



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Joseph P. Gill, Secretary
Frank W. Dawson III, Deputy Secretary

Public Hearing on the Charles County Septic Tier Map: A Matter of Critical Importance to the State's Fisheries

The Mattawoman Creek Watershed is ranked eighth of Maryland's 137 watersheds for freshwater stream biodiversity, is one of the most productive spawning areas for shad and herring and is prized for its largemouth bass fishery, drawing high-profile tournaments and anglers from all over the country throughout the year. Tell the Charles County Board of County Commissioners (BoCC) that the Septic Tier Map will irreparably harm the fisheries of the Mattawoman Creek watershed. Oral comments are restricted to 3 minutes. A list of talking points is provided at the end of this document to help you prepare. Even if you do not testify, your presence will be meaningful.

Date: Tuesday May 13th, 2014
Time: 6:30 PM, arrive at least 30 minutes early to sign in for oral comments
Place: Charles County Government Building
200 Baltimore Street
La Plata, MD 20646

Written comments may be submitted during the period of open record which will be announced at the May 13th public hearing. A form letter and additional information for your convenience is also provided at the end of this document.

Background

What are Septic Tier Maps? The Sustainable Growth and Agricultural Preservation Act (Senate Bill 236) was passed in 2012 to limit the impacts of large subdivisions, which are served by individual septic systems, on farm and forest land, streams, rivers and Chesapeake and Coastal Bays. Counties are required to map growth areas as four (4) Tiers or types of growth:

- Tier 1: Areas currently served by sewer.
- Tier 2: Future growth areas planned for sewer.
- Tier 3: Large lot developments and "Rural Villages" on septic.
- Tier 4: Preservation and conservation areas. Only minor subdivisions on septic.

The growth tiers must be adopted by the local jurisdiction (and incorporated into next update of the county's comprehensive plan) before any major subdivisions outside of sewer service areas will be permitted. The Septic Tier maps lay the course for future land use and health of the State's water and land based natural resources. More information can be found at: <http://www.mdp.state.md.us/OurWork/2012Legislation.shtml>

The Charles County Septic Tier Map and the Mattawoman Creek Watershed: Charles County continues to plan for greater and more concentrated growth in the Mattawoman Creek watershed. An interagency panel, guided by DNR fisheries biologists, determined that more growth in the Mattawoman Creek watershed would lead to pollution that will cause irreparable damage to habitat supporting important fish communities and fisheries. The report from the interagency panel may be viewed at:
http://dnr.state.md.us/fisheries/fhlep/pdf/Mattawoman_Ecosystem_Final_Report_March_2012.pdf

In response to these concerns, the Board of County Commissioners (BoCC) appointed an independent workgroup, which included the Maryland Department of Planning (MDP) Secretary Richard E. Hall, to develop a consensus Septic Tier map

that would support strong local agricultural, forestry and fisheries industries. On March 11, 2014, the BoCC adopted the Septic Tier map but modified it by adding 9,000 acres of Tier 2. Almost all of this future growth (93%) was located within the Mattawoman Creek watershed. The attached map shows where the additional Tier 2 areas, defining future growth, were added by the BoCC.

The need for a public hearing and your participation: MDP has determined that these additional Tier 2 areas added by the BoCC are not needed to meet projected growth demand, and actually result in almost twice as much land designated for growth than what is needed. Focusing additional future growth within the Mattawoman Creek watershed will impact the fisheries beyond repair. Because of these concerns, MDP has required the County to hold a public hearing on the adopted map. The letter sent to the BoCC from MDP outlining these concerns is included. Based on the comments received, the BoCC has the option to modify the map and avoid harm to the fisheries. The more comments received by the BoCC, through oral testimony or letters that oppose the current Septic Tier map, the more likely the BoCC will be in moving forward with a modified plan. The final shape of the Septic Tier map will drive the county's comprehensive plan update, setting the course for the Mattawoman Creek watershed's future.

Connecting the Septic Tier map to the health of the fisheries: Currently, the land proposed for Tier 2 growth is designated in the comprehensive plan as the Rural Conservation Deferred Development District or RC(D) and is zoned at a density of 1 house per 10 acres. The portion of the RC(D) that has been designated for Tier 2 growth represents 14% of the Mattawoman Creek's watershed. This Tier 2 designation will allow for higher housing densities and accelerate damage to the watershed from development. Planning for growth is very important for the Mattawoman Creek's fish and fisheries. Development increases loss of forests, wetlands, and working farms, decreasing water quality and quantity by increasing polluted stormwater runoff and turning natural areas that soak up water into hard surfaces that water cannot penetrate. The current zoned density of 1 house per 10 acres in the RC(D) is the best chance we have to minimize development-related damage to the watershed, its habitat, and its fisheries.

Mattawoman Creek is at a tipping point: Multiple habitat-related issues in Mattawoman Creek, due to development, are causing declines in its fish community and fisheries. Mattawoman Creek's watershed reached a tipping point in the early 2000s. Pollution from development caused declines in important spawning and nursery habitat for anadromous fish (White and Yellow Perch, Blueback Herring, Alewife, American and Hickory Shad, and Striped Bass). Fish abundance in a summer survey conducted since 1989 fell by over half on average after the early 2000s. Continued poorly planned growth in the watershed threatens one of America's best Largemouth Bass fisheries and the tourist-related businesses it supports. Approaching and breaching the tipping point in Mattawoman Creek's watershed has been associated with complex ecological changes in Mattawoman Creek's streams and subestuary that have been followed by decreased fish abundance and diversity.

The Solution

The only sound land management approach for Mattawoman Creek's fisheries is to designate the 9,000 acres in question as Tier 4 which would reduce further habitat loss and allow restoration to improve fisheries habitat. Take action to prevent the loss of these important fisheries by attending the public hearing and/or writing a letter.

For more information:

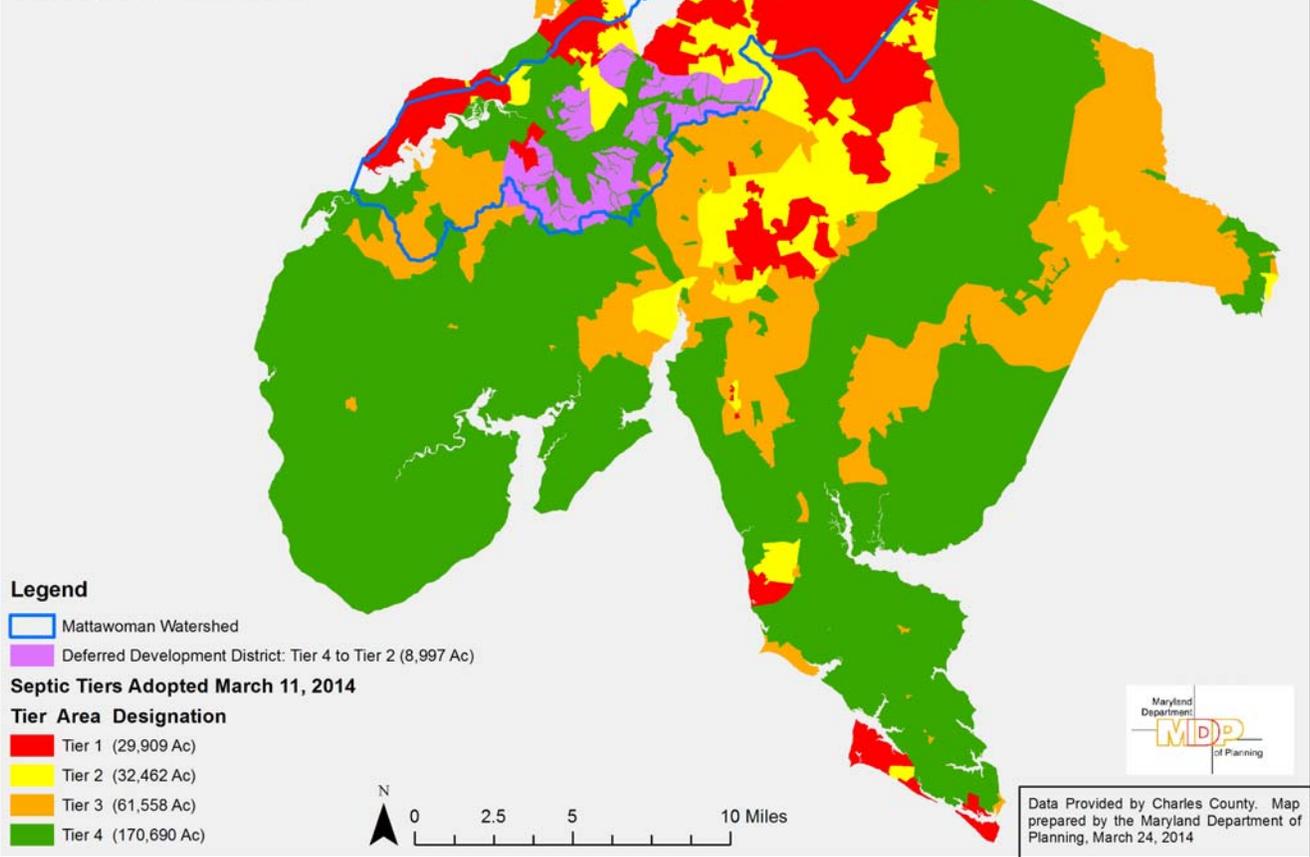
<https://www.charlescountymd.gov/public-notices/charles-county-tier-map-county-commissioners-may-13-630-pm>

Staff Contact:

Christine Conn, Unit Director
Integrated Policy and Review Unit
(410) 260-8785
cconn@dnr.state.md.us

Jim Uphoff, Habitat Assessment Project Leader
Fisheries Service
(410) 226-0078 x174
juphoff@dnr.state.md.us

Charles County Adopted Tier Map
Changes from Tier Map
Workgroup Template



E-mail the Charles County Board of County Commissioners at any time to express your concerns:

Candice Quinn Kelly, President
Reuben B. Collins, II, Vice President
Ken Robinson, District 1
Debra M. Davis, Esq., District 2
Bobby Rucci, District 4

KellyC@CharlesCounty.org
CollinsR@CharlesCounty.org
RobinsonK@CharlesCounty.org
DavisD@CharlesCounty.org
BRucci@CharlesCounty.org

Talking Points for Charles County Septic Tier Map Hearing

Issue:

- 9,000 acres in Mattawoman Watershed Designated as Tier 2 – slated for future growth on public sewer
- MDP and Charles County appointed Septic Tier Working Group which recommended this area be Tier 4 – slated for preservation and conservation (only minor subdivisions on septic)
- The final shape of the Septic Tier map will drive the county's comprehensive plan update, setting the course for the Mattawoman Creek watershed's future

Concern:

- Mattawoman Watershed presently at 10% impervious surface
- This is an identified tipping point for fisheries

Fisheries impacts beyond 10% impervious surface:

Herring:

Status: Coastal Herring stocks depressed – fishing moratorium in effect

Threat: Loss of Herring spawning habitat in watersheds with >10% impervious surface

Impact: Loss of habitat impairs recovery

Yellow Perch:

Status: Yellow perch in MD stable

Threats: Severely depressed egg hatch rates

Depressed presence of larvae

Decline in larval feeding success

Decline in juvenile presence

Adult reproduction fails

Impact: Habitat loss will impact stable status

Largemouth Bass:

Status: Potomac populations stable

Threat: Increased urbanization = decreased population

Impact: Fishery declines; Major Economic Loss to County

Recommended Testimony:

Change the 8,997 acres in Mattawoman Watershed designated as Tier 2 to Tier 4. The Tier 2 designation allows for unchecked growth that will destroy fish habitat and resources in Maryland.

Unchecked growth will lead to fish habitat losses and fish losses. This represents a financial loss for the county. (Decade old estimates attribute The Largemouth Bass Fishery alone contributes \$40 million annually to the county's economy.)

Guidance for Written Comments

Written comments may be submitted during the period of open record which will be announced at the May 13th public hearing. Comments accepted during this period, which generally extends 10 – 30 days after the hearing, officially become part of the public record. You may also send comments to the County Commissioners any time before the period of open record (e-mails attached to map). While your early comments may not be included in the public record, the message will be conveyed to the Commissioners for their consideration.

Your message need not be long. What counts is the number in favor of action. Even the briefest message counts. A sample letter follows.

Your street address
Your town address and zipcode
Date

Charles County Government
Department of Planning and Growth Management
Attn: Clerk to the Planning Commission
P.O. Box 2150
La Plata, MD 20646
(Or email Charles Rice at ricec@charlescountymd.gov)

To whom it may concern:

The Septic Tier Map that the Board of County Commissioners adopted on March 11, 2014, will irreparably harm the fish habitat and fisheries of Mattawoman Creek. */ or your organization's name* strongly agree with Maryland's Department of Planning and Department of Natural Resource's concerns about providing public sewer services in the Rural Conservation Deferred Development District. The additional 9,000 acres of Tier 2 that was not part of the consensus Septic Tier map developed by the independent workgroup must be removed from the comprehensive growth plan. This additional Tier 2 area is not needed to meet projected growth demand, and will result in almost twice as much land designated for growth as is needed.

A Tier 2 designation will allow for higher housing densities in a lightly developed portion of Mattawoman Creek's watershed that will accelerate damage from development. Planning for growth is very important for Mattawoman Creek's fish and fisheries because development affects water quality and quantity. The final shape of Septic Tier map will drive the county's comprehensive plan update, setting the course for the Mattawoman Creek watershed's future. The current zoned density of 1 house per 10 acres is the best chance we have to minimize development-related damage to the watershed, its habitat, and its fisheries. Multiple habitat-related issues in Mattawoman Creek arising from poorly planned development are causing declines in its fish community and fisheries. The soundest land management option for Mattawoman Creek's fisheries is to designate the 9,000 acres in question as Tier 4.

Sincerely,

Your name
Organization's name, if applicable



March 27, 2014

Commissioner Candice Quinn Kelly
President
Charles County Board of County Commissioners
200 Baltimore Street
La Plata, MD 20646

Re: Comments on Adopted Septic Tier Map

Dear Commissioner Kelly:

I am writing to comment on the Charles County Septic Tier Map (Tier Map) adopted by the Board of County Commissioners (BoCC) on March 11, 2014 under Title 1, Subtitle 5 of the Land Use (LU) Article of the Annotated Code of Maryland. Overall the map is a significant improvement from the one adopted by the Planning Commission (AKA the BGI Map) on November 5, 2012, however, we have some concerns about the additional 9,000 acres of Tier 2 added to the map at the time of adoption by the BoCC. This letter and its attachments provide our comments on the map and are also notice of the need for the BoCC to hold a public hearing on our comments.

As you know this map was the subject of much discussion and analysis. This included meetings of the Septic Tier Workgroup, of which I was a member. After weeks of work, members of the workgroup coalesced around a consensus map and draft additions to the comprehensive plan that strengthened local agricultural, forestry and fishery industries. That map was presented to the County Commissioners on March 4, 2014. At that meeting the Commissioners directed state and county staff to work with the workgroup to tweak and bring it back the following week. That was done and a new map was presented to the County Commissioners on March 11. At that meeting the County Commissioners voted to add 9,000 acres of Tier 2 area to the map and then adopted it.

The law provides that Tier 2 areas are planned for public sewer and mapped as locally designated growth areas, and also be designed to satisfy development demand consistent with long-term growth policies after consideration of the capacity of land areas available for development, including infill and redevelopment, within the county (see *Implementation Guidance for The Sustainable Growth and Agricultural Preservation Act of 2012*, p. 11).

The map raises concerns about the oversupply of land needed to accommodate future growth in the county. In fact, there is almost twice as much land designated for growth than what is needed to

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Anthony G. Brown, Lt. Governor

Richard Eberhart Hall, AICP, Secretary
Amanda Stakem Conn, Esq., Deputy Secretary

satisfy countywide demand to 2040. In total, 62,037 acres of land has been mapped within Tiers 1 and 2 on the County's adopted map. By comparison, Baltimore City and Washington, D.C. are both comprised of less land and more than four times the population. Baltimore City is 51,802 acres in size and has 621,342 residents; Washington, D.C. is 43,712 acres and has 633,427 residents; Charles County has 150,592 residents (U. S. Census Bureau 2012 Population Estimates).

We recommend the county revisit the Tier 2 area they added to the map on the night of adoption. This option was not considered by the Workgroup and is not needed to meet projected growth demand.

This additional Tier 2 area also constitutes approximately 50 percent of the RC(D) zoning district (8,997 acres) that was changed from Tier 4 to Tier 2 on the county's adopted map (see attached map). The remaining 9,000 acres of RC(D) is mostly undevelopable land that is mapped as Tier 4. Almost all (93 percent) of this added Tier 2 area is located within the Mattawoman Creek Watershed. The Maryland Department of Natural Resources (DNR) has significant concerns that extensive development within the Mattawoman Creek Watershed will irreparably harm this water body, which supports a diverse, high quality aquatic ecosystem. According to DNR, the Mattawoman Creek Watershed is ranked eighth of Maryland's 137 watersheds for freshwater stream biodiversity, is one of the most productive spawning areas for shad and herring and is prized for its largemouth bass fishery, drawing high-profile tournaments and anglers from all over the country throughout the year.

There are also several Tier II Stream watersheds (not to be confused with Tier 2 on the septic map) within the RC(D) area. These watersheds are identified by the Maryland Department of the Environment as high-quality streams that must be given extra consideration for preservation. Any new or expanded discharge into these streams would require an anti-degradation review. Approximately 30 percent of the portion of the RC(D) zoning district mapped as Tier 2 on the adopted septic Tier Map is within the watersheds of Tier II Streams.

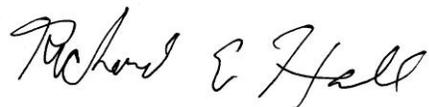
The above concerns as well as the attached analysis constitute MDP's official comments on Charles County's adopted Tier Map. In accordance with LU §1-505, when MDP comments on a tier or an area within a tier, the local legislative body or planning board must hold at least one public hearing on MDP's comments and review the adopted tier map in light of the department's comments. After the hearing and consideration of MDP's comments, a recommendation must be made whether the tier or area within a tier should be changed. The recommendation is to be forwarded to the jurisdiction's decision making body for a final decision (LU §1-507).

MDP recommends that Charles County complete this process no later than 60 days after the date of this letter. We are happy to meet with you in advance and discuss our comments with you and your staff.

Please be advised that LU §1-509 requires the growth tiers to be incorporated into the county's comprehensive plan or an element of the plan when the county conducts its review of the plan. If the growth tiers are not incorporated into the comprehensive plan or an element of the plan during that six-year review, this section provides that the growth tiers may not be considered as adopted and the restrictions on major subdivisions outside sewer service areas shall apply. It should be noted that the Tier Map adopted by the Board on March 11 or any subsequent changes to the adopted Tier Map will require significant changes to the County's Comprehensive Plan, Water and Sewer Plan and Zoning Map.

As always, MDP is available to work with Charles County to resolve these remaining issues with the tier map.

Sincerely,

A handwritten signature in cursive script that reads "Richard E. Hall".

Richard E. Hall
Secretary

Attachments

cc: Charles County Board of County Commissioners
Mark Belton, County Administrator
Peter Aluotto, Director, Planning and Growth Management
Steven Ball, Planning Director
Charles Rice, Natural Resources Planner