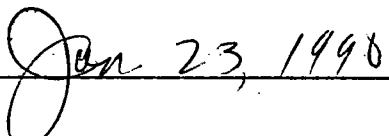
This Memorandum of Understanding embodies the whole agreement of the parties. There are no promises, terms, conditions or obligations referring to the subject matter other than those contained herein.

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

MARYLAND DEPARTMENT OF AGRICULTURE




SECRETARY

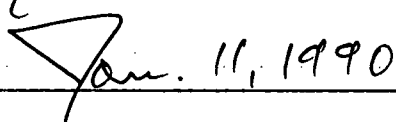


DATE

CHESAPEAKE BAY CRITICAL AREA COMMISSION



CHAIRMAN



DATE