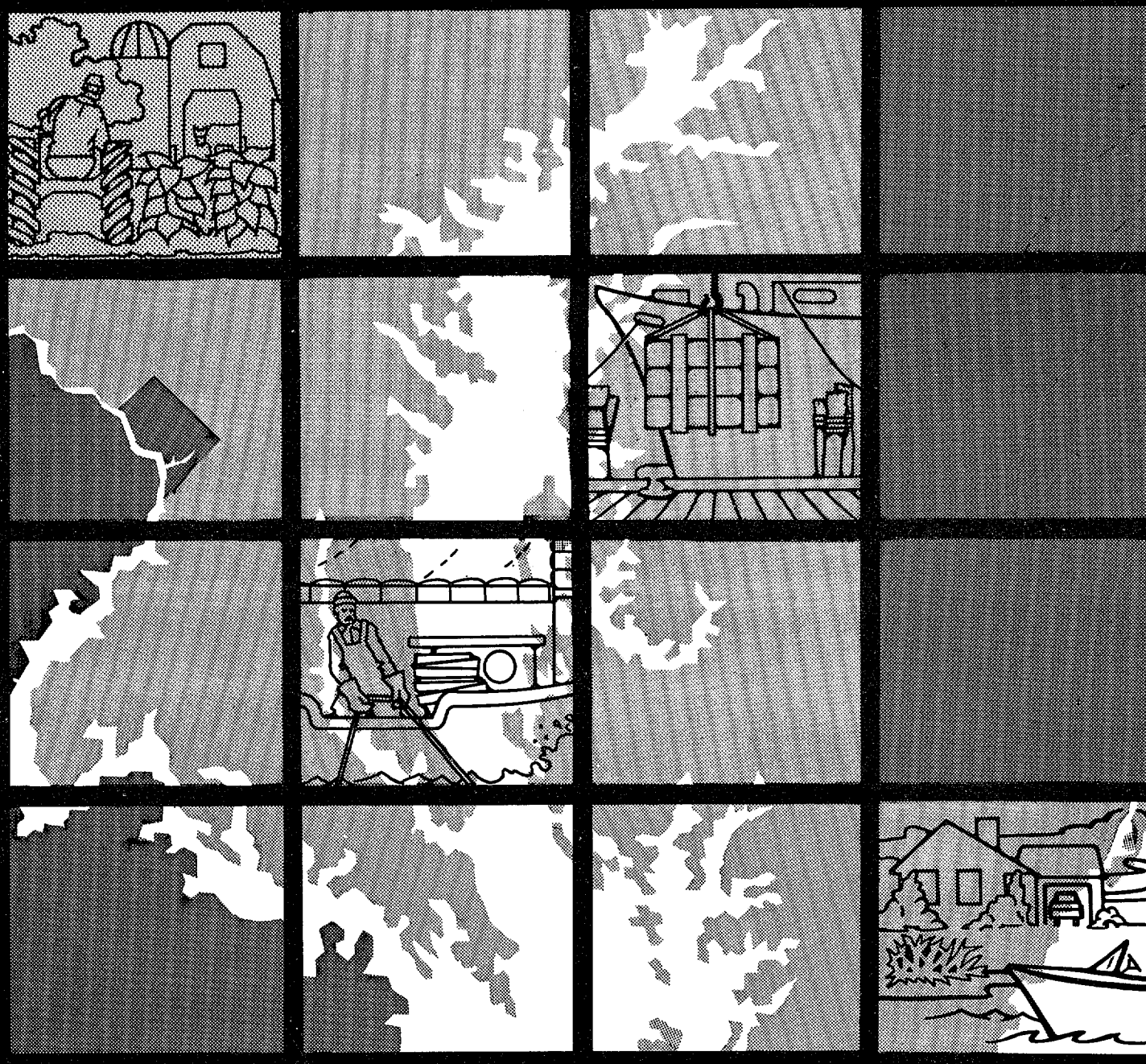

A MANAGEMENT PROGRAM FOR MARYLAND'S COASTAL AREAS

DRAFT

Appendix U
Comments
on the Pre-draft

ume III March 1977

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A MANAGEMENT PROGRAM FOR MARYLAND'S COASTAL AREAS

Volume III March 1977

DRAFT

Appendix U

Comments

on the Pre-draft

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

Prepared by
the Maryland Department of Natural Resources
in conjunction with the following participants:

Department of State Planning
Department of Agriculture
Department of Economic and Community Development
Department of Health and Mental Hygiene
Department of Transportation

The City of Baltimore
Anne Arundel County
Baltimore County
Calvert County
Caroline County
Cecil County
Charles County
Dorchester County
Harford County
Kent County
Prince George's County
Queen Anne's County
Somerset County
St. Mary's County
Talbot County
Wicomico County
Worcester County

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HT393.M3 M36 1977 v.3

The preparation of this program document was financed in part by a grant from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972.

Edited by Lari Fanlund

Illustrated by Christopher Cotter

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Appendix U

Volume III of "A Management Program for Maryland's Coastal Areas" contains Appendix U, comments received on a pre-draft of the program document released in December 1976.

Every attempt has been made to include all comments on the draft, whether they were from state agencies, local governments or concerned citizens.

The comments are arranged in three sections: 1) county governments, 2) citizens and special interest groups and 3) state agencies. Within each section comments are reproduced exactly as they were received. Following these three sections is a typed transcript of written comments received at a January 15, 1977, public meeting on the pre-draft. It was not possible to document all oral comments or written comments on returned copies of the draft, however, many of those comments have been incorporated.

Although time and distribution of the pre-draft by necessity were limited, many suggestions were received and are reflected in this draft. Even greater response to this draft is expected and desired. All comments will be kept on file at the office of the Energy and Coastal Zone Administration.

COUNTY COMMISSIONERS of CALVERT COUNTY

PRINCE FREDERICK, MARYLAND 20678

TELEPHONE 535-1600

C. BERNARD FOWLER
PRESIDENT
H. GORDON TRUEMAN
GEORGE J. WEEMS, M. D.

January 10, 1977

Mr. L. E. Zeni
Department of Natural Resources
Energy & Coastal Zone Administration
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Zeni:

The following comments are submitted for the record in the case of the public review of the First Draft of the Management Program for Maryland's Coastal Areas dated December, 1976.

(a) The public and local governmental agencies have had very limited opportunity to review and prepare comments on the first draft because of the delivery date (December 21) and the limited number of copies (4) made available. The purpose of the January 15 presentation has not been made clear. Since copies of the draft plan were not available for 30 days before the January 15 presentation, it is assumed that the January 15 meeting will not be considered one of the public hearings required by Federal law. According to your memorandum of December 20 closing date for comments on this first draft is January 31, 1977. According to your memorandum of January 4, 1977, the first draft will be revised and submitted to the Federal government in mid-February and many copies of that draft are to be made available with a six month period for review. A public review announcement from your office indicates that comments on a revised draft will be accepted until July, 1977. At some unspecified time a final document is to be written. These statements from your office are so ambiguous that they raise serious questions as to the schedule for required public hearings and formal submission of the management document to the Federal government for approval.

(b) Section 306 (e)(1) of the Federal Act requires that an approvable management program provide for any one or a combination of three general techniques for control of land and water uses within the coastal zone. The proposed program does not provide for such techniques.

(1) The state has not established criteria and standards for control of land and water uses for local implementation, nor has it provided for administrative review and enforcement of compliance with any state criteria and standards. The state has established criteria and standards for issuance of certain state permits, but not for control of local land and water use.

(2) The state has not established or adopted direct land and water use planning and regulations. Past state legislative efforts to enact such a program have not been successful.

(3) The state has not established administrative review for consistency with the management program of all development plans, projects, or land or water use regulations, including exceptions or variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and opportunity for hearings. A notification procedure has been established between counties and the Maryland Department of State Planning to keep it advised of proposed changes of zoning, regulations, etc., in the counties; on the basis of such notification the Department of State Planning may express its views, participate in procedures, or act in accordance with adopted "Standards for Intervention in Land Use Proceedings", but the Department of State Planning does not have authority to approve or disapprove actions proposed by the counties.

(c) The statutory requirements of the Office of Coastal Zone Management identifies seven basic program elements, two of which are: The boundary element of the coastal zone, including the inland boundary; and the permissible land and water uses within the coastal zone having direct and significant impact on coastal waters. The lower Patuxent River is included in the proposed Coastal Zone Management Program Boundary, but not the upper portions of the Patuxent River watershed. The high density developments proposed in the upper watershed areas of the Patuxent River may have vastly greater direct and significant impact on coastal waters (Patuxent River and Chesapeake Bay) than proposed developments in Calvert County and other southern Maryland counties. If the state is to act to protect these coastal waters, it should include the entire Patuxent River basin watershed in its designated Coastal Zone Management area.

(d) Calvert County, as a non-charter county, derives its planning and zoning authority from Article 66-B of the Annotated Code. It is not acceptable to this county for a department of the state government to adopt goals and objectives, or administrative procedures, which will deprive the county of its rights and responsibilities to determine its own goals and objectives, plans and regulations in accordance with law and established procedures for citizen participation, public hearings and adoption by the County Commissioners.

(e) It has been reported that during the first two years of the program, $1,200,000 were expended and that an equal sum will be expended during the third year. There has been no provision for "pass-through" of funds to local government, and little or no opportunity for local governments to comment on major expenditure programs. Since November, 1976, one environmental planner has been available to the county on a part time basis (approximately two days per week); while

such assistance is helpful it is an insignificant contribution to local efforts in terms of overall program costs. If there is to be a real state/local coordinated effort in the management of coastal areas, then local governments should participate in establishing priorities and allocations of funds. Substantial percentage of the funds should be passed through state government directly to local government.

(f) Although the proposed program implies authority at state level to approve or disapprove county land use planning and regulations, it does not specifically identify the state department which will be responsible either for making or enforcing such decision. Neither does it establish a state department with authority to approve or disapprove programs and regulations of other state departments which may impact the coastal zone area.

(g) This proposed program is based on the Coastal Zone Management Act of 1972, as amended, which establishes a national policy to preserve, protect, develop, and where possible, to restore coastal resources. The Department of Natural Resources is also responsible for the Patuxent River Basin Water Quality Management Plan, prepared under the Federal Water Pollution Control Act, which declared that it is a national goal that discharge of pollutants into navigable water will be eliminated by 1985. Despite the adoption of such national goals, the draft Patuxent River Basin plan proposes that effluent flow into the Patuxent River will increase from 27.46 million gallons per day in 1970 to 95.87 million gallons per day in 1985, and to 160.18 million gallons per day in year 2000. The seeming inconsistency of such state plans with adopted national goals is one of the reasons that citizens and local governments are skeptical of state motives for seeking additional land use controls. While this local attitude is described in the proposed Management Plan (page 122) as "negative", citizens at the local level tend to regard it as a healthy and wholesome questioning of the intent and effectiveness of state management. In respect to Calvert County, the development of this plan has lacked focus and organization, and has not demonstrated the management capability required for either the development or administration of this major undertaking.

(h) On pages 120 through 123 the program describes problems in establishing a CZMP, and presents some very pertinent quotations as to local attitudes and the reasons for those attitudes. The plan does not, however, present specific answers to those problems, or clearly define courses of action or responsibilities which can be expected to significantly improve state and federal efforts in the future.

In summary, it is considered that the draft management program has not been made available in time or numbers to meet Federal requirements for a public hearing, or to meet the Federal mandate for opportunity of full participation by local governments and other interested parties; the draft management program does not establish that Maryland has the Federally required techniques for control of land and water uses within the proposed coastal zone; the proposed coastal zone does not include all of the land areas within which anticipated development will have direct and significant impact on coastal waters; and that the imposition of state land use controls as implied in the proposed program violates the legislative responsibilities of local government as established by the Annotated Code of Maryland.

It is recommended that the December Draft of the program be used as a reference document only, and that the state seriously re-evaluate its position with reference to participation in the Federal program. If continued participation is confirmed, a revised state program should be designed which will result in actual coordinated decision making with reference to state programs and activities, and a practical and legal working relationship between local governments and state agencies.

Sincerely,

C. Bernard Fowler

C. Bernard Fowler, President
Board of County Commissioners

CBF:BK:rec

TEL. #632-1194

COMMISSIONERS
MARK PILCHARD, PRESIDENT
WILLIS W. HUDSON, VICE PRESIDENT
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ROLAND E. POWELL

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Worcester County
ROOM 127 COURT HOUSE
SNOW HILL, MARYLAND
21863

ADMINISTRATIVE DIRECTOR
JOHN A. YANKUS
COUNTY ATTORNEY
EDWARD H. HAMMOND, JR.

January 13, 1977

Mr. Kenneth E. Perkins
Energy and Coastal Zone Administration
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland

Dear Mr. Perkins:

Thank you for your letter of December 20, 1976 advising the Worcester County Commissioners of their opportunity to submit comments on the first draft of the Coastal Zone Management Program.

The Commissioners have discussed the draft with Mr. Edward Phillips, CZM County Liaison Officer, and are still not yet entirely clear on several points. The County Commissioners wish to continue their study of the draft and wish to reserve the opportunity to submit comments at a later date.

Thank you very much for your assistance and cooperation.

Sincerely,

John A. Yankus
Administrative Director

JAY:lm

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

January 20, 1977

Mr. Kenneth Perkins, Director
Coastal Zone Unit
Energy & Coastal Zone Administration
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Perkins:

As you are well aware, Baltimore County has been a participant in the development of the Baltimore Regional Coastal Zone Study. It is with great expectation that we look forward to the completion of that study and the benefits that it will provide to us. We are equally anticipatory of the benefits that will accrue to the residents of Baltimore County as a result of the implementation of Maryland's Coastal Zone Management Program. It is in that spirit of cooperation and support that the Baltimore County Office of Planning and Zoning offers the following comments on the First Draft of "A Management Program for Maryland's Coastal Areas."

An extensive amount of attention is paid in the Draft Program to the existing authorities that Maryland has to implement a Coastal Zone Management Program. Yet, there is no mention as to what the quality of that Program will be. For example, support for program implementation is given by the existence of the Maryland Wetlands Act of 1970. However, that act has still to be effectively implemented. Relatively little has been done by the Water Resources Administration to halt the illegal alteration of tidal wetlands. There have been reported cases on the Eastern Shore where the enforcement actions taken have resulted in a financial penalty considerably less than the financial gain of added fast land.

Reference is made in the Draft Program to the assistance that the Maryland Geological Survey provides to local governments in the form of detailed mineral surveys and programs to protect valuable mineral deposits from urban encroachment. The mining of sand and gravel in Baltimore County's Coastal Zone is a matter of great importance. However, there is only one coastal quadrant for which a geological survey has begun. And we have little idea of when the others will be started. As a result, there has been little assistance provided by the Maryland Geological Survey in identifying valuable mineral deposits for future utilization.

Therefore, how can a Coastal Zone Management Program for Maryland be effective if it must rely on ineffective or incomplete existing programs? And, how can we be assured that the Coastal Zone Management

January 20, 1977

Program will be implemented if it must rely on memoranda of understanding with other agencies that have yet to be agreed to? Furthermore, what will be the course of future coastal conflict resolution if it must be dependent on pursuance "through normal administrative channels?"

The process of identifying the Coastal Zone Management Program's geographical areas of concern as a by-product of the State Critical Areas Program raises a number of questions with regard to implementation of management techniques. Initially, who will decide whether the suggested management techniques for a coastal critical area are adequate and what guidelines will be utilized? Secondly, who will monitor the implementation of local, state and federal management techniques for coastal critical areas? And what recourse is there if an agency fails to implement a recommended management technique?

It is periodically mentioned in the Draft Program that the "location of major facilities," (p. 85) the "procedures of local authorities" (p. 125), and the preparation of "future comprehensive plans, zoning plans/ordinances, permit review procedures, and other actions" (p. 127) by local governments will be conducted in a manner consistent with the Coastal Zone Management Program's goals and objectives. However, there is no indication given as to whether guidelines will be provided to local governments or what the nature of the review procedures would be. And, what would be the repercussions to a local government if it acted inconsistently with the Coastal Zone Management Program's goals and objectives?

In closing, I would like to point out the apparent omission of a discussion of the Baltimore Regional Coastal Zone Study. Your willingness to incorporate the final study recommendations into the Maryland Coastal Zone Management Program is a significant factor that should not be overlooked in the preparation of the final Draft Program document.

I would appreciate a response to the above-mentioned questions. Thank you for your time and consideration of our comments.

Sincerely,

Norman E. Gerber

NEG/CBH/vh

NORMAN E. GERBER
Acting Director of Planning

cc: Marion J. McCoy, Physical Growth Coordinator
Lawrence J. Walsh, County Development Coordinator

MOTHER COUNTY OF MARYLAND

Office of Land Use and Development
St. Mary's County, Maryland

RICHARD L. PLATT, DIRECTOR
TELEPHONE [illegible]

POST OFFICE BOX 351
LEONARDTOWN, MARYLAND
20650

January 25, 1977

Board of County Commissioners
St. Mary's County, Maryland

Re: Maryland Coastal Zone Management Plan (Pre) 1st Draft

Dear Sirs:

The enclosed draft letter has been prepared by the Ad Hoc Committee as a proposed response by the County on the referenced plan.

Sincerely,

Richard L. Platt

RLP/slm

Enclosure

cc: Kenneth Perkins, Coastal Zone Management Unit
Calvert County Commissioners
Charles County Commissioners
Department of State Planning
CB and CZ Commission
Members of Ad Hoc Committee

The County Commissioners
of St. Mary's County

Post Office Box 351
Leonardtown, Maryland 20650
Telephone 475-9121

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FORD L. DEAN
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J. PATRICK JARBOE
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LARRY MILLISON
COMMISSIONER

JOHN K. PARLETT
COMMISSIONER

January 26, 1977

Honorable James B. Coulter
Secretary, Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Secretary:

Re: Maryland Coastal Zone Management Plan 1st (Pre) Draft

The Board of County Commissioners of St. Mary's County fully appreciates the considerable effort performed to complete this preliminary first draft of the Plan and the competence and cooperation of personnel in the Coastal Zone Unit. The Board has endeavored to provide a comprehensive reply, limited to those concerns which are of substantial importance to this County. As St. Mary's County has more than 400 miles of waterfront and many water dependent amenities and economic benefits related to the water, it is felt that it is important to respond fully.

The Board, in recognition of the broad and important potential of the Coastal Zone Management Plan, has undertaken a detailed review of the preliminary first draft of the Plan and the related laws. Some of the Board's comments would necessitate a change in the policies and priorities given to elements within the Plan, i.e.: issues pertaining to pass-through funding and the proper division of authority between the State and local governments. Our comments are divided into three parts: policy matters, recommendations and detailed comments. (The latter are contained in Enclosure 1.)

Policy Matters

The central thrust of the Coastal Zone Management Acts pertains to protection, maintenance and restoration of the coastal zone and the waters which are impacted by coastal zone actions. The law gives high

priority to natural systems, ecological, cultural, historic and aesthetic values. This draft of the Plan tends to place primary emphasis upon Energy Facility Siting, Industrial and Port Development, etc. As this is not consistent with the law, the emphasis should be reversed. Specific examples are given in Enclosure 1 - Detailed Comments.

The Coastal Zone Management Acts provide funds, some of which could be passed through the local jurisdictions to assist them in implementing the provisions of the Act. The Plan does not address the State's intentions pertaining to "pass-through funding".

The Acts provide for various alternatives pertaining to the division of authority between the State and local jurisdictions. It requires that a Coastal Zone Management Program provide techniques for control of land and water uses within the coastal zone. The Plan envisions local subdivisions as being the primary means of management and control of uses of land and water.

The next draft of the Plan must make explicit the fact that the local subdivisions are designated as the lead agency pertaining to decisions within their jurisdictions. This decision must be implemented by development of the criteria and standards for local implementation and the use of "pass-through funding" to assist implementation by the local jurisdictions.

Also, the role of the Coastal Zone Management Unit must be clearly defined and set forth and the bridge of coordination of State and local roles must be carefully and definitely established.

While "pass-through" funding may assist implementation in the near future, there is a time limit on federal funding. It is suggested that one of the early studies on the Plan include analysis of ways to obtain the revenues required to administer the Plan, facilitate obtaining areas for public access to the waters, purchase of open areas and restoration, etc. In this respect, taxation of major coastal facilities must be revised to insure that the jurisdictions adversely affected by the direct and secondary impacts of these facilities, also share in tax revenues collected. The approach used by the Shetland Islanders, as described in "Business Week" of November 1, 1976, is an example of one innovative and highly effective approach.

Coordination with the State of Virginia, the District of Columbia/U.S. Government, the Interstate Commission for the Potomac Basin, etc., is not sufficiently treated in the Plan. This coordination should be

started as soon as possible to maintain and improve the water quality of the Potomac. Intense development in these areas makes this problem as urgent as the potential impact of off-shore drilling on the Eastern Shore. Coordination at the local level within these jurisdictions should also be encouraged and facilitated.

Provision of requested technical assistance and funding for project evaluations, pertinent data and inter-agency, inter-jurisdictional (including inter-state) and inter-governmental coordination, would enhance the capability of adequately addressing the various aspects which affect our coastal resources to insure their protection and environmentally sound use.

Recommendations

The entire Patuxent River Basin Watershed and that portion of the Potomac River Basin Watershed within Maryland should be included in the area of focus of the Plan. This action would include those upper portions of the watersheds which are currently under heavy development pressures and which contribute significantly to the total pollution problems of the basin areas.

Those natural "Areas of Critical State Concern" nominated by the local jurisdictions that were not included in the upland natural areas study should be inventoried and included.

The process of State intervention and the means of notifying the Department of State Planning in land use matters of interest to the State (Page 154, Par. 1-A) is already established. (See Par. 1B, Page 154.) It is believed, therefore, that this requirement is unnecessary.

The relationship of the Coastal Zone Management Plan to other State plans is not clear. Its relationship to the State hierarchy of plans should be made explicit. For example, where does it mesh with the efforts and plans of the Department of State Planning, the State Department of Transportation plans and the State Department of Economic and Community Development plans? A similar question exists in the relationship of the CZMP with the Patuxent River and Potomac River Basin Plans.

That portion of the Plan pertaining to protection of the Wetlands, Sedimentation Control, the impact of forest clear cutting, etc., is inadequate. Similarly, the treatment of water creation and the protection of the seafood/shellfish industries need increased emphasis.

A significant void is the absence of an economic analysis in the Recreational Boating Study.

The Plan needs a section on definitions. In particular, the terms "area of focus", "zones of interest", "planning boundaries", "management boundaries", "areas of particular concern", require more specific definition.

A major deficiency in the Facilities Siting coverage is failure to address the potential benefits of common siting for related facilities, or facilities which can realize considerable energy economies by collocation. This subject was addressed in an innovative manner by the State of Delaware in some of its studies. Collocation of liquid natural gas terminals, power plants, solid and liquid waste treatment facilities provide interesting opportunities for conserving energy and minimizing the impact of these facilities upon the coastal waters.

Local jurisdictions and the public should be provided an opportunity to participate in the development and setting of research or study priorities. The current plan to a great extent reflects the impact of studies performed in the past several years, particularly those pertaining to facility siting. If local jurisdictions and the public are to have a voice in future revisions of the Plan, it is essential that they be given a voice in setting research and study priorities. For example, the economic value of recreational activity in the coastal zone has not been measured, nor has an acceptable definition of the value of the seafood/shellfish industries been developed and used by State planning agencies.

The "Promotional" aspects of Commercial, Industrial and Energy related facility siting is questioned. Detailed examples are cited in Enclosure 1. The Coastal Zone Management Plan should be a vehicle to minimize the adverse impacts of these facilities rather than for promoting them. This effort is properly a subject for those agencies charged with promotion of economic development.

The Board of County Commissioners of St. Mary's County generally approves of Maryland's first draft (pre-draft) of its Coastal Zone Management Program. It is recognized by this Board that the Coastal Zone Management Program, through its coordinating efforts, can provide a vehicle through which our County can realistically evaluate local projects and management problems which may have a significant impact on our coastal resources.

By providing technical assistance and funding for project evaluations, pertinent data and inter-agency, inter-governmental coordination, there will exist the capability of adequately addressing the various aspects that affect our coastal resources to insure their wise use and protection.

Very truly yours,

James M. McKay

James M. McKay, President

JMM/RLP/slm

Enclosure

DETAILED COMMENTS ON PRELIMINARY FIRST DRAFT
MARYLAND COASTAL ZONE MANAGEMENT PLAN

Page 2 - 1. Add after Conservation - "Restoration"

Reason: to make the statement consistent with the Coastal Zone Management Acts hereinafter referred to as the "law".

Page 3 - 3. Add after finite - "and fragile-"

Reason: to make it consistent with the wording in the law.

Change second sentence to read: "Priorities for the use of the coastal zone should be established based on the compatibility of the proposed use, the necessity for such use (vs. convenienve) and the capabilities of the coastal resources to support particular types of activities and the suitability of such activities for the same resource or area which would have a more benign effect on the Coastal resources which the act was written to preserve."

Reason: to make the wording more consistent with the law.

4. Delete in (b) "or are enhanced".

Reason: The Coastal Zone should be limited to uses which require shoreline location. Many activities which are enhanced by shoreline location do not, and in many cases should not, require shoreline locations.

5. Add to the end of the sentence, "and to enhance the natural attributes of these areas".

Reason: Many activities designed to protect against erosion and folod, could also mitigate aginst the intent of the act to preserve and restore the natural attributes of the shoreline and wetlands.

6. Add to the statement: "Facility locations must be selecte on the basis of necessity not convenience."

Reason: to make the statement consistent with the law, and to reflect the recent decision on nuclear power plant closed-cycle cooling systems.

7. Add: "Pass-through grants of funds provide a mechanism for improving this participation."

Page 4 - 8. Delete "if" in the next to last sentence and substitute "when".

Reason: inherent in the act is the necessity <u>to always</u> consider all relevant factors.

9. Add: "interstate and regional" between state and local Governments.

Reason: to make the statement consistent with the law, and to reflect the need for interstate agency cooperation such as the Interstate Commission for the Potomac River Basin, etc.

Page 21 - The definition of zones does not mention the word "estuaries", and is too restrictive of areas of major rivers which flow un-impeded to the sea. The esturary definition in the law is explicit in this matter.

Page 22 The phrase "direct and significant impact" is used fre-

quently in this section of the plan. This would exclude indirect but in some cases very significant impacts. This excludsion is not considered as consistent with the intent of the law.

Page 28a Table 1. For St. Mary's County substitute "The entire County is included".
Reason: The current definition would exclude major areas from the boundary which must be included.

Goals and Objectives

Page 31. Goal 1. Change to read: "Preserve, protect, restore and enhance valuable coastal resources.

Reason: to make the wording consistent with the law.

Page 33. Goal 3. Change to read: "to manage the location of major facilities ....."

Reason: It should not be the purpose of this plan to promote. Th intent of the law is to manage actions in the coastal zone to minimize the impact of these actions upon coastal zone resources. This wording, as given in the draft, reverses the emphasis which is most consistent with the law, of first preserving, protecting, restoring, and enhancing the natural attributes of the coastal zone Coastal Facilities Siting should be limited to only those facilitie which, by their nature, must be located in the coastal zone. The subject of convenience, or economic advantage of coastal locations must be secondary to the primary intent of preservation.

Objective 12. Change to read: "To manage the location"

Reason: Same as above.

Objective 27. Change to read: "To undertake studies and inventories, as determined to be needed by state, local and public interests to provide ---"

Reason: To insure that local jurisdictions and the public have a voice in determining which studies and inventories are taken, as these studies have a major impact upon the direction taken by the State agencies.

Objective 28. Change to read: "To establish repositories ----"

Reason: Such repositories are essential to public participation. The objective should be firm and positive.

Objective 29. Change to read: "to promote the compatibility of federal---"

Reason: Standardization of techniques is only important for compatibility. If the techniques are compatible, they need not and probably should not be standardized, as such action in a dynamic field of endeavor could stifle useful research innovations ...

Objective 30. Add: "Interstate and regional" between 'state and local'

Reason: to make the objective compatible with the law which requires coordination with interstate and regional as well as local governments and agencies.

Page 36 - Objective 33. Add: "interstate commissions and agencies"

Reason: Same as the proceeding.

Objective 35. Add: "interstate commissions, etc."

Reason: Same as objective 30.

Page 38. Table 3A. 1. Change to read: "Recreation".

Reason: The recreational uses of the tidal waters include but are

not restricted to boating and fishing.

It is suggested that Table 3 is incomplete and the format is not consistent. Review indicates the subsequent treatment of problems, etc., is related primarily to those subjects which are bounded by current important problems. The discussion is oriented on the areas of interest of the Coastal Zone Unit, as defined today, not the interests and concerns which require identification (Unfortunately, the Recreational Boating Study did not include an economic analysis).

The Commercial-Industrial facilities bias of this plan is best reflected under the Category "D" -"Inland Area". Table 3 lists three categories of concern, which are in fact four categories, as recreational is lumped in with industrial and commercial.

Thirteen pages are devoted to major industrial facilities while less than one page is devoted to commercial marinas, four pages to sewage treatment plants and six pages are devoted to port facilities.

The Geographic Areas of concern are treated in 13 pages including a number of tables. It is readily apparent that the "balance between conflicting interests" which is required to protect the coastal zone, as mandated by the law, has not been achieved in the plan. The observation is that the major thrust of the plan is to ward promoting major facility siting under primary state control. This is not the intent of the laws, and the plan should be changed accordingly.

LRR/

CRITIQUE

First Draft - A Management Program for Maryland's Coastal Areas & Appendices - December 1976

a) A Table of Contents, suitably indexed and including sub-headings should preface the Appendices.

b) A letter from every County Coastal Zone Commission, similar to the letter from Anne Arundel County, should be included as an indication of county compliance with the objectives of the program.

c) In Appendix G - Upland Natural Areas Study - the listing of Natural Area Sites includes tree and shrub species. Is this intentional?

d) In Appendix L - Public Involvement - the section titled Baltimore Metropolitan Coastal Area Study: Public Participation Mechanisms is repetitious of all that precedes it.

e) A simplification of language and the elimination of vaguely defined statements would be beneficial. Example (Appendices): Page D-5 "Tasks IV and V provide state and local decision makers with the opportunity to test alternative development strategies when conducting comprehensive planning exercises."

f) Considerable duplication exists between the First Draft Statement and the Appendices. The format is involved and confusing and the entire presentation much too long. A brief, concise, simply worded exposition would be far more effective.

A.F. Gaerney
Bethlehem Steel Corporation

A. F. Cherney
Bethlehem Steel Corporation

January 6, 1977

TALBOT COUNTY PLANNING OFFICE
AND DEPARTMENT OF PUBLIC WORKS
COUNTY BUILDING
EASTON, MARYLAND 21601
PHONE 301-822-2030

DAVID BOEHM, P.E.
Planner-Engineer

L. H. FLEMING, SR.
Coordinator

January 26, 1977

Mr. Kenneth E. Perkins, Director
Coastal Zone Unit
Maryland Dept. of Natural Resources
Energy & Coastal Zone Administration
Tawes State Office Building
Annapolis, Maryland 21401

Dear Ken:

I have reviewed the Draft Management Program with the County Council. I have organized the following comments, which we hope you will consider in the preparation of the next draft.

PAGE/TABLE

3 Item #'s 3,5 - The CZU should not continue to claim that they are not a new layer of government, or a regulatory agency, while making statements that they will establish "priorities for the use of the coastal zone", and "many areas need to be controlled". If they are not going to effectuate regulatory implementation, then the exercise of setting priorities seems futile. If they do plan to effectuate such regulations, then the program is inconsistant with local goals.

Item #7 - This item should be re-written to include ():
(7) There is a need for more effective representation of state and local interests in the administration (and the formulation of regulations) of federal programs affecting the state's coastal resources.

4 Item #8 - The second sentence makes the same negative statement twice! Please rewrite: "The results of such consideration may be the siting of facilities in coastal areas, but may, in fact, result in exclusion or restriction of facilities if such a decision is based on careful consideration of all relevant factors.

17 Under "Land & Water uses" it states that the Program is required "to assure local regulations within the coastal zone do not unreasonably restrict or exclude uses of regional benefit." This is incredible based on what

PAGE/TABLE

the CZU has said about not regulating local land use. How else could this assurance be made?

18 "The organization & authorities elements require the Program to show how the State proposes to exert control over land and water uses within the coastal zone and to document that the agency chosen to administer the program has the needed authority." This directly implies regulation of land use.

Table 2 The 5 page list of "implementing mechanisms" include most local regulatory devices including Zoning and Subdivision Ordinances, Building Codes, Water & Sewer Plans, Solid Waste Plans, Erosion & Sediment Control Ordinances, and Comprehensive Plans. How do you expect the local governments to modify these local regulatory tools to serve the objectives of your program, when most of your local meetings have indicated widespread disapproval of the CZM Program?

152 This section states that "certain stumbling blocks remain to operation of a coherent coastal zone program." Of the eight items listed, several could be addressed through existing agencies, such as DSP, without the need for a CZU. Others in the list may well be complicated by the existence of an additional agency.

154 Item B - The first sentence is not true for Talbot County. This DSP procedure varies from County to County.

157 Item 8 - This item states that "Once a project has been approved, or approved with conditions, the Coastal Zone Unit will follow monitoring and enforcement actions, including providing additional manpower and funds if necessary to ensure compliance." Again this seems inconsistent for a non-regulatory agency.

Finally, these comments are formulated in response to the Plan's statement "that each County express county-specific coastal zone goals and objectives". However, this is supposed to be done in an effort to "achieve concensus on policies and priorities" among all applicable state and local management agencies. It is becoming apparent that such a concensus could be difficult to reach on a Statewide basis. Throughout the above comments you will not repeatedly that we feel the Program

being reviewed is inconsistent with the verbal and written explanations of this program over the past three (3) years. Until such time that we feel the program is properly and fully represented, we will be unable to support your efforts. I would be happy to sit down with you sometime to further discuss the County's position.

Sincerely yours,

David W. Boehm

David W. Boehm, P.E.

DWB/pg
cc: File

OFFICE OF COUNTY EXECUTIVE

January 27, 1977

Mr. Ken Perkins
Maryland Department of Natural Resources
Energy and Coastal Zone Administration
Tawes State Office Building, B-3
Annapolis, Maryland 21401

Dear Mr. Perkins:

We have received the draft program and have the following comments. We are uncertain as to how the program will be implemented by county governments. The goals and objectives are very general and are not organized in terms of priority. In order for county governments to evaluate projects proposed for the coastal zone for consistency with the management program, a specific set of policies and priorities will be needed for each county. Anne Arundel County through the Baltimore Metropolitan Region Coastal Zone Management Study will attempt to draft and adopt such a set of policies and priorities. We feel that these should be integrated into the state program at the earliest possible date. After integration, these policies and priorities should be binding on all projects undertaken within Anne Arundel County's coastal zone.

In addition, we have several questions and recommendations relative to specific statements made in the document. These comments are keyed to the pages on which the statements occur.

Page 31a (Objective 5) - What is involved in the Type IV Study of the Eastern Shore noted in Table 2?

Page 33 (Objective 16) - What does sequential multiple use mean? Restoration of mined areas to their original contours and replacement of native vegetation should be specified in this objective.

Page 34 (Objective 20) - The State Coastal Zone Management Program should insure that adequate consideration is given to social, economic, and environmental impacts in governmental decision concerning the siting of private facilities as well as public facilities, in coastal areas.

Page 62 (1st Paragraph) - An example of the types of restrictions placed on a wetland permit relative to constructing a shore erosion control structure should be specified.

Page 83 and 84 - How were the bounds on the types of facilities designed as major facilities determined? This should be specified in this chapter.

Warmest personal regards,

for Robert A. Pascal
County Executive

Robert R. Stutt
Dir of Adm

RAP/TE/acb

cc: Coastal Zone File

THE COUNTY COMMISSIONERS OF DORCHESTER COUNTY
COUNTY OFFICE BUILDING
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CAMBRIDGE, MARYLAND 21613
PHONE 228-1700

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ROBERT K. LLOYD
ADMINISTRATIVE ASSISTANT
E. THOMAS MERRYWEATHER
ATTORNEY
RICHARD D. HARRINGTON
DEPUTY ATTORNEY

January 28, 1977

Mr. L. E. Zeni
Department of Natural Resources
Energy & Coastal Zone Administration
Tawes State Office Building
Annapolis, MD 21401

Dear Mr. Zeni,

This letter incorporates our comments on the first draft of Maryland's Coastal Zone Management Program grant application.

The Coastal Zone Unit has been working for about three years toward preparing this application. Most of the time has been spent on background information. Only in the last six months has the CZMP begun to focus on the impact on local government, which is our prime concern. For several reasons which will be identified later on, we do not feel that the CZMP is ready for adoption or implementation. Coastal Zone Management can be a valuable program in the State, but only when the CZU and counties understand and agree to what the program entails. The areas where we feel the program needs further work are described below.

The Coastal Zone Boundary for Dorchester County is described in the text as the whole County. With the level of interest displayed by Dorchester citizens, the only fair way of establishing such a boundary would be to have local meetings for citizens to express their views. This should be a work item to be done in the next year. Delaying the establishment of the boundary will also enable more work to be done on defining what the impact of being in the boundary means.

County goals for Coastal Zone Management aren't established. It is difficult to develop a local CZMP when local goals have not been set. Establishing these goals must also be a local work item during the next year. Once goals are established CZU and the local government would be in a better position to clarify other vague areas, including what changes in local plans and programs may be needed if there is a local CZMP, what duties and responsibilities local government and CZU staff would have toward one another, and what specific uses CZU wishes to comment on.

A third area where we feel the CZMP is not yet complete is in formal agreements with the local governments determining that the County will participate in the CZMP, where the boundary will be, and how the County will notify the CZU of activities proposed on the local level.

It is general knowledge that thus far the CZM program has expended over two million dollars which is a considerable amount of taxpayers' money. The local governments are expected to perform much of the program implementation and accomplish much of the planning and administrative functions, yet except for a token offer of some limited assistance on a regional basis some six months ago and up to a $5,000 grant offer for a five month period, we have not been asked to participate in establishing priorities or allocation of funds. Our work, however, increased considerably as a result of CZM requirements without any representation or opportunity to impact basic decisions, which a party that is to help implement the program should have. It is true that some representatives from this County are on CZM committees, however, there is considerable difference in being a committee member who participates in open discussion and having a local government body react to various CZM projects and/or requirements. It is recommended that if local governments are going to be, as usual, the principal implementors, we should be able to share in the establishment of priorities, and, to some degree, in the allocation of funds.

The short amount of time for review of the first draft and the limited number of copies for review are another reason why we feel the CZMP is not ready for adoption. There is not enough time or distribution for a thorough review of the draft.

For the reasons identified above, we do not feel that the Coastal Zone Management Program is ready for acceptance. We recommend, therefore, that the Coastal Zone Unit seek an extension of time. It seems unfortunate that due to time constraints the State is hurrying through that portion of the CZMP which radically impacts the local governments and citizens. By taking more time to develop this phase of the Program, the State, local government and citizens will gain considerably.

Comments pertaining to specific sections of the draft text are attached separately.

We hope that our observations and recommendations will be of value to your office in evaluating this draft.

Sincerely yours,

THE COUNTY COMMISSIONERS
OF DORCHESTER COUNTY

L. W. Dayton, President

LWD:jh

Attachment(s)

SPECIFIC COMMENTS ON THE FIRST DRAFT ON MARYLAND'S COASTAL ZONE MANAGEMENT PROGRAM

I. Meeting Federal Requirements

It is questioned whether or not the CZMP as presented in the first draft meets the intent of the Federal requirements.

A. Page 118 - The State has proposed a Program which partially relies upon management on the local level, however, appropriate standards and criteria, in our opinion, have not been established. Recent land use control, legislative efforts have met with little success. Until there are agreements with the local government for participation and implementation by the local governments, items (1) "the state has developed and adopted a management program", (2) "the state has coordinated its program with local, areawide and interstate plans", and (3) "the state has established an effective mechanism for continuing consultation and coordination" will not have been met.

B. Page 124 states "local governments and the Coastal Zone Unit jointly explored their roles in implementing the Program". While this has been discussed, no conclusions or formal acceptance of such discussion have been made. Without any agreements, little has been accomplished. Non charter counties are limited as to word of mouth implementation until they can legally act on the authority that is granted by Article 66B.

C. Page 125 states "Although local governments are not bound to be guided by the Coastal Zone Management Program ...". If the CZMP isn't binding on local governments, how can the State show control and management over those areas regulated by local government? Doesn't this statement conflict with page 127 which says "... local governments as well as state agencies will be carrying out the goals and objectives they have committed themselves to."? Further, the County goals and objectives must be established by local people. There is no provision in Article 66B or any other known legislation which gives a State Department or Regional Committee the authority to accomplish this for them.

D. Page 128 indicates that "The Coastal Zone Management Act only requires that Maryland has an organized and unified program, and demonstrate a coherent management structure to implement its coastal zone management program." The Program, however, is still groping its way, especially with regard to local governments. Because there are still several areas which need further clarification, CZMP is not yet organized or unified into a coherent structure.

II. Coastal Zone Boundary for Dorchester County

The Boundary indicated for Dorchester includes all of the County. While a large portion of the County is tidal, it does not seem reasonable that all of Dorchester should be included. This is probably a misconception of a previous discussion with a representative of your

office on this subject. Your office was asked to wait and let us establish such a boundary through Dorchester citizen participation and subsequent Public Hearings.

A. Conflict with Regulations - Page 22 indicates 'that "The area (included in the Coastal Zone Boundary) must not be so extensive that a fair application of the management program becomes difficult or capricious ..."' Treating the whole county as a Coastal Zone area would be difficult to administer and seems to be arbitrary.

B. The Area of Focus for the County - This is recommended to be the 100 year flood plain on page 26. It is unreasonable for a local government to comment on this as any kind of boundary line, since the 100 year flood plain has not yet been mapped. The existing Flood Hazard Maps are rough estimates solely for the HUD Flood Insurance program and involve too much estimation for a program as detailed as CZM. This is especially critical when conservatively 70% of the County is included within the haphazardly drawn boundary.

III. Major Facilities

Pages 83 and 84 indicate what CZU considers as major facilities. The list is too encompassing. It is hard to understand why every food processor, borrow pit, or subdivision over 20 acres in size, for example, should come under CZU scrutiny with no differentiation of size, intensity of use or proximity to coastal areas. Since for most of these types of development State laws already exist, CZU review of each of these projects seem unreasonable and, to be practicable, an impossible task.

IV. Wetlands

What is the purpose on page 108 for recommending certain wetlands as Areas of Critical State Concern? What could or should the County do to protect wetlands that the State has not already done? Is the purpose to identify those wetlands which need strong regulation so that less valuable wetlands can be de-regulated? If so, when and who will distinguish valuable from less valuable wetlands?

V. Shoreline and Erosion Rate Maps

On page 112 reference is made to a Shore Erosion Mapping Study for use in identifying Areas of Critical State Concern. Although the maps were developed in 1975, they are severely limited for practical use since the data for almost all of Dorchester is only as recent as 1942. It is not clear why the report was released with information that was 33 years outdated and then proposed to be used as a background for recommending Areas of Critical State Concern. This report is especially misleading, since there has been a decided increase in erosion during the past 10 years, further making the 1942 map an impracticable representation of our present shoreline.

RAYMOND T. TILGHMAN, PRESIDENT
ELEANOR F. CARRICO
JAMES F. DENT

THOMAS C. HAYDEN, JR.
ATTORNEY
ARDATH E. CADE
COUNTY ADMINISTRATOR

County Commissioners of Charles County

P. O. BOX B
LA PLATA, MARYLAND 20646
(301) 934-8141 OR D. C. 870-3000

January 31, 1977

RECEIVED
FEB 2 1977
DEPT. OF NATURAL RESOURCES

Mr. James B. Coulter
Secretary of Natural Resources
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Coulter:

The County Commissioners of Charles County, Maryland, hereby endorse with reservations the initial draft program for the Maryland Coastal Zone Management program. We do so for three reasons: 1) There was inadequate time for our staff to comprehensively review the initial draft. 2) We understand that there will be another draft forthcoming which will provide the local jurisdictions with considerably more time to respond. 3) Charles County recognizes the importance of the program and wishes to be included; we therefore want to respond in a more formal, better-informed manner.

Please include the draft maps pertaining to this County into the next draft document.

We look forward to receiving the next draft document for careful study by our staff. We will respond in detail prior to the next deadline.

Very truly yours,

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Raymond T. Tilghman, President

Eleanor F. Carrico

James F. Dent

CCCC:MEC:lc

PRINCE GEORGE'S COUNTY

Courthouse,
Upper Marlboro, Maryland 20870
(301) 627-3000

WINFIELD M. KELLY, JR.
County Executive

January 31, 1977

Mr. Kenneth E. Perkins
Department of Natural Resources
Energy & Coastal Zone Administration
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Perkins:

Reference is made to your December 20, 1976 letter requesting review and comment on the First Draft of the Coastal Zone Management Plan.

I would like to take this opportunity to commend the staff of the Energy and Coastal Zone Administration for the outstanding effort they have put forth in preparing the Plan. Historically, proper use of the coastal areas of Maryland has been a major concern to all citizens of the State. There is no question that these concerns will continue in future years. Hopefully, the Coastal Zone Management Program will be able to assist the State in resolving the conflicts between economic growth and preservation of the coastal area's environmental integrity.

According to the Plan, one of the major objectives of the Coastal Zone Management Program is to enable the Coastal Zone unit to act as a coordinator between various public and private parties to cause state and federal level decisions related to the coastal zone to be made in a timely manner. If this is the case, the State and its political subdivisions will be able to address management of the coastal area in a positive manner. However, if this program results in the imposition of additional review, delays and/or repetition of effort by the various parties who are involved, neither the State nor its subdivisions will be a beneficiary.

Due to our interest in seeing the program work effectively, I concur with plans to continue the activities of the supplemental committee (as addressed on page 134 of the draft plan), once the Plan is adopted and the program is underway. Through this mechanism, Prince George's County, as well as the other involved jurisdictions in the State, will be able to continue their close involvement in the program's operations.

In addition to the above, the following comments on the draft Plan are offered for your consideration:

1. The map of Anne Arundel County does not designate an "area of focus" along the Patuxent River, while most of the County which drains directly to the Chesapeake Bay is identified in such an area. This would appear to be in conflict with designations for both Calvert and Prince George's Counties which identify certain lands adjacent to the Patuxent River in the "area of focus".

2. Page 95 (a): It should be clarified that State Health Department regulations do allow individual water and/or sewer systems in all system areas.

3. Page 106, paragraph 3: It is unclear as to whether the Coastal Zone Unit's suggestions for designation of areas of concern will be made solely to the Counties for their consideration and recommendation to the Department of State Planning as areas of critical State concern; or whether suggestions will be made to the Counties and also directly to Department of State Planning.

4. Page 107, paragraph 2: The last sentence is not clear as to intent.

Prince George's County is pleased to be afforded the opportunity to review and comment on the draft Plan, and hope our comments will be of assistance to you in preparation of the final draft Plan.

Sincerely,

Winfield M. Kelly, Jr.
County Executive

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Bethesda, Maryland 20034

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MARYLAND CONSERVATION COUNCIL

November 30, 1976

Mr. Lee Zeni
Department of Natural Resources
Energy and Coastal Zone Administration
Tawes State Office Building
Annapolis, Md. 21401

Dear Mr. Zeni:

At the November meeting of the Maryland Conservation Council, the 5 enclosed resolutions were unanimously adopted.

The Maryland Conservation Council (M.C.C.) is a coalition of 23 environmental organizations and 41 individual members (representing a combined membership of over 10,000).

While the M.C.C. is concerned with Maryland's total environment, it would be fair to say that the major portion of our program focuses on the Chesapeake Bay.

We trust that these resolutions will be of interest to you and your agency.

Sincerely yours,
Alice B. Eastman

Mrs. Thomas B. Eastman, President
Maryland Conservation Council

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MARYLAND CONSERVATION COUNCIL

RESOLUTION: OIL REFINERIES ON THE CHESAPEAKE BAY

WHEREAS the Chesapeake Bay is a truely unique estuarine system of inestimable value to the life and livelihood of the millions of people who live in its watershed; and

WHEREAS this contribution to life and livelihood includes providing spawning ground for a great variety of finfish and shellfish, including a major hatchery and nursery for the East Coast's striped bass population and other commercial and sport fishes; supporting a major commercial fishing industry and a great variety of water based recreational activity and its attendant commercial advantage; providing habitat for a great variety of birds and other wildlife along its shores and in its forests and wetlands; and greatly enhancing the general quality of life of the residents of the area, both permanent and seasonal; and

WHEREAS the above contributions to life and livelihood depend to a great extent on the health and quality of the waters of the estuary; and

WHEREAS major oil spills, and indeed a large number of minor spills and discharges, intentional or accidental, would greatly imperil the biological survival of many species in the bay, if not the life of the bay itself; and

WHEREAS it has been shown statistically and experientially that it is impossible to transport oil in vessels without the occurrence of major catastrophes resulting in major spillage of oil into the waters and a large number of minor spills and discharges, the probability of such occurrences rising at least directly with the amount of such oil bearing traffic; and

WHEREAS the transportation of crude oil to refineries in tankers through the waters of the Chesapeake Bay would therefore constitute a high risk of major oil spills; and

WHEREAS there are many areas of the United States where refinery activities would pose much less risk to uniquely valuable ecological resources such as the Chesapeake Bay;

NOW, THEREFORE, BE IT RESOLVED that the Maryland Conservation Council opposes the construction or operation of Oil Refineries or other oil handling facilities in the Chesapeake Bay Estuary because the crude oil and other liquid petroleum products would be transported to and from these facilities in vessels super, large, or small through the waters of the Chesapeake Bay, leading inevitably to ecological destruction of the Bay by oil pollution.

11-20-76

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MARYLAND CONSERVATION COUNCIL

RESOLUTION: PUBLIC ACCESS TO MARYLAND'S COASTAL ZONE

WHEREAS Maryland possesses extraordinary scenic and recreational resources at its shoreline including the ocean coast, the coastal bays, and the Chesapeake Bay; and

WHEREAS less than 5% of this shoreline is available for public use for the purpose of recreational and aesthetic enjoyment; and

WHEREAS there are a number of ways much of this shoreline could be made available for public access without causing environmental degradation; therefore be it

RESOLVED that the Maryland Conservation Council advocate that Maryland's Coastal Zone Management Program include provision for substantial additions to the available shoreline access in the State; and be it further

RESOLVED that the MCC endorse these techniques for providing public access include:

1. Increase the right of way access to the waterfront.

2. Shoreline acquisition for parks, including small parks at existing public landings. (Matapeake State Park is an ideal example of what can be done with a small park.)

3. Shoreline acquisition for preservation, with foot-trail access.

11-20-76

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MARYLAND CONSERVATION COUNCIL

RESOLUTION ON RECREATIONAL BOATING

WHEREAS the tidal waters of Chesapeake Bay and its tributaries and the coastal bays of Maryland are the State's most precious natural asset serving as a source of food and recreation vital to the needs of present and future generations;

AND WHEREAS the growing population of the region is creating an annual increase in boats of 9%, at least;

AND WHEREAS the activities of the increasing number of boats are already causing serious problems in certain areas - problems of congestion, safety and environmental degradation;

AND WHEREAS the location of facilities for launching and storing boats may not only contribute to the above mentioned problems but create environmental problems of their own;

AND WHEREAS careful consideration of all aspects of boating facilities siting is vital to maintaining environmental quality and a pleasurable recreational experience;

AND WHEREAS it is the mandate of the Department of Natural Resources to preserve the resources of the Bay and the Coastal Zone Management Program to study, develop and recommend measures by which the diverse needs of citizens can be met and still preserve the environment;

NOW THEREFORE the Maryland Conservation Council recommends that CZMP develop guidelines for the siting of boating facilities; these guidelines to include but not be limited to the following:

A) For launching ramps:
Adequate road access and parking areas;
A site where there will be no impact on marsh vegetation;
Where dredging will be minimal, with no detrimental effects on finfish or shellfish resources;
A site close to deep water which is sufficiently wide to prevent shoreline erosion problems;
A site where traffic from the facility will not destroy important areas of noted aquatics;

B) For water-stored facilities:
All the conditions listed under A) and in addition;
That the body of water where the facility is located have good flushing characteristics;
That there be little or no additional pollution to that water body from other sources;

That the location not be a pristine pond nor near the headquarters of a cove or stream;
That there be little or no impact on fisheries or wildlife resources;

AND BE IT FURTHER RESOLVED that these guidelines be made mandatory for all State projects and that these guidelines be adopted in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and that they be developed into a model marine zoning ordinance which local governing bodies could be encouraged to adopt as part of a local boating capacity plan;

AND FURTHERMORE MCC urges the CZMP to designate and seek funds for any studies necessary to identify and analyze more completely the environmental effects of recreational boating on the estuarine environment and its resources.

11-20-76

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MARYLAND CONSERVATION COUNCIL

RESOLUTION ON BOAT ACT ADVISORY COMMITTEE

WHEREAS the number of Maryland registered recreational boats on the Chesapeake Bay is increasing at a rate of 9% per year, with a trend to higher power and higher speed boats;

WHEREAS this increase is causing environmental problems, such as increased shore erosion, increased turbidity, disturbance of fish nursery or spawning areas and loss of rooted aquatics;

AND WHEREAS the high speed boats operating near shore may create unacceptable noise levels for residents and increase the likelihood that private property owners may need to invest in expensive shore erosion control structures;

AND WHEREAS the environmental well-being of the Bay is essential to the maintenance of the fisheries resources which must be preserved for present and future generations;

AND WHEREAS that same environmental well-being of the Bay is an essential part of the pleasurable recreational experience for the majority of boaters on the Bay;

AND WHEREAS the Boat Act Advisory Committee has at the present time no member who represents environmental matters;

NOW THEREFORE the MCC urges Governor Mandel to restructure the boating advisory committee so that the interest of the environment is represented by at least 3 members from citizen environmental organizations.

11-20-76

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MARYLAND CONSERVATION COUNCIL

WETLANDS RESOLUTION

WHEREAS its wetlands are possibly Maryland's greatest natural resource;

WHEREAS the soft marshes of Maryland are the beginning of the ecosystem which provides the food and nursery ground for the abundant supply of shellfish and finfish in Maryland's coastal and estuarine waters;

WHEREAS the harvesting of the shellfish and finfish are important commercially and are an important resource contributing to the state's economy as well as to the recreational needs of the people;

WHEREAS these marshes act as nature's septic tank preventing many pollutants from entering the waters;

WHEREAS these same salt marshes provide a habitat for waterfowl and song birds;

WHEREAS both salt and fresh water wetlands are important for their contribution towards flood control:

WHEREAS fresh water wetlands are also important as a nursery ground and shelter to a variety of wildlife;

WHEREAS the destruction of wetlands and building on flood plains continues;

NOW THEREFORE BE IT RESOLVED that the Maryland Conservation Council believes that the protection and preservation of the state's wetlands should take presidence over any other use and urges that the Coastal Zone Management Plan emphasize and insure that this is effectively accomplished.

11-20-76

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Bethesda, Maryland 20034

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MARYLAND CONSERVATION COUNCIL

BE IT FURTHER RESOLVED that the Maryland Conservation Council transmit these resolutions on oil refinery siting, public access, recreational boating and wetlands preservation which were adopted on 11-20-76 to the appropriate officials in the Coastal Zone Management office of the U. S. Department of Commerce (NOAA), in the Maryland Department of Natural Resources, and in local planning offices of coastal counties in Maryland.

Federalsburg, Md. 21632

RECEIVED
JAN 7 1977
DNR
EXTENSION SERVICE

Federalsburg, Md.,
Jan. 5, 1977

Mr. Wm. Mason Shehan,
Office of the Secretary, D.N.R.,
Tawes Office Bldg.,
Annapolis, Md. 21401

Dear Mason,

I have been wrestling with the problem of absorbing the material just received concerning the Costal Zone Management Plan. You will probably understand when I say that I am all but apalled by the plan's complexity and ramifications.

The need to protect and to preserve our coastal areas is obvious to me and I am ready to back any reasonable and workable plan to accomplish this end. One is bound to wonder, however, about the wisdom and the practicality of any regulation that requires over three hundred pages (with apendices) of justification, explanation, and procedural outline.

This letter is not meant to be a criticism, but rather, it is an expression of fear that the complexity of the program will befuddle and stagger all who come in contact therewith save those professionally involved and those few, if any, willing to devote a disproportionate amount of their time to its study. Neither is there any assurance that prolonged study will make believers of anyone. Piled upon today's mountainous heap of other rules, regulations and restrictions, the average citizen or businessman may take one look and run for cover. More likely, he will muster as many friends as possible in an effort to shoot the plan down.

It is possible that my distrust of Federal bureaus (such as OSHA, OEO, EPA and HUD, all of which, it seems, are administered by whim and caprice) has clouded my thinking, but I am bound to wonder if we could not achieve a satisfactory degree of protection of our coastal areas within the framework of existing State authority and regulations without affiliation with NOAA.

The authors of the Draft appear to share some of my doubts and reservations. On page 121 they refer to the resistance of public to the whole idea. They seem almost to admit that the resistance is justified.

Be that as it may, if it is decided by men more knowledgeable than I am, that this is the way to go, then it behooves me and all the rest of us to try to sell the plan to the public and to the local governing bodies. I would hope only that I could be armed with information more concise than this draft as a tool for achieving the task.

Respectfully,

V. Edwin Unger

V. Edwin Unger

ARTIN MARIETTA CEMENT

1450 SOUTH ROLLING ROAD
BALTIMORE, MARYLAND 21227
TELEPHONE (301) 247-2320

January 10, 1977

RECEIVED
JAN 11 1977
DNR
EXTENSION SERVICE

Mr. Wm Mason Shehan, Director
Extension Service
Department of Natural Resources
Tawes State Office Building C-4
Annapolis, Maryland 21401

Re: First Draft, Coast Zone Management

Dear Mason:

Thank you for sending me the copy of re-draft It is apparent that considerable time and effort have gone into its preparation. When finalized the program must not contain bases of indecisive roadblocks to the prudent utilization of coastal resources that will be beneficial to all citizens of Maryland and to its economy

I have one additional comment. In reference to studies of rates of shoreline erosion -- Appendix C (Scope of H. J. Res. 40) and Appendix I (Shore Erosion Studies) -- I wonder if full advantage is being taken of historical shoreline maps and photographs in assessing qualitatively or semi-quantitavely the impact of increased use of power boats during the past 30-40 years on erosion rates of shorelines of small estuaries, coves and creeks. On occassion I have been able to obtain enlarged ASCS photographs (1" = 400') as old as 1939 of study areas from the archive files. These have been useful for data comparisons.

As far as I know now, I will be able to make the January meeting of the Advisory Board.

Sincerely yours,

H. W. Allen
Chief Geologist

HWA:cd

cc: Mr. James B. Coulter
Mr. R. Thomas Thayer

Comments by James E. Gutman on draft of CZM, 1/12/77

1. Map scales not uniform
2. Appendix A should be in map form
3. Table # 2 should include names & phone #s of responsible chief.
4. Eastern Shore Upland Natural Area SITES list confusing - mixed up with tree names?
5. Appendix pg M 5 - 6, oil spill. In light of recent accidents do we need any review/revision of Md Code, Article NR § 8-1410?
6. That handbook for citizens - requested years ago - put in an exact date of distribution.
7. There should be a section that illustrates where intent of legislation is not being followed by various units of govt. e.g. A.A. County, cited in Triennial review calling for Storm Water Mgt. No law on the books yet - tho a task force has addressed the problem since 1972. .08.05.03.01 on pg M - 7, sediment control not enforced vigorously.

F U N D A M E N T A L

Page 124 - " no new major legislation needed"

The public never was asked their view of this conclusion.

If we have experienced poor perfomance in the execution of existing laws - then remedial action is needed. Present laws are vague, complex, inadequate, and extend authority to multiple agencies for enforcement.

There must be a review to establish the price paid for our current scheme of govt. Is the taxpayer getting a full measure of value for his contibution? Is it 'cost-effective'? Might there be a gain by some consolidation. What are the merits of the Calif. commission mode?

The draft should have contained a plan of management that might have been contrived 'were ther e no laws dealing with these problems'. To do a superlative job what does the staff propose. From their examination of the activities in other state what have we learned in this study?

The above blanket approbation of Md. law ducks the entire section (MANAGEMENT) - the cruix of the issue of the day.

James E. Gutman

THE JOHNS HOPKINS UNIVERSITY • BALTIMORE, MARYLAND 21218

CHESAPEAKE BAY INSTITUTE
301/ 338-8258

January 13, 1977

Mr. Kenneth E. Perkins
Coastal Zone Management Program
Department of Natural Resources
Energy and Coastal Zone Administration
Tawes State Office Building
Annapolis, MD 21401

Dear Ken:

I have read the first draft (December 1976) of *A Management Plan for Maryland's Coastal Areas*. I want to commend you and your staff for an excellent job.

My reading of the document suggests that the basis for effective coastal zone planning is a coordinated program involving state agencies, federal agencies, and the public living in the coastal areas. I think that the document does an excellent job outlining relationships among federal and state agencies. I do not detect the same development of the procedures involving public participation. I suspect that effective public participation will be one of the most difficult things to accomplish and will take far more attention and resources than are usually made available for such purposes.

I know that you provide newsletters concerning the work of the CZU but I suspect that far more work will be needed on public information programs. And more effective means will have to be devised to provide for public input at various stages in the process. The present committee structure (that I am familiar with) is not proving to be adequate nor is the public hearing process particularly effective, in my opinion.

If I can be of assistance to you or to your staff in developing programs for public participation and information, please don't hesitate to call.

Sincerely yours,

M. Grant Gross
Director

MGG/mc

BALTIMORE GAS AND ELECTRIC COMPANY

GAS AND ELECTRIC BUILDING

BALTIMORE, MARYLAND 21203

ELECTRIC ENGINEERING
DEPARTMENT

January 14, 1977

Mr. K. E. Perkins, Director
Coastal Zone Unit
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Perkins:

Attached are my comments on A Management Program for Maryland's Coastal Areas, December, 1976.

You seem to have successfully demonstrated that adequate authorities exist in Maryland for the management of the Coastal Zone. Hopefully, no additional legislation will be required.

I anticipate that industry's main concerns will arise when the document is "fleshed out" later this year. Comments on this aspect will be relayed to you through the Supplemental Committee.

Thank you for this opportunity to comment upon the Draft.

Sincerely,

Doris A. Trainor

Doris A. Trainor
Engineer

DAT:njp

Attachment

January 15, 1977

COMMENTS

1. Recommend deleting section on Maryland's history, as it adds nothing to the discussion of the coastal zone.

2. In the discussion of population, a statement as to the impact of expected population growth on the coastal zone should be included.

   Also, in the discussion of population trends, some reference to industrial and housing requirements for this population should be included.

3. In Chapter II there is a noticeable lack of any mention of the importance of industry, commerce and recreation to the State.

4. An explicit statement of major problems and issues within and affecting the State's coastal zone should appear in the beginning of the document with an appropriate subtitle.

5. The preliminary inventory of major facility sites should be eventually used to map present ownership patterns of land and water resources.

6. Goals and Objectives

   Objective 8 - Structural flood management techniques, when properly used, need not be objectionable and should be considered under this objective.

   Objective 9 - Prohibition of development should only be used in extreme cases. Proper management and erosion control practices should adequately protect the shoreline provided the standards are enforced.

   Objective 14 - Restriction of location of facilities in Resource Protection or Hazard Prone areas is understandable. But to restrict these facilities in adjacent areas is unnecessary. Such facilities are so strictly controlled by environmental standards and limitations that adjacent areas would not be impacted. It would be very difficult to enforce such a policy considering the value of potential development sites in Maryland.

   Objective 24 - Terms "no feasible alternative" and "significant contribution" should be clearly defined.

7. On page 107, "Any designated State Critical Areas in the narrow area of focus, regardless of whether their identification is by local jurisdiction that are located outside the narrow area of focus will be considered by the Coastal Zone Unit for GAPC designation on a case-by-case basis." This statement is somewhat garbled and needs clarification.

8. Project Evaluation

A list of agencies involved in the approval of the project should also be published in the Maryland Register so that the applicant and the public know to whom to address their concerns.

Minutes of the meetings of the agencies involved in the Project Evaluation should be made available to the applicant, so that he may be kept up-to-date on the progress of the deliberations.

A time period should be specified by which a recommendation must be made so as not to unduly delay the permit process.

Be more specific in the statement "methods needed to be used to evaluate the project" (p.155, 3C.). What kind of "methods"?

Some authority should be given to the Coastal Zone Unit to prevent a situation where one agency refuses to accept the recommendation and forces the applicant to fulfill a separate set of requirements.

9. A method must be devised for evaluating any new local land and water use regulations to assure that they do not unreasonably restrict or exclude land and water uses of regional benefit. The procedure for this evaluation may be similar to the Project Evaluation process.

Mrs. Judith Colt Johnson
616 Piccadilly Road
Towson, Maryland 21204
301-828-4520

T. Destry Jarvis
529 Tennessee Avenue
Alexandria, Virginia 22305
703-549-2863

Committee to Preserve Assateague Island

STATEMENT FOR THE HEARING ON A MANAGEMENT PROGRAM FOR MARYLAND"S COASTAL AREAS -- January 15, 1977

Certainly a great deal of thoughtful, concentrated work has gone into the preparation of the document being discussed at this hearing, and we wish to commend the Coastal Zone Unit for their intensive work. We understand the great difficulty of coming to an agreement that gives adequate protection to the coastal area with all the varying interests and pressures which exist and vie for Maryland's huge shoreline. In many respects the draft appears to cover the situation quite adequately, but we have questions concerning some points. Let me run through some of these:

PP. 23-24 -- "All sites designated by the Department of State Planning as State Critical Areas.....will be termed Geographic Areas of Particular Concern. State Critical Areas falling outside the area of focus will be considered on a case by case basis for the GAPC designation.

We do not feel a case by case basis in any way gives adequate protection. Certainly wetlands are among Maryland's and the nation's most important natural resources. All wetlands, fresh and tidal, should be considered Geographic Areas of Particular Concern, and should be protected and preserved.

PP. 31 - Objectives (1), (2) and (3). If the quality of the state's tidal waters for propagation of wildlife, fish and aquatic life is to be achieved, there must be limitations of boat use and speeds to eliminate destruction of aquatic grasses and erosion of marsh and shoreline. This is not addressed. No mention is made of need for greater enforcement of sediment control.

P. 34 - Objective (23). Maryland needs to work much harder to find environmentally sound sites for dredged material spoils.

(24) A firmer approach against filling of the state's tidal waters could be made. Only under extreme conditions, where it is in the national interest and there are infallible arguments for its being absolutely essential should this be permitted.

PP. 37-38. Appropriate land and water uses in the remainder of the Coastal Zone: This paragraph appears too vague and insufficiently protective.

P. 39. Recreational boating and congestion. Boating may be a big industry into which thousands of dollars are poured each year. However, wastes and oil from boats do have an impact on the environment as do excessive speeds. Landowners incur thousands of dollars to repair shoreline damage inflicted by boats. Just as theatres, stadiums, motels and other areas reach a capacity, so must Maryland address the problem of too many boats, too many marinas, too much development along the shore. There must be restrictions.

P. 42. The Port of Baltimore is an essential part of the Maryland economy. So are the resources of the Bay -- commercial fisheries, recreational fishing, boating (sailboats and motorboats) and swimming. It is very alarming that oil spills increased from 1,148 in 1974 to 2,115 in 1975. The Chesapeake Bay is far too valuable a natural resource and producer to run the risk of its suffering a catastrophe which would kill its marine life and make it unfit for waterfowl due to a major oil spill. The state must have the courage to take the necessary steps to prevent a major disaster and this should be addressed in the CZM plan. Oil refineries should be banned from the bay. The major spill last winter by a Steuart Petroleum barge, the recent spills in the Delaware Bay and along the coast this year point to the fact that adequate safeguards are not in force.

P. 44 states 150 million cubic yards of dredged material will have to be removed and deposited <u>somewhere</u> in the next 20 years. If the 50' channel is dredged in the Bay, we will have enough spoil to bury Washington. We have got to begin to be practical about all this and possibly readjust our sights and plans as there is a limit as to where dredged spoils can be placed -- they can be more of a problem, and a needless one, than solid wastes. Or could we move it all up to Camden since we have had their wastes for so long!

When the E.I.S. on the 50' channel for the Bay comes out, a careful examination needs to be made to see if this is an expedient step if the Bay is to continue to produce so much that is needed for food, feed and other products. Its biological productivity is too important to the national interest to jeopardize it for bigger ships which aren't essential. The sooner we accept the fact that bigger is not always better, the better off we will be.

P. 49 points to 140 miles of Maryland's tidal shoreline eroding at the rate of 4' or more per year. We have seen these areas. However, this is part of the natural process -- it has happened over the centuries - and we shouldn't try to fight nature but adapt to it.

P. 60, policy objectives (9) and (10) are good, but more often than not I am afraid item (10) is not fully considered.

P. 63 on the subject of flood control: <u>No</u> building should be permitted in the 100-yr. flood plain and re-furbishing of buildings in these areas where they have been previous damaged should not be permitted. The Baltimore County plan of re-locating people living in these areas is the best plan.

PP. 64-65. Non-tidal wetlands are as important as tidal wetlands. The reasons why are fully documented and I shan't repeat them here, but they should be preserved.

PP. 66-67. Too many developments are bringing about the loss of farmland. We are not going to be able to produce the food to take care of our increased population if agricultural land continues to be taken over for development. Many applications for marinas and boating channels on the docket this past year point to increased threats to farmland along the shore area. Agricultural land needs to be preserved. Also, however, where there are farms along the shore we need a buffer zone to trap sediments, fertilizers, herbicides and insecticides before

they enter the Bay or its tributaries, and contaminate flora and fauna.

P. 68. The statement concerning forests sounds well but in practice I wonder. Managing seems to mean clear-cutting and growing a single species. Let us have natural, diversified forests in the coastal zone.

Recreational access - pp. 70-71 and Appendix J. The statements disquieted me. Is the emphasis on shorefront acquisition to be for boats and construction? What about wildlife and natural areas? The public does not want everything to contain development; we want plenty of undeveloped, natural, unspoiled waterfront areas.

P. 80 - major boat and docking facilities. As I have stated, among the adverse effects, possible loss of valuable farmland and marsh areas should also be considered.

P. 81 - policy objective (12). This is very important. Facilities not dependent on water should be kept from the coastline. P. 82 (14) is good. (15) needs greater clarifications. It may not be advisable to promote additional port areas in Maryland. (16) is open to question. The long term value of the natural conditions and resources may outweigh the short term profit of extracting minerals.

P. 86. Electric generating facilities. This subject is treated too vaguely. Without knowing what sites or the type of power plants being considered, no comment can be made.

P. 92 To date not enough consideration has been given to large marinas and the impact they have on land use around them, - or how they may overcrowd waterways.

P. 93. We feel sewerage treatment facilities should be kept away from wetlands (Mattowoman is an example) and placed where they cannot contaminate shellfish beds or spawning grounds.

P. 98. It appears that CZM will focus more attention on transit and rail for transportation and we would like to know how the citizens can become involved and be listenened to with regard to the transportation planning process.

Page 105, Chapter VI - Geographic Areas of Particular Concern. We cannot emphasize too strongly that we feel it is insufficient to say "any designated state critical areas....will be considered by the coastal zone unit for geographic areas of particular concern designation on a case by case basis, and this applies to p. 108 where tidal wetlands are dealt with. Adequate protection is not given to wetlands in the CZM Program and we doubt that Maryland's program would be accepted by NOAA if all wetlands are not put in the category of GAPC. CZM's approach does not seem to help the piecemeal approach presently made in the state with respect to wetland alteration permits.

P. 111. Aquatic critical areas. Strong language must be used to give adequate protection to these areas. None of the state agencies at present seem to be able to regulate the problem of high-speed boats

destroying aquatic vegetation, causing erosion on shorelines and marsh.

P. 152 states "certain stumbling blocks remain to operation of a coherent coastal zone program." This is very true and, particularly, we have noted that:

1) Permit programs look at only one aspect of coastal impact, not secondary effects.

2) There appears to be no department with the responsibility for assessing cumulative impacts from applications -- i.e., a marina or channel might not cause undue environmental damage as a single project, but it may result in further development, loss of farmland, a drain on water supplies, affect shellfish beds in the distance, put a drain on the aquifer, add traffic to roads and cause sewage problems.

P. 158 on the question of whether existing laws are adequate. The Committee to Preserve Assateague feels that the word "knowingly" as applied to dredging and filling and/or bulkheading without a permit should be removed from the Wetlands Law. For any landowner or contractor to be unaware of the terms of the law by this time is inexcusable. This would strengthen the law and we also believe the fine for illegal work should be greatly increased.

More consideration is needed to provide areas of public beach for per capita use, and maps are needed to show specific details of the management program. The state should make specific plans for acquisition of important coastal property in cooperation with the counties, and make certain that zoning exceptions are not made to destroy these plans. The problem of the Atlantic coastal area, the beach, dunes, barrier island, bays and marshes has not been adequately addressed, and the importance of the coastal bays to marine life appears to be minimized in the report. Very little is said as to how Maryland plans to approach the problem of OCS development.

I realize the difficulty of making copies of the CZM program available to all the interested people, but I think it would have been better if the state had made sufficient copies to go to environmental organizations as well as to county libraries. It has been impossible to have a copy of the plan long enough to study it thoroughly. When the next draft is prepared, I hope sufficient copies will be available for an adequate study by interested groups and individuals. A lot has been said about citizen participation but it has been more in words than in deed. The various meetings have drafted in such generalities that there has been ~~nothing~~ little that citizens could be inject in the planning process.

Judith C. Johnson,
Chairman

Testimony:

Ajax Eastman, President MCC

Various member organizations will be giving in-depth testimony and so my remarks are brief and just an overview.

First of all, we would like to complement the Coastal Zone Management Program for the monumental task accomplished to date.

But we do have a few objections. We appreciate the extent to which CZM has bent over backwards to accommodate the citizens of Maryland by inserting the pre-draft step. However, it does place an extra burden on the citizen since the citizen is obligated to make critical comments heard at the earliest possible chance in the process.

Our first objection is to the timing of this part of the process. From the standpoint of CZM it must have been marvelous to finish the predraft before the holidays. From the citizen standpoint three weeks with an intervening holiday to review two documents was a nightmare.

Our second objection is to the unavailability of the document. Copies should have been made available at least to the organizations who have been involved in the program.

While there are questions on several sections of the draft, there is one area that merits comment louder and stronger than any other. That of course is the section on Wetlands. By specifically spelling out and designation particular areas, you detract from your stated goal of protecting all wetlands. You recognize the value of the wetlands, yet you would set aside only specific ones for protection. We maintain that past intrusions causing loss of wetlands make it imperative that you make it your prime goal to protect all wetlands and promote their best use.

Shorelines simply should not have intense development.

I regret that I haven't had time to study and comment more in depth.

WETLANDERS' RIGHTS
ASSOCIATION, INC.
BOX 162
FISHING CREEK, MARYLAND 21634

January 27, 1977

Mr. Lee E. Zeni
Maryland Department of Natural Resources
Energy and Coastal Zone Administration
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Zeni:

After more then three years of studies, planning and establishing the framework for Maryland's Coastal Zone Management Program, your administration produced the first draft of the CZM Program and urged speedy public approval. Although your administration encouraged written comments on the CZMP, the time limit is too critical for the limited copies to be reviewed. The areas and categories are too ill-defined and ambiguous for the average layman to comprehend and assess. Bear in mind, if you will, that the majority of the public and those who will be most affected by this program never heard of CZM until six months ago.

Environmental groups have apparently been well aware of the broad term "land use" built into the CZM laws, but the citizens have had no knowledge that it also included governmental acquisition and control of land. Citizens related CZM with offshore drilling, onshore storage facilities and power plant siting which we believe was the original intent of the CZMP. Property owners are now faced with the realization that land acquired by their ancestors and passed on from one generation to another for the last two to three hundred years is now at the discretion of federal and state laws within CZM.

Public CZM regional meetings for public participation have not met the requirements of informing the public on important issues such as establishing boundary lines, acquisition of land, areas of critical concern and how these areas are determined. At no point was there mentioned what impact the program would have on the people living within the designated areas.

The State of Maryland has laws and enforcements to sufficiently cover every phase of life and activity prescribed by CZM. We do not need or want a whip organization to probe, disrupt and destroy our system. We live on the land, till the soil, harvest the seafood from the Bay and its tributaries, manage the forest and harvest the timber. Our products are

Mr. Zeni

distributed throughout the United States. We know and understand the needs of the residents and the population we serve. We do not need or want the opinions of a mass of narrow-view environmentalists on the Federal, State and local payrolls, living in cozy high rise apartments, screaming save the Bay, save the wetlands, save the birds and the animals - it's a waste of taxpayers money. We have provided this service for 300 years free of charge. America is noted for its incredible waste, CZM is a prime example of such wastefulness.

We see the CZMP as a total land use bill and one that cannot serve a useful purpose.

Attached are comments on the Maryland CZM draft.

Sincerely yours,

W. Paul Lewis

W. Paul Lewis
President
Wetlanders' Rights Assoc.

Enc:
Comments on CZM Draft

Copies to:
Representative Bauman
Governor Mandel
Dorchester County Commissioners

COMMENTS ON FIRST DRAFT OF MARYLAND'S COASTAL ZONE MANAGEMENT PROGRAM

I. Public Participation

a. Six months prior to implementation of the Coastal Zone Management Program is not enough time for the public to focus on all aspects of the program and understand its concept. The CZMP encompasses an enormous area of land and water and involves the livelihood, security and welfare of millions of people. Limited copies of the CZMP draft, conflicting statements and unclarified issues are evidence that the program is not unified or ready for adoption.

b. Clarification is needed on the designation of categorical areas; how these areas are determined and why, and how will the people living in these areas be affected.

c. How will the CZMP affect the economy of the State and counties within the State? Forty percent of Dorchester County is classified as wetlands. The CZMP demands that the integrity of the wetlands be preserved. Nowhere does it mention the needs of the people who live in the wetlands. The Maryland State Wetlands Act controls all wetlands. What can the CZMP do that is not already being done by the State? What is the purpose of designating some wetlands as areas of critical concern? Wetland acreage is increasing on the perimeters of uplands. What category will cover these newly formed wetland areas?

d. The CZMP has established the 100 year flood plain for Dorchester County. The maps used are flood hazard maps for the HUD Flood Insurance program and by no means could these maps justify a reasonable boundary line. These maps, using 20 foot contour level, would classify 80% of Dorchester County as a hazard prone area unsuitfor development. What impact would this designation have on the people who inhabit this portion of the county? Most of the commercial seafood facilities and harvesting are in this area. What happens to the seafood industry, the communities and small businesses located within this area?

These vital issues definitely need to be reworked. Local meetings with the local government and citizens are imperative if understanding and acceptance is to be achieved.

e. Table I, page 29. Dorchester County will be treated equally. Dorchester County has diverse types of land, water and activities. The land ranges in every degree from boggy marshland to prime agricultural land. The water varies in degrees of salinity to fresh spring water. Activities include seafood industries, lumber mills, agriculture, boat building, marinas, manufacturing, import, export, and local government. To place all of Dorchester County in one category is arbitrary and unreasonable.

II. Increased Recreational Opportunities

"The State hopes to use funds provided under Section 315(b) of the 1976 CZM Act Amendments to place increased emphasis on the acquisition of such sites by the State and possibly by local government as well."

Since CZM places strong emphasis on access to the Maryland waters by the inland population, it is assumed that the above statement refers to acquiring suitable sites for public boat ramps and facilities. This is a local concern and should be discussed in local public meetings with the local government and citizens.

Increasing access to Maryland waters for recreational boating will increase accidents, conflicts, shoreline erosion, degradation of water quality, plus the tremendous cost of acquiring land for boat ramps, parking areas for vehicles and trailers, and sanitary facilities for the public who use these facilities. Again, acquisition of land - how will it be acquired, by what means? What happens to the property owner's rights? What happened to that portion of the law that gives a community the right to oppose the establishment of facilities that could create a public nuisance? Tourists using vehicles to trailer boats to public ramps certainly do not create a significant increase in the economy of a community, but the maintenance of boat ramps and facilities do put an extra burden on the county budget which in turn is added to the property owner's tax bill. The State just recently required the county to raise property tax assessment.

It would seem more realistic to extend and improve the facilities in public parks, camp sites, government owned forest and open space areas and encourage vacationeers to use these facilities. The government already owns thousands of acres of various types of land, more then enough to satisfy the needs of those who enjoy an outing in the country. This effort would reduce consumption of fuel used for boating, reduce pollution in the air, Bay and rivers, reduce shore erosion and accidents in Maryland waters.

According to CZM statistics, there are presently 127,000 registered boats cruising Maryland waters with an expected 9% increase each year. By these standards, we can expect approximately 389,890 boats cruising Maryland waters by the year 2000. Can our Bay, air and rivers absorb this abuse? Can our already critical energy shortage afford this excessive waste?

MARYLAND WETLANDS COMMITTEE

Bywater Road • Annapolis, Maryland 21401

January 28, 1977

Mr. Kenneth Perkins, Chief
Coastal Zone Management Administration
Tawes State Office Building
Annapolis, Md. 21401

Dear Mr. Perkins:

The Maryland Wetlands Committee would like to submit comments on the Draft Coastal Zone Mnagement Plan and hope they will be considered in a revision of the document.

I am submitting the comments in two parts; the first pertaining to the proposals regarding tidal wetlands and GAPCs and a second dealing with some general considerations in respect to the plan and a page by page review of as mcuh of the proposal as I have had time to read and consider.

While many of the comments may appear negative in tone, I do hope that you and your staff will understand that they are made in the hope of improving Management Program and I certainly want you all to know that we appreciate the many many hours of work that have gone into the preparation of the program.

This has been rather hastily finished in order to submit it within the deadline and I apologize for the rough draft effect of some of the writing.

Sincerely yours,

Judith C. Skinner

Judith C. Skinner, Chairman

MARYLAND WETLANDS COMMITTEE

Bywater Road • Annapolis, Maryland 21401

COMMENTS ON DRAFT COAATAL ZONE MANAGEMENT PROGRAM

General Considerations

The CZM Program significantly fails to address the broad issues of coastal zone management such as the trend toward progressive urbanization or industrialization of the eastern shore versus the need to protect the historic and vital wildlife habitat values of that area and the need to maintain a long term food production capability both agricultural and marine. The proposal talks of balance but can there truly be balance?

While the Federal CZM Act does not appear to mandate that the State develop a coastal zone management plan analogous to a general development plan, we feel that the desirable end of a good state program would be to bring about such a plan, either through oversight of local planning designs or mandatory coordination. As the program is proposed it appears that the local jurisdictions will be given great initiative and latitude and will be able to develop their coastal areas in any way they see fit within the permitting processes of the State, since CZM proposes to be no more than a technical and advisory group without authority or enforcement powers of any kind.

In addition to the fact that the proposal lacks any planning vision and any of its own implementing authority, the policy decision that no additional legislation is or will be needed to plan for and protect the coastal zone is both erroneous and highly irresponsible. It is virtually a signal to the legislature to ignore any attempts to pass legislatin for the enhancement of the environment in the coastal areas.=

We do not see how this CZM program can accomplish its goals when it is essentially basing its activities on ad-hoc decisions and limiting its authority to advising the permitting agencies and when it has vitiated the strength of its convicitions by bowing to the demands for almost unlimited local jurisdiction latitude in planning and decision making and when compromise with existing power structures such as the Soil Sonservation Districts is implicit in this document.

Page by page review, incomplete due to time restraints..

Page 3 Postulate 3- While CZMP may designate areas of greater sensitivity I do not see how the program will prevent haphazard development or establish overall priorities since it is purely advisory and technical in nature.

page4 (d) the phrase "are consistent with state interests" is an out for permitting any activity inconsistent with the resource protection goals of the program .

(6) Certain major fscilities are not compatible under any circumstances, e.g. oil refineries. This is the opinion of Dr. Eugene Cronin, Dr. Rose, and the psst administrator of EPA, Russell Train, as well as many many citizens.

page 5 - Disagree most emphatically with premise that legislation is not needed. Examples of need are: steep slope legislation agricultural land preservation legislation, non-tidal wetkand-s protection legislation; storm water management legislation; certain amendments to Wetlands Act of 1970....

page 5 Streamlining of application processing is not desirable if adaquate review is not given or public participation by-passed.

page 18 Public Review - Was virtually non-existent during first two years of program when policies and premises of program were being established. Nor has there been adaquate public participation in third year on many specific policy decisions, e.g. wetalands.

page 22 1st paragraph - what if a project has significant local impact but the local jurisdiction does not wish a comprehensive evaluation (perhaps for political reasons)? Then the State must be able to step in, but I do not see a mechanism for the authority to have CZM do so. Will it be done by State Planning. As far as can be determined CZM has no authority whatsoever to stop a bad project.

page 22 Repeat that project evaluation should not necessarily expedite processing of permits if project is complex. Speed and good planning results are not always compatible.

Boundaries - The entire shoreline of every county must be included in the area of focus. If counties omit areas then CZM must include.

page 31 Table 2. Item 3. Coastal Wetlands implementation should include purchase of wetlands and easements with funds from Wetlands Purchase Fund, Program Open Space, etc.

item 4. Implementation is inadaquate under present laws in regard to non-tidal wetlands. Need specific protection.

page 29-30

page 29-30 Where are these guidelines? How can there be a management program submitted if these guidelines are not yet developed? Goals and objectives are not the same as guidelines which

should be more specific .

page 32 -

page 32- Hurrah for the goal of controlling floods through non-structural means if that signifies promotion of better land use practices. How about the same for sediment control.

(9) we also applaud the concept of shoreline setbacks. If counties won*t do this in ordinances how will the toothless CZMP accomplish it? Through critical areas? CZM must have a few teeth!!!!

page 33(11) We can ditto the preceding paragraph for steep slopes. Statewide legislation is needed.

page 34 We hope the esample set by CZM in releasing a letter of approval to t e Anne Arundel County Public Works Dept. is for the proposed Mayo sewage treatment plant is not an example of what the future holds for CZM evaluation. No consideration was given, obviously, to the cumulative effects of this and other proposed STPs in the West Chesapeake Basin on shellfish beds (becuse of overlapping buffer zones) or the impact it is going to have on the future landuse of the Mayo area.

Elsewhere on page - the word promote, used here and throughout this proposal is almost meaningless without CZM implementing authority.

page 37 1st paragrpah - under this definition virtually all wetlands should be included in GAPCs as wetlands play a role of more than local significance. Same can be said for most aquatic areas.

page 37 - "direct" impact is not always the most significant impact Indirect impact could conceivably be more significant, for example the developmental ~~effects~~ created by the location of a sewage treatment plant might have more detrimental effects on wa ter quality than the plant itself. Or the pollution from an oil refinery might be less than the pollution potential of the means of transporting the oil, ie in ships.

page 39 - A Paragraph 1. This list completely omits land activities which have an effect on water quality and aquatic resources.

page 40 In pursuit of goals 1-7 we need <u>now</u> a moratorium on all marina construction in excess of 100 boats /facility until adaquate site studies have been made and until <u>laws are passed</u> providing for regulation of waste from recreational boats and sufficient on-shore disposal facilities.

page 40-41 The only way to minimize oil pollution on bay is to RESTRICT further volume of oil transported on bay. CZM does not face this issue squarely.

page 44- Do these figures include the proposed 50 foot channel? CZM should make an independant analysis of need for 50 foot channel before endorsing same.

page 49 - It woudl be interesting to see an estimate of the income generated throughout Maryland by the shellfish industry and commercial and recreational fishing. W think such a study

should be

should be undertaken by CZM or E&CD.

Wetlands: See separate sheet. All definitions in this section should be taken verbatim from annotated code. It should be made clear that State policy is to forbid reclaiming of eroded land lost prior to 1972 and subject to other conditions.

p.62 The wetlands permit section presently has no authority to mandate the use of rip-rap rather than bulkheads or other verticle structures.

* We suggest that the State adopt a policy of more favorable loan terms to persons borrowing money for erosion control if they use rip-rap rather than bulkheads. Rip - rap is preferable both environmentally and aesthetically.

page 60 policy 9 - to promote sue of shoreine setbacks and development restrictions. How is this to be accomplished without enforcement or local legislation which is uncertain?

page 61-62 under "approach" - This concept is contradictory or could be. One cannot minimize use and promote it through technical assistance at the same time.

page 61 Please explain "sediment budget".

page 63 - our response to this page is that we expect there to be no more ST plants located in flood plains, such as Mattowoman.

page 65 - Policy. Paragraph 1. This is "self-destruct" - How can non-tidal wetlands be preserved if there is no undue" regulation of home-building or farming. Farmers semm to regard any regulation as undue. Hundreds of acres of wetlands and potholes are being drained in the uppper Chpotank watershed due to policies of the SCS. There is continual pressure to drain wetlands, tidal and non-tidal in order to bring marginal lands into production while at the same time thousands of acres of "prime" agricultural land are lost each year to development and highways. It is just such an issue as this that is not addressed by this CZMP. Instead it is simply giving in to the fa rm pressure groups. This section is just pious statements without any specific proposals to resolve conflicts.

page 67 - If the results of the 208 program indicate the need for legislation to regulate non-point pollution how does CZM resolve this in light of the policy statement that no new legislation is needed?

page 73-4 The state predently has no statute pertaining to storm water manamgement a nd is presently only preparing a policy document (to get public review???) on the problem. Local jurisdictions do not have and are not required to have storm water managment programs. How does CZM propose to solve this problems?

page 75 - The sediemnt and control laws may be good but if unenforced

as is frequently the case in Anne Arundel County it is not much good. AA County has twice failed its tri-enniel review. CZM ought to have authority to strengthen local enforcement.

page 76 paragraph 3 - No consideration of ground water resources specifically capacity of acuifers to support high density residential development or industrial use has been mentioned as being considered in this program.

page 79 The balance between preservation and development cannot be solved by ad-hoc decisions even if they are based on technical information. Many impacts have cumulative effects or synergistic effects which demand overview. The mission of the CZM , in pa rt, should be to delineate the problems and then, through thorough education of the public and with public participation, develop a plan. This program does not do this because the problems have not been clearly thought out and stated at the outset.

page 79 1. The statement that API and others project no need for increaded refinery capacity is at odds with recent press statements pertaining to amending the CFRA and building petroleum facilities in the Salisbury area.

p. 87 multiple use of generating sites must certainly be approached with great caution. Multiple use cannot be assumed to be beneficial.

p. 90 Do not like the wording of this paragraph which could be construed that dredge disposal sites should enhance coastal access. Please amend to read "..insure thatxminimal adverse impacts on coastal waters and insure that wetlands are preserved." The existing paragraph must have been inserted in regard to Hart and Miller Isalnds. The Maryland Wetlands Committee cannot sanction a trade-off of wetlands for spoil disposal sites to become future public parks.

p. 91 S & G operations should be prevented from encroaching on other desirable uses such as agriculture or public parklands.

p. 91 6 Again, a cop-out of state planning in favor of local.

p. 91 CZM should conduct or mandate thorough environmental assessmet of all direct and indirect impacts of possible ST plant before ANY other department or jurisdiction makes a move.

p. 93 The discussion of ST plants only hints at the serious problems and conflicts which exist regarding disposal of human waste. There are certain roadblocks to new solutions. 1 Public attitudes and departmental refusal to accept new methods even if proven elsewhere. There are serious implications for the shellfish industry in the location of STPs on the western shore which have never been enough discussed or ressolved.

p. 97 Problem. No mention is made of effect of Bay bridges on E. shore. This is absolutely crucial to whole planning problem.

page 103 Statement midpage is in ERROR. Citizens organizations have no right of administrative appeal on the merits of a decision in many cases. Only right of appeal is if an individual can prove that he is injured by the decision. This is one of the glaring weaknesses in the Maryland judicial system.

.....

No time for additional comments.

MARYLAND WETLANDS COMMITTEE

Bywater Road • Annapolis, Maryland 21401

MEMO: To Coastal Zone Management Administration

SUBJECT: Preliminary Draft Management Program, Tidal Wetlands

Probably the single most important resource necessary for the productivity and well-being of the Maryland estuaries is the tidal wetlands. They are of fundamental importance in the food chain of marine species and as nursery areas for juvenile fish. They produce food, shelter and resting areas for many species of waterfowl. They are habitat for important fur-bearing mammals. They help control floods, sediment and pollutants. An economic chain, based on the wetlands, has not, so far as we know, been developed for Maryland, but if it were the importance of this resource would become quite evident. Even so, it is most disturbing to us that we find the proposed Coastal Zone Management Program offering little additional protection to the wetlands of Maryland beyond what is presently mandated under the Wetlands Act of 1970.

The CZM proposal is written on the assumption that wetlands under the 1970 Act are receiving all the protection necessary; that the law is both perfectly written and adaquately enforced. The CZM proposal also makes the fundamental error, both in regards to wetlands and other issues, that no further legislation is needed, now or in the future, to enhance the protection of the environment. This is an irresponsible and unacceptable position for the Coastal Zone Management Administration to take.

In regard to the wetlands, alone, we need amendments to the Act to provide meaningful penalties, to change judicial procedures from criminal to civil, to take "knowingly" out of the law znd to bring adjacent non-tidal wetlands under the same specific permitting procedures that we have for tidal wetlands. Other items might be included.

The proposal to designate only a few specific areas of wetlands as GAPCs unless nominated as areas of Critical State Concern by the Counties is unacceptable to this Committee for the following reasons:

1. It is doubtful that the Counties, especially those on the Eastern Shore, will designate many wetlands as critical areas under the State program.

2. Designation of only a few areas as GAPCs will have the inevitable effect of downgrading the remaining wetlands. Because the law man-

dates consideration of other values by the State during review of permit applications this devaluation of the wetlands vis a vis other values is even more likely to occur.

3. The State is hampered in its ability to adaquately enforce the law because of the weak penalty provisions, lack of authority to levy administrative fines, and certain political consid rations.

There would be, on the other hand, many benefits from an inclusive designation of wetlands as GAPCs:

1. Counties would be encouraged or mandated to bring all wetlands into their Comprehensive or General Development Plans in a category of use compatible with the provisions of the State Wetlands Law. Their zoning ordinances would also be revised to reflect state policy. Such conformity would be an advantage to developers and administrators alike as it would eliminate present conflicts between the two levels of Government. To give a concrete example: Anne Arundel County would not designate an area such as Deep Pond on the Mayo Peninsula as M-B zoning so that plans destructive of wetlands, such as the proposed Chesapeake Bay Village development, would be denied or substantially modified at the local level.

2. Designating all wetlands as GAPCs would give support to the Permits Section in their endeavors to preserve wetlands by implicitly enhancing the intent of the law to protect wetlands from destruction and despoliation.

3. Designating all wetlnds as GAPCs would give the administration a valid raison d,etre to recommend certain measures to protect wetla nds from activities on adjacent uplands which might be destructive: for instance buffer strips might be needed to prevent undue siltation or certain storm water management devices might be recommended, etc.

4. A general designation as GAPCs would in no way be a deterent to any local jurisdiction or the State in advocating total preservation of certain wetlands through purchase or easements or any other additional protective strategies.

5. Designating wetlands as GAPCs would better enable evaluation as a coherent ecological entity unhampered by the legal but unbiological definition of "State" versus "private."

MARYLAND WETLANDS COMMITTEE

Bywater Road • Annapolis, Maryland 21401

We do not see how the Federal Mandate under Section 923.13 (a) of the Regulations can possibly be met under the very limited GAPC designation proposed in the Draft Plan, particulary as wetlands fall in categories 1,2,7 and 8 as listed on page 105 of the Plan.

At a time when the State is attempting to persuade Congress that the Maryland program for the preservation of wetlands is so good that no Federal oversight (by the Corps of Engineers, EPA, F & WL) is needed, it is astonishing to us that the CZMA has made such a timid proposal in respect to enhancing the protection of Maryland's wetlands. Could it be that visions of future deep-water ports, large-scale residential developments, bustling marinas and flashing signs reading "oil center of the Eastern shore" have weakened the will to give the utmost possible protection to the wetlands?

Potomac
River
Association OF ST. MARY'S COUNTY
Box 76
Valley Lee, Md. 20692

Jan 29.

Dear Ken:

I tried to put a lot of work on this draft. The issues were so broad we sent it to Coultee.

We hope our comments do not create a problem. However, after a study of the law we feel the emphasis is wrong. And we intend to persist in that view.

I know you all worked hard - and you may find our findings hard to live with. but the life of an estuary is fragile & time is running out.

Sincere best wishes
Jack

Potomac
River
Association OF ST. MARY'S COUNTY

29 January 1977

Post Office Box 495
Lexington Park, Maryland
20653

Honorable James B. Coulter
Secretary, Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Secretary:

Re: Maryland Coastal Zone Management Plan 1st (Pre) Draft

In recognition of the broad and important potential of the Coastal Zone Management Plan, I have undertaken a detailed review of the preliminary First Draft of the Plan and the related Laws. I address my comments and reactions to you as some of our comments pertaining to the plan will require a change in the policies and priorities given to elements within the plan, ie: issues pertaining to pass-through funding and the proper division of authority between the State and local governments. Our comments are divided into three parts: general policy matters, general comments and detailed recommendations.

General Policy

The central thrust of the Coastal Zone Management Acts pertains to protection, maintenance and restoration of the coastal zone and the waters which are impacted by coastal zone actions. The law gives high priority to natural systems, ecological, cultural, historic and esthetic values. This draft of the Plan reverses the emphasis and places primary emphasis upon Energy Facility Siting, Industrial and Port Development, etc. This is not consistent with the law. The emphasis should be reversed. Specific examples are given in Enclosure (1) - Detailed Comments.

The Coastal Zone Management Acts provide funds, some of which can be passed through the local jurisdictions to assist them in complementing the provisions of the Acts. The plan does not address the State's intentions pertaining to "pass-through funding".

The Acts provide for various alternatives pertaining to the division of authority between the State and local jurisdictions.

It requires that a Coastal Zone Management Program provide techniques for control of land and water uses within the coastal zone. The plan envisions local subdivisions as being the primary means of control of uses of land and water.

The next draft of the Plan must make explicit the fact that the local subdivisions are designated as the lead agency pertaining to decisions within their jurisdictions. This decision must be implemented by development of the criteria and standards for local implementation and the use of "pass-through funding" to assist implementation by the local jurisdictions.

While "pass-through" funding may assist implementation in the near future, there is a time limit on Federal funds. It is suggested that one of the early studies include analysis of ways to obtain the revenues required to administer the plan, facilitate obtaining areas for public access to the waters, purchase of open areas and restoration, etc. In this respect, taxation of major coastal facilities must be revised to insure that the jurisdictions adversely affected by the direct and secondary impacts of these facilities, also share in the tax revenue collected. The approach used by the Shetland Islanders, as described in "Business Week" of November 1, 1976, is an example of one innovative and highly effective approach.

Co-ordination with the State of Virginia, the District of Columbia, the Interstate Commission for the Potomac Basin, etc., is not sufficiently treated in the Plan. This co-ordination should be started as soon as possible to maintain and improve the water quality of the Potomac. Intensive development of these areas makes this problem as urgent as the potential impact of off-shore drilling on the Eastern Shore. Co-ordination at the local level within these jurisdictions should also be encouraged and facilitated.

Provision of requested technical assistance and funding for project evaluations, pertinent data and inter-agency, inter-State co-ordination, will enhance the capability of adequately addressing the various aspects which affect our coastal resources to insure their protection and environmentally sound use.

Detailed Recommendations

The entire Patuxent River Basin Watershed and that portion of the Potomac River Basin Watershed within Maryland should be included in the area of focus of the Plan. This action would include those upper portions of the watersheds which are currently under heavy development pressures and which contribute significantly to the total pollution problems of the basin areas and the Chesapeake Bay.

Those natural areas of critical State concern nominated by the Land-Use Board that were not included in the Upland Natural Areas Study should be inventoried and included.

The process of State intervention and the means of notifying the Department of State Planning in land-use matters of interest to the State (Page 154, Par. 1-a) is already established. (see par. 1B, par. 154). It is believed, therefore, that this requirement is unnecessary.

The relationship of the Coastal Zone Management Plan to other State Plans is not clear. It's relationship to the State Hierarchy of Plans should be made explicit. For example, where does it mesh with the efforts of the Department of Planning, the State Transportation Plans and the State Economic Development Plans? A similar question exists in the relationship of the CZMP with the Patuxent River and Potomac River Basin Plans.

Content of the Plan pertaining to protection of the Wetlands, Sedimentation Control, the impact of forest clear cutting, etc., is inadequate. Similarly, the treatment of water recreation and the protection of commercial fishing needs increased emphasis. A significant void is the absence of an economic analysis in the Recreational Boating Study.

The Plan needs a section of definitions. In particular the terms "area of focus", "zones of interest", "planning boundaries", "Management boundaries", "areas of critical concern", require more specific definition.

A major deficiency in the Facilities Siting coverage is failure to address the potential benefits of common siting for related facilities, or facilities which can realize considerable energy economies by co-location. This subject was addressed in an innovative manner by the State of Delaware in some of their studies. Co-location of LNG Terminals, Power Plants, Solid and Liquid Waste TReatment Facilities provide interesting opportinities for conserving energy and minimizing the impact of these facilities upon the coastal waters.

Local jurisdictions and the public should be provided an opportunity to participate in the development and setting of research or study priorities. The current plan to a great extent reflects the impact of studies performed in the past several years, particularly those pertaining to facility siting. If local purisdictions and the public are to have a voice in future revisions of the plan, it is essential that they be given a voice in setting research and study priorities. For example, the economic value of recreational

activity in the coastal zone has not been measured, nor has an acceptable definition of the value of commercial fishing been developed and used by State Planning Agencies.

The "Promotional" aspects of Commercial, Industrial and Energy related facility siting is questioned. Detailed examples are proved in Enclosure 1. The Coastal Zone Management Plan should be a vehicle to minimize the impact of these facilities. It should not be used as a vehicle for promoting them. This effort is properly a subject for those charged with Economic Development.

At a recent meeting there was a great deal of discussion of the location of the Coastal Zone Management Plan in the Department of Natural Resources. The need to have access to data and personnel with the Department of Natural Resources is understood; however, having both this effort and Power Plant Siting under the same head has had an obvious effect of biasing the Coastal Zone Management Plan.

We fully appreciate the effort performed to complete this preliminary draft and the competence and co-operation of personnel in the Coastal Zone Unit. We have endeavored to provide a comprehensive reply, stating to concerns which are of substantial interest to this County. As St. Mary's County has more than 400 miles of waterfront and many water dependent amenities and economic benefits related to the water, we feel it is important to respond fully.

Very truly yours,

THE POTOMAC RIVER ASSOCIATION
OF ST. MARY'S COUNTY

Jack F. Witten

Jack F. Witten, President

Enclosures

Editor's Note: the Potomac River Association submitted several pages of detailed comments which may be found with the comments from St. Mary's County

Worcester Environmental Trust

A COUNTY COMMITTEE OF THE MARYLAND ENVIRONMENTAL TRUST

POST OFFICE BOX 76 38

SNOW HILL, MARYLAND 21863

January 31, 1977

Mr. Kenneth Perkins
Director, CZM Program
DNR - Energy & Coastal Zone Administration
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Perkins:

The Worcester Environmental Trust commends you and your staff for the progress you have made with the Coastal Zone Management Plan and for soliciting citizen input. We cannot overemphasize the importance in putting environmental concerns foremost in the promulgation of a plan for Maryland. We need to protect and preserve the intrinsic natural values of the Chesapeake Bay and the Atlantic Coastal area.

Our comments concerning the plan are as follows:

A. General

1. To make the document more useful the Table of Contents of the draft should be more detailed.

2. The Appendices, which we received first, does not have an introduction or contents. Someone picking up that document without access to the draft would have no understanding of its relationship to the draft.

3. Titles of sections should be underlined or put in capitals, or put in the middle of the page for emphasis, i.e., page 30, Goals and Objectives, page 39, Recreational Boating, etc.

B. Specific issues

1. Page 13, 3d paragraph - does not mention the problem of sediments coming from other rivers which flow into the bay, thus contributing to the necessity for maintenance dredging of boat channels.

2. Page 13, 6th paragraph - should mention problems affecting the bay, such as runoff, which may be destroying aquatic grasses, last spring's massive oil spill, thermal pollution from power plants, sewer outfalls, toxic substances, etc.

3. Page 28 - the word Public in the title is misspelled.

4. Table I (following page 28) - the preliminary area of focus in Worcester County is not consistent with number 2. on page 21. The tidal limits the Pocomoke River extend to Whiton Crossing (see Coastal Zone Boundary Map for Worcester County). Also, Table I is not consistent with the Maryland Wetland Act (page 25) nor with the extent of Maryland's 100 year floodplain (page 26).

5. Coastal Zone Boundary Maps are shown for only 11 counties. The map for Worcester County does not show the Pocomoke River 100 year floodplain.

6. Page 33 - the objectives should be more positive to insure, not just promote number 18.

7. Page 34 - number 20 should include oil related facilities, in addition to the others mentioned.

8. Page 34 - number 24 should also state that the State's tidal waters should be protected from undue contamination and sedimentation.

9. Page 43 - oil spills should be treated more seriously, and shippers and handlers should be held liable for spills or discharges.

10. Page 43, Approach, 1st sentence - there should be no exceptions; last sentence - we feel that a $5,000.00 fine is insufficient for cleanup and the long term loss to the estuary in some instances.

11. Page 48, 2d line - refers to a license from the Board of Public Works. We feel that the granting of such licenses is sometimes too dependent on political pressure.

12. Pages 48-49 - the ocean coastal bays should be mentioned, as well as the Chesapeake.

13. Page 51, Policy - Maryland disposes of primary treated effluent from Ocean City by discharging it into the ocean, and is considering enlarging the Ocean City plant and constructing a new plant to discharge secondary treated effluent into the ocean. No mention is made of nuclear wastes disposed of in the ocean.

14. Page 54, Policy - almost all the objectives of Goal 4 (pages 33-35) would be applicable to OCS development

15. Page 58 - activities changing the character of tidal wetlands should be discouraged, if not prohibited. While the relative value of specific tidal wetlands will be determined, thus strengthening the State's position for acquiring in fee or easement certain outstanding wetlands, which contain particular unique characteristics, we feel that all wetlands have intrinsic value and should be preserved by strong enforcement of the Maryland Wetland Law.

    We are concerned that placing values on "specific" wetlands will make others appear of lesser value. This must be avoided because of

the diminishing acreage of wetlands, also because of values all wetlands have in providing buffers for runoff, sediment, pollution, flood absorption, wildlife habitat and spawning areas. In Worcester County the wetlands along the western shore of the Chincoteague Bay are irreplaceable, not because of their productivity, but in being preserved they keep development and subsequent runoff out of the bay. The bay has an extremely slow flushing rate - about 50 days. Perhaps the fact that the area has not been extensively developed, bulkheaded or filled, has kept the water quality in that area good enough to allow shellfish harvesting. On the other hand alterations of these particular wetlands could easily have adverse affects on the bay.

16. Page 66, Policy - would like to see objective 22 added (natural buffers, page 34).

17. Page 75 - local SCS districts and county governments often bow to political pressure, are overworked, or look the other way, making enforcement of sediment control measures ineffective.

18. Page 79 - Maryland's valuable coastal eco-system should not be sacrificed for the relatively short-term economic gain induced by OCS activity. The adverse impacts can last long after the economic benefits are reaped.

19. Page 81, 1st paragraph - the Power Plant Siting Program and cancer have a lot in common. Is it morally right to increase demand for energy when our resources are limited? This winter should be a lesson.

20. Page 83, last paragraph - any such oil related facility of the types mentioned should, regardless of size, be included in the Coastal Zone Management Program. An industry just under the size stated, could come in, want to expand, and have a permit granted on the basis of its capital investment. Oil should be kept out of the bay as much as possible, certainly not encouraged by building more facilities.

21. Page 86, Electric Generating Facilities - these facilities must be considered in view of existing and projected energy resources. Will these facilities be productive for a short term based on limited fuel resources, which would have bad effects both economically and environmentally, or will they be productive for a long term by using solar or wind energy (or other unlimited resources)? We recommend diversification, in addition to conservation. We should not be entirely dependent on one or two energy sources.

22. Page 92, Large Marinas - large marinas, while necessary to provide water access to the bay, should be assessed for their cumulative effect on the bay, i.e., wetland destruction, runoff pollution, and proliferation of boating activity, with attendant problems.

23. Page 93, Sewage Treatment Facilities - alternative methods of disposing of sewage effluent must be investigated.

24. Page 97, Policy, (19) - many so-called developments in Worcester County, although approved, have not materialized. Improvements and services should be at the developers expense so as not to put the burden on the taxpayer, in effect making him subsidize the developer.

25. Page 108, Tidal Wetlands - we cannot overemphasize the need for preserving all of Maryland's remaining wetlands.

We thank you for the opportunity to comment on the Coastal Zone Management Plan and assure you of our continuing interest.

Sincerely yours,

Ilia J. Fehrer

Ilia J. Fehrer (Mrs. Joseph)
Secretary

HERBERT M. SACHS
DIRECTOR

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

January 7, 1977

MEMORANDUM

TO: Kenneth E. McElroy, Jr.

FROM: Bob Schoenhofer

SUBJECT: Review of the Management Program for Maryland's Coastal Areas, First Draft, December 1976.

I have reviewed this document up to page 118 where Section 7 entitled "Public and Government Involvement" begins. I recommend that Ruth review this section and that you review the remaining sections.

I found everything in the part which I reviewed acceptable except pages 93-97 for which I am recommending major reformulation as shown in the attachment to this memorandum.

BS/mm
att.

1/7/77

Page 93 - Sewage Treatment Facilities
Replace the fourth paragraph with the following:

"(3) Sewage treatment plants have the potential for major water quality impact beyond the health related considerations described above. Oxygen demanding materials, nutrients and residual chlorine are the most important parameters to be considered. The State has formulated removal policies for these substances and issued NPDES discharge permits accordingly based on local area and baywide studies. Necessarily the now effective policies and discharge permits cannot be considered the final solution in all instances. Only additional research and especially monitoring of the water quality changes effected by the present policies will allow to clarify the remaining issues in the long run."

Page 94 - (1) County Water and Sewerage Plans
Replace the existing text with the following reformulation:

"Each County (in conjunction with the municipalities within its borders) is required to prepare a document which delineates how it intends to develop sewerage facilities within its jurisdiction in accordance with its general development plan. The main features of this document, "The Comprehensive Plan for Water and Sewerage," are the designation of recommended discharge points and the designation of the county areas as falling within various categories of sewer service priority."

Page 95 - Generally insert the word "management" after quality in all phrases containing the words "water quality plans."

After paragraph one ending with the words....land use and population:, insert a second heading entitled (2) Water Quality Management Plans. Retain the text as now presented except for the insertion of "amendments" after "Act" in line 3 of the pertinent paragraph.

After paragraph 3 ending with the words....in their jurisdictions., insert a third heading entitled (3) Facilities Plans. Insert the following text after this heading:

"In order for individual local jurisdictions to receive Federal funding for the improvement or construction of sewerage treatment plants, they must demonstrate to the Environmental Protection Agency that these sewage treatment facilities are being provided in an environmentally sound and cost effective manner. The formal means for a community to demonstrate this is to prepare a facilities plan pursuant to Section 201 of the FWPCA.

The Maryland Environmental Service (MES, an agency of DNR) may act as a consultant in preparing these plans. Both local governments and MES can acquire sites for treatment plants; construct them; and operate them."

After these two paragraphs, continue with a. Funding and Regulation.

In paragraph 1 of this section, replace the second sentence with the following:
"No permits may be issued in areas in which sewerage is existing or scheduled for completion within eighteen months, or in the final planning stages."

In the second to last sentence on page 95 - transpose "State Water Quality Management Plans" and "County Plans" and leave off the last sentence since it contains an incorrect statement.

Page 96 - Eliminate the first paragraph and, under b. Involvement of the Coastal Zone Unit, Subsection A., replace the existing text by the following:

"The Coastal Zone Unit participates on the Steering Committee for Water Quality Management Planning. This committee is comprised of Federal, State and local representatives and citizens who are interested in the water quality management planning process. The committee advises the Water Resources Administration on policy issues related to the planning process."

Page 97 - First sentence, reformulate the latter part of the sentence as follows:

"....in the development of facilities plans, particularly concerning evaluation of impact on environmental resources and potential plant sites."

BS/mm

REVISED
WR-A-12
1/11/74

STATE OF MARYLAND
WATER RESOURCES ADMINISTRATION
ANNAPOLIS, MARYLAND 21401

January 13, 1977

TO: Kenneth Perkins

SUBJECT: Comment on Draft "A Management Program for Maryland Coastal Areas"

FROM: Michael Ports MAP

Here are our comments to the above captioned subject.

Thank you for the opportunity to comment. Draft documents returned with pencil noted typographical errors, etc.

JAN 17 1977
ENERGY ... ADMINISTRATION

PS-443

HERBERT M. SACHS
DIRECTOR

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

Comments on the First Draft
"A Management Program for Maryland's Coastal Areas"

Page 5 - should be re-written - it seems to be vague and does not denote any meaning or ideas.

The phrase "present duplication in permitting and regulation", seems to be wrong. There seems to be no substantial explanation or proof of duplication in the issuance of permits.

Page 6 - 2nd to last sentence should be re-written to indicate and portray what it is supposed to diseminate.

Page 8 - 2nd to last paragraph - Eliminate the phrase "rather than dramatic events". This is to say at the least unnecessary as there are no dramatic events specified in the report.

Page 11 - 2nd to last paragraph - on "Soils", change "generally well-drained Soil" to poorly drained soil especially on the Eastern Shore.

Page 14 - 2nd paragraph - The 7.1 million value of 40.9 million short tons of cargo handled by the Port of Baltimore seems to be too low.

Table II 3rd page - No. 21 Storm Water Management under Implementation Mechanism - include Watershed Permits Program.

Page 44 - Last sentence instead of "disposal projects" it should probably be appropriate to change to "disposal site".

Page 63 - 2nd paragraph on Approvals - change to: "No project is allowed to be undertaken which would create flooding conditions upstream or downstream or will contribute adverse impact upon water quality.

Page 75 - 4th paragraph - eliminate "sedimentation and instead place "erosion and sediment control".

Page 89 - No. 3 Port Facilities - and sentence the word "acting" is a wrong choice of word

Page 93 - Last line - The word "clarination" is wrong should probably be chlorination.

Page 152 1st paragraph, last sentence "in addition, certain stumbling blocks remain to operation of a coherent coastal zone program". This seems to have a wrong construction.

GORDON WOLMAN
CHAIRMAN
AMES CAMPBELL
HARD W COOPER
ERT C HARVEY
N C GEYER

KENNETH N. WEAVER
ASST. DIRECTOR
EMERY T. CLEAVES
TELEPHONE: 235-0771
235-1792

MARYLAND GEOLOGICAL SURVEY
LATROBE HALL, THE JOHNS HOPKINS UNIVERSITY
BALTIMORE, MARYLAND 21218

January 18, 1977

Mr. Kenneth E. Perkins, Director
Coastal Zone Unit
Energy & Coastal Zone Administration
Department of Natural Resources
D-2 Tawes State Office Building
Annapolis, Maryland 21401

Dear Ken:

The first draft of "A Management Program for Maryland's Coastal Areas" has been reviewed. Comments relative to the Survey or the Earth Sciences in general are listed on the enclosed attachment.

If the Survey can provide additional input, please contact us.

Sincerely yours,

Emery T. Cleaves

Emery T. Cleaves,
Deputy Director

ETC/mel

Enc.

JAN 31 1977

COMMENTS ON DRAFT DOCUMENT

p. 1, First Sentence: Doesn't make sense. The word, "despite," seems to be culprit.

p. 3, postulate 2: Add "archeological"

p. 9: Change Plateau to Province

p. 10: Change formation to variety

Appendix C:

The Study proposed in this Appendix seems to be based on the assumption that shore erosion results only from wave activity. This assumption is only partly true. Ground-water sapping and freeze-thaw cycles in winter months can also be major contributing factors. Their input into the shore erosion situation needs to be understood in order to isolate the boat wake contribution. Definite need for some basic earth-science research in the proposed study.

Appendix I

P. I-3: A.A. Co. work by MGS has been published. The citation is: AA Co.: Geology, Mineral Resources, Land Modification, and Shoreline Conditions: Maryland Geol. Survey, Co. Atlas No. 1, Map No. 4.

COMMENTS ON DRAFT DOCUMENT

p. 22-23: Coastal Zone Boundary

Area of Focus Maps: How does this interface with major construction projects and agricultural practices inland of this boundary which are the major source of sediment introduced into streams and ultimately into the Bay?

p. 26: 100-Year Flood Plain

Problems: Statistical validity; will change with changing land use. Why not use floodplain as a landform unit and defined by its morphology? With a combined use of field mapping and SCS maps can probably get a reliable map unit.

p. 61: Bay Bottom Survey:

First Sentence: Should be changed to Chesapeake Bay Earth Science Study; in which a sediment budget is one of the objectives.

p. 63: References: 100 year flood plain and 100 year areas of tidal and non-tidal inundation.

These are statistically generated artifacts which may or may not relate to mappable natural landforms. Furthermore, changing landuse changes the 10 or 20 year floodplain. Serious thought should be given to delineating natural landform features that identify areas prone to flooding rather than use a statistical parameter.

p. 91:- Paragraph 3: MGS does not have the responsibilities assigned to it that this paragraph indicates. The Survey is responsible for determining the character and extent of the State's mineral resources. Such studies are published in reports and maps. Map scales are 1/24000 or smaller. MGS has no authority to undertake programs to protect mineral deposits; MGS only provides earth-science information upon which such programs can be set up.

Table 5, following p. 115: MGS is not a management agency and should be deleted from this table (Mineral extraction areas).

UNIVERSITY OF MARYLAND-COLLEGE PARK — UNIVERSITY OF MARYLAND-EASTERN SHORE
COOPERATIVE EXTENSION SERVICE

DEPARTMENT OF HORTICULTURE
University of Maryland
College Park, MD 20742

January 18, 1977

Mr. Gerald C. Calhoun
State Conservationist
USDA - Soil Conservation Service
Room 522
4321 Hartwick Road
College Park, Md. 20740

Dear Mr. Calhoun:

I am responding for the Cooperative Extension Service to your memorandum to the USDA offices serving Maryland concerning the first draft of "A Management Program for Maryland's Costal Areas." I have reviewed the draft and am closing my comments for consolidation in the USDA response. I am sorry if this letter reaches you after the January 19 deadline, but I had considerable difficulty in obtaining a copy of the draft.

The scope of the management program seems comprehensive. As promised throughout the Section 305 program development phase, the Coastal Zone Unit (CZU) is not proposing any new body of legislation or any massive governmental reorganization. Rather, it is proposing an administrative review process that will better coordinate existing state and local coastal resource allocation decisions. In light of the wealth of current legislation in Maryland concerning the use of coastal resources but the confusion that surrounds the administration of some of this legislation, I think their philosophy is appropriate.

One of the crucial components of this review process is contained in the section on boundary definition. It is my understanding that the review procedure will be initiated for the siting of all major facilities (energy-related facilities, etc.) and for the siting of facilities in the "area of focus" that are likely to have a direct and significant impact on coastal waters. It seems to me that the definition of the "area of focus" will be very important. The CZU proposes to define this area as the 100 year floodplain. For the purposes of implementing the program initially, this definition is acceptable. However, I am not sure that there is necessarily a cause-and-effect relationship between development in the 100 year floodplain and the quality of coastal waters. Perhaps, some additional studies should be made to determine more precisely that portion of the terrestrial ecosystem in which development would significantly impact coastal waters.

The goals and objectives of the program seem to reflect a basic appreciation for the social and economic significance of agriculture to the residents and economy of the coastal zone. As the program proposes to use the 208 planning process as a mechanism for determining the environmental impacts of agriculture on coastal waters, I think it is important that the USDA agencies serving Maryland be actively involved in this process.

Finally I was particularly impressed with Chapter VII, Public and Government Involvement. It seems to me that the CZU is sensitive to the State/local interactes that are involved in the implementation of natural resource management programs in Maryland. Also, the CZU seems to sense some of the furstration that citizens often feel in dealing with State agencies. I think the proposals outlined in the program draft will begin to address these problems.

Thank you for the opportunity to be included in the USDA response. If you would like to disscuss my comments further, please give me a call at 454-3608.

Sincerely,

David G. Pitt

David G. Pitt
Extension Specialist in
Regional Development

DGP/dc

cc: Elwyn E. Deal

HERBERT M. SACHS
DIRECTOR

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

January 20, 1977

Memo To: Coastal Zone Management Program

Through: Ken McElroy KEM

From: Chuck Bostater CRB

Subject: Comments on Coastal Zone Management Program Draft Report

Comments

(1) A framework description is needed in Chapter I which describes the program elements and element approaches. Currently program element descriptions are too brief and are listed in Chapter III (page 17). These Program element descriptions should briefly discuss the activities and products, involved with each element along with problem-solving approaches and should be in the Introductory chapter.

(2) Chapter I needs to describe the program in more detail including organizational structure, the problem-solving approach, etc. Chapter I, does not tell the reader in enough detail where the program has been, where it's going, and what activities and products have been developed so far. Chapter One also needs to describe in more detail what products can be expected be developed from the program.

(3) The CZM Program approach becomes more apparent after Chapter III, and the approach to goals identification, and problem-solving is more apparent after Chapter III, however, as stated in comments 1 and 2, the introduction should succinctly reflect the rest of the report.

(4) The first chapter should also describe how the appendices report relates to the main report.

(5) The appendices report should include a Table of Contents, List of Tables and Figures, and a brief discussion as to its relation to the CZM Program and the main report. Currently this is somewhat unclear.

(6) page 2: describe how these postulates were derived. State the rationale for their development more succinctly.

(7) page 5: last paragraph -

a) briefly state the kinds of permitting and regulation activities which are currently being duplicated.

b) State where the citizen framework is found in the report.

c) In the sentence ". . . decisions themselves should improve since they will be based on more complete information." - briefly state where such information will come from and how it will be developed in relation to the CZM Program.

(8) page 6: second line from the top of page ". . .able to undertake analysis . . .". Briefly state what elements will be involved with such analysis or how the CZM Program will increase the quality of such analysis.

(9) page 18: "Review of 305 Program Planning Efforts". This subtitle needs to relate to what follows. State what 305 Program Planning is in the following description.

(10) page 18: third paragraph from bottom of page - "during first year of developement . . .". Describe specifically what activities were utilized to summarize past and current management activities, resource inventories. Describe how significant issues were derived. In the rest of the report and in the appendices this becomes clear, however, this information needs to be summarized in the Introductory chapter.

(11) page 18: last paragraph - what were the activities and program products from the public participation framework? Briefly state them here.

(12) page 19: the first part of the first sentence is repetitive of last paragraph on p. 18.

(13) page 19: list all the studies completed or reference them here.

(14) page 19: last sentence - ". . . spent on researching . . ." - researching what? State briefly here, and relate to last comment.

(15) Chapter III should be listed as Chapter II. Change Chapter III, to Chapter II.

(16) After reading Chapter I, and III, it is still unclear to the reader as to what activities and products have occurred in the last three years. You may wish to reference appendices more often.

(17) In general, it seems that Chapter I and Chapter III was an attempt to reflect the high quality of work in the rest of the report, currently these chapters do not appear to reflect, and summarize the CZM Program Approach. The rest of the chapters describe the approach very well.

HERBERT M. SACHS
DIRECTOR

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

January 24, 1977

MEMORANDUM

TO: Kenneth E. McElroy, Jr. KEM
Kenneth Perkins

FROM: Ruth Mathes RM

SUBJECT: A Management Program for Maryland's Coastal Areas: Chapter VII and Appendices K & L

The public participation program established as an element of Maryland's Coastal Zone Management Program appears to fulfill the requirements and intent of the law. Mechanisms for consultation with local governmental bodies are provided for through a specific step by step process, necessary because local governments share with the State a major responsibility for implementation of the program. A variety of activities have been established to "educate and involve" citizens in coastal issues and decision making processes, including the establishment of regional advisory committees and citizen representation on the Chesapeake Bay Coastal Zone Advisory Commission - - Supplemental Committee.

There are additional educational and involvement activities contemplated.

Chapter VII identifies a number of problems encountered in establishing a meaningful and constructive public involvement program which correspond to many encountered in the public participation program for water quality management planning carried out by the Water Resources Administration. These concern a widespread attitude of citizens and local governments alike that State-Federal programs tend to take away local prerogatives and freedoms (if not property rights) without either sensitivity to local concerns or returning important benefits to the local

area and its citizens. Concurrent with this is a concern on the part of many citizens that State - Federal programs will not be completely carried out to achieve program objectives.

Recognizing these problems early is an important step toward implementing a full and effective public participation program, and it appears that the Coastal Zone Management Program staff has focused its first efforts on achieving needed credibility. Because the objectives of the Coastal Zone Management Program are so broad and often complex, as compared to the simple "clean water goals" of the water quality management planning program, even this extraordinary effort may fall short, but as far as I'm concerned, its O.K.

REGIONAL PLANNING COUNCIL
701 ST. PAUL STREET, BALTIMORE, MARYLAND 21202 TEL: AREA CODE 301 383-5835

BALTIMORE CITY
ANNE ARUNDEL COUNTY
BALTIMORE COUNTY
CARROLL COUNTY
HOWARD COUNTY
STATE OF MARYLAND

CHAIRMAN
STEPHEN N. MILLER
EXECUTIVE DIRECTOR
ROBERT N. YOUNG

January 25, 1977

Mr. Ken Perkins, Director
Coastal Zone Unit
Department of Natural Resources
Tawes State Office Building, B-3
Annapolis, Maryland 21401

Dear Ken:

Please find enclosed recommended modifications to the draft, Management Program for Maryland's Coastal Areas. The Regional Planning Council Coastal Zone Staff has completed a detailed review of the program document and submits these comments and recommendations for your information.

These detailed recommendations are intended to supplement the general comments approved by the Regional Planning Council. I hope that these comments will provide additional perspectives on the proposed management program for coastal areas, and that they will be of assistance to you in the coming draft revision process.

Sincerely,

Robert N. Young
Executive Director

Enclosure

cc: R. Hrabak

SPECIFIC RECOMMENDATIONS FOR MODIFICATIONS WITHIN THE DRAFT TEXT

Page 3, Point 7

(7) There is a need for more effective representation of state and local and area-wide interests in the administration of federal programs affecting the State's coastal resources.

Page 15, addition to last paragraph

Initial development grants, as specified in Section 305 of the Act, were given for program planning. Maryland has been the recipient of three of these annual federal grants which were two-thirds federally funded. Maryland has also received special demonstration funding to facilitate joint local, regional, and state planning activities for the urbanized coastal zone study approach.

Page 17, paragraph 6 addition

The public and governmental involvement element requires the program to be developed with the opportunity for full-participation of federal, state, regional, and local governments, and many other interested parties, both public and private.

Page 18, paragraph 4 addition

In its second year of development, the program completed resource inventories, began a study of onshore development associated with Outer Continental Shelf activities, completed drafting "Comprehensive Dredge Spoil Disposal Plan" and completed an inventory and analysis of institutions and authorities for managing coastal areas. A memorandum of understanding was drawn up with the Regional Planning Council (See Appendix __) to facilitate the initiation of intensive planning for the Baltimore metropolitan area. This was done in recognition of the need to address the particular needs and organizational capabilities of the urban coastal zone.

In the third year, which ends June 30, 1977, the Program established an aggressive public participation framework which is still in effect, and worked

with relevant state and federal agencies and local governments on management goals and objectives for land and water uses in the coastal zone.

The urban study was also aggressively pushed forward with expanded staff at the local level. This effort is summarized in the interim project report, Planning for the Coastal Zone, August, 1976. Formal integration of the urban study's findings into existing mechanisms has been elaborated in a resolution and timetable which calls for the incorporation of the findings into the state Program in June, 1977, when the metropolitan project is to be completed. (See Appendix _ for the text of the interagency resolution.)

Page 27, paragraph 3 revisions and additions

The criteria used to delineate an area of focus for the urban areas (Anne Arundel County, Baltimore County, and City of Baltimore, and Harford County) are somewhat different from those used in the more rural counties of the State. Because these counties are more heavily urbanized than the other coastal counties and face many unique problems, they have been treated as a separate group. The defined areas of focus for these jurisdictions are considered preliminary pending the release of the regional study's findings in June, 1977. The coastal zone planning process for these counties is described in more detail in Chapter VII and in Chapter _.

Page 28, revision of paragraph 2

The area of focus designation presented with this application, however, is considered preliminary until final flood hazard areas have been mapped for each county and all the Coastal Zone Management Program processes are operating. In the Baltimore metropolitan area, the final area of focus designation will be included in the final report's findings in June, 1977. Before each of the final area of focus designations are made, they will be presented to the public and the Chesapeake Bay and Coastal Zone Advisory Commission and Supplemental Committee.

TABLE 1 (REVISION)

Coastal Zone Management Boundary

Preliminary Area of Focus

Anne Arundel County[A]

The Planning Study Area as developed by the Baltimore Metropolitan Coastal Zone Study Unit.**

Baltimore City*[A]

Baltimore County*[A]

Calvert County

One hundred year flood plain; Bluff areas, areas of critical state concern to be included on a case by case basis.

Caroline County

One hundred year flood plain

Cecil County*

Harford County[A]

Interstate highway 95 to Susquehanna River; the one hundred year flood plain along the Susquehanna, except in bluff areas and then 1000 feet inland of the bluff.

Charles County*

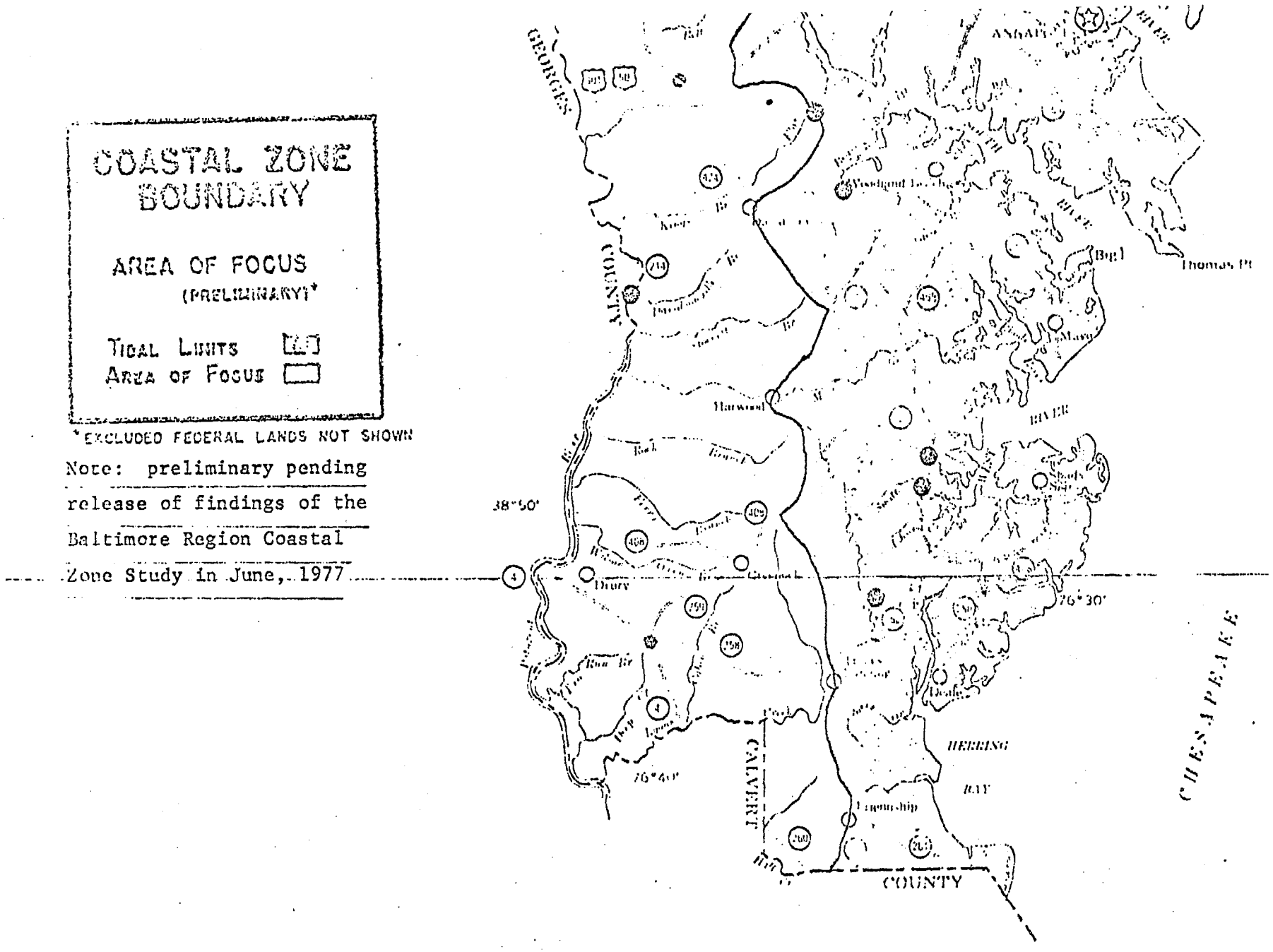
Dorchester County

Entire county will be treated equally.

Kent County

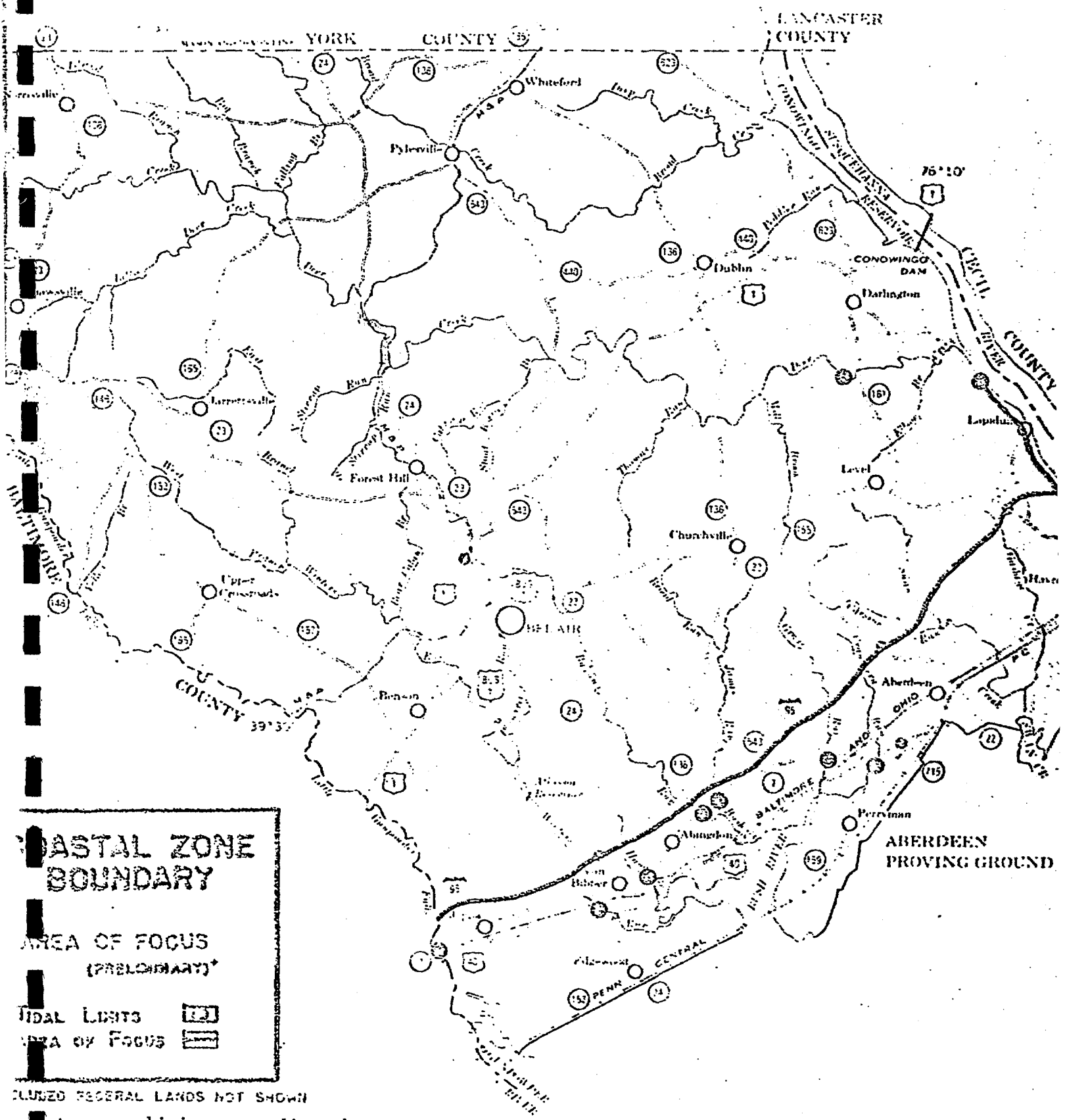
The one hundred year flood plain.

Note: A = Preliminary demarcation pending final report findings in June, 1977

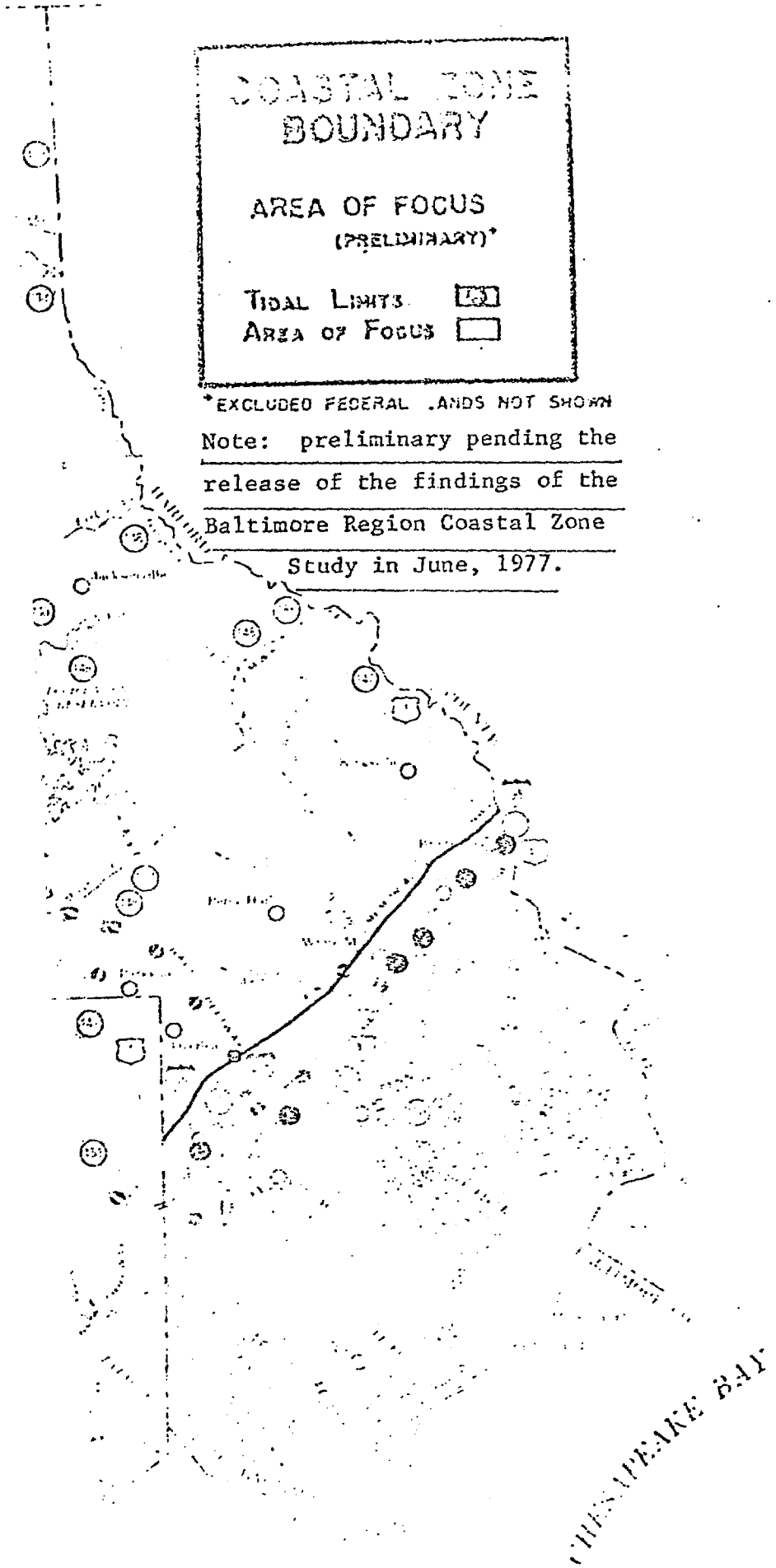


ANNE ARUNDEL COUNTY, MARYLAND

1 0 1 2 3 4 Miles



*Note: preliminary pending the release of the findings of the Baltimore Regional Coastal Zone Study in June, 1977.


COASTAL ZONE BOUNDARY
AREA OF FOCUS
(PRELIMINARY)*
TIDAL LIMITS
AREA OF FOCUS
*EXCLUDED FEDERAL LANDS NOT SHOWN
Note: preliminary pending the release of the findings of the Baltimore Region Coastal Zone Study in June, 1977.
BALTIMORE COUNTY, MARYLAND
Scale 1:253,440
1 0 1 2 3 4 Miles
N
CHESAPEAKE BAY

Page 31, paragraph 2 addition

In order to insure that the goals and objectives adequately address all of the State's coastal zone management concerns, they have been subjected to substantial review by state agencies, local governments and the general public, as described in Section V. Within the Baltimore Region Coastal Zone Study, additional goals and objectives have been developed in coordination with the State. These goals and objectives reflect the particular needs of the metropolitan area. (See Appendix ; Chapter .)

Page 103, insertion of new section, Urbanization in the Coastal Zone :

Problem

The last two decades have witnessed an ever-increasing rate of geographic expansion for existing urban areas. This process and the development pressure it creates have often led to undesirable environmental impacts. In many cases, seasonal housing has been converted to permanent residences, creating inadequate levels of urban services and resulting in avoidable environmental damage and economic burdens.

Continued development pressures have transgressed jurisdictional boundaries and local abilities to mitigate or prevent major impacts on fragile resources. The variety of interests and the number of actors in this urban phenomenom has exacerbated problems to such a degree that that fragmented actions are ineffective in channelling development into environmentally compatable patterns.

Policy

The policies of Maryland's Coastal Zone Management Program with respect to urban coastal areas are stated in the following Program goals and objectives:

GOAL 1: Preserve and Protect Valuable Coastal Resources.

OBJECTIVES:

(1) To protect, maintain, and improve the quality of the State's tidal waters for propogation of wildlife, fish and aquatic life, and human use and enjoyment.

(2) To protect coastal aquatic areas of significant resource value, including viable oyster bars and clam beds; important fish migratory pathways, spawning, nursery and feeding areas; and migratory bird wintering and resting areas.

(3) To maintain the integrity of the tidal wetlands of the State.

(6) To protect coastal cultural, historical, and archeological resources.

(7) To promote increased recreational opportunities in shoreland areas and increased public access to tidal waters in a manner which protects the quality of coastal resources and public health and safety.

GOAL 2: To Protect Public Interest, Safety and Welfare in Natural Hazard Areas.

OBJECTIVES:

(9) To promote the use of shoreline setbacks and in high risk erosion areas the restriction of development to reduce the shore erosion-caused danger to life and property as well as the costs to the public and private sectors.

(10) To promote the use of shore erosion protection techniques where necessary in a manner which provides long-term protection, minimizes the effect on natural systems (both biological and physical), and avoids damage to adjacent property owners.

(11) To restrict development in other natural hazard areas such as steep slope and high water table areas to reduce the danger to life and property and to prevent adverse environmental impacts.

GOAL 3: To Promote the Location of Major Facilities in Appropriate Coastal Areas to Maintain Environmental Quality.

OBJECTIVES:

(12) To encourage the location of water dependent activities in shoreline areas where appropriate and necessary and to encourage the inland siting of facilities which are not water dependent.

(13) To encourage the location of new coastal facilities, both industrial and residential, in existing developed areas capable of accommodating additional development, in areas suitable and planned for redevelopment, or in areas determined by scientific study to be environmentally and economically suitable for development.

(14) To discourage the location of major new facilities on or immediately adjacent to Resource Protection Areas or Hazard Prone Areas.

(15) To promote the development and viability of port areas in Maryland in an environmentally compatible manner.

(16) To encourage the wise use of valuable coastal mineral resources, taking due regard for protection of the environment and encouraging sequential multiple use of mineral lands.

GOAL 4: To Promote Appropriate Methods of Use, to Prevent Deterioration of Coastal Resources.

OBJECTIVES:

(17) To promote use of the State's coastal resources to meet social and economic needs in an environmentally compatible manner.

(18) To promote consideration of the carrying capacity of air, land and water resources and the conservation of coastal natural areas in state and local regulatory decisions concerning coastal developments.

(19) To insure that adequate water, sewer, and transportation services provided before new coastal developments are approved by state and local governmental agencies.

(20) To insure adequate consideration is given to social, economic, and environmental impacts in governmental decisions concerning the siting of public facilities in coastal areas, particularly those involving transportation and waste treatment facilities.

(21) To promote the incorporation of storm water management measures by state and local regulatory programs that would require runoff from a development site to maintain, to the maximum extent possible, the water quality and quantity conditions that prevailed naturally.

(22) To promote the maintenance of natural buffers along, and natural drainage ways feeding to, coastal tributaries and estuarine waters, to minimize adverse environmental effects of coastal developments and acts.

(23) To identify environmentally suitable methods of dredging and dredge material spoils disposal, including beneficial use of dredged material, meet long-term needs resulting from navigational projects, state and local governmental projects, and major private projects.

(24) To oppose the filling of the State's tidal waters unless there is a feasible alternative and a significant contribution to the greater public good can be shown.

(25) To oppose the dumping into ocean waters off the State of Maryland of any material which would adversely affect human health, welfare or amenities, the marine environment, ecological systems, or resources of economic value.

(33) To promote coordination of state and local governmental programs with those of relevant federal agencies and neighboring states to minimize duplication of efforts, conflicting actions, and regularoty permit processing delays.

(34) To provide adequate representation of the interests of the State of Maryland in decisions regarding the exploration and development of Outer Continental Shelf resources.

(35) To provide full opportunity for participation by relevant federal, state, and local government agencies, concerned organizations and the general public, in development and implementation of the Coastal Zone Management Program.

Approach

Planning for urban areas affects all levels of government -- local, regional, state, and federal. In support of the above policies, the Coastal Zone Unit has developed an intensive, action-oriented stance with the

involved local jurisdictions, the Regional Planning Council, Maryland Port Authority, and Maryland Department of Transportation in addressing the common responsibilities for managing the urban coastal zone.

Under an existing interagency memorandum of understanding with the Regional Planning Council, the Coastal Zone Unit is conducting an in depth demonstration project for the Baltimore Region. In establishing this process, the Coastal Zone Unit is coordinating technical work leading to:

(1) A clear definition of social, economic, and environmental factors relevant to managing the urban coastal zone;
(2) An interagency approach to combining transportation, environmental, and comprehensive land use planning at the local and regional levels with Coastal Zone Management planning;
(3) Definition of appropriate roles and common responsibilities in decision-making for the urban coastal zone; and
(4) Establishment of an open and interactive public participation process and a dialogue between public agencies and private interests in formulating a coastal action plan for the urban areas.

Further description of the state urban approach is found in Chapter _ and in Appendix _.

Page 124, addition of element (d) to the bottom of the page.

d) Area-wide agencies should also be considered as sources of technical assistance and information for local governments. State policy should facilitate the coordination and assistance functions of regional agencies, and particularly in developing appropriate liaison roles in Coastal Zone Management.

Page 125, revision of paragraph 2.

Updating coastal plans and acting on policy problems must eminate from local governments, area-wide agencies, state departments and Maryland's citizens.

Page 126, revision of first sentance at top of page

state, local and regional plans, management policies, or other future actions pertinent to the coastal zone.

Page 131, Point b. addition

b. Citizen advisory bodies on the county level. These groups could work with county agencies and citizens on coastal problems, and would have easy access to the State Coastal Zone Management Program agencies. In the Baltimore Region Coastal Zone Study, such citizen advisory bodies have been established to advise local jurisdictions on coastal planning matters. These committees also are represented on the Regional Planning Council's Coastal Advisory Committee, which performs a similar function at the regional level.

Page 132, Point 2 addition

2) County liaisons. The technical staff mentioned in the local government involvement section could include, as part of their scope of work, contracts with local citizens and organizations. This would provide a local focus on coastal issues and could also serve as one basis for public contact to the state level on a day-to-day basis. This element has been established as part of the Baltimore Regional Coastal Zone Study in the state's urban approach.

Page 137, paragraph 1 revision

To the extent possible, consistency reviews will be conducted under the auspices of the A-95 State and Metropolitan Clearinghouses. Participants

in the Program should designate a central contact for consistency reviews. The consistency contact will be responsible for informing the Coastal Zone Unit (in a timely manner) of consistency actions taken. The Coastal Zone Unit will be responsible for: coordinating the State's consistency procedures; answering any questions which may be raised by federal agencies or applicants for licenses or permits; assuring that participants in the Program review federal actions for consistency; and, reconciling different points of view on consistency into a unified state response.

Table 9, second page, additional heading, number 2

Regional Planning Council	Art. 78D (1963)	RPC

Table 9, fourth page, under Administering Agency, after local government comes RPC

Table 9, page 5, additional heading at end of list

Intergovernmental Cooperation	Intergovernmental Cooperation Act of 1968	RPC

Page 153, first paragraph addition

One task of the Coastal Zone Unit will be to catalyze the development of clear policies and priorities for use of coastal resources, and achieve consensus on them among all applicable state, regional and local management agencies. The goals and objectives of the coastal zone management program are the first step in this process. The goals and objectives are largely a compilation and clarification of existing state policy stated in law. Once consensus has been reached on what, precisely, are the goals and objectives

to be followed by all state and local agencies, they must be tailored to deal with specific local problems. The physical, social, and economic differences from county to county probably require that each county express county-specific coastal zone goals and objectives. The demonstration approach in the Baltimore Region has already established a regional basis of differentiation as a first step in this process.

Paragraph 2 addition

A second task of the Coastal Zone Unit will be to achieve consensus on goals and objectives and clarify roles in implementing them through memoranda of understanding. This has been accomplished for establishing the demonstration urban project with a memorandum of understanding with the Regional Planning Council for purposes of joint technical work in the program development phase (section 305). The Coastal Zone Unit will negotiate further memoranda of understanding between the Department of Natural Resources and the Department of State Planning and with other departments where necessary. Agreements will formalize the department's acceptance of goals and objectives, and specify procedures for interacting to implement them.

Paragraph 4, revision

Finally, it will be the common responsibility of the Coastal Zone Unit and local and regional agencies to conduct the Project Evaluation Process that is outlined below:

Page 154, Point 2, paragraph A revision

A. Immediately upon receiving notification of a project which requires evaluating, the Coastal Zone Unit with the affected agencies and jurisdictions will determine the level of concern for the project. The methodology for such determination has been developed for major facility projects and is described in Chapter V. A similar process for quickly determining the level of evaluation required will be developed for minor projects within the area of focus, based on data from the coastal use capabilities study.

Page 156, number 4, point 7 addition

-- The relationship of the project to regional comprehensive plans, if any, and the position of regional agency staff on the project.

Page 158, Point d

d. Agreement as to the type of technical assistance and support to be offered to local subdivisions and area-wide agencies in their Coastal Zone Management efforts.

MARYLAND FOREST SERVICE
INTER-OFFICE COMMUNICATION

TO: Ken Perkins

FROM: Dave Ester Dave Ester

OFFICE Annapolis

DATE January 25, 1977

SUBJECT: Comments - Management Program for Maryland's Coastal Areas

Comments concerning the first draft of the Management Program for Maryland's Coastal Areas are listed below per your request of December 20, 1976.

Page 12 - Last paragraph under subtitle Flora should be changed to: In the Coastal Plain Area, pines are the most abundant trees. In the Appalachian and Piedmont Provinces, mixed hardwoods, predominantly of the oak-hickory type, are the most abundant.

Page 68 - Problem - First sentence, "In addition to being a source of lumber... Replace lumber with timber, since lumber implies only one product and timber implies the many wood products produced in the coastal zone forest.

Page 69 - Sentence above (a) "The Forest Service operates three programs." The three should be changed to four and a section (d) added entitled:

(d) Forest Protection

The Forest Service is responsible for the control and suppression of wild fires, insects and disease, enforcement of forest laws, and rules and regulations.

Forest land should be included in Table 7, and the Maryland Forest Service should be the relevant agency for the forest land consistency review.

Forest land should be included in Table 8, since the timber resource of the Coastal Area is important to national interests.

If you have any questions concerning the comments, please feel free to contact me.

DE:sdp

cc: A. R. Bond

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE, 4321 Hartwick Road, Room 522
College Park, Maryland 20740

January 27, 1977

Mr. Kenneth Perkins, Director
Coastal Zone Management Program
Energy & Coastal Zone Administration
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Ken:

We were pleased that you and Bob were able to attend the MRAC Meeting on January 26, and to participate in the discussion of USDA comments concerning your first draft CZMP plan. This should help good communications as face to face is usually better than a letter. At the same time this letter documents current USDA consensus and comment for your file.

As we stated we hope that you will be able to incorporate the comments transmitted by our 12-20-76 USDA response to your draft worksheet describing USDA-CZM relationships. We feel these more nearly reflect the full range of USDA's interests concerning soil, water, air, plant, animal, cultural and human resources within the Coastal Zone and elsewhere. Also, they reflect the full package of USDA tools including research, information, education and technical and financial assistance.

We transmitted a copy of the draft plan and appendix to each of the USDA agencies assisting in Maryland. We find we have no USDA comments to offer concerning the appendix. However, we do offer the comments noted on the attached pages of the draft. These pages with comment are as follows:

- Page 11 - Concerning soils. Note that SCS has offered to help rewrite this section and a suggested text is attached.

- Page 12 - Concerning wildlife.

- Table 2 - We are pleased to see recognition given to voluntary programs such as those of soil conservation districts. Suggest add objectives 9,18,21 and 22 for SCD contributions through implementation mechanism.

- Page 32 - Objective (5) is good and so is much of (8). However, we wish to point out that needed drainage to maintain productive agricultural land on the Eastern Shore cannot be achieved through non-structural management techniques.

- Page 66 - Concerning the statement about pesticides and herbicides, we suggest this be documented or omitted. Also, it is generally incorrect

to state that farmers' stream channelization projects are to "increase" the amount of productive land. The major intent is to "maintain" existing agricultural land in a productive state.

- Page 67 - Should recognize each of the USDA agencies cooperating with the State in the Delmarva River Basin Study - not just SCS.

- Page 75 - Note suggested corrections and additions.

- Table 9, Part B - Suggest add soil conservation district and forest conservancy district laws as additional local powers.

We are again pleased to participate in your evolving program and hope you find these comments helpful. We have been pleased with your acceptance of our prior comments.

In closing, we commend you and your staff for the general high quality and thoroughness of this first draft. We particularly like the processes for administrative review and public and governmental involvement. We support your open-ended concepts related to planning and the gathering of more data on the land use and treatment effects upon the areas of focus in the CZMP.

Sincerely yours,

Kenneth A. Pitney acting

Gerald R. Calhoun
State Conservationist

cc: USDA Agencies
M. Bennof
A. Hawkins
W. Paul
Y.D. Hance
W.M. Digges

Attachment

Maryland Department of Transportation

Office of the Secretary

Marvin Mandel
Governor
Harry R. Hughes
Secretary

January 28, 1977

Mr. Kenneth E. Perkins, Director
Coastal Zone Unit
Energy and Coastal Zone Administration
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Perkins:

RE: "Maryland's Coastal Zone Management Program: First Draft", December 1976

I have reviewed the aforementioned subject and have prepared a summary of my comments for your use in revising the draft document. These comments are based on our Division's review of the document in addition to comments from our modal administrations.

In general, the document provides a comprehensive overview of Coastal Zone management within the State though there appears to be the need for more specificity. It would appear that a more specific document and detailing of the State's present and future Coastal Zone management program could have been prepared.

A related concern is the lack of balance between preservation/protection and new or expanded development in the coastal zone. Development in some coastal zone areas is valid if accomplished in an environmentally sensitive manner. Safeguards need to be included in the goals and objectives and procedures to assure that the rule of reason is applied and that development is weighed equally with preservation/protection. Specifically we suggest that a sixth goal be added along the following lines: Employ Sound Environmental Principles in Coastal Zone Development. Objectives which further define this goal would need to be developed.

Also lacking is reference to any of the previous planning efforts undertaken for the Chesapeake Bay and Maryland's Atlantic Coastline. Although these previous planning efforts and studies did not focus on a comprehensive work effort, they do represent considerable time and funds spent. It would seem worthwhile to mention, at least in a general form, these efforts and to address the question of how will the present Coastal Zone Management Program differ from these earlier efforts.

Post Office Box 8755, Baltimore-Washington International Airport, Maryland 21240, Telephone 301-[illegible]

The present program fails to address in detail how implementation of the Coastal Zone management program will be achieved. This should receive greater emphasis due to the fact that the success of the program will ultimately depend upon implementation at the local level. The problem of inter-departmental coordination at the State level should also receive greater emphasis due to the State's involvement with implementation.

Finally, more emphasis should be placed upon the Baltimore Region Coastal Zone Management Study since it is our understanding that it comprises the State's program element for the Baltimore Region. As such, it should be carefully examined as an example of the method in which Section 306 funding could be spent with the acknowledgement that Section 306 funding would be used differently in non-urban areas.

Our more specific comments are as follows:

1. On page 4, the description of postulate 8 does not necessarily follow. The point made is questionable.

2. On page 13, should the third paragraph, first sentence, read: over half the fresh water contributed to the Upper Chesapeake Bay is from the Susquehanna River?

3. On page 14, the document states that the 1974 value of cargo handled through the port was $7.1 million. This figure is in error. Please contact Louis Willett of MPA to get an updated figure.

4. The draft notes many of the transportation issues and impacts relating to the CZ program. In Chapter V the particular sections dealing with transportation related issues are listed under objectives 12, 13, 15, 19, and 20 and are further discussed on pages 42-49, 80, 89-90, and 97-102. For the sake of continuity, it would have been easier to review the port related issues all in one place, although it is acknowledged the dredge/disposal/oil pollution material on page 42-49 has somewhat special characteristics.

5. The sections which deal with shipping and port development could benefit with brief mention of maritime activity in public and private ports in Maryland other than the Port of Baltimore. While such ports as Cambridge, Salisbury, and Piney Point obviously do not rival Baltimore in activity, present and future activity of such secondary ports will continue to be valuable to the State's economy and may have environmental impacts. Also, the objective 15 in Table 4 should acknowledge the Statewide Goods Movement Study along with the entries in the "Related Coastal Zone Studies" column.

6. On page 45, we need to omit Baltimore Harbor from the stringent policy stated in objective 24. Filling within the bulkhead lines established by the Maryland Port Administration, if performed in an environmentally sound manner, must be allowed in order to maintain the economic viability of the Harbor.

7. On page 46, the first sentence of the second paragraph is unclear and should be revised or omitted. A great deal of information regarding the environmental costs of dredging and disposal has been established for Hart and Miller Islands and other spoil disposal sites.

8. On page 56, under public access, the following questions should be answered. How many public access areas are there? What percent of the Coastal Zone is available for public access? In a 1969 study entitled, "Chesapeake Bay: Shoreline Utilization in the Baltimore Region", a percentage of shoreline in public use is noted, please update this figure.

9. On page 78, the problem section dealing with large facilities has been poorly written. Reference is made to the growth of the Port but the Port's projected growth is not that great. Reference is made to certain large facilities. What facilities, where, and when? Should be more specific.

10. On page 80, the section on Major Port and Docking Facilities should be discussed separately. Impacts from these two types of facilities are of different magnitude. Reference is made to major environmental consequences of both Port and Docking Facilities. This is not necessarily so. How can maintenance dredging in the Harbor modify the hydrology? What are the trade offs involved in the siting of these facilities. Shouldn't new harbor facilities be located where the present infrastructure exists, where growth is occurring and where the quality of natural resources has already been degraded such as Baltimore Harbor?

11. On page 82, objective 15 is incompatible with comments made on page 80. Change page 80 to reflect this.

12. On page 89, MPA should be referred to as Maryland Port "Administration" not "Authority". The section should also refer to our planning responsibility statewide for all ports, private and public. Also, I don't think that MPA needs zoning approval prior to obtaining a site. They do need local approval in Baltimore City, but not zoning approval. Please contact Louis Willett at MPA on this point.

13. On pages 98-102, it should be noted that the twelve major objectives were in the 1973 Action Plan. The upcoming revision of the Action Plan will abridge this list to what are now numbered 1, 2, 5, 7, and 9. In addition, on page 98 it is mentioned that "Major objectives detailed in the Action Plan establish the framework and strategy of transportation planning in Maryland." It would also be appropriate to refer to the Maryland Transportation Plan, and that the Maryland Preliminary Transportation Plan policy directions further detail the framework for planning and provide guidance to the Department's implementation activities. We have revised this section to reflect these concerns and have enclosed a copy of these revisions for your use. If you wish further clarification on this section, please contact me.

14. To the extent that the State Rail Plan, as applied to the lines on the Eastern Shore, has a substantive impact on the coastal zone (page 137), the federally aided, planned and potential improvements to that rail stock might be included in the transportation programs for which the federal consistency clause (page 16) applies. Arguments for this substantive impact would be that the preservation and enhancement of the Eastern Shore rail lines will aid the clustering of development, especially port development, in the coastal zone in existing nodes by the nature of rail operations. This would be in contrast to a mode such as highway travel which is much more likely to develop new access to previously undeveloped coastal areas.

15. The section on Transportation should discuss specific coordination between the Maryland Transportation Planning Process and the CZM. In particular, the CZM report should somewhere reference out efforts to develop a realistic transportation plan consistent with State economic and environmental objectives.

16. The chapter on Authorities and Organization should detail or at least further discuss coordination mechanisms between various State agencies with responsibility for planning in the Coastal Zone.

17. On page 111, Pickerel should be added to the list of Brackish Water Species.

I hope that you will incorporate our comments into the final draft of the Coastal Zone Management Program and thank you for the opportunity to comment at this time. If you would like further clarification concerning these comments, please feel free to contact me.

Sincerely,

Paul R. Farragut

Paul R. Farragut, Manager
Environmental Services
Division of Transportation
Planning and Development

PRF/mb

cc: Dr. Walter C. Boyer, MTA
Louis W. Willett, MTA
Isaac Shafran, DTPD
Dennis R. Atkins, DTPD
Gary L. Rosenbaum, DTPD
T. James Truby, SAA
Thomas Buchanan, SAA
Louis R. Rainone, MTA
Charles Adams, SHA

Approach

The Maryland Department of Transportation was given a broad mission regarding the provision of transportation facilities in the State. It was assigned to plan, develop, maintain, operate and regulate -- in cooperation with local jurisdictions and as a supplement to the facilities and services provided by private enterprise -- a transportation system which adequately meets the need for person and goods movement while:

- supporting overall local, regional and State goals
- providing for and facilitating a pattern of physical development which can be efficiently served by transportation
- preserving the unique qualities of Maryland's historical and natural resources
- maintaining fiscal integrity, and
- enhancing the economic climate of Maryland

To carry out its mission, a framework and strategy is being established based upon major policy directions stated in the Maryland Preliminary Transportation Plan. These policies can be briefly summarized as follows:

1. Transportation services supported by the Department shall be based on a comprehensive assessment of the transportation function they are intended to serve.

2. Transportation service improvements shall be planned and designed to allow for early, continuous and two-way communication with all segments of the public prior to selection of a course of action.

3. The Department shall assess carefully the social, economic and environmental impacts of proposed transportation service improvements and consider the trade-offs between these impacts, improved service and the cost of implementation.

4. The Department shall finance only those transportation service improvements which are consistent with approved comprehensive transportation plans and programs.

5. The Department shall encourage coordination of public and private efforts in the provision of transportation services.

6. The Department shall assist in planning and implementing transportation services meeting the special needs of handicapped and elderly persons in an efficient and effective manner.

7. The Department shall encourage the use of rights-of-way for multiple transportation purposes.

8. The Department shall encourage energy efficient usage of all means of transportation.

9. Whenever feasible, the Department shall meet transportation needs through the improvement of existing facilities rather than through the construction of new ones.

10. The Department shall promote the improvement of safety and security in the present and future transportation system.

11. The Department shall encourage the development of financially realistic transportation plans and programs and will identify the revenue needs to enable it to finance its programs.

12. The Department shall make the most appropriate use of available resources in providing transportation services.

The policies described above will form the basis for the development of the Maryland Transportation Plan which will be revised and updated on an annual basis. The plan will consist of the following four elements and be implemented through the Action Plan:

1. A comprehensive statement of the Department's policies and strategies for dealing with current transportation problems and issues.

2. An overview of the Department's plans for the next twenty years based on anticipated revenues from existing sources. Greater emphasis will be placed on the immediate five and ten year periods for which more detailed programs will be prepared. These comprehensive plans will cover all of the Department's capital and operating programs, and will be financially realistic based on an allocation of resources. The plans will not discuss project details but will outline the project planning process and provide the context for detailed program and project evaluation.

3. Recommended policy changes for consideration by the Governor, Legislature, Federal Government or local jurisdictions.

4. A specific allocation of resources to various functional/geographic program areas to guide preparation of the five year program and budget of the Department and to assist in the preparation of local and regional short-range transportation programs throughout the State.

The Action Plan describes the processes for the planning and provision of transportation services and facilities in Maryland, processes which give full consideration to the attending social, economic and environmental effects and the overall development plans of the State and its local regions. These processes support a broad planning strategy aimed at effective and timely investment of resources in the orderly implementation of state, regional, county and local transportation plans.

While the Action Plan was developed to comply with specific highway legislation it is applicable to all transportation planning conducted by the Maryland Department of Transportation.

Most importantly, the Action Plan enables citizens to understand and become involved in the transportation planning process of the Department.

Major objectives detailed in the Action Plan establish the guiding principles around which the transportation planning process of the Department has been built. They can be summarized as follows:

1. First, an underlying responsibility of the Department is to provide the citizens of Maryland efficient and safe transportation facilities to support the social and economic aspiration of the State and its communities. The Department will vigorously pursue this objective through the effective use of its fiscal, organizational and staff resources.

2. Transportation planning, development and decision-making will be carried out on a multimodal basis. The transportation planning process described in the Action Plan recognizes the interdependencies of modes and will pursue a policy to encourage utilization of transport capacity that optimizes social, economic and environmental objectives.

3. The Action Plan, as an implementation strategy, requires that the formulation of transportation plans and policies be carried out in a comprehensive fashion for all modes. To this end, the Department has established a strong interdisciplinary systems planning responsibility in the Office of the Secretary to consider modal interrelationships and provide for the interaction with comprehensive planning conducted by local, regional and State agencies.

4. Socio-economic and environmental analysis will be initiated at the earliest stage of systems planning and carried through to the project completion. The planning and implementation strategy must examine potential impacts on air quality, generation of noise, aesthetics and other environmental considerations at the beginning of the planning process if these considerations are to have an influence in later decisions.

5. Greater opportunities for public participation in the transportation planning decision process will be provided under the Action Plan. It is the policy of the Department to provide the opportunity and the resources necessary to afford effective participation and to remove any constraints that mitigate against this principle. Particular emphasis will be placed on obtaining public participation at the early systems stages of planning.

The Action Plan is implemented by the Maryland Department of Transportation (MDOT) which has the authority to plan, construct and operate five types of transportation systems: roads, rail, mass transit, airports, and ports. The Action Plan is revised and updated on an annual basis. The Coastal Zone Unit is working to establish a memorandum of understanding with MDOT to insure that coastal zone management concerns are integrated into the Action Plan and the MDOT's programs based on it.

A working relationship has already been established between MDOT and the Coastal Zone Unit staff on several efforts related to development of the Coastal Zone Unit. Specifically, MDOT staff participate in the work efforts

associated with the Baltimore Metropolitan Area Coastal Zone Study and the Major Facilities Study. For the former study, MDOT is using state general funds to supply manpower to review existing local transportation data and plans, and evaluating procedures and methods, particularly those relating to determining land capabilities in terms of transportation related impacts. The staff of the Maryland Port Administration, a unit of MDOT, has been funded with Section 305 funds to concentrate on analogous tasks in the Baltimore area, from a water related perspective.

A related Coastal Zone Management concern is the Department's support of private enterprise in maintaining and strengthening the goods movement system in Maryland. As such the Department will continue to promote continued growth of the Port of Baltimore for maritime commerce. Further, the Department will follow the following policies regarding the statewide movement of goods:

- The Department shall plan for and provide adequate access to major State cargo terminals.

- The Department shall facilitate intermodal cargo transfer at major State cargo terminals.

- The Department will monitor and encourage sound Federal and State regulatory policies.

Maryland Department of Transportation's participation on the Major Facility Study is primarily concerned with providing information and statements of policies and priorities regarding road, soil, and water access for each specific major facility type.

MARYLAND

Marvin Mandel, Governor
Young D. Hance, Secretary
John T. Cecil, Deputy Secretary

Parole Plaza Office Building, Annapolis, Maryland 21401
Phone: 301 — 267-1161

DEPARTMENT OF AGRICULTURE

February 1, 1977

TO: Ken Perkins

FROM: David G. Boschert

SUBJECT: Proposed Changes and Requests for the Coastal Zone Management Program Draft

On Page 63 in the second paragraph, the Watershed Management Act of 1976 is explained. This Act is comprised of the Departments of Agriculture, Natural Resources, and State Planning. We request that all three Departments be included in this section.

Page 66 at the bottom of the paragraph in the PROBLEM SECTION reads, "Conflicts also occur between farmers wishing to increase the amount of productive land through stream channelization, etc." The word "maintain" would be more factual and so we request this change of wording. Although there is some clearing, major estimates are in maintenance of existing drainage ditches.

Pages 67 and 68 in Section 5, on both pages, reads "County Soil Conservation District." A soil conservation district is a political subdivision within itself. We request that this wording be changed to read "the County Soil Conservation District."

Page 75, the bottom paragraph, should be corrected to reflect the 1971 opinion by the Attorney General's Office which stated the Soil Conservation Districts, not the State, have the authority that includes stormwater management control in the sediment control ordinances.

POSTULATES pp 2-3

Into #2 - Write Agriculture into important uses.

p. 11 - Soils - Use SCS Soil Profiles - Shore is not "well drained".

p. 12 - Wildlife - It can be said that agricultural practice has aided wildlife population - upland game, deer, waterfowl.

p. 10-14 - At some point here, agriculture's statistics should be written in to keep it "on balance". Also that agriculture has contributed in many ways towards the well being of the Chesapeake Bay area. In background informational discussions s such as wildlife, Flora, soils, etc., it would seem appropriate to indicate some significant facts relating to the importance of agriculture and its present contributions.

On Page 110, the title "Prime Agricultural Land" should read "Productive Agricultural Land". The reason is that prime agricultural land is greatly thought of as Class I, II and III type lands. If this was intended, property lines would be meaningless and could result in uneconomical units being left and the owner would be unable to continue to farm. The productivity of the agricultural land is the priority within a farming boundary.

We will appreciate consideration on having these requests incorporated into the Coastal Zone Management Program. If there are any questions relative to the changes, please call me.

DGB:dw

MARYLAND
DEPARTMENT OF STATE PLANNING
301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201
TELEPHONE: 301-383-2451

MARVIN MANDEL
GOVERNOR

VLADIMIR A. WAHBE
SECRETARY OF STATE PLANNING

February 3, 1977

Mr. Kenneth Perkins, Director
Coastal Zone Management Administration
Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland

Dear Ken:

The Department has completed a review of the first draft "Management Program for Maryland's Coastal Areas." We appreciate the opportunity for this early review of your program.

Before getting to our review, I would like to note that we have provided substantive and procedural comments on all major aspects of your program as drafts of those sections became available. Some of these comments were transmitted in correspondence, others through staff discussions. Some of our comments have been incorporated. However, I am concerned that some of the comments we felt to be very important have not been reflected in this draft. We therefore incorporate our prior comments by reference and will reiterate the major ones in this review with the hope of gaining some resolution of our concerns. We believe a "feedback" step is necessary to avoid future misunderstandings in view of the integral role the Department of State Planning is intended to play in the State's Coastal Zone Management Program.

Our comments in this review will cover the major points and will refrain from detailed written comments of a relatively minor or editorial nature. It is hoped that such a page by page review can be accomplished in a work session between our staffs in the very near future. Our major comments then follow:

I. The Document -

1. The "Program" is not clearly presented. Several factors contribute to this: a) length and organization of the document; b) need for a concise explanation and description of the program at the beginning, with charts, and most importantly, c) a need to define and refine the major program elements. If the latter can be accomplished, the first two will more easily follow.

2. The document itself could be much shorter. The length of it detracts from a clear understanding of the program. Much of the long discussions on "Remaining Uses" could be put in an appendix.

3. The program would be better presented if the case were made at the outset that Maryland does now, in effect, practice Coastal Zone Management through its many existing programs. This has

been done in the strategy paper. This would set the stage for the program which proposes improvements through better coordination, as opposed to "new" programs. This could then be followed by the stronger more direct parts of the program - GAPC's, Federal Consistency, etc. - and end with the more general part of the program - "Remaining Uses."

4. The Chapter on "Maryland's Resources and People" is very sketchy and lacks graphics. A detailed discussion of the coastal zone area - physical, social, economic - ought to appear somewhere, possibly in an appendix.

5. The appendices often do not expand on the material from which they were referenced. In several cases, the listings add nothing of substance. Even when used to elaborate on a particular program, study, etc., the text (and reader) would benefit from an abbreviated presentation.

II. The Boundaries

1. With respect to boundaries, it is clear that two tiers are defined: a) the area of focus, and b) anything else inland that may have a direct impact on the area of focus. It is not clear why the latter stops at the county line of the 16 coastal jurisdictions. There may well be a major facility further inland than these counties or in another state that might have such an impact. It would therefore appear desirable to define the second tier by functional definition rather than geographic delineation. While we understand that NOAA may have some difficulty with this as it relates to the Federal Consistency activities, we think it is worth fighting for, as an additional means for Maryland to express its concern about activities in upstream states as they may affect the Bay. This would be a powerful tool if interpreted to include cumulative impact of the programs of activities of upstream states.

2. A concise explanation of what the boundaries really mean in terms of the other program elements is needed. This will be discussed further, later on.

III. Appropriate Land and Water Uses

1. As noted above, this section on "Remaining Uses" could be made much shorter by placing the detailed discussion in an appendix.

2. Since the Goals and Objectives apply to the entire Coastal Zone Management program, they might better be placed in a separate Chapter. We provided detailed comments on the goals and objectives at an earlier date; many of our comments were not incorporated. We are particularly interested in the handling of water, sewer, transportation and other public facilities. Some of the most important State responsibilities that could benefit from improved coordination and policy direction among

State agencies are lumped under 8C. "Other Shoreland Activities." We are concerned about sliding so lightly over a major area for improved State management. Some of these matters are discussed more fully under D. "Inland Coastal Areas." The text there should be further developed and applied to "C. Shoreland Areas." Table 2 was improved, but we still feel it could benefit by further development.

IV. Geographical Areas of Particular Concern

We have no major comments concerning this discussion. It generally reflects well this part of the Program and is consistent with our agreement on Concept and Procedures as stated in our November 3, 1976, letter. We have some minor editorial comments which can be covered in a staff work session.

V. The remaining Chapters VII-IX are, in our opinion, the heart of the Coastal Zone Management Program, and constitute those activities which, as noted earlier should be "up front" in the document. They also are the sections most in need of strengthening in terms of their specificity and clarity of concept and procedure.

1. The largest single omission is the concept and procedure of knitting together the State agencies that have the greatest responsibilities that can affect the nature and location of development in the Coastal Zone. This problem was reflected in the earlier section on remaining uses where Air Quality, Water Quality, Water, Sewerage, Transportation, School and other programs were glossed over. If there is to be a State program, and cooperation of State agencies to abide by the program's policies, these are the primary State authorities that will make it work. While a list of State implementation mechanisms is provided at the end of the Draft, there is little indication that a substantive review of the regulations and their application will be undertaken to determine what changes, if any, in regulation or practice will be necessary to have an <u>effective</u> Program.

For example, the regulation of septic tanks is the responsibility of the Department of Health and Mental Hygiene and the local health offices. One of the most important tools for "enforcing" permissable uses rests with their handling of this program, how their regulations are written and how they are applied in the field. While it is mentioned that memos of understanding will be written with the various State agencies, there is little discussion of what should be in them, when they will be accomplished, or how they relate to various goals and objectives. Parallel examples could be given for programs both in and out of the Department of Natural Resources. We feel that this kind of information is vital to the credibility and viability of the Program. Parenthetically, we would note that in some informal staff discussions we have had with other key State agencies, they have little knowledge or understanding of what

the Coastal Zone Management Program may mean to them. An effort is needed to reach deeper into the agencies represented on the advisory board to explain the program to them and begin a dialogue.

In conclusion, there needs to be a Chapter on State government coordination and procedure.

2. The procedural aspects of handling the various program element's reviews are alternately vague and confusing, and in some cases, reflect a lack of understanding of the roles of different agencies. In summary, this important aspect of the program, appears to need much more research and development. Some examples follow, although a thorough review should take place in the proposed work session.

   a. The chapter on Public and Government development describes legislative requirements and intent, and the problems from a local perspective. After that, however, there seems to be little substance in terms of actual administrative procedures to accomplish the stated coordinative needs. Statements on P. 127 that "Program development ... established local government goals and objectives were incorporated into the State program". This is not demonstrated or documented in the draft Program. The statement is also made on P. 127 that "local governments will prepare future comprehensive plans... etc.... in a manner consistent with the Coastal Zone Management Program's goals and objectives." The various local programs and authorities are never presented and described or summarized (other than reference in tables), and nowhere is it clear how the State will really get local governments to do this, other than a list of techniques on P. 134. Each of these techniques deserves discussion, substantiation, and procedural detailing.

   b. The chapter on Federal Consistency is a little better developed than the "Public and Local" Chapter in terms of coming a little closer to defining who is to do what. It still falls short of spelling out operational procedures, particularly the role the A-95 Clearinghouse is to play. The State Clearinghouse currently coordinates reviews of some of the proposed items that fall under the consistency provision. It does not review Federal licenses and permits and certain other Federal actions. If it will be expected to under the Coastal Zone Management Program, additional staff and procedures will be necessary. Further discussions on the role of the State Clearinghouse in the Coastal Zone Management Program are needed.

      The discussion on P. 138 relating to the definition of what "directly affects" the coastal zone should be further developed through the use of guidelines or policies. In addition, this issue relates to our comments on boundaries discussed earlier in this review.

c. The final chapter is only the barest outline of what we believe to be the operational heart of the Program at the State level. An inventory of responsibilities and a list of problems and tasks does not spell out a management program and make it operational. Our more specific comments are focused on the Project Evaluation Process.

There needs to be some clarification of this process as outlined. There is potential for significant overlap and duplication of activity between our agencies, particularly with respect to our intervention process. Items A and B under "Sources of Notification" appear to endorse that duplication. A careful spelling out of notification procedures will have to be worked out.

Determination of more detailed review appears to be a unilateral CZU activity, with others merely being informed. This process ought to be opened up to some interagency decision process.

This concludes our broader constructive and candid programmatic comments. I must reiterate our feeling that in the past many of our comments have either gone unheeded or received no response. This makes it difficult to justify a high level of staff effort in reviewing and commenting on program elements. To preclude this from now on, I suggest a feedback "loop" whereby CZU responds concerning any of our comments which are not acceptable. This dialogue should result in better mutual understanding. In the case of this review, I suggest a full day staff work session to go over these, and other more specific comments from the margins of our copies, as the most expeditious way of communicating the full results of our review. I hope you will find this acceptable, and we look forward to meeting with you.

Sincerely,

Ed

Edwin L. Thomas, Director
Comprehensive State Planning Division

The following statements and questions were read and discussed at a public meeting on the pre-draft program document, held on January 15, 1977 in Annapolis. A tape recording of the entire proceedings is available.

Signatures have been included whenever they were available.

****

I received a letter, as a member of the Elkton Regional Group, stating that the three resolutions (oil, wetlands, boating) passed by our group would be presented at this meeting. I don't seem them on the agenda.

In view of the recent rash of oil accidents I feel strongly about this.

Herb Ward

****

Since the State Land Use Act only requires non-chartered counties to submit management programs for State Critical Areas, what would be the impact on Maryland's Coastal Zone Management Program if characterized counties decide not to submit Critical Area Management Plans?

****

Why, other than monetary, should Maryland follow a Coastal Zone Management Act? Why not an independent program?

****

Is the public really aware the CZU has tried but most meetings are attended by staff and technical employees?

****

One particular part that concerns me about the Act is the "in National Interest" clause. This does not only mean environmentally, and considering the energy crisis, Maryland could become another sacrifice to meet the needs.

****

Re: Recreational Boating Access: Pre-Draft states objectives to relieve boating pressures by providing access to other less congested areas: Won't

this just promote complete water congestion - eliminating the beauty and appeal of isolated waters - How about "open water" provisions limiting boater access other than by water to retain character to extent?

****

How often has the Governor CZM Advisory Commission met? Who is on the CZM Advisory Commission? What are their comments regarding the Draft?

****

How long will it be until CZM will become a law?

****

How will the period Feb. - April when the program is undergoing federal review be coordinated for additional review by agencies and citizens?

****

Does the possibility exist for an inconsistent area of focus between counties? Specifically, the area proposed for Patuxent in Prince George's and Anne Arundel are not consistent. How will this be resolved?

****

What levels of Federal (consistency) Aid Programs will CZM determine?

****

The State Program has established goals & objectives for land and water use. What criteria for management of these uses has been established? Who determines consistency with the goals?

****

Federal Consistency:

What are the possible impacts of the catch clause "To the maximum extent possible."

Does this give Feds a foothold they otherwise might not have available?

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Are you aware of the actions of the Maryland National Capital Parks and Planning Commission in the name of preserving and protecting the Patuxent River?

Dianne McClary

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Statement by John E. Hutchison, Cordova, Maryland

I have worked long and hard to purchase property. Have tied up my whole life's savings in this property. Now the State of Maryland to whom I'm paying taxes is trying through CZU to take over management of this property. I apparently have no rights any longer, or at least fewer rights than I had before and am not being compensated for it. I believe the Constitution of the U.S. protects me but I can't afford to go through the courts to prove it.

P. 66 of Study

....."Farming has been identified as a contribution to non-point source pollution.".....

Where is the source of this statement? There is absolutely no activity carried out in the State that is not a contribution to non-point source pollution. Why single out farming? Especially with absolutely no proof of statement?

Definition of "project" is not clear to me. Agree you can't review all activity in a zone. But according to existing State Regulations, almost any activity carried out requires a permit ("project") and so must be reviewed by several agencies.

A more definite, clear cut outline of what will be included for review and action by CZU may reduce some of public's concern.

Suggested guides: - dollar costs
- number of acres involved
- proven significant pollution resulting

I don't see how you could do more to inform the public. Copies of report are expensive. Those that really care can come to Annapolis and read report in

CZU office if they are really interested. Copies of public libraries, copies to county councilmen and a few copies to each advisory group should be sufficient. Perhaps a letter to "key" citizens telling them where to get a copy and/or inviting them to CZU office to read office copy may keep costs down and still inform public.

Feel that Draft has too many broad objectives. CZU objectives cover the whole world and every activity in the State. Can you reduce number of objectives, focusing on the five or six most important?

I am for abolishing CZU and telling Fed Govt. to shove it . . . . Unless you can convince me that CZU actually reduces the existing red tape and that personnel involved is telling me what I can or cannot do with my land . . . . p.s. am basically in favor of a comprehensive review instead of a piecemeal approach. Agree we need do something but am not sure CZU is answer.

Hope the new Draft will be more explicit in terms of these reductions . . . . otherwise I shall assume CZU is just another layer of Govt. officials.

How can 13 people spend $810,000, only reviewing current State laws and talking with other State agencies?

Where do I get a copy of budget and how monies are spent?

Perhaps you are correct in having a low profit as to specific recommendations and procedures that will be used for your "forum." But without them I fail to see how CZU will force or get PG county officials and citizens to sit down and do more than rant and rave at each other. Can CZU force a "vote" or a decision at this meeting, or can it force a decision within a reasonable time?

Your roundtable forum is a good idea but more than dreams are needed.

****

Relative to the Project Evaluation Process, what are the criteria that will be used to screen projects in bringing them before the Committee? i.e. - how are "candidate projects" nominated for consideration by this forum?

****

In the project evaluation process described on pp. 155-157, there is no provision for public input until the evaluation is complete and read into the hearing record.

Shouldn't the interested public be given the chance to recommend questions to be evaluated, and shouldn't the concerns of the public be listed among the topics included in the evaluation (on p. 156)?

Tom Lewis, CBF

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What will be the capability of the Coastal Zone Management Program to manage coastal resources if local governments decide not to request State funds and therefore not participate in Maryland's Coastal Zone Program?

****

There should be a definition Section to make clear for example

Zone of Interest

Management Boundaries

Planning Boundaries

Not enough emphasis on Sediment Control - one prime offender is the Maryland Dept. of Transportation in their highway construction programs.

Should provide for or plan for local jurisdiction support of citizen participation, regional meeting etc. . . Meeting Room County official attendance Meeting Announcement, and publicity recording and distribution of minutes, maintenance of mailing and phone lists. I note the word restore has not been included in the goals and objectives. Goal (1) - Should read - Preserve <u>maintain</u>, protect and restore -

A decision on the use of a 800 number for citizen inputs should be made and included in the plan. We do not understand the need for the Environmental Impact Statement.

Biologic Brinksmanship - i.e. trying to determine the ultimate tolerance of our waters to pollution seems to be a State policy and the plan reflects this

attitude. In its place should be major emphasis on finding ways to stop or reduce discharges.

Direction is needed in the plan to indicate relationship of CZMP to local county comprehensive plans.

Relationship of CZMP and other State plans is not clear. There are major policy conflicts with Economic and Community Development Dept. efforts.

J. F. Witten

****

In the continuing review process there should be continuing local meetings for soliciting comments on the various drafts, will this occur?

****

It appears that the CZU Process actually increases the amount of time needed for permit processes.

We need to reduce the number of persons involved in permit review processes - to reduce the amount of time involved - to make the whole process less costly.

What agencies or personnel is the CZU replacing or eliminating so as to speed up process?

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There appears to be no department with the responsibility for assessing cumulative impacts from applications in permits - i.e. a marina or channel might not cause undue environmental damages as a small project, but it may result in further development, loss of farmland, or drain on water supplies. affect nearby shellfish beds, put a drain on the aquifer, add traffic to roads and cause sewage problems. What can CZM do about this?

****

The CZM program indicates that regulatory authority exists. As I understand it a number of mechanisms (memo of understanding, etc.) will be used to

coordinate these authorities. Why was a Comprehensive Regulatory Authority proposed for coastal areas? The program does not seem to effectively attempt to Re-organize all of these authorities?

****

Exactly how do you propose to resolve conflicts which arise between state, and local agencies on CZM issues?

****

Will you please do your best to have advertised, public meetings in each county before any draft goes to the federal government?

****

What regulatory powers will CZM ultimately put into practice?

****

Research. Not enough coverage of Research Objectives - to solve problems in the CZ - for example reducing dependency of certain industries on shore side locations reducing problem of oil - chemicals, pesticides and germicides in the Bay measuring economic value of a health coastal zone.

****

What provisions are being made for increased public access "in the future" to the Chesapeake Bay and Atlantic Ocean?

What specifically is the CZM program doing besides polite cooperative research studies with Virginia and Delaware to enhance interstate Bay cooperation?

How can a private citizen obtain a copy of the CZM draft since it is not available at Anne Arundel County library.

Jeff C. Conopask, Natural Resource Economist

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Re: Shoreline Erosion:

Has any consideration been given to an additional objective of suggesting

a labor intensive Public Works Project fundable through EDA, for state-wide construction of shore erosion structures. Jimmy Carter might like this.

****

If the goals and objectives are largely a compilation and clarification of existing state policy stated in law, why do they have to be adopted by all state agencies and local governments?

****

Page 116 public role when were 5 public regional meetings held?

****

How much tax payers money, from which sources in the CZM costing state taxpayers?

This year 1977 FY or CY? Next year? 5 years from now?

****

What right do you have to go on a person's farm without getting permission to?

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