

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 12, 2007

Tom Hamilton, Town Planner
City of Easton
14 South Harrison Street
P.O. Box 520
Easton, MD 21601

Re: Londonderry Phase 4 Growth Allocation

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced growth allocation request. On December 5, 2007, the Critical Area Commission concurred with my determination that the referenced growth allocation request could be reviewed as a refinement to the Town's Critical Area Program. The Commission supported the County's designation of 7.513 acres of land from Limited Development Area (LDA) to Intensely Developed Area (IDA), and recommended that the request be approved with the following condition:

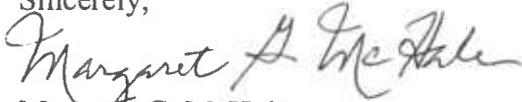
Prior to the start of construction, the applicant shall submit a Buffer Management Plan (BMP) to the Program Subcommittee for review and approval. The Buffer Management Plan shall include details that explain the requirements of the Easton Historic District Commission. The Buffer Management Plan shall include plantings that reflect the requirements of both the Critical Area Commission and the Easton Historic District Commission. The applicant will meet with the Program Subcommittee within one year from the date of the Commission growth allocation approval (December 5, 2007) if the BMP is not completed in that time.

This map amendment was approved by me on December 11, 2007.

This refinement shall be reflected on the County's Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the revised map to Commission staff when it is available.

Thank you for your help and cooperation with the Critical Area Commission throughout the review of this growth allocation request. If you have any questions, feel free to contact me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale". The signature is written in dark ink and is positioned above the printed name.

Margaret G. McHale
Chair

cc: George Kinney, Talbot County Planning Officer

Martin O'Malley
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December 10, 2007

Karen Houtman
Town of Snow Hill
P.O. Box 348
Snow Hill, MD 21863

RE: Shipyard Alley Growth Allocation

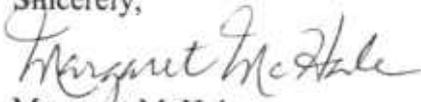
Dear Ms. Houtman,

I previously determined that the Town's proposed change to its local Critical Area Program would be processed as a program refinement. On December 5, 2007, the Critical Area Commission concurred with my decision. In addition, I have accepted the Commission's recommendation to approve the request for growth allocation with the following condition of approval:

The applicant shall submit a revised Buffer Management Plan to the Critical Area Commission staff for review and approval prior to final approval of the subdivision. The Buffer Management Plan shall include a maintenance agreement.

If you have any questions or need further information, please contact Marshall Johnson at (410) 260-3479.

Sincerely,


Margaret McHale
Chair



Martin O'Malley
Governor



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November 29, 2007

Mr. Lynn Thomas, Jr
P O Box 520
14 S. Harrison Street
Easton, Maryland 21601

RE: New Critical Area Publication – *Bay Smart*

Dear Mr Thomas:

It is with genuine pleasure that I send you a copy of the Critical Area Commission's new publication, entitled *Bay Smart*. This publication, which was written and edited by Commission staff, is a comprehensive revision of the Commission's original citizen's guide published in 1992, *Critical Area and You*. Production and printing of this book were made possible through a grant from the National Oceanic and Atmospheric Administration, administered by the Coastal Zone Management Division of the Department of Natural Resources.

The Commission has approximately 3,500 copies for distribution, and Commission staff will be making arrangements to deliver approximately 60 copies to your office in the next several weeks. Interested parties may contact the Commission to obtain individual copies or to make arrangements to obtain multiple copies for special events. The publication is also available on the Commission's website at www.dnr.state.md.us/criticalarea.

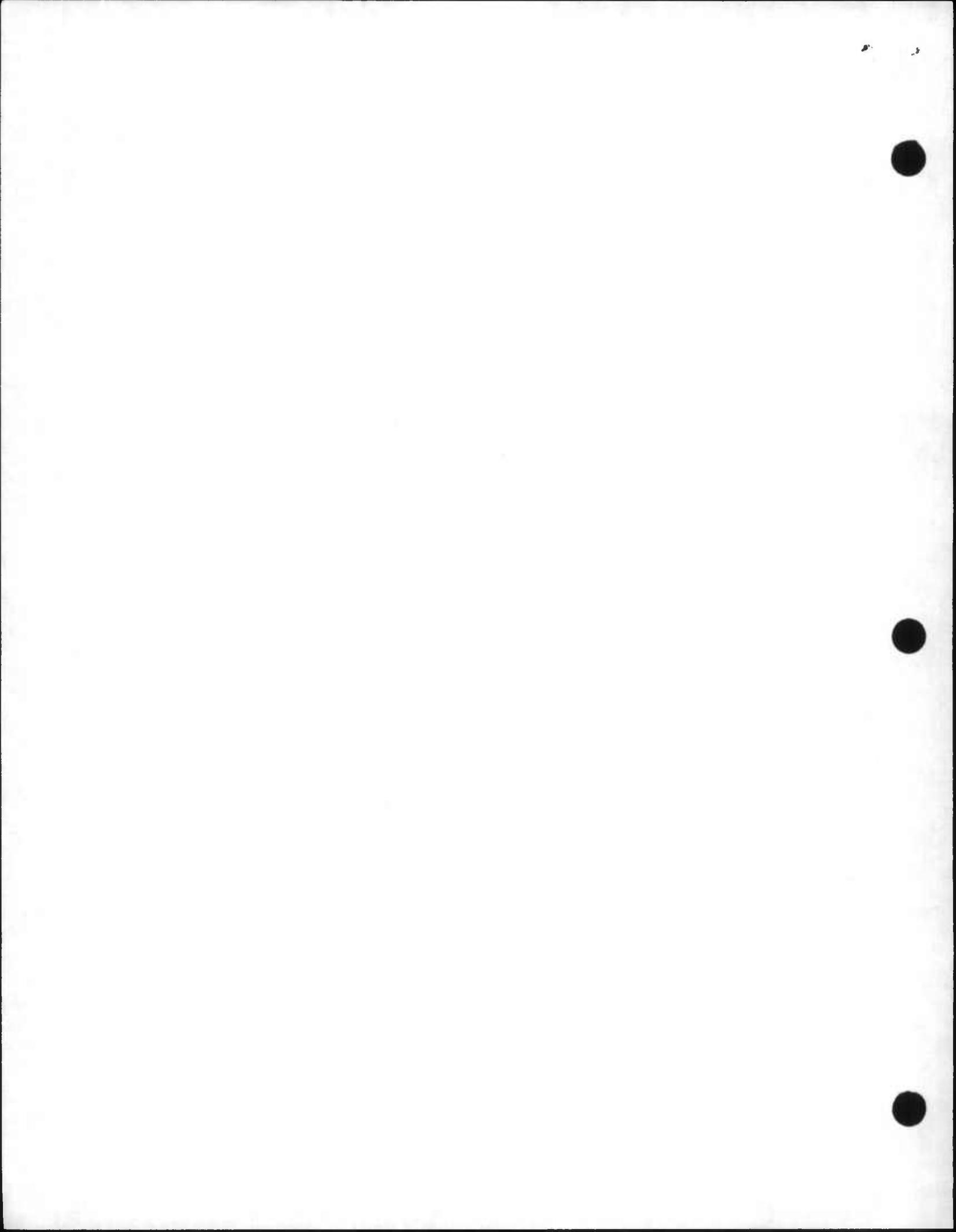
I hope that you find this information to be a useful tool in the day-to-day implementation of your local Critical Area Program. On behalf of the Commission, I greatly appreciate your assistance in distributing this publication to interested parties. Please feel free to contact us as you need additional copies.

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale".

Margaret G. McHale
Chair

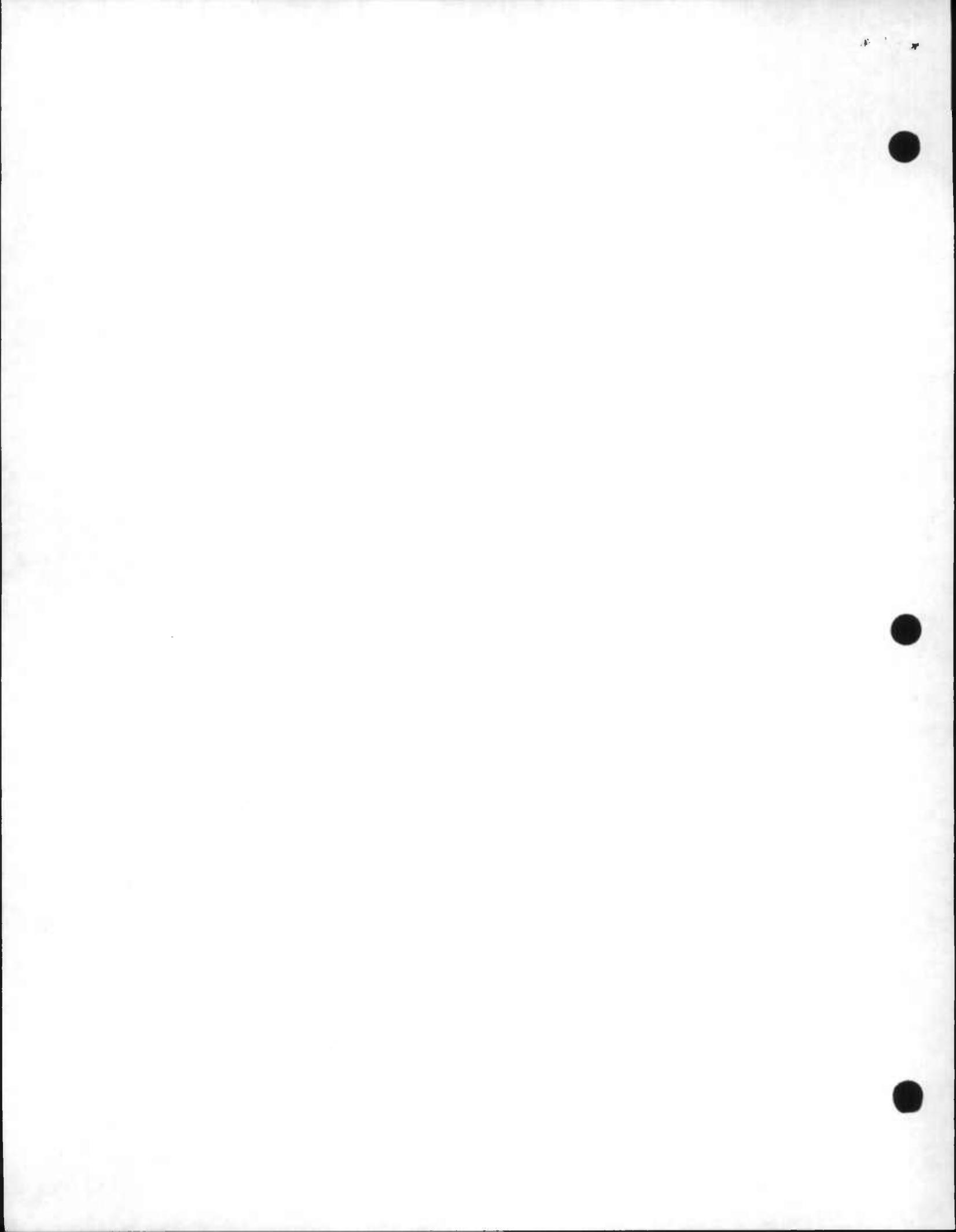
Enclosure



Contact1

Mr. Jon Arason
Ms. Suzanne Schappert
Mr. Duncan Stuart
Ms. Pat Farr
The Honorable Carolyn C. Sorge
Dr. David Brownlee
Ms. Anne Roane
Ms. Stacy Weisner
Mr. Anthony Di Giacomo
Mr. Bob McGrory
Mr. Charles Rice
Mr. Stanley W. Hearne
Mr. William Watson
Ms. Patricia Garrett
Mr. William Ingersoll
Ms. Marie L. Rameika
Mr. Cabby Dize
Ms. Jennifer A. Shull
Mr. Steve Dodd
Mr. Lynn Thomas, Jr
Ms. Jeanne D. Minner
Mr. Happy Mayer
Mr. John McDonnell
Mr. David Kibler
Ms. Pat Pudelkewicz
Mr. Donald J. Bautz, Jr.
Ms. Melinda Stafford
Mr. Ryan Hicks
Ms. Gail Webb Owings
Ms. Laschelle E. Miller
Ms. Fenda Whitlock
Mr. David Teel
The Honorable Mark Frazer
Ms. Melissa B. Cook-MacKenzie

Ms. Gail Blazer
Ms. Lillian A. Lord
The Honorable James Eberhardt
Mr. Eric Berry
Mr. Haitham Hijazi
Mr. Jay Parker
Ms. Juanita Kohn
Mr. Steven Cohoon
Ms. Amy W. Moore
Ms. Pat Grussing
Mr. Denis Canavan
Ms. Jean R. Weisman
The Honorable Susan B. Dukes
Ms Judy Schneider
Ms. Kelly Brewington
Ms. Joan S. Kean
Mr. George Kinney
The Honorable Russell Brinsfield
Mr. John F. Lenox
Mr. Ed Tudor



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Executive Director

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December 7, 2007

Honorable Francis Jack Russell, President
St. Mary's County Board of Commissioners
PO Box 653
23115 Leonard Hall Drive
Leonardtown, MD 20650

Re: St. Mary's Ryken High School Map Amendment Requests

Dear President Russell:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area map amendment requests to use growth allocation to change the Critical Area designation of a portion of the property. On December 5, 2007, the Critical Area Commission concurred with my determination that the request for growth allocation could be processed as a refinement to the County's Critical Area Program and recommended approval.

Subsequently, on December 7, 2007, I approved the use of 2.04 acres of growth allocation to change RCA to IDA.

Please note that the approved portions of the refinement shall be reflected on the County's Critical Area Maps within 120 days of the date of this letter. In addition, please provide a copy of the revised map to the Commission when it is available.

Thank you for your help and cooperation with the Critical Area Commission throughout the review of this growth allocation request. If you have any questions, feel free to contact me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale".

Margaret G. McHale
Chair

cc: Denis Canavan, St. Mary's County Land Use & Growth Management



Martin O'Malley
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November 28, 2007

Robert A. Zarnoch, Esq.
Office of the Attorney General
Annapolis Legislative Office
90 State Circle
Annapolis, MD 21401

Dear Mr. Zarnoch:

As you know, under § 8-1804(a)(1)(ii) of the Natural Resources Article, the Chesapeake and Atlantic Coastal Bays Critical Area Commission (CAC) is comprised, in part, of 13 individuals "...each of whom is a resident and an elected or appointed official of a local jurisdiction."

In this context, several questions have arisen regarding the qualifications of a particular Prince George's County resident to serve on the CAC under sub-item 1 of the above-referenced item of the Maryland Code. All agree that this resident is not an elected official, but there are varying views as to his possible qualification as an appointed official. In the context of information supplied by the Prince George's County Executive's Office, I therefore refer the following legal questions to your office and request a written response:

1. This individual is currently a member of the Agricultural Preservation Work Group, as established under Prince George's Resolution No. CR-87-2006 (copy attached). As such, does he currently qualify for appointment to the CAC as an "official" of Prince George's County?
2. This individual is currently a member of the Agricultural Resources Advisory Committee, as established under Division 30, §§ 2-426 through 2-430 of the Prince George's Code (copy attached). As such, does he currently qualify for appointment to the CAC as an "official" of the County?

Robert A. Zarnoch, Esq.

November 28, 2007

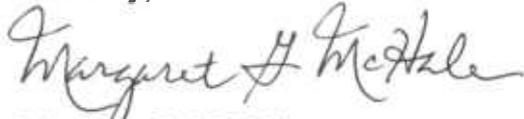
Page 2

3. If this individual were a member of the Human Relations Commission, as established under Division 12, §§ 2-185 through 2-193 of the Prince George's Code (copy attached), would he qualify for appointment to the CAC as an "official" of the County?
4. If this individual were a member of the Board of Ethics, as established under § 2-292 of the Prince George's Code (copy attached), would he qualify for appointment to the CAC as an "official" of the County?
5. If this individual were a member of the Historic Preservation Commission, as established under §§ 29-105 through 29-106 of the Prince George's Code (copy attached), would he qualify for appointment to the CAC as an "official" of the County?

Given the frequency with which these sorts of questions have arisen in other jurisdictions in the context of appointments to the CAC, in each instance I would appreciate an analysis of the reasons why he would or would not qualify.

Thank you for your kind assistance. Please feel free to contact me if I may be of any further assistance in this regard.

Sincerely,



Margaret G. McHale
Chair

cc: Jeanne Hitchcock, Secretary, Governor's Appointments Office
Michael Herman, Chief of Staff, Prince George's County Executive
Bonita Williams, Appointments Liaison, Prince George's County

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November 12, 2007

William Eichbaum
Vice President
World Wildlife Fund
1250 24th Street, NW
Washington, DC 20037

Dear Mr. Eichbaum:

Bill
Many thanks for your excellent presentation on *How Maryland's Critical Area Program Came Into Being* at the Critical Area Commission Retreat on October 29, 2007. You and John Griffin were indeed a hit!

As you know, we are rounding the bend on a quarter century of lived experience of the Critical Area Program. As all of us -- both Commission and staff with many new members -- look ahead and consider options to improve and strengthen the Program, this is the perfect time to reconnect with the founding vision. You and John really made all of that come alive! Clearly your perspective "hit home" because everyone was totally focused and attentive. As the saying goes, "you could have heard a pin drop." And who could miss the parallels between the 1980's and now? I must admit that that realization causes me simultaneous chagrin and comfort...and I know you know that experience far better than I. But it does strengthen our resolve to "keep on keeping on," and for that I am personally grateful.

I feel quite fortunate to have met you, Bill, and to have learned from your sense of history and perspective -- because it is only through the work of accomplished professionals like yourself that the Critical Area Program will ever be successfully implemented. Thanks again for taking the time out of your busy schedule and arranging your travel plans accordingly -- you made the day interesting, productive and memorable!

Sincerely,

Margaret
Margaret McHale
Chair

P.A. So sorry I cannot attend the 1000 Friends event at the end of the month because of a schedule conflict. So glad, though, to see you being honored in that way. Congratulations! And I do hope our paths will cross again soon.

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-1450



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November 12, 2007

John Griffin
Secretary
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

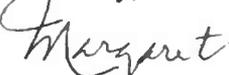
Dear  Secretary Griffin:

Many thanks for your excellent presentation on *How Maryland's Critical Area Program Came Into Being* at the Critical Area Commission Retreat on October 29, 2007. You and Bill Eichbaum were a hit!

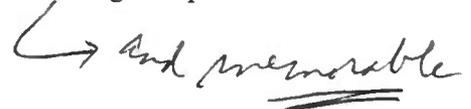
As you know, we are rounding the bend on a quarter century of lived experience of the Critical Area Program. As all of us -- both Commission and staff with many new members -- look ahead and consider options to improve and strengthen the Program, this is the perfect time to reconnect with the founding vision. You and Bill really made all of that come alive! Clearly your perspective "hit home" because everyone was totally focused and attentive. As the saying goes, "you could have heard a pin drop." And who could miss the parallels between the 1980's and now? I must admit that that realization causes me simultaneous chagrin and comfort...and I know you know that experience far better than I. But it does strengthen our resolve to "keep on keeping on," and for that I am personally grateful.

I count myself fortunate indeed to be able to work with you, John -- because it is only through the work of accomplished professionals like yourself that the Critical Area Program will be successfully implemented. Thanks again for taking the time out of your busy schedule to participate in the Commission's retreat and for making the day so interesting and productive!

Sincerely,



Margaret G. McHale
Chair

 and memorable



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 12, 2007

Mr. Ken Miller
Office of Sustainability
Department of Natural Resources
580 Taylor Avenue, E-2
Annapolis, Maryland 21401

Dear Mr. ~~Miller~~:

On behalf of all of us at the Critical Area Commission, I am writing to **thank you** for your excellent presentation on Critical Area Mapping at the Critical Area Commission Retreat on October 29, 2007.

As you know, we are just beginning to understand the importance of developing and maintaining accurate map resources in this electronic age, and clearly your presentation "hit home" because everyone was so unusually focused and attentive. My guess is that more than one person saw the topic of mapping on the agenda and wondered how that would be...and then they could not get enough of what you were offering them! You are a born teacher, Ken, and you really helped the Commission members to gain a much better understanding of all the issues we must address in order to comprehensively update Maryland's Critical Area Maps.

We are fortunate indeed to be able to work with you because it is only through accomplished professionals like yourself that the Critical Area Program can be successfully implemented. I look forward to future collaboration with you, Ken. Thanks again for taking the time out of your busy schedule to participate in the Commission's retreat and for making the day so interesting and productive!

Sincerely,

A handwritten signature in cursive script that reads "Margaret".

Margaret McHale
Chair

To be continued!...



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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November 12, 2007

Mr. Dave Foreman
Watershed Information Service
Department of Natural Resources
580 Taylor Avenue, D-2
Annapolis, Maryland 21401

Dear Mr. Foreman:

On behalf of all of us at the Critical Area Commission, I am writing to thank you for assisting with the presentation on Critical Area Mapping at the Critical Area Commission Retreat on October 29, 2007.

The Commission is just beginning to understand the importance of developing and maintaining accurate map resources in this electronic age, and the presentation really helped Commission members gain a better understanding of the myriad issues that must be addressed to update Maryland's Critical Area Maps and convert them from the original drafts and photos to a digital format. The assistance and guidance offered by professionals like yourself are essential to the work of the Commission, and it is only through efforts like yours that the Critical Area Program can be successfully implemented.

Thank you again for taking the time out of your busy schedule to participate in the Commission's retreat and for making the day so interesting and productive!

Sincerely,

A handwritten signature in cursive script that reads "Margaret McHale".

Margaret McHale
Chair

A handwritten note in cursive script that reads "P.S. Hope our paths will cross again.".

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



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Anthony G. Brown
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Margaret G. McHale
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November 12, 2007

Mr. Jim McCann
Natural Heritage Program
Department of Natural Resources
Appalachian Lab
301 Braddock Road
Frostburg, MD 21532

Dear Mr. McCann:

On behalf of all of us at the Critical Area Commission, I am writing to thank you for your excellent presentation regarding Habitat Protection Areas at the Critical Area Commission Retreat on October 29, 2007.

The Commission continues to face important conservation challenges relating to threatened and endangered species and significant plant and wildlife habitats, and your presentation helped the Commission members to gain a much better understanding of the significance of the habitat protection provisions of Maryland's Critical Area Program. As you know, the perspective and guidance offered by professionals like yourself are essential to the work of the Commission, and it is only through efforts like yours that the Critical Area Program can be successfully implemented.

Thank you again for taking the time out of your busy schedule and for driving all that way to participate in the Commission's retreat. You made the day so interesting and productive – it was a great success!

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale".

Margaret G. McHale
Chair

A handwritten note in cursive script that reads "P.S. Hope our paths will cross again.".



Martin O'Malley
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Margaret G. McHale
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November 12, 2007

Mr. Rob Schnabel
Chesapeake Bay Foundation
6 Herndon Avenue
Annapolis, Maryland 21401

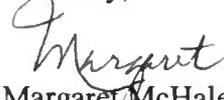
Dear Rob:

On behalf of all of us at the Critical Area Commission, I am writing to thank you for your excellent presentation regarding Innovative Shoreline Erosion Control Measures at the Critical Area Commission Retreat on October 29, 2007.

The Commission continues to face important water quality and habitat management challenges that are directly related to shoreline erosion, and your presentation really helped Commission members to gain a better understanding of new erosion control strategies and techniques and why they are so vital. The guidance and perspective offered by accomplished professionals like yourself are essential to the work of the Commission, and it is only through efforts like yours that the Critical Area Program can be successfully implemented.

Thank you again, Rob, for taking the time out of your busy schedule to participate in the Commission's retreat and for all you did to make the day so interesting and productive!

Sincerely,


Margaret McHale
Chair

P.A. Especially given the time crunch, you were superb. You, Rob, are a born teacher! Great to be with you!



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 12, 2007

Kim Coble
Maryland Office Executive Director
Chesapeake Bay Foundation
6 Herndon Avenue
Annapolis, Maryland 21401

Dear Kim:

On behalf of all of us at the Critical Area Commission, I am writing to **thank you** for making it possible for the Critical Area Commission Retreat to be held at your beautiful office site on October 29, 2007.

As you know, we are rounding the bend on a quarter century of lived experience of the Critical Area Program. As all of us – both Commission and staff with many new members – look ahead and consider options to improve and strengthen the Program, this was the perfect time to go apart and focus on our founding vision as well as the ever-present need for ongoing education. The gracious hospitality of everyone at CBF and the beauty of the Bay made that sort of quality time possible. We were able to get our work done and spend a bit of our lunch break out on the beach – getting in touch with why we all do what we do in the first place. Nothing like the power of nature to speak volumes in its own quiet way!

It was a fascinating, productive, and most memorable day, and for that we are most grateful to you, Kim. Our deep thanks for your friendship and sustaining support of our work.

Sincerely,

Margaret
Margaret McHale
Chair

P.S. Writing to thank you is like writing to thank my right arm – pretty much impossible to do, Kim. But know that whenever I think of you, it is with gratitude.

TTY for the Deaf

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November 1, 2007

Senator Roy P. Dyson
Maryland General Assembly
James Senate Office Building, Room 102
11 Bladen Street
Annapolis, Maryland 21401

RE: Site Inspection, St. Mary's College River and Rowing Center

Dear Senator Dyson:

I am writing to make you aware that a routine site inspection at the St. Mary's College River and Rowing Center was performed yesterday by Greg Kolarik of the Maryland Department of the Environment (MDE). His report indicated that last week's rain events and the normal high tide associated with the full moon on October 26 had accelerated erosion of the shoreline on the project site. The College has authorization from the U.S. Army Corps of Engineers (USACE) to place sandbags along 200 linear feet of shoreline as a temporary protection measure. St. Mary's College staff is currently working with the staff of MDE, the USACE, and the Critical Area Commission to finalize the design and obtain the necessary authorizations and approvals for permanent erosion control measures to be installed in the next two years.

Commission staff has talked with MDE and discussed the shoreline condition and the potential for continued and accelerated water quality impacts to the St. Mary's River if no action is taken. It is MDE's recommendation that the sandbags should be installed immediately in order to avoid further adverse environmental impacts. Therefore, I have advised the College that the Commission does not object to the College proceeding with the installation of the temporary sandbags as permitted under the USACE, and that they should continue to work with the Commission, MDE, and the USACE on the approval of the permanent erosion control measure.

If you have any questions, please do not hesitate to call me at (410) 260-3460.

Sincerely,

Handwritten signature of Margaret McHale in cursive script.
Margaret McHale, Chair

TTY for the Deaf

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October 16, 2007

Ms. Joan Kean
Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, MD 21853

Re: Text Amendments to Chesapeake Bay Critical Area Program – 2004 Legislation and Revisions Regarding Forest and Developed Woodland Protection

Dear Ms. Kean:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced program refinement. On October 3, 2007, the Critical Area Commission concurred with my determination that these changes to the Somerset County Critical Area Program could be reviewed as refinements. After reviewing the changes, the Commission made the following recommendations:

1. The amendments to Section 1.7E "Variance Provisions" and Section 10.3 "Variances" of the Somerset County Critical Area Program document are consistent with the Critical Area law and Criteria and can be approved as submitted.
2. The amendments to Section 6.13 "CA-1 Critical Area Overlay District," Section 9.3 "Variances," Section 15.5 "Special Provisions for Critical Area Violations;" and Section 16 "Definitions" of the Somerset County Zoning Ordinance shall be revised as specified in Condition 1 set forth in Attachment A.
3. The amendments to Section 2.6 "Forest and Developed Woodlands" and Section 9.8 "Buffer Exemptions" of the Somerset County Critical Area Program document shall be revised as specified in Conditions 2 and 3 in Attachment A.
4. The amendments to various provisions of Section 6.13.h "Development Standards in LDA and RCA," specifically Subsection 6.13.h.6(f) of the Somerset County Zoning Ordinance, should be sent back to the County for consideration of the language proposed by Commission staff and included as Conditions 4 and 5 in the Staff Report and included in Attachment B. The Commission believes that further discussion between County staff and Commission staff is necessary to amend the language so as to ensure that the provisions regarding the amounts

of fees and fines are adequate and to ensure that mitigation planting and restoration for violations are properly implemented.

5. The amendments to various provisions of Section 6.13.h "Development Standards in LDA and RCA," specifically Subsection 6.13.h.10(i) of the Somerset County Zoning Ordinance shall be revised as specified in Condition 6 in Attachment B.
6. Somerset County shall prepare a report detailing the collection and expenditure of fees-in-lieu of planting and present this report to the Commission in one year.

The Commission also requested that Commission staff collect information from other jurisdictions regarding the amount, assessment, and administration of fees-in-lieu and fines. Commission staff will be working on gathering and summarizing this information over the coming weeks.

After fully reviewing this proposal, I concur with the Commission's recommendations for approval with conditions of all proposed changes as set forth above in Attachment A. The conditions set for in Attachment B are not approved at this time. This section is being sent back to you for further analysis and discussion with local officials. Commission staff will be contacting you soon to schedule a meeting for further discussion of the proposed language, and we look forward to working with you on this issue. The approved changes and conditions shall be incorporated into the County's Program within 120 days of the date of this letter. If you have any questions, please contact Julie Roberts at 410-260-3476.

Sincerely,



Margaret McHale,
Chair

Enclosures

ATTACHMENT A

Condition 1

Revise Section 9.3.d as follows to remove "insofar as possible" and require mitigation for variances at a 3:1 ratio:

(d) That having determined that the necessary standards for a Critical Area variance have been met, the Board will require, as part of its findings, that the applicant will take steps to mitigate impacts ~~(, insofar as possible,)~~ including:

- (i) Reforestation on the site to offset disturbed forested or developed woodlands on at least equal area basis.
- (ii) Afforestation (of areas of the site so that at least 15% of the gross site is forested) to mitigate for any impervious surface created and to mitigate for all disturbance to the Buffer, measured as a calculation of square feet disturbed, on at least a **3:1** ~~2:1~~ ratio; and
- (iii) Implementation of any mitigation measures that relate to Habitat Protection Areas as delineated in the County Critical Area Program, or as recommended by State and/or County Agencies.

3. The Commission approved with conditions (Conditions 2 and 3) the amendments to Section 2.6 "Forest and Developed Woodlands" and Section 9.8 "Buffer Exemptions" of the Somerset County Critical Area Program document (in reference to Attachment #3):

Condition 2

Revise text on page 2 as follows:

The planting plan agreement submitted by the applicant shall delineate the planting area and shall specify the planting and maintenance standards that will be followed, including the Bond. Planting and maintenance should be based on the site-specific situation. Applicants are required to diversify their tree planting plans with at least 3 different species. Planting plans should attempt to create natural areas. **The plant stocking, quantity, spacing and survivability of the planting shall be in accordance with the Table 1: Plant Stocking and Survival Requirements.** ~~An overall requirement of plantation planting using bare root stock is to plant 700 trees per acre 8' X 8' with 75% survival after 2 growing seasons 525 trees per acre for obligations of less than or equal to 4,000 square feet of mitigation, and 55% survival 385 trees per acre if more than 4,000 square feet is required.~~ Applicants will receive a handout that recommends species for planting, planting dates and proper maintenance.

* Bolded items should be added to text; strike-through items should be removed from text.

Table 1: Plant Stocking and Survival Requirements

Size of Planting Stock	Size of Planting Area	Quantity per Acre	Approximate Spacing	Survivability Requirement at End of Second Growing Season
Bare Root Seedlings or Whips	<= 4000 SF	700	8' X 8'	75% or 525 per acre
Bare Root Seedlings or Whips	> 4000 SF	700	8' X 8'	65% or 455 per acre
Container Grown 1 – 5 Gallon	Any	435	10' X 10'	80% or 348 per acre
Balled and Burlapped 1" – 2" Cal.	Any	350	12' X 12'	95% or 333 per acre

Condition 3

Revise text on page 4 as follows:

- For any cutting or clearing of trees that will disturb 5,000 or more square feet of forest or developed woodlands, the applicant will be required to provide a financial guarantee or surety. The surety must be sufficient to cover labor, ~~seedlings~~ **plant stock, and** maintenance for a period of 2 years. Replanting must occur by owner if the survival rate falls below **the survival rates specified in this section in Table 1: Plant Stocking and Survival Requirements.** ~~-75% after the second growing season on sites with less than or equal to 4,000 square feet of mitigation requirements and 55% survival for more than 4,000 square feet of required mitigation.~~

4. The Commission sent back for discussion (regarding Conditions 4 and 5) the revisions to various provisions of Section 6.13.h "Development Standards in LDA and RCA" and amendments to Section 2.6 "Forest and Developed Woodlands" (which references Attachment #3):

Condition 6

Revise Section 10(i) of the Somerset County Zoning Ordinance pertaining to reforestation and afforestation within the Critical Area as follows:

10(i) Woodland Reforestation and Afforestation Standards.

Where reforestation or afforestation is required the following minimum standards within the CA-1 Critical Area District shall be used:

- For each acre of land where woodlands must be replaced or established, plantings shall consist of trees and /or native shrub species spaced approximately at 8 foot interval in rows 8 feet apart, or other suitable spacing as determined by the DTCS on a site-by-site basis. ~~A 55% survival rate is required after the end of the second growing season for obligations greater than or equal to 4,000 square feet of mitigation and 75% survival for sites less than 4,000 square feet of obligation.~~ **The plant stocking, quantity, spacing and survivability of the planting shall be in accordance with the table below.**

Table 1: Plant Stocking and Survival Requirements

Size of Planting Stock	Size of Planting Area	Quantity per Acre	Approximate Spacing	Survivability Requirement at End of Second Growing Season
Bare Root Seedlings or Whips	<= 4000 SF	700	8' X 8'	75% or 525 per acre
Bare Root Seedlings or Whips	> 4000 SF	700	8' X 8'	65% or 455 per acre
Container Grown 1 – 5 Gallon	Any	435	10' X 10'	80% or 348 per acre
Balled and Burlapped 1" – 2" Cal.	Any	350	12' X 12'	95% or 333 per acre

Condition 7

Somerset County shall prepare a report detailing the collection and expenditure of these funds and present this report to the Commission in one year.

ATTACHMENT B

Condition 4

Revise Section 6(f) as follows:

6(f) Off-Site Locations or Fees-In-Lieu of Planting; Penalties For Clearing Above the Limit. When an area for reforestation is not available on the site, the developer shall either select an alternative off-site location or shall pay an in-lieu-of fee to the County in accordance with the requirements set forth below. **The County acknowledges that the fees collected cover the cost of planting only. The County assumes all responsibility for, and costs associated with, identifying and acquiring appropriate planting locations or easements; maintaining the plantings for a period of two-years; replacing plantings as necessary at the end of two-years to meet the survival requirements specified in Table 1 in Section 10(i); and providing appropriate recorded plats, deed restrictions, or easements as necessary to ensure the long-term protection of these areas. The County is responsible for all tasks associated with administering a fee-in-lieu program, shall maintain all funds collected in a separate account, and shall provide information regarding the collection and expenditure of these funds upon request by the Commission.** ~~following:~~

- (i) For up to 20% of a site that has been cleared of forest or developed woodland, the fee is \$900 per acre of forest removed as per e(ii) above.
- (ii) For more than 20% of a site that has been cleared of forest or developed woodland, but less than the 30% limitation, the fee is \$1350 per acre of the total area that has been removed, as per e(iv) above.
- ~~(iii) For any area that contains forest or developed woodlands that was cleared in excess of the 30% limitation on clearing permitted in the Critical Area, or for forest or developed woodland cleared without a grading permit, the fee is \$2700 per acre for any area cleared as per e(v) above.~~
- ~~(iv) The penalty for any forest or developed woodland that is removed from the Buffer, without following the procedures and obtaining the approvals outlined in Section 6.13.f.(2)(a) through (g), the fee is \$4,000 per acre of the total area that has been removed.~~
- (v) If a parcel of one half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, the fees in lieu shall be as follows:
 - (aa) For up to 20% of a site that has been cleared of forest or developed woodland **cleared on a parcel**, the fee is \$300 per acre of forest removed.
 - (bb) For more than 20% of a site that has been cleared of forest or developed woodland **cleared on a parcel**, but less than the 30% limitation, the fee is \$450 per acre of the total area that has been removed.
 - ~~(cc) For any area that contains forest or developed woodlands that was cleared in excess of the 30% limitation on clearing permitted in the Critical Area, the fee is \$900 per acre for any area cleared.~~

Condition 5

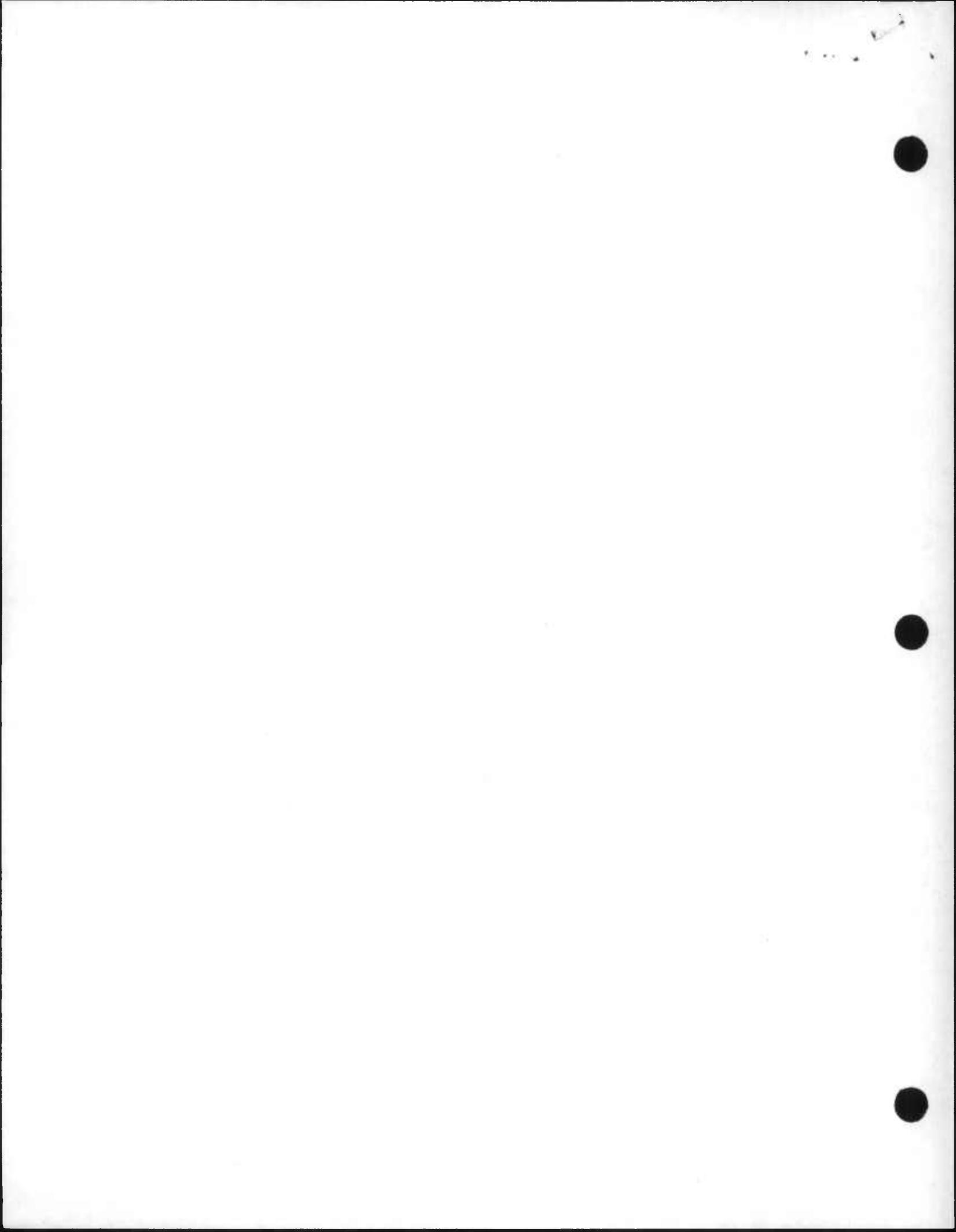
Add Section 6(g) and revise amounts for fines as follows:

6(g) Fines for Unauthorized Clearing

When an area is cleared, trees are cut, or natural vegetation is removed that is unauthorized or lacking permits; exceeds the approved or allowed clearing limits; or takes place within the Buffer without, or not in compliance with, an approved Buffer Management Plan; a property owner will be considered to be in violation of the Somerset County Critical Area regulations. In accordance with all of the enforcement provisions in this ordinance, the County shall take appropriate action to assess fines as set forth below. All fines assessed shall be in addition to requiring appropriate mitigation for the activity and restoration of the site to its condition prior to the violation.

- (i) For any area that contains forest or developed woodlands that was cleared in excess of the 30% limitation on clearing permitted in the Critical Area, or for forest or developed woodland cleared without appropriate permits or authorizations, fines shall be assessed at \$2.00 per square foot of disturbance or \$200 per tree, whichever is greater. Any portion of an area where unauthorized clearing has taken place that exceeds 5,000 square feet or involves more than 50 trees, shall be considered a separate violation, and fines will be assessed cumulatively.**
- (ii) For any area cleared, trees cut, or natural vegetation removed within the Buffer, without following the procedures and obtaining the approvals outlined in Section 6.13.f.(2)(a) through (g), fines shall be assessed at \$5.00 per square foot or \$500 per tree, whichever is greater. Any portion of an area in the Buffer where unauthorized clearing has taken place that exceeds 2,000 square feet or involves more than 20 trees, shall be considered a separate violation, and fines will be assessed cumulatively.**

5. The Commission approved with conditions (Conditions 6 and 7) the revisions to various provisions of Section 6.13 CA-1 "Critical Area Overlay District" of the Somerset County Zoning Ordinance (regarding Attachment #4):



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

October 10, 2007

Honorable Francis Jack Russell, President
St. Mary's County Board of Commissioners
PO Box 653
23115 Leonard Hall Drive
Leonardtown, MD 20650

Re: St. Mary's Ryken High School Map Amendment Requests

Dear President Russell:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area map amendment requests to correct a mapping mistake and use growth allocation to change the Critical Area designation of a portion of the property. On October 3, 2007, the Critical Area Commission concurred with my determination that both the correction of the mapping mistake and request for growth allocation could be processed as refinements to the County's Critical Area Program.

In regards to the correction of a mapping mistake, the Commission supported the County's approval to change 25.513 acres of Resource Conservation Area (RCA) to Limited Development Area (LDA) on the basis of a mistake and recommended that the request be approved. Subsequently, on October 9, 2007, I approved this map change.

In regards to the use of growth allocation to change 25.513 acres of LDA to IDA and 3.045 acres of RCA to IDA, the Commission made two recommendations; (1) approve the 25.513 acres of growth allocation to change LDA to Intensely Developed Area (IDA) and return the request to use 3.045 acres of growth allocation to change RCA to IDA with the following changes to be made:

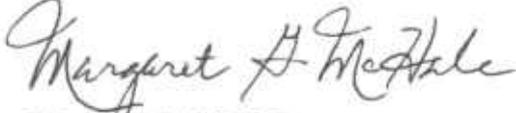
- The County will submit a site plan for the proposed development that includes detailed information for the 3.045 acres regarding the boundary of the expanded Buffer for steep slopes, hydric soils, and highly erodible soils as verified on site.

Subsequently, on October 9, 2007, I approved the use of 25.513 acres of growth allocation to change LDA to IDA and am returning the request for 3.045 acres to change RCA to IDA with the request that the changes described above are made and resubmitted.

Please note that the approved portions of the refinement shall be reflected on the County's Critical Area Maps within 120 days of the date of this letter. In addition, please provide a copy of the revised map to the Commission when it is available.

Thank you for your help and cooperation with the Critical Area Commission throughout the review of this growth allocation request. If you have any questions, feel free to contact me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale". The signature is written in dark ink and is positioned above the printed name.

Margaret G. McHale
Chair

cc: Denis Canavan, St. Mary's County Land Use & Growth Management

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 11, 2007

Mr. David Willis, Chairman
Cecil County Board of Appeals
Office of Planning & Zoning
129 East Main Street, Rm. 300
Elkton, MD 21921

Re: Variance Application - Local Case #3359
FRON-DJW, L.P.; Robert C. Welch

Dear Mr. Willis:

This office has received notification of the above referenced variance request to be heard by the Board of Appeals on October 23, 2007. Based on recent action taken by the Critical Area Commission (see attached correspondence), the Board of Appeals may not approve any variance request for this project because the decision will be null and void per Natural Resources Article Section 8-1809(1)(3). Accordingly, I would recommend that the Board postpone any hearing of this matter until the County has successfully resolved the sanction.

Thank you for your attention. If you have any questions please contact me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Margaret McHale".

Margaret McHale
Chair

Cc: Mr. Eric Sennstrom
Mr. Joseph Johnson



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 9, 2007

Mary Ann Skilling
Maryland Department of Planning
Upper Eastern Shore Regional Office
120 Broadway
Centreville, MD 21617-0000

Re: Betterton Growth Allocation

Dear Ms. Skilling:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced growth allocation request. On October 3, 2007 the Critical Area Commission concurred with my determination that the proposed growth allocation request could be reviewed as a refinement to the Town's Critical Area Program. The Commission supported the Town of Betterton's proposal to use 7.57 acres of growth allocation to change the designation of 17 properties (7.39 acres) from Limited Development Area (LDA) to Intensely Developed Area (IDA) and two properties (.18 acres) from Resource Conservation Area (RCA) to Intensely Developed Area and recommended that the request be approved. Consequently, I have approved this map change.

Please note that this refinement shall be reflected on the County's Critical Area Maps within 120 days of the date of this letter. In addition, please provide a copy of the revised map to the Commission when it is available.

Thank you for your help and cooperation with the Critical Area Commission throughout the review of this growth allocation request. If you have any questions, feel free to contact me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale".

Margaret G. McHale
Chair

cc: Gail Owings, Director, Kent County Planning and Zoning

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
Lt. Governor

Ren Serey
Executive Director

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October 9, 2007

Honorable William C. Manlove, President
Cecil County Commissioners
County Administrative Building
107 North St., Elkton, MD 21921

Re: Notice of Action Pursuant to Maryland Annotated Code, Natural Resources
Article §8-1809

Dear Commissioner Manlove:

This letter serves as notice of action taken by the Critical Area Commission ("Commission") at its regular meeting on October 3, 2007 pursuant to Maryland Annotated Code, Natural Resources Article §8-1809(1). The Commission voted to declare certain provisions of Cecil County's Critical Area Program ("County Program") to be in conflict with the Critical Area law and the Commission's Criteria.

On October 3, 2007 Commission staff briefed the Program Subcommittee on the following concerns regarding the Cecil County Program:

1. Consideration of a variance for a new subdivision in a Buffer Exemption Area (BEA) and the lack of specific language within the Cecil County Zoning Ordinance that specifically addresses new subdivisions in a BEA; and
2. Consideration of a subdivision containing significant riparian forest areas and a bald eagle nest without specific language addressing current scientific standards for protection of these and other Habitat Protection Areas.

In reference to the above two items, at its October 3, 2007 meeting, the Commission compared the County's Program language within its zoning ordinance and Program document with the requirements of the State Critical Area law and COMAR 27.01 et seq. The Commission performed this comparison pursuant to its responsibility under Section 8-1809 of the Natural

Resources Article, Maryland Annotated Code. After a presentation by Commission staff, and discussion of issues outlined below, the Commission voted on the following Motions:

To invoke Annotated Code, Natural Resources Section 8-1809(1)(1); and

To determine that the Cecil County Critical Area Program contains clear mistakes, omissions and conflicts with the law and the Commission's criteria; and

To notify the County of the deficiencies; and

To direct the County to submit proposed program amendment(s) or refinement(s) to correct the deficiencies.

The specific provisions of Cecil County's Program affected by the actions of the Commission are:

- Buffer Exemption Areas (Section 195)
- Habitat Protection Area Provisions (Section 200)

Accordingly, the Commission approved the following two Motions by a vote of 24 in favor, none opposed:

Motion 1:

The Program Subcommittee has determined that there is a clear conflict, mistake, or omission in the Cecil County Critical Area Program in Section 195 of the Cecil County Zoning Ordinance, regarding the standards for new subdivisions in Buffer Exemption Areas.

In accordance with Section 8-1809 (1) of the Natural Resources Article, the Commission will notify the County of this deficiency, and by the April 2008 Commission meeting, the County shall submit program amendments or refinements to correct this deficiency by either (1) providing appropriate provisions for setbacks, mitigation and offsets for new subdivisions in the BEAs or (2) providing appropriate provisions to disallow new subdivisions in BEAs. From the date of this action, any future local approvals of new subdivisions in Buffer Exemption Areas in the Cecil County Critical Area Overlay Zones shall be null and void until this deficiency is corrected.

Until this deficiency is corrected, the County may not consider variances for new development or redevelopment in Buffer Exemption Areas.

Additionally, the County will report to the Program Subcommittee at its January 2008 Commission meeting to report on its progress.

Motion 2:

The Program Subcommittee has determined that there is a clear conflict, mistake, or omission in the Cecil County Critical Area Program in Section 200 of the Cecil County Zoning Ordinance and the Cecil County Critical Area Program document, regarding the standards for the protection and conservation of Habitat Protection Areas.

In accordance with Section 8-1809 (l) of the Natural Resources Article, the Commission will notify the County of this deficiency, and by the April 2008 Commission meeting, the County shall submit program amendments or refinements to correct this deficiency by submitting changes which include specific standards to protect and conserve Threatened and Endangered Species and Species in Need of Conservation; Plant and Wildlife Habitat, which include Forest Interior Dwelling Species habitat and existing riparian forests. From the date of this action, any future local approvals of new subdivisions in Habitat Protection Areas in the Cecil County Critical Area Overlay Zones shall be null and void until this deficiency is corrected.

Additionally, the County will report to the Program Subcommittee at its January 2008 Commission meeting to report on its progress.

The Commission takes these actions pursuant to Natural Resources Article §8-1809(l). As a result of this vote, the County shall submit to the Commission as program amendments, or program refinements, any changes to the County Program necessary to correct the identified deficiencies. This submission shall be made by the April 2008 Commission meeting as stated above. The Commission also notifies you that, as a result of this vote by the Commission, from the date of this letter, any local project approval granted under a part of the local program that the Commission has determined to be deficient shall be null and void.

Additionally, at its October 3, 2007 meeting, the Program Subcommittee requested that the County determine a timeline to complete the required 6-year Comprehensive Program review which, by law, was due in 2003. I would urge the County to meet with Commission staff to outline proposed measures to satisfy the State review requirement.

Honorable William C. Manlove
October 9, 2007
Page 4 of 4

If you have questions or need additional information, please contact Mr. Ren Serey at (410) 260-3462.

Sincerely,

A handwritten signature in cursive script that reads "Margaret McHale".

Margaret McHale
Chair

Cc: Mr. Alfred C. Wein, County Administrator
Mr. Findley McCool, County Attorney
Mr. William Mortimer, Planning Commission Chair
Mr. Eric S. Sennstrom, Director of Planning & Zoning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 4, 2007

Lillian Lord
Clerk-Treasurer
Town of Oxford
100 North Morris Street
P.O. Box 339
Oxford, Maryland 21654

Re: Oxford Critical Area Ordinance

Dear Ms. Lord:

The Critical Area Commission is requesting information regarding the status of the comprehensive review of Oxford's Critical Area Ordinance. As you know, the Critical Area law requires a local government to review its Critical Area programming every six years. It is my understanding that this review is well underway. Roby Hurley has indicated that a draft of the Town's updated Critical Area Ordinance was completed this past winter and submitted to the Town of Oxford's Planning Commission. However, the Commission has not received any further information regarding the progress of the six-year review. We would greatly appreciate an update on the status of this draft ordinance and request that Staff from the Town of Oxford attend either our October 3, 2007 or November 7, 2007 monthly Commission meeting to discuss the ordinance and a timeline for completion.

We commend the Town Staff for their efforts so far, and we look forward to discussing the comprehensive review at a Commission meeting in the next two months. If you have any questions, please feel free to contact me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale".

Margaret G. McHale
Chair

cc: Roby Hurley, Critical Area Circuit Rider
Nick Kelly, Natural Resource Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 27, 2007

Mr. Jack Lenox
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

**RE: Redden Ferry
WI 408-07**

Dear Mr. Lenox:

I write to express my grave concern about the non-compliant status of the Critical Area Buffer at the Redden Ferry Estates subdivision. As you know, this subdivision was developed through the use of 44.92 acres of Critical Area growth allocation. I am concerned because it appears that the Redden Ferry Estates subdivision is not in compliance with the County's Critical Area Program or with the Commission's approval of the growth allocation amendment.

In response to complaints by residents of Redden Ferry, members of your staff and my staff visited the site on June 27, 2007. The site visit confirmed that unauthorized clearing and filling activities have taken place within the 100-foot Buffer. In particular, Julie Roberts (Critical Area staff planner) confirmed that the 100-foot Buffer on Lot 19 and in the Community Open Space lot was not fully forested and that the Buffer appeared to have been recently bush-hogged. Several residents told Ms. Roberts that unauthorized cutting and removal of trees, shrubs, and understory vegetation has occurred intermittently for several years. The residents provided to Ms. Roberts and County staff photographs that show the removal of vegetation within the Buffer over time.

My concern about the situation at Redden Ferry Farm stems from the fact that the Critical Area Criteria require establishment and permanent protection of the 100-foot Buffer on this property. This means that the full width of the Buffer should be vegetated with native species (usually a mixture of canopy trees, understory trees, shrubs, and herbaceous plants). After the Buffer is established, long-term management of the area is required to ensure the survival of planted vegetation. The removal of natural vegetation through cutting, clearing, mowing or burning is prohibited unless expressly authorized under an approved Buffer Management Plan. It appears from the photographs, and from discussions with members of the community, that the Buffer may be frequently disturbed by human activity including mowing, filling and clearing.

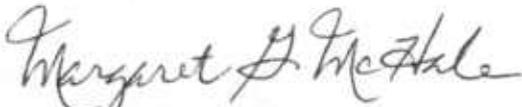
Mr. Lenox
8/27/2007
Page 2 of 2

The Commission's records show that a Buffer Management and Planting Plan and a Forest Management and Planting Plan were prepared for this site in 1993. The Plan indicates that vegetated tidal and non-tidal Buffer areas would increase from 1.92 acres to 4.82 acres. Moreover, the recorded plat for the subdivision clearly shows the 100-foot Buffer and includes Note 24, which states, "Non-forested areas within the Buffer will be planted according to the Buffer Management Plan." It appears that portions of the Buffer were forested and that supplemental planting was proposed. However, the files contain no documentation to prove that the Buffer was fully forested as required, or that the Buffer Management Plan was ever properly implemented

As you know, the Critical Area law requires that growth allocation projects must fully comply with all of the provisions of the law, criteria, and the local Critical Area program. At this time, it appears that the Redden Ferry subdivision was developed without complying with the County's Critical Area regulations for establishing the Buffer, and that unauthorized cutting, filling, and removal of vegetation has occurred. Our files contain no record of any county enforcement actions for violations of the Buffer requirements on this site.

Please consider this letter as my formal request to you to investigate the situation at Redden Ferry Estates and respond in writing to me by September 20, 2007. Our staff is available to assist you. If you have questions or need additional information, please contact me at (410) 260-3460 or Julie Roberts at (410) 260-3476. I look forward to working with you on the expeditious resolution of these issues.

Sincerely,



Margaret G. McHale
Chair

cc: The Honorable Stevie Prettyman
Mr. Frank McKenzie

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

August 23, 2007

Mr. Chris McCabe, Natural Resources Administrator
Worcester Co., Development Review & Permitting
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Mount Property – Tax Map 73, Parcels 28 & 42
Revocation of Growth Allocation

Dear Mr. McCabe:

At its meeting of August 1, 2007, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays received notice of the County's action regarding the revocation of the Growth Allocation given to the above referenced property in 2004. Specifically, the Commission was notified of Resolution 07-19 passed by the Worcester County Commissioners on July 3rd, 2007. Our growth allocation accounting records will be updated to return 8.1 acres to the County's reserve for the Coastal Bays watershed.

Thank you for your timely notification of the County's actions. If you have any questions regarding this matter, please contact LeeAnne Chandler at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "Margaret G. McHale".

Margaret G. McHale
Chair

cc: Mount amendment file, WCA-4



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 8, 2007

Amy Moredock
Environmental Planner
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Drayton Retreat Center Growth Allocation

Dear Ms. Moredock:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced growth allocation request. On August 1, 2007, the Critical Area Commission voted to send back the Drayton Retreat Center Growth Allocation amendment to Kent County so that the following changes can be made:

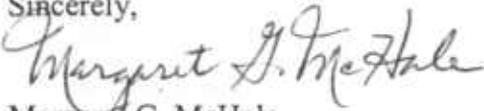
1. Prepare and submit a more refined plan for the growth allocation request that includes the approval of the water and sewer plan amendment necessary for the drip irrigation system.
2. Prepare and submit detailed design information as would be required for the permit application for the drip irrigation system, and, if appropriate, a Tentative Decision from MDE indicating that the design can be approved.
3. Prepare a conceptual Buffer Management Plan and a Habitat Protection Area Plan that show how the 100-foot Buffer, expanded Buffer for steep slopes, 300-foot setback, and FIDS habitat on the site will be protected and enhanced. In order to properly protect habitat on this site, the 300-foot setback must be fully forested; however, the Commission can consider a limited provision for views within the context of habitat protection.
4. Provide a conceptual stormwater management plan that provides information as to the types of best management practices, where they will be located, how they will be sized, and where they will be discharged, and specifics about any discharges to tidal waters.

5. Provide a revised site plan that shows additional clustering of structures, roads, parking, walkways, etc. The revised plan should evaluate the relocation of the tennis courts, the drip irrigation storage tank, and "The Waterfront Suites" building in order to provide larger areas of contiguous forest, which would enhance FIDS habitat on-site.
6. Provide a detailed analysis of the number of people that would typically be occupying the site and the activities that they would be engaged in and a maximum number of people during a peak operating time. The analysis should include a more specific determination on the maximum number of daily "conference use visitors" and the relationship of that number to the total of 350 overnight guests identified in the applicant's proposal. In addition, information should be provided about the adequacy of proposed parking.
7. Provide clarification of the relationship between Priority Funding Areas, Certified Heritage Areas, and the Stories of the Chesapeake Heritage Areas.
8. Provide additional information regarding the provision for potable water for use on-site, specifically impacts that a new well may have on the water supply of the surrounding properties.

This information shall be sufficient for the Commission to determine if the request for growth allocation for the Drayton Retreat Center is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria.

Thank you for your help and cooperation with the Critical Area Commission throughout the review of this growth allocation request. If you have any questions, feel free to contact me at (410) 260-3460.

Sincerely,



Margaret G. McHale

Chair

cc: Gail Owings, Kent County Planning and Zoning Director
Marianne Dise, Commission Counsel

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 8, 2007

Amy Moredock
Environmental Planner
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Drayton Retreat Center Growth Allocation

Dear Ms. Moredock:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced growth allocation request. On August 1, 2007, the Critical Area Commission voted to send back the Drayton Retreat Center Growth Allocation amendment to Kent County so that the following changes can be made:

1. Prepare and submit a more refined plan for the growth allocation request that includes the approval of the water and sewer plan amendment necessary for the drip irrigation system.
2. Prepare and submit detailed design information as would be required for the permit application for the drip irrigation system, and, if appropriate, a Tentative Decision from MDE indicating that the design can be approved.
3. Prepare a conceptual Buffer Management Plan and a Habitat Protection Area Plan that show how the 100-foot Buffer, expanded Buffer for steep slopes, 300-foot setback, and FIDS habitat on the site will be protected and enhanced. In order to properly protect habitat on this site, the 300-foot setback must be fully forested; however, the Commission can consider a limited provision for views within the context of habitat protection.
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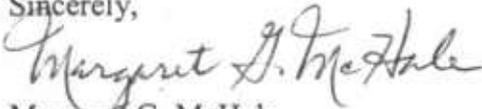
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5. Provide a revised site plan that shows additional clustering of structures, roads, parking, walkways, etc. The revised plan should evaluate the relocation of the tennis courts, the drip irrigation storage tank, and "The Waterfront Suites" building in order to provide larger areas of contiguous forest, which would enhance FIDS habitat on-site.
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8. Provide additional information regarding the provision for potable water for use on-site, specifically impacts that a new well may have on the water supply of the surrounding properties.

This information shall be sufficient for the Commission to determine if the request for growth allocation for the Drayton Retreat Center is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria.

Thank you for your help and cooperation with the Critical Area Commission throughout the review of this growth allocation request. If you have any questions, feel free to contact me at (410) 260-3460.

Sincerely,



Margaret G. McHale

Chair

cc: Gail Owings, Kent County Planning and Zoning Director
Marianne Dise, Commission Counsel

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 8, 2007

Amy Moredock
Environmental Planner
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

Re: Drayton Retreat Center Growth Allocation

Dear Ms. Moredock:

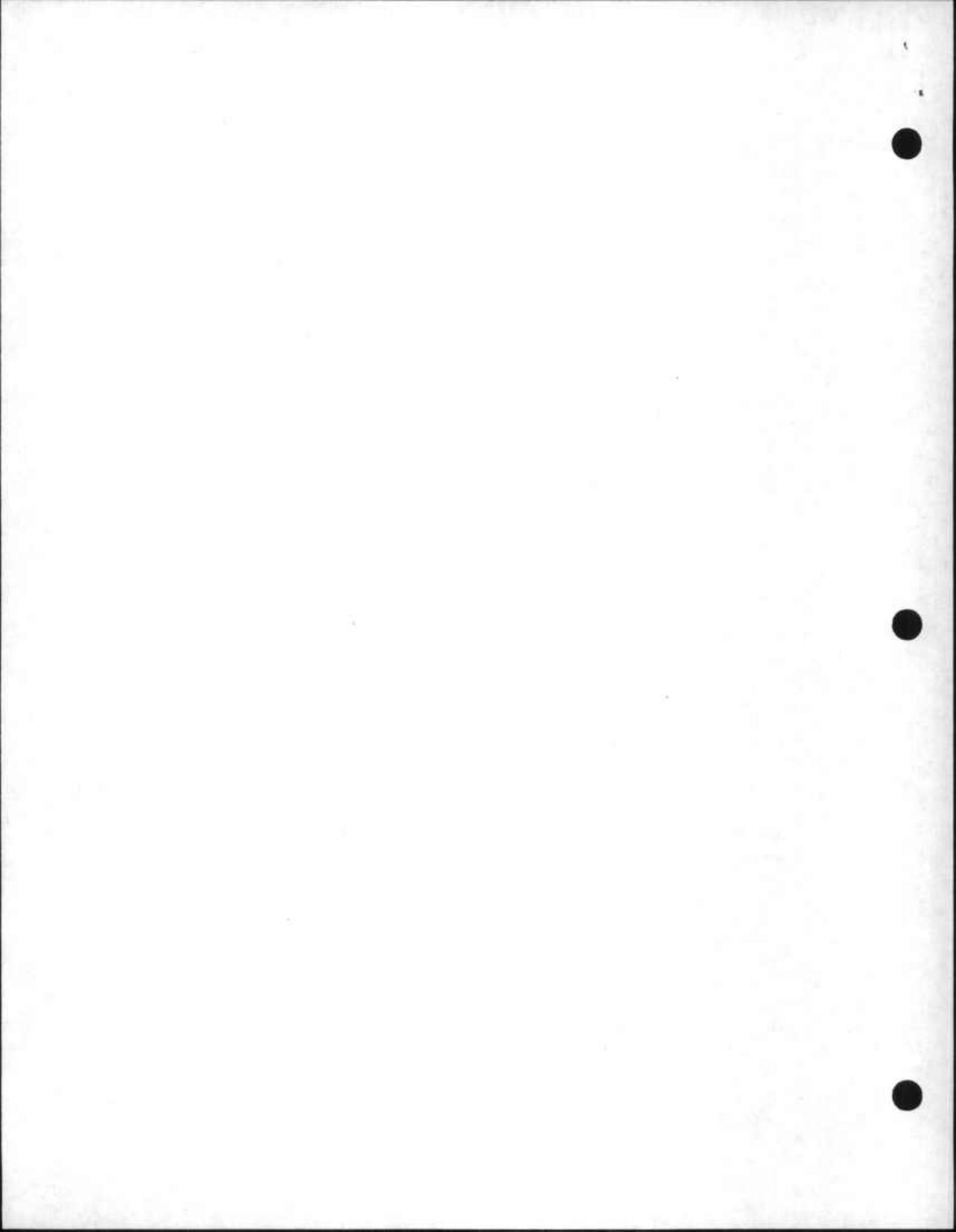
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1. Prepare and submit a more refined plan for the growth allocation request that includes the approval of the water and sewer plan amendment necessary for the drip irrigation system.
2. Prepare and submit detailed design information as would be required for the permit application for the drip irrigation system, and, if appropriate, a Tentative Decision from MDE indicating that the design can be approved.
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4. Provide a conceptual stormwater management plan that provides information as to the types of best management practices, where they will be located, how they will be sized, and where they will be discharged, and specifics about any discharges to tidal waters.

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5. Provide a revised site plan that shows additional clustering of structures, roads, parking, walkways, etc. The revised plan should evaluate the relocation of the tennis courts, the drip irrigation storage tank, and "The Waterfront Suites" building in order to provide larger areas of contiguous forest, which would enhance FIDS habitat on-site.
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8. Provide additional information regarding the provision for potable water for use on-site, specifically impacts that a new well may have on the water supply of the surrounding properties.

This information shall be sufficient for the Commission to determine if the request for growth allocation for the Drayton Retreat Center is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria.

Thank you for your help and cooperation with the Critical Area Commission throughout the review of this growth allocation request. If you have any questions, feel free to contact me at (410) 260-3460.

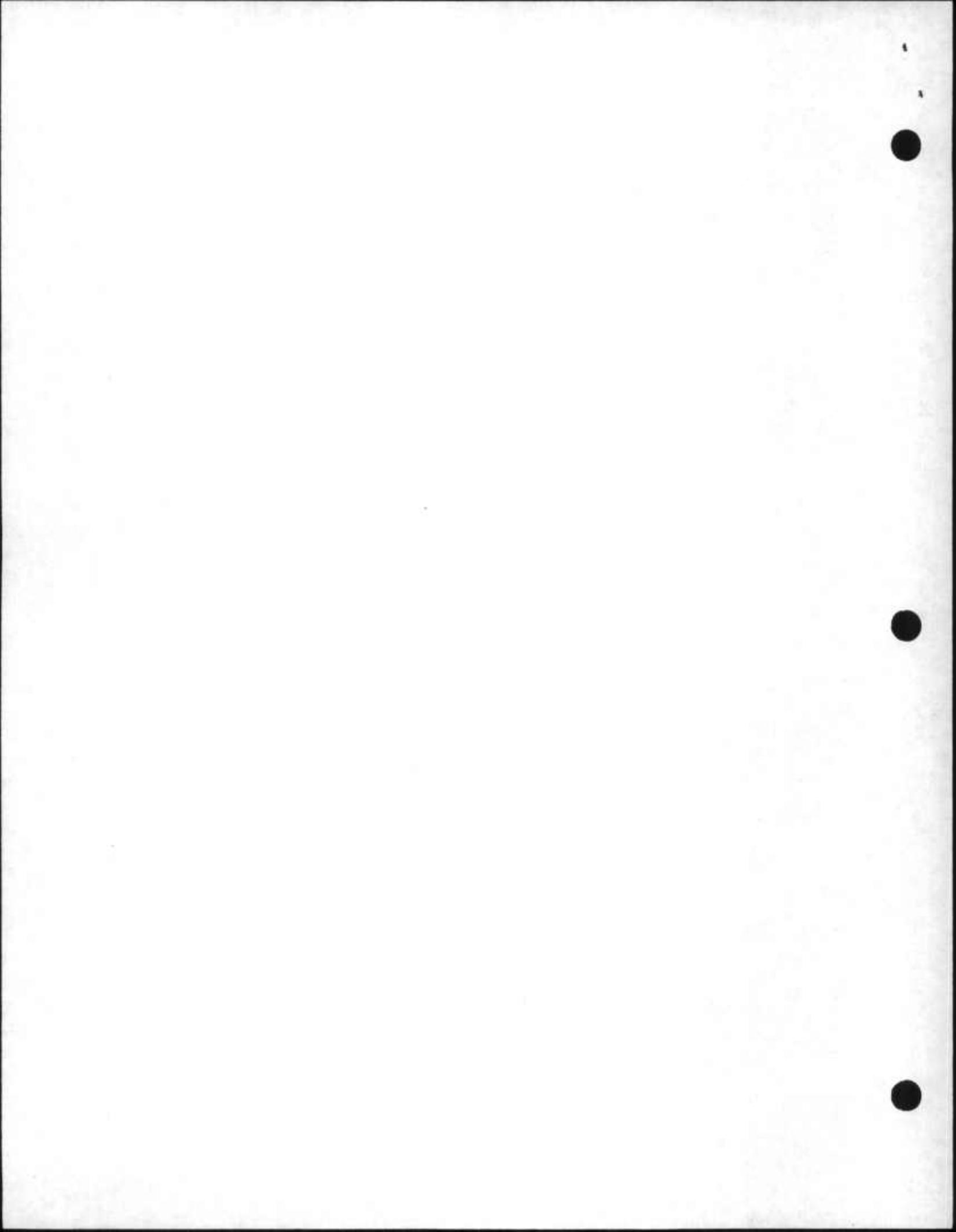
Sincerely,



Margaret G. McHale

Chair

cc: Gail Owings, Kent County Planning and Zoning Director
Marianne Dise, Commission Counsel



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 2, 2007

Larry R. Tom
Planning and Zoning Officer
Office of Planning and Zoning
Anne Arundel County
2664 Riva Road, PO Box 6675
Annapolis, MD 21401

Dear Mr. Tom:

This letter is in response to your July 19 request for a second extension to finalize mapping issues and septic replacement areas in the RCA. As per my telephone conversation yesterday with Patti Turner of your office, this letter is to confirm in writing that I have granted an extension through Thursday, November 8, 2007.

We are happy to be working with you toward mutual resolution.

Sincerely,

A handwritten signature in cursive script that reads "Margaret McHale".

Margaret McHale
Chair

cc: Jonathan Hodgson, County Attorney
Jim Chance, Office of Law
Christopher Soldano, Asst. Planning and Zoning Officer
Suzy Schappert, Zoning Administrator
Kathleen Vitale, County Council
Kelly Krinetz, Office of Planning and Zoning
Sally Iliff, Office of Law

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Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 23, 2007

Mr. Haitham A. Hijazi, Director
Department of Public Works and Transportation
9400 Peppercorn Place, Suite 300
Largo, MD 20774

Re: Temporary Release of Action Pursuant to Maryland Annotated Code, Natural Resources
Article §8-1809

Dear Mr. Hijazi:

The purpose of this letter is to officially notify you of the Critical Area Commission's action at its July 11, 2007 meeting regarding the sanction previously placed on a portion of the Prince George's County Critical Area Program. In April 2007, under Section 8-1809(l) of the Natural Resources Article, the Commission sanctioned the ability of the County to waive the requirement to develop a Conservation Plan under Section 27-548.11 of the Prince George's County Zoning Ordinance. The Program Subcommittee met on July 11, 2007 and discussed the package submitted by the County that addressed the above referenced section of the County's Zoning Code and other program issues. The Subcommittee found that the process of review, approval and issuance of waivers for development activities in the Critical Area was corrected by developing an application and review procedure to document all requests.

The Program Subcommittee recommended and the Commission approved a temporary release of the sanction on Section 27-548.11 of the Prince George's County Zoning Code until the January 2008 Commission meeting with two conditions:

- The County must amend the Zoning Ordinance and Program document to reflect the change in terminology from "waiver" to "staff level review".
- Upon completion of each staff level review, the County must submit to Commission Staff a copy of all approved staff level reviews with the accompanying documentation.

Separately, the Program Subcommittee discussed and the Commission voted to recommend necessary items of coordination between the County and the Commission to ensure full implementation of the County's Program. These necessary coordination items include the following:

Mr. Haitham Hijazi

July 23, 2007

Page 2 of 2

1. Weekly updates to Commission staff regarding enforcement status of current violations; including any anticipated or ongoing actions.
2. Implementation of a fine structure for violations that considers the degree and gravity of those violations.
3. Provision of a single point of contact to Commission Staff regarding enforcement.
4. Initiating monthly staff meetings with Commission staff regarding program implementation.
5. Provision of Critical Area training for all County staff and inspectors.
6. Implementation of regular meetings to complete the comprehensive review and update of the County's Program.
7. Demonstration that COMAR notification requirements are being met.
8. Implementation of a formal planting agreement process.

The Subcommittee expects the County to provide an update on these items at its October 2007 and January 2008 meetings. This office looks forward to continuing to work with Prince George's County staff over the coming months to accomplish these items. If you have any questions please contact me at (410) 260-3462.

Sincerely,



Margaret McHale

Chair

Cc: Honorable Jack B. Johnson, Prince George's County Executive
Camille Exum, Chair, Prince George's County Council
David J. Byrd, Deputy Chief Administrative Officer
Stephanie P. Anderson, Acting County Attorney
Steve Gilbert, Attorney, Prince George's County Council
Charles W. Wilson, Director, Department of Environmental Resources
Beverly Warfield, Department of Environmental Resources
Susan Hubbard, Department of Public Works and Transportation
Dawit Abraham, Department of Public Works and Transportation
Fern Piret, Planning Director, Prince George's County Planning Department, MNCPPC
Cecilia Lammers, Environmental Planning Supervisor, MNCPPC
Ren Serey, Critical Area Commission
Marianne Dise, Commission Counsel
Mary Owens, Critical Area Commission
Kate Schmidt, Critical Area Commission
Paul Cucuzzella, Office of the Attorney General
Saundra Canedo, Office of the Attorney General

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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(410) 260-3460 Fax: (410) 974-5338
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July 19, 2007

Town Commissioners of Church Hill
PO Box 85
Church Hill, MD 21623

Re: Church Hill Critical Area Program IDA Text Amendment

By this letter, I am officially notifying you of the Critical Area Commission's action on the above referenced amendment to the Town Critical Area Ordinance to add provisions pertaining to Intensely Developed Areas (IDA) in the Critical Area.

I previously determined that the Town's proposed change to its local Critical Area Program would be processed as a program refinement. On July 11, 2007, the Critical Area Commission concurred with my decision. In addition, I have accepted the Commission's recommendation to support the amendment to the Town Critical Area Ordinance to add provisions pertaining to Intensely Developed Areas (IDA).

This refinement shall be reflected on the Town's Critical ordinance within 120 days of the date of this letter. Please provide a copy of the revised text sections to the Commission when available. If you have any questions or need further information, please contact Marshall Johnson at (410) 260-3479.

Sincerely,

A handwritten signature in cursive script that reads "Margaret McHale".

Margaret McHale
Chair



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 19, 2007

Town Commissioners of Church Hill
PO Box 85
Church Hill, MD 21623

Re: Church Hill Fire Station Growth Allocation

By this letter, I am officially notifying you of the Critical Area Commission's action on the above referenced Critical Area growth allocation request.

I previously determined that the Town's proposed change to its local Critical Area Program would be processed as a program refinement. On July 11, 2007, the Critical Area Commission concurred with my decision. In addition, I have accepted the Commission's recommendation to support the County's approval to change the Critical Area designation of 0.843 acres from Limited Development Area (LDA) to Intensely Developed Area (IDA) to allow for the expansion of the Church Hill Volunteer Fire Company.

This refinement shall be reflected on the Town's Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the revised map to the Commission when it is available. If you have any questions, please contact Marshall Johnson at (410) 260-3479.

Sincerely,

A handwritten signature in cursive script that reads "Margaret McHale".

Margaret McHale
Chair



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 19, 2007

Ms. Suzanne Schappert
Office of Planning and Zoning
Anne Arundel County
P.O. Box 6675
Annapolis, Maryland 21401

RE: Bill No. 22-07
Critical Area Map Amendment for Wright Investment, Inc.

Dear Ms. Schappert:

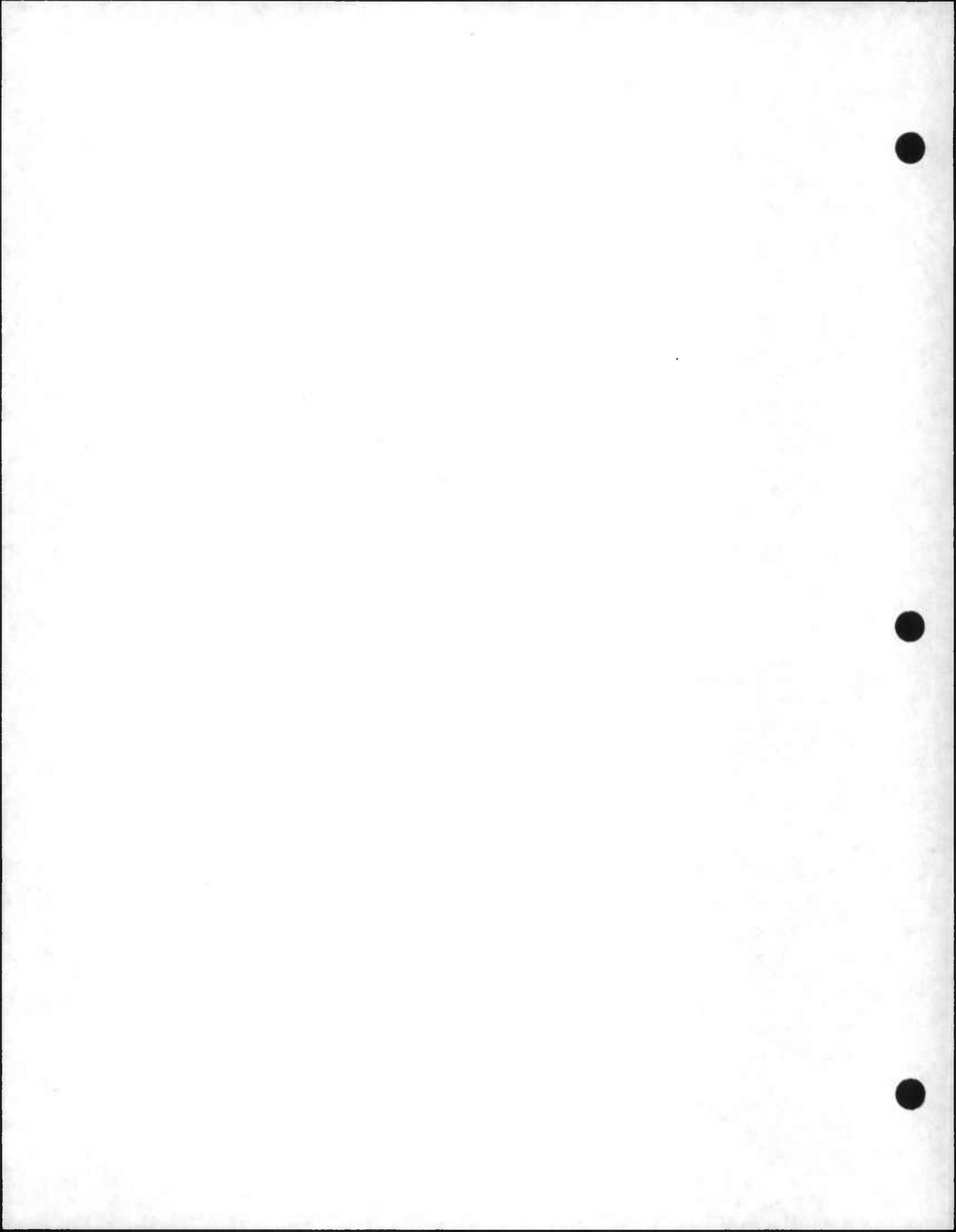
By this letter, I am officially notifying you of the Critical Area Commission's action on the above referenced Critical Area Map Amendment.

I previously determined that the County's proposed change to its local Critical Area Map, which will revise the Critical Area boundary in the area surrounding the headwaters of Whitehall Creek, would be processed as a program refinement. On July 11, 2007, the Critical Area Commission concurred with my decision. In addition, I have accepted the Commission's recommendation to approve the revised map submitted by the County.

State law requires that this refinement be reflected on the County's Critical Area Maps within 120 days of the date of this letter. Please provide a copy of the revised map to the Commission when it is available. If you have any questions, please contact Mary Owens at (410) 260-3480.

Sincerely,

Handwritten signature of Margaret McHale in cursive script.
Margaret McHale
Chair



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 17, 2007

Bill Watson,
8200 Bayside Road
PO Box 400
Chesapeake Beach, MD 20732

RE: The Home Place Growth Allocation

Dear Mr. Watson,

By this letter, I am returning the Town of Chesapeake Beach's Home Place Growth Allocation for necessary changes. I previously determined that the Town's proposed change to its local Critical Area Program would be processed as a program refinement. On July 11, 2007, the Critical Area Commission concurred with my decision.

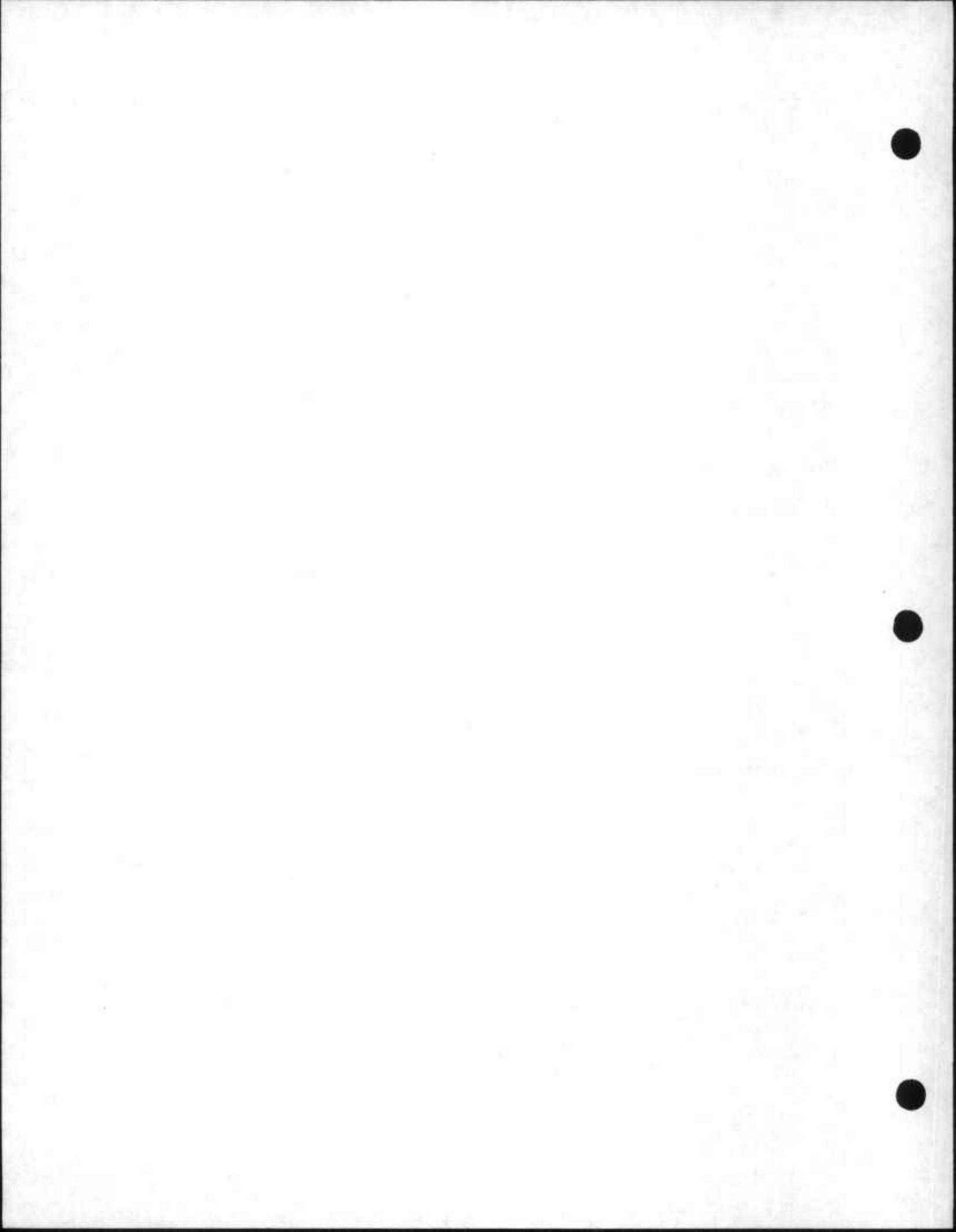
In addition, I have accepted the Commission's recommendation to return the proposal to the Town for inclusion of an acceptable method to reduce pollutant loadings by at least 10%. This decision is based on the fact that the plans for the proposed development for the project do not meet the Critical Area 10% pollution reduction requirements of COMAR 27.01.02.03.D(3). Changes must include revised stormwater plans and Worksheet A from the Commission's 10% Manual.

If you have any questions or need further information, please contact Marshall Johnson at (410) 260-3479.

Sincerely,

A handwritten signature in cursive script that reads "Margaret McHale".

Margaret McHale
Chair





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April 12, 2007

Mr. Hiatham A. Hijazi, Director
Department of Public Works and Transportation
9400 Peppercorn Place, Suite 300
Largo, MD 20774

RE: Notice of Action Pursuant to Maryland Annotated Code, Natural Resources
Article §8-1809

Dear Mr. Hijazi:

This letter serves as notice of action taken by the Critical Area Commission ("Commission") at its regular meeting on April 4, 2007 pursuant to Maryland Annotated Code, Natural Resources Article §8-1809(l). The Commission voted to declare certain provisions of Prince George's County Critical Area Program ("County Program") to be in conflict with the Critical Area law and the Commission's Criteria.

At its February 7, 2007 meeting and at its March 7, 2007 meeting, Commission staff briefed the Commission on the following concerns regarding the Prince George's County Critical Area Program:

1. Process and procedures used to implement the provision within the County Program to "waive" certain types of development projects from the requirement to develop a Conservation Plan and Conservation Agreement.
2. Enforcement of the Critical Area laws and regulations governing development activities within the County's Critical Area to ensure compliance with the County Program.
3. Process and procedures used to review conservation plans and agreements.
4. Granting of variances.

At its April 4, 2007 meeting, the Commission compared the County's Program language within its zoning ordinance and Conservation Manual with recent County permitting practices and with the requirements of the State Critical Area law and COMAR 27.01 et seq. The Commission performed this comparison pursuant to its responsibility under Section 8-1809 of the Natural Resources Article, Maryland Annotated Code. After a presentation by Commission staff, and discussion of issues outlined below, the Commission voted on the Motions:

To invoke Annotated Code, Natural Resources Section 8-1809(l)(1); and

To determine that the Prince George's County Critical Area Program contains clear mistakes, omissions and conflicts with the law and the Commission's criteria; and

To notify the County of the deficiencies; and

To direct the County to submit proposed program amendment(s) or refinement(s) to correct the deficiencies.

The specific provisions of the Prince George's County Program affected by this action of the Commission are:

- The issuance of waivers as provided for in Section 27-548.11 of the Prince George's County Zoning Ordinance and the Conservation Manual.

Accordingly, the Commission approved the following Motion by a vote of 24 in favor, none opposed:

The Program Subcommittee has determined that there is a clear conflict, mistake, or omission in the Prince George's County Critical Area Program in Section 27-548.11 of the Prince George's County Zoning Ordinance, regarding the process of review, approval, and issuance of waivers for development activities in the Critical Area.

In accordance with Section 8-1809(l) of the Natural Resources Article, the Commission will notify the County of this deficiency, and within 90 days, the County shall submit program amendments or refinements to correct this deficiency. From the date of this action, any future local approvals of waivers for development in the Prince George's County Critical Area Overlay Zones shall be null and void until this deficiency is corrected.

Until this deficiency is corrected, the County may not issue waivers for development projects in the Critical Area.

The Commission takes this action pursuant to Natural Resources Article §8-1809(l). As a result of this vote, the County shall submit to the Commission as program amendments, or program refinements, any changes to the County Program necessary to correct the identified deficiencies. This submission shall be made within 90 days of the date of this letter. The Commission also notifies you that, as a result of this vote by the Commission, from the date of this letter, any local project approval granted under a part of the local program that the Commission has determined to be deficient shall be null and void.

Mr. Hiatham A. Hijazi
April 12, 2007
Page 3 of 3

Additionally, at its April 4, 2007 meeting, the Commission requested that I identify further areas of concern discussed by the Program Subcommittee and request the County work with the Commission to resolve these issues. These issues include those outlined in previous correspondence to Prince George's County, dated August 24, 2005 (attached to this letter) and involve the required Comprehensive Program Review, notification requirements to the Commission, enforcement, and variances. I would urge the County to meet with Commission staff to review these issues and outline proposed measures to resolve Commission concerns.

If you have questions or need additional information, please contact Mr. Ren Serey at (410) 260-3462.

Sincerely,



David P. Blazer
Acting Chairman

Cc: Honorable Jack B. Johnson, Prince George's County Executive
Camille Exum, Chair, Prince George's County Council
Dr. Jacqueline Brown, Chief Administrative Officer
Stephanie P. Anderson, Acting County Attorney
Steve Gilbert, Attorney, Prince George's County Council
Charles W. Wilson, Acting Director, Department of Environmental Resources
Beverly Warfield, Department of Environmental Resources
Fern Piret, Planning Director, Prince George's County Planning Department, MNCPPC
Cecilia Lammers, Environmental Planning Supervisor, MNCPPC
Marianne Dise, Commission Counsel
Ren Serey, Critical Area Commission
Mary Owens, Critical Area Commission
Kate Schmidt, Critical Area Commission
Paul Cucuzzella, Office of the Attorney General
Saundra Canedo, Office of the Attorney General





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April 11, 2007

Mr. Roger Lee Fink
County Attorney
Office of the County Attorney
PO Box 2150
La Plata, Maryland 20646

Re: Swan Point Horse Farm Growth Allocation
Charles County, Maryland

Dear Mr. Fink:

The purpose of this letter is to notify Charles County of the Chairman's action on April 4, 2007 regarding the above referenced growth allocation refinement.

During its afternoon session, the Commission unanimously voted to concur with the Chairman's determination of refinement, including conditions. This action approves the County's request for growth allocation to change 26.11 acres of a Resource Conservation Area to an Intensely Developed Area. The nine conditions are as follows and were originally approved as a component of the March 7, 2007 growth allocation request on Swan Point Proper.

1. The panel's review and approval with conditions of portions of this growth allocation request are based on the General Development Plan and the Growth Allocation Map identified as Exhibit C dated May 2006 and Exhibit B dated May 2006. The panel acknowledges that these plans are conceptual in nature; however, any changes to the plans that increase or decrease the growth allocation acreage or substantively alter the configuration of the development envelopes as shown on the plans shall be submitted to the full Commission for review and approval.
2. All stormwater management facilities serving development located in the IDA shall be located within the IDA development envelopes. Commission staff will be responsible for ensuring that this condition is met as detailed plans are submitted during the "preliminary plan" stage of design.
3. All roads, associated grading, and necessary right-of-ways serving development located in the IDA shall be located within the IDA development envelopes. Commission staff will be responsible for ensuring that this condition is met as detailed plans are submitted during the "preliminary plan" stage of design.

4. Prior to the issuance of any permits or final approvals by the County, a detailed Buffer Management Plan at an appropriate scale shall be prepared and submitted to the full Commission for review and approval. Trails or portions of trails must be public amenities, provide direct access to water-dependent facilities, or be located outside the 100-foot Buffer. The Buffer Management Plan shall include, but is not limited to, the proposed shore erosion control measures and all related grading and tree removal; all trails or portions of trails located within the 100-foot Buffer or within 100-feet of the landward edge of the Buffer; the location of the recreational beach and related amenities; proposed management measures related to views, access to piers, and removal of exotic or invasive species; the proposed calculations and mitigation for impacts to the Buffer in the Buffer Exemption Area; and a landscaping plan showing all removal of existing vegetation and proposed supplemental planting as required to establish the Buffer. In addition, the Buffer Management Plan shall include provisions for maintenance, survival, monitoring, and replanting for five years, and provisions for the collection of a bond by the County in an adequate amount to ensure effective implementation for the full five- year period.
5. The 100-foot Buffer shall be delineated landward from the mean high water line that MDE certifies in the field and is shown on an application, accepted by MDE, for shore erosion control measures as long as implementation is initiated within the time frame specified in the original license or authorization. Any requests for extensions will require re-certification of the mean high water line as of the date that the request for an extension is accepted by MDE.
6. Prior to approval of the first preliminary plan by the County, the final habitat management plan shall be submitted to the full Commission for review and approval.
7. Prior to approval of each preliminary plan, the plan will be reviewed by the Heritage Division of the DNR to determine if any additional Habitat Protection Area requirements are necessary based on species migration or new information identified since the time of Preliminary Habitat Protection Area Plan approval. The developer will be required to address new habitat concerns in coordination with Charles County Planning staff, Commission staff, and DNR staff.
8. Prior to approval of the first preliminary subdivision plan or preliminary site plan by the County for any portion of the Villages at Swan Point, the required 404 acres of FIDS mitigation shall be addressed within a revised habitat management plan. The plan shall clearly indicate all on-site areas that are proposed to be planted and provide a planting plan and maintenance program necessary to ensure the establishment of FIDS habitat at maturity. The final habitat management plan shall be submitted to the Commission for review and approval. In addition, all conservation easements for both on-site and off-site areas shall be reviewed by Commission counsel and recorded prior to any local approvals of preliminary subdivision and site plans.
9. The 300-foot setback on the "Horse Farm Parcel" shall be established in forest vegetation like the 100-foot Buffer in order to provide appropriate riparian forest cover for wildlife that are currently using the site. The establishment and maintenance of this area shall be included within the Buffer Management Plan for the project. This area shall also be bonded to ensure effective implementation.

Roger Fink
April 11, 2007
Page 3

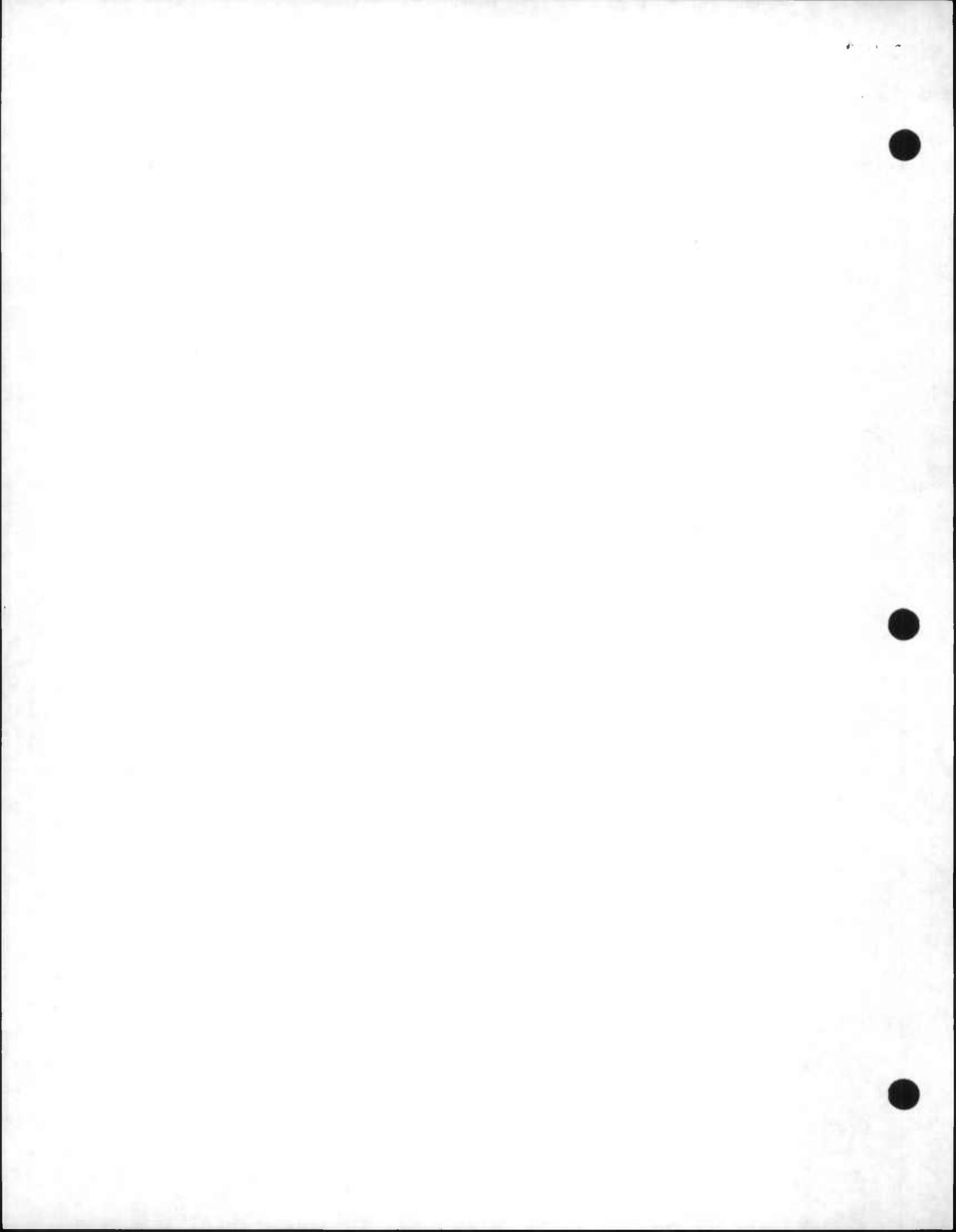
Please incorporate this refinement into the County's Critical Area program within 120 days from the date of this letter, and provide this office with an updated map reflecting the growth allocation. Thank you for your assistance in presenting this project to the Commission. Please contact me at 410-260-3460 if you have any questions.

Sincerely,



David Blazer
Acting Chairman

Cc: David Umling, Charles County
Aimee Dailey, Charles County





STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

March 16, 2007

Honorable Jack B. Johnson
County Executive
County Administration Building
14741 Governor Oden Bowie Drive, Suite 5032
Upper Marlboro, Maryland

Re: Prince George's County Critical Area Program

Dear County Executive Johnson:

This letter is to notify you that I have scheduled discussion of the Prince George's County Critical Area Program on the April 4, 2007 Critical Area Commission Agenda. The Commission's Program Subcommittee has discussed several issues in relation to the Prince George County's Critical Area Program and has identified significant concerns which Prince George's County needs to address.

Under Section 8-1809(l) of the Critical Area law (Natural Resources Article, Section 8-1801 et. seq, Annotated Code of Maryland), the Commission will consider whether the County's Critical Area Program contains mistakes, omissions, or conflicts with the State Law and Criteria. If the Commission makes such a determination, within 90 days Prince George's County will be required to submit to the Commission as program amendments or refinements any proposed changes necessary to correct those deficiencies. Section 1809 (l) of the law specifies that local project approvals granted under a part of a program that the Commission has determined to be deficient shall be null and void after notice of the deficiency. The Critical Area Commission may also notify other State permitting authorities that the mistakes, omissions, or conflicts exist between the County Code and Critical Area Law.

I understand that Mr. Ren Serey, the Commission's Executive Director, has spoken to Mr. Haitham Hijazi, Director of Department of Public Works and Transportation, regarding a preliminary meeting to discuss these matters. Such a meeting should occur before the next Critical Area Commission meeting on April 4, 2007 and should include all agencies involved in the County's Critical Area Program, including the Department of Environmental Resources and the Maryland National Capital Park and Planning Commission. Additionally, the County should be prepared to answer and address all questions and issues that have been raised in all previous correspondence.

Finally, I have referred to the Attorney General, as provided under Natural Resources Article 8-1815 (b-c), those properties referenced in Chairman Madden's January 10, 2007 letter for possible enforcement action.

If you have questions about this letter or the County's responsibilities to properly implement its local Critical Area Program, please contact Mr. Ren Serey at (410) 260-3462.

Sincerely,



David P. Blazer
Acting Chairman

cc: Camille Exum, Chair, Prince George's County Council
Dr. Jacqueline Brown, Chief Administrative Officer
Ms. Stephanie P. Anderson, Acting County Attorney
Steve Gilbert, Attorney, Prince George's County Council
Charles W. Wilson, Acting Director, Department of Environmental Resources
Haitham A. Hijazi, Director, Department of Public Works and Transportation
Fern Piret, Planning Director, Prince George's County Planning Department, MNCPPC
Cecilia Lammers, Environmental Planning Supervisor, MNCPPC
Marianne Dise, Commission Counsel
Ren Serey, Critical Area Commission
Lisa Hoerger, Critical Area Commission

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 16, 2007

Honorable Roy Dyson
102 James Senate Office Building
Annapolis, Maryland 21401

Honorable Barbara Frush
207 House Office Building
Annapolis, Maryland 21401

Dear Senator ^{Roy}Dyson and Delegate Frush:

At the Joint Legislative Oversight Committee meeting on December 20, 2006, you asked me to provide you with my suggestions for a review of the Critical Area Act.

As you know, the law was enacted in 1984. In 1986, the Legislature approved the Critical Area Criteria by Joint Resolutions of the House and Senate. The local Critical Area programs were approved by the Commission in the period from 1988-1990.

With almost 20 years of local implementation of the law behind us, I believe it is time to begin a comprehensive review of the Act by the Oversight Committee through a task force or summer study in conjunction with various interested parties.

In the past three years, the Oversight Committee has passed legislation that addresses a number of issues including variances, protection of the 100-foot Buffer, violations of the law, and notice to prospective home buyers. These important and necessary amendments to the Critical Area law have yielded many positive results. However, given the rapid growth and increasing development pressures in the Critical Area over the past 20 years, I believe a more thorough review of the Critical Area program is in order.

In addition, there is one item concerning the membership of the Critical Area Commission that I believe is appropriate for consideration during the current legislative session.

I recommend that the Oversight Committee should consider an amendment to the law making the membership requirement for Ocean City consistent with the other 62 jurisdictions in the Critical Area.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Honorable Barbara Frush
Honorable Roy Dyson
January 16, 2007
Page 2 of 2

The Commission membership, in addition to the Chairman, consists of 28 other members who represent local jurisdictions and public interests, as well as seven State agencies. Thirteen members must be local elected or appointed officials. However, except for the Mayor of Ocean City, the law does not specify which offices these members must hold. Over the years, the Commission membership from the category of local officials has included county and municipal council members and commissioners, planning directors, and members of local Boards of Appeals and Planning Commissions.

Natural Resources Article 8-1804 (a) (2) specifies that "Of the 2 Worcester County members from the Atlantic Coastal Bays watershed, 1 shall be the Mayor of Ocean City." All other local representatives from this membership category are selected under the general provision of "local elected or appointed officials" in Section 8-1804 (a) (1) (ii).

I believe that Ocean City's representative on the Commission should be selected from the same general category of officials that applies to all other local jurisdictions. This will help maximize local expertise and participation.

Thank you for the opportunity to provide you with my thoughts on the Critical Area law.

It has been an honor to serve as Chairman of the Commission. I greatly appreciate the close working relationship with the Oversight Committee that you have provided me. I also want to thank you for your strong support of the Critical Area law and your ongoing efforts to protect Maryland's Chesapeake and Atlantic Coastal Bays.

Sincerely,



Martin G. Madden
Chairman



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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January 16, 2007

Honorable Roy Dyson
102 James Senate Office Building
Annapolis, Maryland 21401

Honorable Barbara Frush
207 House Office Building
Annapolis, Maryland 21401

Dear Senator Dyson and Delegate ^{Barbara}Frush:

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As you know, the law was enacted in 1984. In 1986, the Legislature approved the Critical Area Criteria by Joint Resolutions of the House and Senate. The local Critical Area programs were approved by the Commission in the period from 1988-1990.

With almost 20 years of local implementation of the law behind us, I believe it is time to begin a comprehensive review of the Act by the Oversight Committee through a task force or summer study in conjunction with various interested parties.

In the past three years, the Oversight Committee has passed legislation that addresses a number of issues including variances, protection of the 100-foot Buffer, violations of the law, and notice to prospective home buyers. These important and necessary amendments to the Critical Area law have yielded many positive results. However, given the rapid growth and increasing development pressures in the Critical Area over the past 20 years, I believe a more thorough review of the Critical Area program is in order.

In addition, there is one item concerning the membership of the Critical Area Commission that I believe is appropriate for consideration during the current legislative session.

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Honorable Barbara Frush
Honorable Roy Dyson
January 16, 2007
Page 2 of 2

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Thank you for the opportunity to provide you with my thoughts on the Critical Area law.

It has been an honor to serve as Chairman of the Commission. I greatly appreciate the close working relationship with the Oversight Committee that you have provided me. I also want to thank you for your strong support of the Critical Area law and your ongoing efforts to protect Maryland's Chesapeake and Atlantic Coastal Bays.

Sincerely,



Martin G. Madden
Chairman



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 10, 2007

Honorable Jack B. Johnson
County Executive
County Administration Building
14741 Governor Oden Bowie Drive, Suite 5032
Upper Marlboro, Maryland

Re: Notice of Failure to Enforce Critical Area Program Requirements

- 10054 Edgewater Terrace, Fort Washington
- 9923 Indian Queen Point Road, Fort Washington

Dear County Executive Johnson:

I write this letter reluctantly but with considerable concern about Prince George's County's implementation of its local Critical Area program regarding the issuance of permits for development activities at 10054 Edgewater Terrace and 9923 Indian Queen Point Road, Fort Washington, which do not meet the County's Critical Area provisions.

The Annotated Code of Maryland, Natural Resources Article Section 8-1815(b), requires the Chairman of the Critical Area Commission, whenever he or she has reason to believe that a local jurisdiction is failing to enforce the requirements of its Critical Area program applicable to a particular development, to serve notice upon the local jurisdiction. After consultation with the Assistant Attorney General, I have concluded that the statute requires me to issue this notice. I believe that the County's enforcement actions do not meet the requirements of the County's Critical Area ordinance or the Critical Area Law based upon the following facts and circumstances.

The Prince George's County Zoning Code Section 27-548.11 requires a Conservation Plan and Agreement consistent with the County Conservation Manual for all development activities for property in the Critical Area. The requirement to develop a Conservation Plan and Agreement may be waived by the Department of Environmental Resources (DER) provided a number of conditions are met including but not limited to (1) area of disturbance is less than 500 square feet, (2) no disturbance will occur in the 100-foot Buffer, (3) no clearing of forest will take place, and (4) there will be no disturbance to steep slopes. The activities permitted by DER at 9923 Indian Queen Point Road received a waiver to Conservation Plan requirements based on these restrictions. However, based on information received by this office and visual inspection of the property, the activities that have occurred have in fact violated all the above mentioned restrictions. Further, it is our understanding that while numerous complaints have been received and violations issued for this property, construction and grading activities have continued to be permitted by the County under this waiver.

1



Mr. Jack B. Johnson

January 10, 2007

Page 2 of 2

This office also has information related to the issuance of a building permit at 10054 Edgewater Terrace to construct a shed within the 100-foot Buffer. Again, the applicant received a waiver from DER to pursue construction. While the waiver does provide an exception for activities in the 100-foot Buffer that are water dependent, storage sheds are not water dependent. COMAR 27.01.03.01 states that "an activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches, and other public water-oriented recreation areas, and fisheries activities." Individual private piers for subdivisions which do not have a community pier are also typically exempt.

As provided under Natural Resources Article 8-1815(b-c), I am hereby requesting you to please respond to this letter within 30 days and notify the Commission of the action the County has taken in regard to these development activities to effectively implement the requirements of the County's Critical Area Program for protection of the Buffer.

If you have questions about this letter or the County's responsibilities to properly implement its local Critical Area Program, please contact me or Mr. Ren Serey, my Executive Director, at (410) 260-3462. I look forward to hearing from you.

Sincerely,



Martin G. Madden
Chairman

Attachments (2)

cc: Dr. Jacqueline Brown, Chief Administrative Officer
David Whitacre, County Attorney
Charles W. Wilson, Acting Director, Department of Environmental Resources
Haitham A. Hijazi, Director, Department of Public Works and Transportation
Fern Piret, Planning Director, Prince George's County Planning Department, MNCPPC
Cecilia Lammers, Environmental Planning Supervisor, MNCPPC
Marianne Dise, Commission Counsel
Ren Serey, Critical Area Commission
Lisa Hoerger, Critical Area Commission

Martin O'Malley
Governor



Margaret G. McHale
Chair

Anthony G. Brown
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

August 30, 2007

Mr. Jesse C. Houston, Director
Town of Ocean City
Department of Planning and Community Development
PO Box 158
Ocean City, MD 21843

Dear Mr. Houston:

Thank you for your letter regarding the Phelps site plan. The applicant is proposing to expand a single family dwelling, porch, and walkways, and construct an impervious deck, driveway, and pool. Currently, the site contains a single-family dwelling, garage, patio, porch, and walkway. The area of the site is 22,779 square feet and is located in an Intensely Developed Area. The pool and deck, which have been the subject of correspondence between Town and Commission staff, measure over 2,600 square feet. Our recommendation, to require a reduction in the proposed impervious surface in the Buffer, is one that the Town of Ocean City does not support.

In your letter, you explain that the language in Section 30-554 (d) (2) of the Town of Ocean City's Atlantic Coastal Bays Critical Area Ordinance states that structures cannot be located in the setback, permanent structures cannot be placed over deadmen or tiebacks, and impervious surfaces cannot be located in the setback area. As you explained, these are the measures the Town uses to "minimize the extent of intrusion into the Buffer" from proposed development, and that Section 30-554 (d) (1), which states that new development shall "minimize the extent of intrusion as further regulated below," is not meant for "arbitrary interpretation as to the size of a pool outside the setback."

I believe that the Town applies these provisions in good faith, and that your interpretation of the Code leaves you no alternative to issuing a permit when presented with an application that appears to be code compliant. That is your position in the Phelps pool matter, and I respect it. Your position, however, requires that the Critical Area Commission review the language of the Town's Critical Area program more closely to determine if the language, as you interpret it, is consistent with State law.

Our staff has worked with you and other Town staff on several issues since Commission approval of the Town's Critical Area program in 2002. Together, we have successfully resolved some issues, but remain as yet unable to resolve others; in particular, new development in the Buffer, parallel walkways, and recessed docks. In these instances, the Town has implemented its Critical Area regulations in a manner different than what Commission Staff had expected. Rather than struggle with these particular issues at the staff level, I think it will be best to work with the Commission's Project Subcommittee, and have recommended this procedure to Margaret McHale, the Commission's Chair. The Project Subcommittee regularly examines development proposals in the Critical Area submitted by State agencies and local governments. The Subcommittee has extensive experience with Buffer and setback regulations and will provide a good forum to review the Town's Buffer regulations. As discussed in prior meetings with the Town of Ocean City, if the Town has any ideas or suggestions that they wish to discuss in regards to the Town's Critical Area program regulations, we are always open to discussion.

We will contact you in the near future to discuss an appropriate time for you to meet with the Subcommittee. If you have questions in the meantime, please contact me at (410) 260-3462, or Lisa Hoerger, the Commission's Project Chief, at (410) 260-3478.

Sincerely



Ren Serey
Executive Director

cc: Margaret McHale, Chair
Lisa Hoerger
Nick Kelly



STATE OF MARYLAND
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www.dnr.state.md.us/criticalarea/

April 2, 2007

Honorable John Griffin, Secretary
Maryland Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Thomas Land Group, LLC / Egypt Road, LLC

Dear Secretary Griffin:

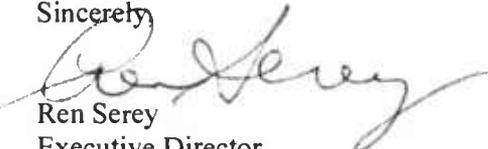
As I understand it, the State of Maryland has entered into an Agreement of Sale with the Thomas Land Group, LLC and Egypt Road, LLC (Thomas/Egypt) whereby the State will purchase 728 acres from Thomas/Egypt (the State Land) and then environmentally restore it to improve the water quality in the Little Blackwater River. The majority of the State Land is located on the east side of Egypt Road. Thomas/Egypt will retain and develop the remaining 346 acres of land on the west side of Egypt Road (the Thomas/Egypt Land). You have asked me what, if any, Critical Area Commission approvals are required for these activities.

No Critical Area Commission approval is required for the Egypt Road development if the development lies entirely outside of the Critical Area, provided that the post-development rate of stormwater discharge from the Thomas/Egypt Land to the State Land is equal to or less than the existing rate of discharge.

Restoration of the State Land does require Commission approval, as it involves development in the Critical Area. The procedures to apply for Commission review and approval are set forth in COMAR 27.02.05.01.

I hope this letter responds to your request. If you need any further information, please contact me at (410) 260-3462.

Sincerely,


Ren Serey
Executive Director

cc: Marianne Dise, Counsel, Critical Area Commission
Mary Owens, Chief, Program Implementation
Joe Gill, Counsel, Department of Natural Resources





STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 26, 2007

Mr. Charles W. Wilson, Acting Director
Department of Environmental Resources
Prince George's County
9400 Peppercorn Place, Suite 500
Largo, MD 20774

Mr. Haitham A. Hijazi, Director
Department of Public Works and Transportation
Prince George's County
9400 Peppercorn Place, Suite 300
Largo, MD 20774

Re: Prince George's County Critical Area Program

Dear Mr. Wilson and Mr. Hijazi:

Thank you, Mr. Wilson, for your recent letter. I appreciate your assurance that Prince George's County will conduct a comprehensive review of the County's Critical Area program in the coming months.

Your letter was dated February 7, 2007, the same day that representatives of both of your agencies met with the Critical Area Commission's Program Subcommittee. Therefore, I am uncertain if you had the benefit of certain requests the Subcommittee made to your representatives that day. I am writing to follow up with both of you regarding the Subcommittee's requests.

Specifically, the Program Subcommittee asked that you provide the following:

- A description regarding the transfer of Critical Area program implementation responsibilities from the Department of Environmental Resources to the Department of Public Works and Transportation. As the Subcommittee requested, this information should include a description of tasks, individuals, and points of contact for the Commission staff.
- A detailed response to the August 24, 2005 letter from this office. As you will recall, in that correspondence we asked for specific information regarding the comprehensive review,

Mr. Charles W. Wilson
Mr. Haitham A. Hijazi
February 26, 2007
Page 2 of 2

legislative changes to the Critical Area law made in 2004 and 2006, notification requirements, and enforcement. The Subcommittee also asked that you arrange a meeting between Prince George's County agencies and staff involved in the Critical Area Program, and staff of the Critical Area Commission. The Subcommittee requested that this meeting occur prior to the next Subcommittee meeting scheduled on March 7, 2007.

At its meeting on March 7th, Commission staff will provide an update on these matters to the Program Subcommittee. The Subcommittee asked me to make you aware that it discussed with your representatives the Commission's authority under Section 8-1809 (l) of the Natural Resources Article. This section of state law authorizes the Commission to determine whether certain provisions of a local Critical Area program contain mistakes, omissions, or are in conflict with the law, and to require amendments to a local program where necessary.

The Subcommittee will consider Prince George's County's development regulations and review procedures under Section 8-1809 (l), particularly in regard to the Buffer. The Subcommittee also will review any related information received in conjunction with the letter the Commission Chairman sent to County Executive Jack B. Johnson on January 10, 2007. To date, we have received no response. As the January 10th letter stated, the Critical Area Commission is authorized under Section 8-1815 of the statute to refer such matters to the Attorney General for appropriate action.

I believe it would be best to discuss these issues prior to the Commission's meeting on March 7th, as the Subcommittee requested.

Please contact me to set up a time for you, or members of your staffs, to meet with us.

Sincerely,


Ren Serey
Executive Director

Cc: Mr. Jack B. Johnson, County Executive
Dr. Jacqueline Brown, Chief Administrative Officer
Ms. Stephanie P. Anderson, Acting County Attorney
Fern Piret, Planning Director, Prince George's County Planning Department, MNCPPC
Cecilia Lammers, Environmental Planning Supervisor, MNCPPC
Marianne Dise, Commission Counsel
Lisa Hoerger, Critical Area Commission



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January 18, 2007

Mr. Charles W. Wilson, Acting Director
Department of Environmental Resources
Prince George's County
9400 Peppercorn Place, Suite 500
Largo, MD 20774

Mr. Haitham A. Hijazi, Director
Department of Public Works and Transportation
Prince George's County
9400 Peppercorn Place, Suite 300
Largo, MD 20774

Re: Prince George's County Critical Area Program

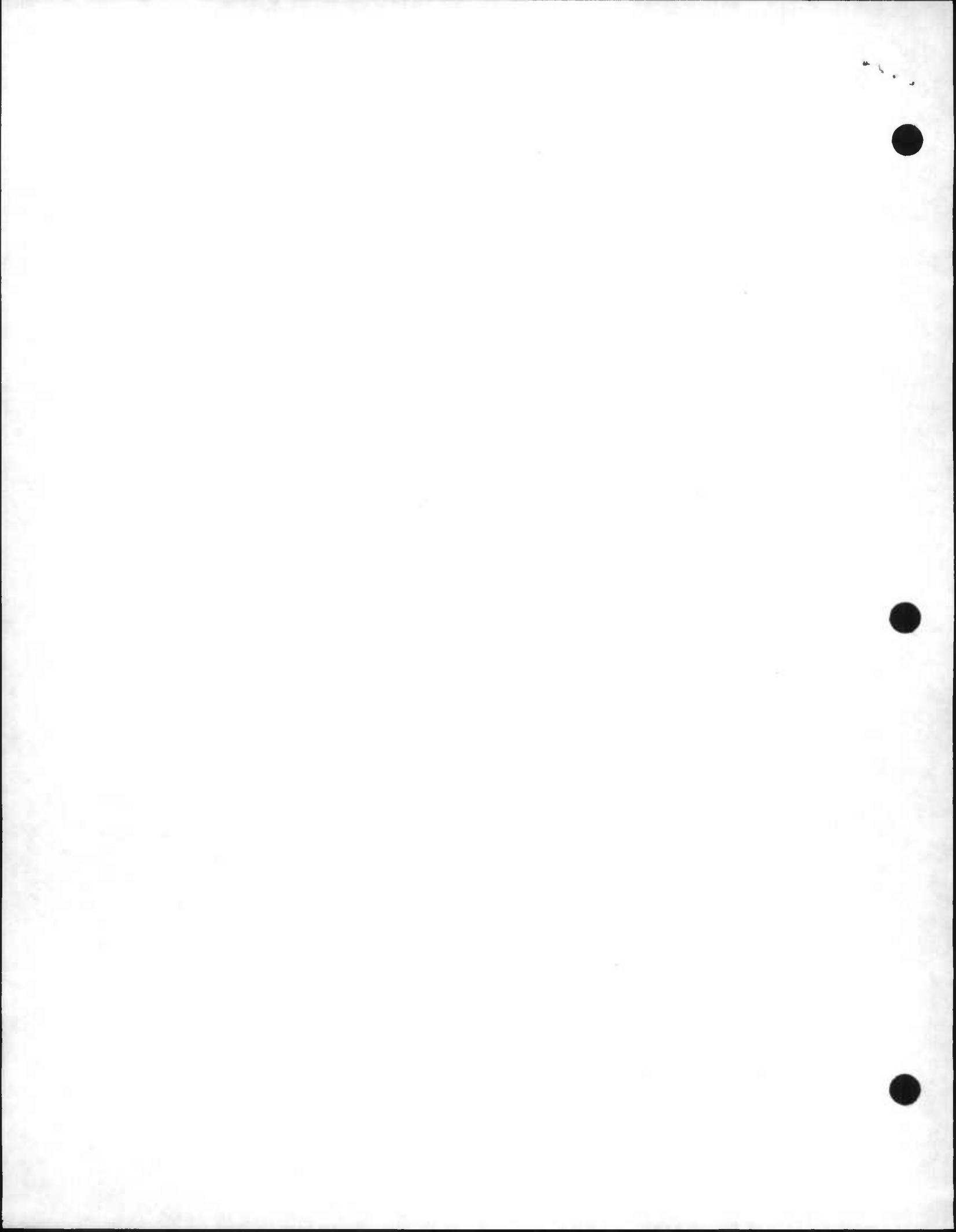
Dear Mr. Wilson and Mr. Hijazi:

It has come to our attention that Prince George's County recently transferred responsibility and oversight of its Critical Area Program from the Department of Environmental Resources to the Department of Public Works and Transportation through Executive Order No. 7-2006.

As you are aware, the successful implementation of the County's Critical Area Program has depended on a significant level of dedicated staff and time since its adoption. In years past, this office has recognized that effort and expertise dedicated by Prince George's County. However, we now feel the need to express serious concerns that have arisen as of late over your Program.

To begin, I made a request for information in an August 24, 2005 letter to the previous Director of the Department of Environmental Resources, Ms. Donna M.P. Wilson, regarding the implementation and enforcement of your Program (see attached). The issues discussed in my previous letter continue to be of concern as they have not been addressed nor corrected. While a meeting was arranged to discuss these issues, it never took place.

We recently sent a letter to County Executive Johnson regarding certain properties in the Critical Area. Given the need for that letter, our previous concerns and the transfer of responsibility for the Program to the Department of Public Works and Transportation, I believe we should meet to discuss the implementation of the County's program. I would also like to include staff of the Maryland National Capital Park and Planning Commission.



Please contact me so we can schedule a mutually convenient time to meet.

Thank you for your time and attention to these matters. I look forward to working with both of you, and if you have any questions or need additional information please call me at (410) 260-3462 or Ms. Kate Schmidt at (410) 260-3475.

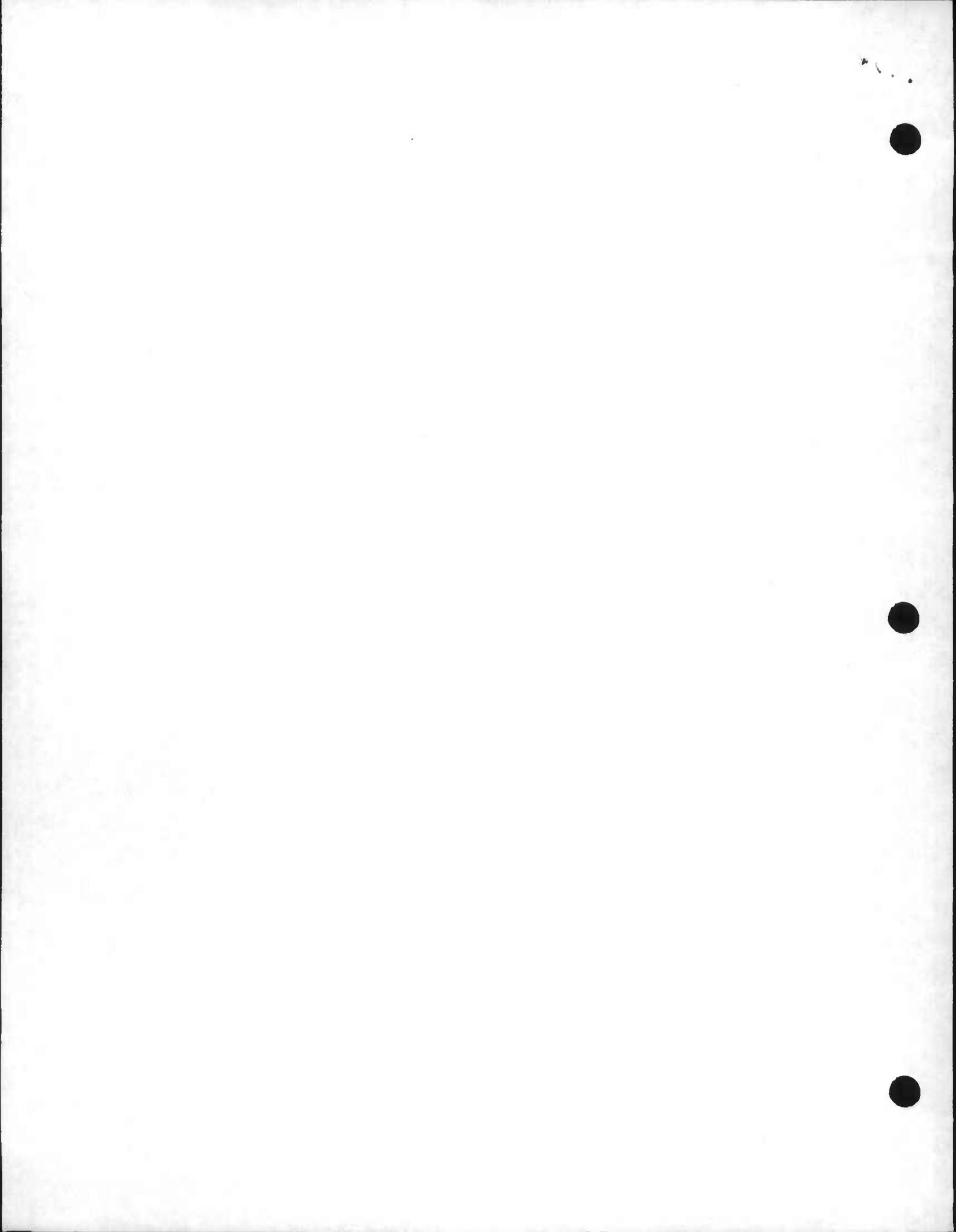
Sincerely,



Ren Serey
Executive Director

Attachment (1)

cc: Mr. Jack B. Johnson, County Executive
Dr. Jacqueline Brown, Chief Administrative Officer
David Whitacre, County Attorney
Fern Piret, Planning Director, Prince George's County Planning Department, MNCPPC
Cecilia Lammers, Environmental Planning Supervisor, MNCPPC
Marianne Dise, Commission Counsel
Lisa Hoerger, Critical Area Commission



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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January 2, 2007

Ms. Elinor Gawel
Anne Arundel County
Office of Environmental and Cultural Resources
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

RE: Notice of Action pursuant to Maryland Annotated Code, Natural Resources
Article §8-1809

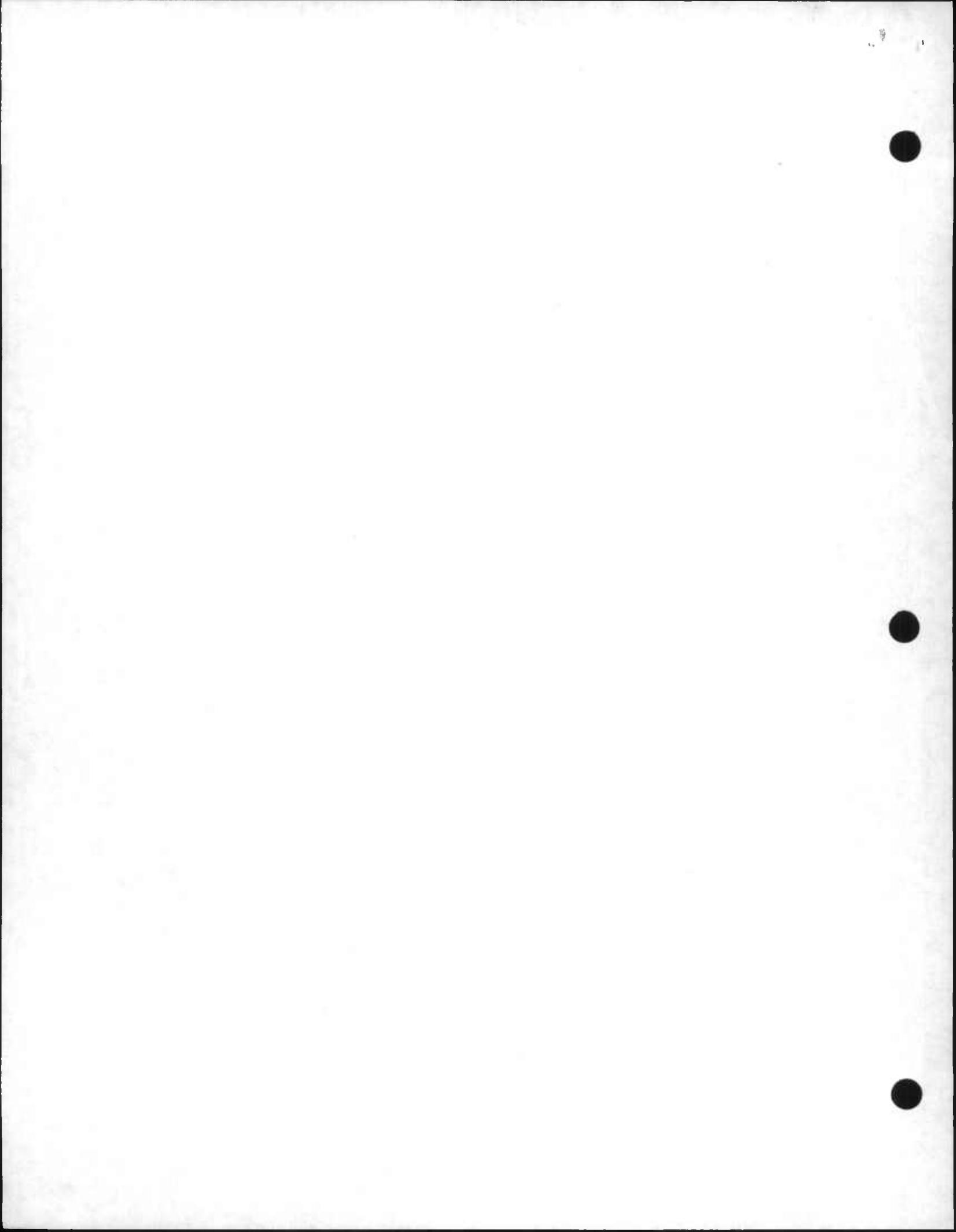
Dear Ms. Gawel:

This letter serves as notice of action taken by the Critical Area Commission ("Commission") at its regular meeting on December 6, 2006 pursuant to Maryland Annotated Code, Natural Resources Article ("NR") §8-1809 (l). The Commission voted to declare certain provisions of Anne Arundel County's Critical Area Program ("County Program") to be in conflict with the Critical Area law and the Commission's Criteria.

At its November 1, 2006 meeting, Chairman Martin G. Madden and Commission staff briefed the Commission on the following concerns regarding the Anne Arundel County Critical Area Program:

1. The submittal by the County of proposed amendments to its local Critical Area Program based on the correction of mistakes in the original mapping of land in the Resource Conservation Area (RCA) in relation to existing sewer lines.
2. The resubdivision and extension of Limited Development Area (LDA) lots into the RCA for the purpose of locating new septic waste disposal systems in the RCA without using the County's growth allocation acreage.

At its December 6, 2006 meeting, the Commission compared the County's Program language, the County's written interpretations of its Program, and recent County subdivision practices with the requirements of the State Critical Area law and COMAR 27.01 et seq. The Commission performed this comparison pursuant to its responsibility



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under Section 8-1809 of the Natural Resources Article, Maryland Annotated Code. After a presentation by Commission staff, and discussion of issues set out in the attached Memorandum, the Commission voted on Motions:

To invoke Annotated Code, Natural Resources Section 8-1809(l)(1); and

To determine that the Anne Arundel County Critical Area Program contains clear mistakes, omissions and conflicts with the Commission's criteria; and

To notify the County of the deficiencies; and

To direct the County to submit proposed program amendment(s) or refinement(s) to correct the deficiencies.

The specific provisions of the Anne Arundel County Program affected by this action of the Commission are:

1. The mapping rules and procedures set out in pages 12-16 of Anne Arundel County's Critical Area Program document.
2. Article 18, Title 13, Section 206 (Zoning; Critical Area Overlay; RCA Uses)

In regard to Item 1 above, the Commission approved the following Motion by a vote of 21 in favor, none opposed:

The Program Subcommittee finds that there is a clear conflict, mistake, or omission in Anne Arundel County's Critical Area Program relative to the County's Critical Area maps, and the amendment of those maps on the basis of mistake in accordance with the mapping standards in the County's Critical Area Program document.

In accordance with Section 8-1809 (l) of the Natural Resources Article, the Commission will notify the County of this deficiency, and within 90 days, the County shall submit program amendments or refinements to correct this deficiency. Any future local approvals of map amendments on the basis of mistake shall be null and void until this deficiency is corrected.

Until this deficiency is corrected, the Commission respectfully requests that the County not submit any further map amendments on the basis of mistake.



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In regard to Item 2 above, the Commission approved the following Motion by a vote of 21 in favor, none opposed:

Based on the action taken by the County on Crystal Spring Farms, the Program Subcommittee finds that there is a clear conflict, mistake, or omission in Anne Arundel County's application of permissible RCA uses by allowing septic systems in the RCA that serve development in the LDA and exceed the allowable residential density of one unit per 20 acres.

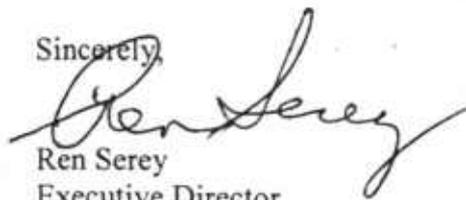
In accordance with Section 8-1809 (I) of the Natural Resources Article, the Commission will notify Anne Arundel County of this deficiency in the implementation of the County's Critical Area Program. Within 90 days, the County shall submit program amendments or refinements to correct this deficiency. Any future approvals involving this identified deficiency shall be null and void until the deficiency is corrected.

Until this deficiency is corrected, the County's growth allocation in the amount of 23.108 acres necessary to accommodate the Crystal Spring Farms project will be considered unavailable for use for other projects.

The Commission takes this action pursuant to Natural Resources Article §8-1809(I). As a result of these votes, the County shall submit to the Commission as program amendments or program refinements, any changes to the County Program necessary to correct the identified deficiencies. This submission shall be made within 90 days of the date of this letter. The corrections may be submitted as one package or as separate submissions. The Commission also notifies you that, as a result of this vote by the Commission, from the date of this letter, any local project approval granted under a part of the local program that the Commission has determined to be deficient shall be null and void.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,



Ren Serey
Executive Director

cc: Jonathan Hodgson, County Attorney
Lois Villemaire, Acting Director, Planning and Zoning
Chris Soldano, Deputy Director, Planning and Zoning
Marianne E. Dise, Commission Counsel

