
From: Robert Dover <bobatwaterbury@aol.com>
Sent: Saturday, February 17, 2024 4:25 PM
To: CouncilMail
Subject: support for Council Bill 8-2024

Follow Up Flag: Flag for follow up
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County Council Members:

I am Bob Dover, a resident at 6354 Tamar Drive in Columbia. I am a long-time Howard County resident and homeowner, as well as a 35+ year experienced expert in surface water hydrology and environmental planning.

I apologize that I am unavailable to testify in person at your meeting on February 20, so I am writing to express my support for Council Bill (CB) 8-2024.

Most of my 35+ year consulting experience has been in support of development projects on federal land, or requiring federal permits, that have public notification and engagement requirements under the National Environmental Policy Act (NEPA). I have managed, and assisted my clients in navigating, the full range of public notices, review and comment periods, public meetings, and other public engagement activities for dozens of projects of all scales.

Since the early 1990s, I have seen a tremendous shift in the approach and attitudes toward these public engagement activities on the part of federal agencies, developers, non-governmental organizations, and the public. In the early days of NEPA, the developers, and even some individuals in the agencies, felt that the public engagement requirements were too burdensome, and only led to delays and cost increases without adding value to the projects.

Those days are now gone. After initially resisting these requirements, the developers and agencies that are experienced, have long-term interests in the community, and which truly wish to develop better projects, have fully embraced these requirements. They now understand that the easiest way to cause costly delays and re-designs to a project is to hide project details from the public, in a futile attempt to get a project approved and implemented with minimal public opposition. They understand that a project that proactively seeks public input early and often is likely to avoid costly delays later, and will generate good will for the developer and the agency in the community.

Because my focus has been on federal projects, I had long assumed that projects at the state and local levels had undergone a similar transformation. I was wrong. Over the past two years, I have learned, the hard way, that both Howard County and the Columbia Association are still operating as the federal agencies operated in the 1990s. They are doing their best to avoid public opposition by limiting the range of their outreach, trivializing the impacts to adjacent properties, and ignoring the concerns of residents.

I have now experienced, twice, first-hand, what it feels like to be on the "public" end of a project that would have negatively impacted me and my property, without receiving any notification or being offered the opportunity to express my concerns. After owning a townhouse in Columbia Town Center for about 25 years, I purchased what I thought was an ideal single-family home in Long Reach for my retirement in 2018. The home was ideal because it bordered a County park (Sewell's Orchard Park) on one side, and Columbia Association open space along Elkhorn Branch on another side. As you can imagine, such settings are very rare in Columbia, and I paid a premium price for a view of a pond and trees from my office window.

Then, in 2022, I witnessed a surveyor driving stakes directly along my property line, within 30 feet of my house. I went out to talk to him, and he informed me that he was marking out the boundaries for the "pond project." The "pond project", as I

soon learned, would involve heavy construction equipment operating on two sides of my property for a year. It would also involve removal of the trees that separate my property from car repair shops on Dobbin, and complete draining and killing of all wildlife in Sewell's Orchard Park Pond. The project was to begin in about 10 days. I had not received any notification, and neither did any of the neighbors.

Next, in 2023, I learned that the Columbia Association had issued an easement, two years earlier, to allow a stream restoration company to cut down more than 60 acres of trees along Elkhorn Branch, including those separating my home from the car repair shops. The removal of these trees would not only negatively impact the view of trees from my property, but would also displace the wildlife that I have enjoyed seeing, and would substantially increase the potential for flood damage to my home and property. Again, I received no notice of this easement. I later received a notice of public comment period from MDE, but it did not contain an accurate description of the project. Also, the MDE notices were not provided to the hundreds of residents in the multi-family condo and apartment complexes along Elkhorn Branch. The resale values and rental prices of these units would also have been adversely affected by the removal of the trees.

It is difficult to list, in an email, all of the amazing ecological, hydrologic, climatological, recreational, aesthetic, and even psychological functions of mature forests. Both the County and CA, at all levels, give lip service to the importance of trees in our community by holding tree giveaways, and encouraging residents to plant as many trees as possible. Even County Executive Ball, in his Ball Bulletin of August 28, made a statement reading **"By planting a tree, we are improving our living space by reducing . . . stormwater runoff and flooding."** I fully agree with that statement, but I add the converse as well - "By cutting down a tree, we are damaging our living space by increasing . . . stormwater runoff and flooding." These mature forests are what makes Columbia such a desirable place to live, and this is recognized by the requirements of the Forest Conservation Act, which seeks to preserve trees.

The functions of mature forests cannot be replaced by re-planting saplings that may, or may not, eventually develop into mature trees. In 2020, the Columbia Association cut down 13 acres of mature trees in the Longfellow neighborhood. This was done under an exemption from the Forest Conservation Act, which required re-planting of saplings with a 75 percent survival rate after 5 years. By October, 2023, less than 3 years later, the survival rate was only 36 percent, and more than 700 new saplings were planted to replace the hundreds that had died. This incident tells us what we already know - reforestation is hard. It is so hard, that the initial removal of the mature trees must not be undertaken lightly. It must be minimized to the extent absolutely necessary, because there is no guarantee that their functions will be replaced.

The Sewell's Orchard Park story had a happy ending. Following months of meetings and emails, the residents were able to persuade DPW and Rec & Parks to modify their hydrology analysis, allowing DPW to achieve their objectives, but reducing tree removal and the associated ecological and residential impacts by about 75 percent. Once the re-design had been completed, DPW acknowledged the influence of the residents in an email dated August 11, 2023. That email stated that the residents had "good reasons to question" aspects of the project, and that our input had resulted in a "much better project". This was the first of three projects in which DPW had initially proposed a massively destructive design but, after engaging with residents, agreed to reduce the amount of tree removal. This is a win-win. It was a painful process, and delayed DPW for 14 months, but that delay was only due to their attempt to proceed with no notices to the residents. If DPW had proactively asked the residents for their input in advance, those delays would not have occurred.

Unfortunately, the same cannot be said of the Columbia Association. A Board member recently proposed a modification to their easement policy that would require coordination with adjacent property owners. However, the old, pre-1990s practice of avoiding public opposition by hiding the plans from the public dies hard, and CA is still defending their stance on authorizing destructive projects without any direct notice to the adjacent property owners.

Howard County and CA like to proclaim that they not only follow required environmental regulations, but that they are **leaders** in developing and following environmental protection practices. I strongly disagree. Federal agencies have incorporated public coordination and engagement activities for more than 30 years, and it has now become so ingrained into the federal permitting and right-of-way grant process that it proceeds with no resistance. I have witnessed both agencies and developers be proactive about **expanding** the range of public notices, and **extending** the duration of public comment periods, because they understand that it results in better projects, and avoids delays due to confrontations with the public. Howard County agencies should want to expand their public engagement activities, not because a regulation requires it, but because, like DPW, they realize that working with the residents, who know the project area better than the Department staff, will result in smaller, less destructive, less costly projects.

I ask you to encourage these agencies to follow the federal lead on public engagement, by passing CB8-2024.

Thank you for considering my comments.

Bob Dover

6354 Tamar Drive

Columbia, MD 21045

410-740-6647

bobatwaterbury@aol.com

Testimony on Council Bill 8-2024

By: Joseph Rutter
3435 Jennings Chapel Road
Woodbine, Md 21797

CB 8-2024 is the monthly attempt by one Councilperson to destroy the potential for long time Howard County residents to develop their property following the goals and priorities in the new Howard County By Design Plan. The real intent is to frustrate residents bent on stopping projects that are the priority for development.

This bill needs to be evaluated with an understanding of how the current process works. The process of subdivision begins with a Pre-submission Community Meeting. The property is posted and written notice is provided to adjoining property owners. The purpose of that meeting is to make neighbors aware of what is proposed and explain the process and opportunity for input. Any owner or resident regardless of where they live can request to be notified of decisions and have an opportunity to track the process.

CB 8 proposes all owners of property within 100 yards of the development property be notified BY DPZ.

This is a new burden to DPZ. Keep in mind HOCO By Design recommends infill development, continued focus on Columbia Town Center and eventually Gateway. With condominium residential projects and some buildings there is great potential for hundreds of property owners to be by within 100 yards of the project boundary.

CB 8 proposes DPZ, DPW and Administrator of Community Sustainability hold an Open Meeting. It then requires that **the Directors and Administrator issue a written decision**. This is in direct conflict with the Code provision that the Director of the Department of Planning and Zoning is responsible for Final Action and shall consider reports and recommendations of the review committee. Section 16.103 (b)

From a practical point, all that is accomplished by CB-8 is residents are led to believe they can express an opinion on the alternative approach to meeting the requirements without understanding the environmental or engineering basis for the alternative approach. They then become more frustrated when they think DPZ is ignoring their input.

From: [Karin Emery](#)
To: [CouncilMail](#)
Cc: [Jones, Opel](#); [Jung, Debra](#); [Yungmann, David](#); [Skalny, Cindy](#); [Knight, Karen](#); [CouncilDistrict3@howardcountymd.gov](#); [CouncilDistrict2@howardcountymd.gov](#); [CouncilDistrict1@howardcountymd.gov](#)
Subject: Supporting CB8-2024
Date: Monday, February 19, 2024 9:48:05 PM

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Members of the Howard County Council,

I am Karin Emery, a resident at 5358 Thunder Hill Road, Columbia, MD 21045 and I am submitting this testimony as a private citizen and not in any official capacity.

I am writing to you today in support of Council Bill 8-2024. I believe strongly that public notification and public engagement are critical elements in a democracy which is what CB8-2024 provides for. It is a step in the right direction.

In the past year I witnessed the Columbia Association and its Board of Directors resist and dismiss informed residents and independent experts as it proceeded with plans for the Lake Elkhorn Stream Restoration. Publicly aware residents who understood the stakes worked on their own to understand the processes and procedures available and built a grassroots organization to force public engagement through the Maryland Department of the Environment. Had the public been engaged in the beginning both time and money could have been saved.

The public raised concerns about promised benefits that did not align with scientific experts. At risk in this project was not just the property values of homeowners and the owners of commercial residences, but the natural landscape and habitat that is already under threat due to the climate emergency as well. The community understood these risks and took all opportunities to express them to the decision makers who were oftentimes dismissive and saw the public as a nuisance.

CB8-2024 shines a light on these projects by requiring public notification and engagement. I strongly urge the Howard County Council to pass CB8-2024.

Karin Emery
443-896-7961

From: richardbann@earthlink.net
Sent: Monday, February 19, 2024 4:56 PM
To: CouncilMail
Subject: In support of CB8-2024
Attachments: In support of CB8-2024..pdf

Follow Up Flag: Follow up
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[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear members of the Howard County Council.

I am writing to you in support of CB8-2024.

The recent reversal of plans by both Howard County Council and Columbia Association in watershed related projects in forested areas highlight the need for a bill such as CB8-2024

I am aware that County projects in Sewell's Orchard Park, Centennial Park, and the Plumtree Branch stream had to be redesigned following increased public awareness of what these projects would do to the landscape enjoyed by county residents. Also, last year Columbia Association witnessed the collapse of their multi-million dollar plan to re-engineer the Lake Elkhorn Branch stream costing the organization, and thereby their fee paying residents, tens of thousands of dollars with nothing to show for it at the end.

Public awareness of a planned project as it gets to the drawing board would help alleviate unnecessary reversals such as these after public protest once the project is well underway.

While I have heard HCC DPW was willing to revisit the projects I mentioned above, and came to some understanding with those that were initially unhappy with the projects (for which I am grateful,) money and time could have been saved had local residents and other stakeholders been apprised ahead of time of any plans in the pipeline.

Sadly, CA has never formally acknowledged any errors in the Lake Elkhorn Stream Restoration Project, even though Maryland Department of the Environment and the Army Corps of Engineers raised serious questions, opposition came from the Chesapeake Bay Foundation, the Sierra Club, the Patuxent River Keepers and numerous fee paying residents.

Protections from such errors need to be in place in order for HCC and CA to serve their public fairly and openly. CB8-2024 is step toward this goal.

Thank you for consideration of my support.

Best wishes,

Richard Bannister,
5418 High Tor Hill,
Columbia, MD 20145

richardbann@earthlink.net

443 538 2010

From: [Bruce Harvey](#)
To: [CouncilMail](#)
Subject: Testimony on CB8-2024
Date: Tuesday, February 20, 2024 4:52:01 PM
Attachments: [Testimony 240220 CB8 Alternative Compliance.docx](#)

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Attached is my written testimony on CB8.

Bruce A. Harvey
President/CEO
Williamsburg Homes
443-398-4358 (c)
410-997-8800 (o)
Email: bruceharvey@williamsburgllc.com

From: Dara Baker <dabaker.research@gmail.com>
Sent: Tuesday, February 20, 2024 8:52 PM
To: Jones, Opel; CouncilMail
Subject: CB 8-2024, vote YES

Follow Up Flag: Follow up
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February 20, 2024

To my Councilmember Representative Opel Jones, and the Howard County Council:

I am writing to ask you for your wholehearted **support of CB 8-2024**, a bill to better protect our wetlands, streams, and steep slopes under Sec.16.116, “**Protection of wetlands, streams, and steep slopes.**” (Title 16 Subtitle I, Article II).

The bill makes small but important modifications that improve and clarify the intention and public effect of Section 16.116. The primary beneficial public effect is to increase public notice, transparency, and full participation of the community, regarding activities proposed and performed under this section. Your public deserves transparency where projects have irreparable long term impacts on invaluable natural resources, resources that save Joward County residents money in hearing and electricity costs, home insurance, and infrastructure expenditures.

One way the bill helps Increase positive environmental outcomes while decreasing negative impacts is by requiring substantial evidence to satisfy all waivers requested from the approving Departments, for tree and vegetative cover removal and other significant environmental disturbances. This modification emphasizes minimizing adverse impacts and damage to the area, and returning it to its natural condition to the greatest extent possible. Unfortunately, we have quite a few local examples of recent projects that have had very poor results and have yet to be remediated.

Extensive public notice, participation, and honest transparency with adjacent and impacted communities are essential for positive outcomes, even more so where waivers may be involved. The residents and local communities are the ones who will be living with the results of prospective projects in the near and distant future. They/We are the bedrock stakeholders, and as such, are an indispensable asset to the “Protection of wetlands, streams, and steep slopes.”

Please reinforce the partnership with our Community and our Council for our shared Environment by **voting YES** on this forward-looking bill,
CB 8-2024.

Thank you.

Dara Baker, Member, Protect Our Streams and CJC Green Team
9005 Queen Maria Ct ,Columbia, MD 21045

From: Sharon Boies <sbmuzicmts@gmail.com>
Sent: Tuesday, February 20, 2024 11:04 AM
To: Jung, Debra; Walsh, Elizabeth; Rigby, Christiana; Jones, Opel; Yungmann, David; CouncilMail; Ball, Calvin
Cc: Williams, China; Royalty, Wendy; Goldscher, Paige
Subject: ***TIME SENSITIVE*** PLEASE VOTE IN FAVOR OF CB8 TONIGHT
Attachments: CB8-2024 Protections of Wetlands, Streams, Steep Slopes, written testimony Feb 20 2024.docx

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Good morning Council members,
Please see my written testimony below.
I am asking for you to please support CB8-2024.
Please don't table this tonight, please vote in favor of the bill.

Thank you for your immediate attention and consideration.
Very Sincerely,
Sharon Boies

From: Susan Bannister <suebirch@earthlink.net>
Sent: Tuesday, February 20, 2024 2:14 PM
To: CouncilMail
Cc: Jones, Opel
Subject: Re: CB 8-2024, vote YES

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

February 20, 2024

To my Councilmember Representative Opel Jones, and the Howard County Council:

I am writing to ask you for your wholehearted **support of CB 8-2024**, a bill to better protect our wetlands, streams, and steep slopes under Sec.16.116, "**Protection of wetlands, streams, and steep slopes.**" (Title 16 Subtitle I, Article II).

The bill makes small but important modifications that improve and clarify the intention and public effect of Section 16.116. The primary beneficial public effect is to increase public notice, transparency, and full participation of the community, regarding activities proposed and performed under this section. The likelihood of greater benefits and protection against unintended damage to the designated environments are significantly improved by the clarifications and modifications in this bill.

One way the bill helps increase positive environmental outcomes while decreasing negative impacts is by requiring substantial evidence to satisfy all waivers requested from the approving Departments, for tree and vegetative cover removal and other significant environmental disturbances. This modification emphasizes minimizing adverse impacts and damage to the area, and returning it to its natural condition to the greatest extent possible. Unfortunately, we have quite a few local examples of recent projects that have had very poor results and have yet to be remediated.

Extensive public notice, participation, and honest transparency with adjacent and impacted communities are essential for positive outcomes, even more so where waivers may be involved. The residents and local communities are the ones who will be living with the results of prospective projects in the near and distant future. They/We are the bedrock stakeholders, and as such, are an indispensable asset to the "Protection of wetlands, streams, and steep slopes."

Please reinforce the partnership with our Community and our Council for our shared Environment by **voting YES** on this forward-looking bill,
CB 8-2024.

Thank you for all you do,

Susan Bannister
5418 High Tor Hill
Columbia, MD 21045
410-997-0982

February 29, 2024



Sierra Club Howard County

RE: Support – CB8-2024 Protection of wetlands, streams, and steep slopes – alternative compliance - waivers

The Sierra Club supports CB8-2024 which would increase protection of wetlands, streams, and steep slopes in Howard County. The process of granting a waiver should be carefully considered because the result is removal of trees, wetlands and clearing vegetation on steep slopes. In a time when it is proven that trees, vegetation and intact ecosystems have value in mitigating climate change, holding carbon, and slowing stormwater runoff; the decision to remove them should not be made lightly.

This bill would add measures to a bill from 2019 that split the responsibility of approval of waivers between three department heads, instead of only the Department of Planning and Zoning (DPZ). These waivers need approval now from DPZ, the Office of Community Sustainability, and either the Department of Public Works or Parks and Recreation, depending on the project. The aim of this shared decision making was to allow for their various specialized knowledge to be applied to each decision.

Though this process has been working with the three department heads included in the decision making, more transparency is needed. This bill would make the joint department meetings where consideration of granting waivers be open meetings and certain notifications would be required. Interested parties on file with the DPZ, property owners within 100 yards of the edge of the project would all have to be notified. Additionally, agendas and minutes would also be made public. This increased notice would allow people to be more aware of the waivers under consideration and how they might affect nearby properties and even their own properties since the approvals could allow clearing of trees, wetlands and steep slopes. These actions often increase stormwater runoff, which will negatively impact downstream properties. Passage of this bill with its increased transparency could lead to better outcomes for all stakeholders involved.

The Howard County Sierra Club is in strong support of this legislation and we ask the members of the County Council to vote yes on CB8-2024.

Carolyn Parsa
Chair, Howard County Sierra Club

From: [Brian England](#)
To: [CouncilMail](#)
Subject: CB8 2024 and CB 40 2023 follow up
Date: Tuesday, February 27, 2024 9:30:07 AM
Attachments: [Stream project in Oakland Mills.pages](#)

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Chair and members of the County Council

I'm following up from our testimony last week and late last year.

Both of these bills go in the right direction to stop the damage being done to the environment by so called "stream restorations". Our suggested amendments will help even more.

I have attached yet another example of damage done to the environmental in Oakland Mills.

Brian England 410 952 6856

Testimony for CB40-2023 December 4th 2023

The Howard County Citizens Association, HCCA supports this act because the county needs to be actively protecting our trees in as many ways as possible.

Trees are our number one resource for soaking up the rain, slowing soil erosion, saving energy, lowering temperatures, reducing wind speed, reducing noise, creating and protecting wildlife and plant diversity, beautifying our environment, cleaning the air and providing oxygen.

Recently Columbia Association's Eric Walker (Conservation Landscape Specialist) shared data that showed there has been tree canopy loss over the last few years. This is not acceptable and it further emphasizes why the HCCA supports bills like this that protect the environment.

Brian England. Board Director. Howard County Citizens Association .

Sent from my iPad



Here is another Howard County/CA project that fails to protect and preserve the environment (see list below) the muddy brown strip through the center of this photo is where there was once trees! This stream was stable with just a few areas where there was some minor erosion. The stream flows under Rt29 ending up emptying into the Little Patuxent River.

The objectives of projects like these should include a description of how the project will improve or align with each of the following measurable and quantifiable goals regarding.

1. Biological Uplift
2. Ecological Uplift
3. Chesapeake Bay Water Quality
4. Forests Conservation
5. Climate change

This project failed in ALL 5!

From: [Carolyn Parsa](#)
To: [CouncilMail](#); [Walsh, Elizabeth](#); [Ball, Calvin](#); [Jones, Opel](#); [Yungmann, David](#)
Subject: Howard County Sierra Club Testimony for CB8-2024
Date: Thursday, February 29, 2024 11:53:53 AM
Attachments: [CB8 HoCo SC Testimony 2.26.24.pdf](#)

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

County Council Members,

Please find the attached testimony from the Howard County Sierra Club in support of CB8-2024.

Thank you.

--

Carolyn Parsa
Sierra Club Howard County Chair
Natural Places Committee Legislative Workgroup Chair

February 29, 2024



Sierra Club Howard County

RE: Support – CB8-2024 Protection of wetlands, streams, and steep slopes – alternative compliance - waivers

The Sierra Club supports CB8-2024 which would increase protection of wetlands, streams, and steep slopes in Howard County. The process of granting a waiver should be carefully considered because the result is removal of trees, wetlands and clearing vegetation on steep slopes. In a time when it is proven that trees, vegetation and intact ecosystems have value in mitigating climate change, holding carbon, and slowing stormwater runoff; the decision to remove them should not be made lightly.

This bill would add measures to a bill from 2019 that split the responsibility of approval of waivers between three department heads, instead of only the Department of Planning and Zoning (DPZ). These waivers need approval now from DPZ, the Office of Community Sustainability, and either the Department of Public Works or Parks and Recreation, depending on the project. The aim of this shared decision making was to allow for their various specialized knowledge to be applied to each decision.

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The Howard County Sierra Club is in strong support of this legislation and we ask the members of the County Council to vote yes on CB8-2024.

Carolyn Parsa
Chair, Howard County Sierra Club

From: [Julianne Danna](#)
To: [CouncilMail](#)
Subject: Cb8-2024
Date: Tuesday, March 5, 2024 12:07:01 PM

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To the council,

Please adopt bill CB8-2024 to bring all notice of waivers to the public eye. This is sorely needed when the public will be directly affected with traffic, loss of habitat for animals resulting in pressure being put on our properties, and more. Public input is needed and should be visible.

I am in support of CB8-2024

Thanks,
Julie Danna