

were proposed for adoption in 12:19 Md. R. 1865 (September 13, 1985), have been adopted as proposed with the minor changes shown above in the authority line.

Effective Date: December 2, 1985.

MARIE M. GARBER  
Administrator

State Administrative Board of Election Laws

[Md. R. Doc. No. 86-R362F, Filed at Div. of St. Doc. November 8, 1985.]

## Subtitle 02 ADMINISTRATIVE BOARD OF ELECTION LAWS

### 14.02.11 Voter Registration Information Services — State Agencies

Authority: Article 33, §33(a),  
Annotated Code of Maryland

#### Notice of Final Action

On November 6, 1985, new Regulations .01—.04 under a new chapter, COMAR 14.02.11 Voter Registration Information Services—State Agencies, were jointly adopted by the State Administrative Board of Election Laws, the Secretary of Health and Mental Hygiene, the Secretary of Human Resources, and the Administrator of the Motor Vehicle Administration.

These new regulations and chapter, which were proposed for adoption in 12:19 Md. R. 1865—1867 (September 13, 1985), have been adopted as proposed.

Effective Date: December 2, 1985.

MARIE M. GARBER  
Administrator

State Administrative Board of Election Laws

ADELE WILZACK  
Secretary of Health and Mental Hygiene

RUTH MASSINGA  
Secretary of Human Resources

W. MARSHALL RICKERT  
Administrator  
Motor Vehicle Administration

[Md. R. Doc. No. 86-R360 F, Filed at Div. of St. Doc. November 8, 1985.]

## Subtitle 15 CHESAPEAKE BAY CRITICAL AREA COMMISSION CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT

Authority: Natural Resources Article, § 81808(d),  
Annotated Code of Maryland

#### Notice of Final Action

Notice is given that, on November 13, 1985, new Regulations .01 and .02 under COMAR 14.15.01 General Provisions; new Regulations .01—.07 under COMAR 14.15.02

Development in the Critical Area; new Regulations .01—.10 under COMAR 14.15.03 Water-Dependent Facilities; new Regulations .01—.03 under COMAR 14.15.04 Shore Erosion Protection Works; new Regulations .01—.03 under COMAR 14.15.05 Forest and Woodland Protection; new Regulations .01—.03 under COMAR 14.15.06 Agriculture; new Regulations .01—.03 under COMAR 14.15.07 Surface Mining in the Critical Area; new Regulations .01—.03 under COMAR 14.15.08 Natural Parks; new Regulations .01—.05 under COMAR 14.15.09 Habitat Protection Areas in the Critical Area; new Regulation .01 under COMAR 14.15.10 Directives for Local Program Development; and new Regulation .01 under COMAR 14.15.11 Variances, were adopted by the Chesapeake Bay Critical Area Commission. This action was taken at a public meeting, notice of which was given by publication in three newspapers of general circulation, pursuant to State Government Article, §10-506, Annotated Code of Maryland.

These new regulations, which were proposed for adoption in 12:20 Md. R. 1963—1977 (September 27, 1985) have been adopted with minor changes shown below. The original proposal as found at 12:12 Md. R. 1188—1206 (June 7, 1985) is withdrawn.

Effective Date: The regulations become effective in accordance with 1984 Md. Laws, Ch. 794 §3.

### 14.15.01 General Provisions

#### .01 Definitions.

A. As used in this subtitle, the following terms have the meanings indicated.

#### B. Terms Defined.

(1)—(17) (proposed text unchanged)

(18) "Critical area" means all lands and waters defined in Natural Resources Article, §8-1807, Annotated Code of Maryland. They include

(a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;

(b) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and

(c) Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Natural Resources Article, §8-1807, Annotated Code of Maryland.

[[18]] (19)—[[31]] (32) (proposed text unchanged)  
[[32]] (33) "Hydrophytic vegetation" means those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in wet habitats).

[[33]] (34) [[77]] (78) (proposed text unchanged)

### 14.15.02 Development in the Critical Area

#### .02 General Policies.

A.—F. (proposed text unchanged)

G. Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature, or because of their potential for adversely affecting habitat and water quality, may not be permitted in

the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:

(1) Solid or hazardous waste collection or disposal facilities; or

(2) Sanitary landfills.

H. Existing permitted facilities of the type noted in §(1) and (2), above, [for expansion of these facilities, may be permitted if no environmentally acceptable alternative exists outside of the Critical Area,] shall be subject to the standards and requirements of the Maryland Department of Health and Mental Hygiene, under COMAR Title 10.

#### §6 Resource Conservation Areas.

A. — B. (proposed text unchanged)

C. In developing their Critical Area Programs, local jurisdictions shall use all of the following criteria for Resource Conservation Areas:

(1) (3) (proposed text unchanged)

(4) Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. Within this limit of overall density minimum lot sizes may be determined by the local jurisdiction. Local jurisdictions are encouraged to consider such mechanisms as cluster development, transfer of development rights, maximum lot size provisions, and/or additional means to maintain the land area necessary to support the [preferred] protective uses.

(5) — (7) (proposed text unchanged)

(8) Nothing in this regulation shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with such an easement to family members provided that no such conveyance will result in a density greater than 1 dwelling unit per 20 acres.

#### §6 Location and Extent of Future Intensely Developed and Limited Development Areas.

A. Intensely Developed and Limited Development Areas may be increased subject to these guidelines:

(1) (proposed text unchanged)

(2) When planning future expansion of Intensely Developed and Limited Development Areas, counties, in coordination with affected municipalities, shall establish a process to accommodate the growth needs of the municipalities.

B. (proposed text unchanged)

#### §7 Grandfathering.

A. (proposed text unchanged)

B. Local jurisdictions shall establish grandfather provisions as part of their local Critical Area Programs [1]. Except as otherwise provided, local jurisdictions shall permit [through which] the [following] types of land [may] described in the following subsections to be developed in accordance with [all local area and] density requirements in effect prior to the adoption of the local Critical Area Program notwithstanding the density provisions of this chapter [1]. A local jurisdiction shall permit a single lot or parcel of land that was legally of record on the date of program approval to be developed with a single-family dwelling if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of the approved local program.

(1) (proposed text unchanged)

(2) Any legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985, and land that was subdivided into recorded, legally buildable lots, where the subdivision received the local jurisdiction's final approval prior to June 1, 1984, provided that:

(a) (proposed text unchanged)

(b) If any such land has received a building permit subsequent to December 1, 1985 but prior to local program approval, and is located in a Resource Conservation Area, that land shall be counted by the local jurisdiction against the growth increment permitted in that area under COMAR 14.15.03 [1] — unless the Commission determines at the time of program approval that steps had been taken to conform the development to the criteria in this subtitle insofar as possible.

(3) — (4) (proposed text unchanged)

C. (proposed text unchanged)

D. Nothing in this regulation may be interpreted as altering any requirements for development activities set out in COMAR 14.15.03 [1 through] and 14.15.09 of this subtitle.

#### 14.15.03 Water Dependent Facilities

##### .01 Definition.

A. — B. (proposed text unchanged)

C. Excluded from this [definition] regulation are individual private piers installed or maintained by riparian landowners, and which are not part of a subdivision which provides community piers (see Regulation .07, below).

#### 14.15.04 Shore Erosion Protection Works

##### .03 Criteria.

In developing their Critical Area Programs, local jurisdictions shall use these criteria:

A. Local jurisdictions, with assistance from the State, shall designate and map the following shoreline areas:

(1) — (2) (proposed text unchanged)

(3) Eroding areas where only structural measures would provide effective and practical erosion control;

#### 14.15.05 Forest and Woodland Protection

##### .03 Criteria.

In developing their Critical Area Programs, local jurisdictions shall use the following criteria:

A. — B. (proposed text unchanged)

C. Where forests or developed woodland occur within the local jurisdiction's Critical Area, local policies and programs for tree cultural operations in the Critical Area shall include all of the following:

(1) A Forest Management Plan shall be required for all timber harvesting occurring within any 1 year interval and affecting 1 or more acres in forests and developed woodland in the Critical Area. The plans shall be prepared by a registered professional forester and be reviewed and approved by the Maryland Forest, Park and Wildlife Service through the District Forestry Boards and the project forester, and filed with an appropriate designated agency within their local jurisdiction. Plans shall include measures to protect surface and groundwater quality and identify whether the activities will disturb or affect Habitat Protection Areas as identified in COMAR 14.15.09, and incorporate protection measures for these areas as specified by the local jurisdictions [These plans are not required for the private harvesting of timber.] To provide for the continuity of



habitat, the plans shall address mitigation through forest management techniques which include scheduling size, timing and intensity of harvest cuts, afforestation, and reforestation.

(2) — (3) (proposed text unchanged)

#### 14.15.06 Agriculture

##### .03 Criteria.

A. In developing their Critical Area Programs, local jurisdictions shall use the following criteria for agriculture:

(1) (proposed text unchanged)

(2) Each agricultural plan shall consist of the following:

(a) — (b) (proposed text unchanged)

(c) Programs for maintaining the agricultural land in agricultural use and for protecting water quality, and plant and wildlife habitat, which shall include at a minimum:

(i) — (iii) (proposed text unchanged)

(iv) Provisions [[for]] requiring Forest Management Plans for those farms which harvest timber to [[address]] conform with the harvesting practices requirements in COMAR 14.15.05 and COMAR 14.15.09.

(3) — (6) (proposed text unchanged)

B. (proposed text unchanged)

#### 14.15.07 Surface Mining in the Critical Area

##### .03 Criteria.

In developing their Critical Area Programs, local jurisdictions shall use all of the following criteria:

A. — B. (proposed text unchanged)

C. Each plan and program shall consist of all of the following:

(1) An identification and mapping of the undeveloped land in the Critical Area that should be kept in its undeveloped state until the land can be used to provide or assist in providing a continuous supply of minerals pursuant to Article 66B, §3.05(a)(i)(v), Annotated Code of Maryland, as amended. Surface mining areas which include Habitat Protection Areas under COMAR 14.15.09 shall also be identified.

(2) (proposed text unchanged)

D. — G. (proposed text unchanged)

#### 14.15.09 Habitat Protection Areas in the Critical Area

##### .01 Buffer.

A. — B. (proposed text unchanged)

C. Criteria. In developing their Critical Area Programs, local jurisdictions shall use all of the following criteria:

(1) — (4) (proposed text unchanged)

(5) [[The cutting]] The Buffer shall be managed to achieve or enhance the functions stated in §B(1) — (5), above. Cutting or clearing of trees within the Buffer shall be prohibited except that:

(a) — (g) (proposed text unchanged)

(6) — (8) (proposed text unchanged)

#### .04 Plant and Wildlife Habitat.

##### A. Definition.

(1) "Plant habitat" means a community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics as [[provided for]] described below in §C.

(2) "Wildlife habitat" means those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area as [[provided for]] described below in §C.

B. — C. (proposed text unchanged)

#### 14.15.10 Directives for Local Program Development

##### .01 Criteria.

In developing their Critical Area Programs, local jurisdictions shall use the following general program criteria:

A. Each jurisdiction shall inventory or map or both, certain resources of its Critical Area. The inventory shall include the following resources (as defined in the appropriate foregoing chapters of this subtitle concerning specific criteria:

(1) — (10) (proposed text unchanged)

(11) Soils with development constraints; and

[[and]] (12) Areas suitable for water-dependent facilities; and

[[13]] (12) (proposed text unchanged)

B. — D. (proposed text unchanged)

E. The local program document shall, if applicable, include, but not be limited to:

(1) — (2) (proposed text unchanged)

(3) An agricultural protection plan; [[and]]

(4) A habitat protection area plan [[and]]

[[5]] A water-dependent facilities planning process for identifying suitable areas.

F. — P. (proposed text unchanged)

SOLOMON LISS

Chairman

Chesapeake Bay Critical Area Commission

[Md. R. Doc. No. 85-R-375-F. Filed at Div. of St. Doc. November 13, 1985.]

## Title 15

## DEPARTMENT OF AGRICULTURE

### Subtitle 05 PESTICIDE USE CONTROL

#### 15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses

Authority: Agriculture Article, §§2-103 and 5-204, Annotated Code of Maryland

##### Notice of Final Action

On November 4, 1985, the repeal of Regulations .01 — .22 and new Regulations .01 — .11 under a new chapter, COMAR 15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses, were adopted by the Secretary of Agriculture. These regulations, which were proposed for adoption in 12:9 Md. R. 900 — 905 (April 26, 1985), and repropoed in 12:15 Md. R. 1541 —