

## Panel OKs marsh ***Board of Public Works unanimously approves wetlands permit***

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Published: Thursday, January 4, 2007 2:00 AM CST

**ST. MICHAELS** - The Maryland Board of Public Works Wednesday unanimously approved the wetlands permit for a 4.4-acre marsh to be built in the Miles River by the proposed Miles Point development.

Gov. Robert L. Ehrlich Jr., Comptroller William Donald Schaefer and Treasurer Nancy K. Kopp all voted in favor of the permit at the final meeting for the current board. The trio listened to more than an hour of testimony before deferring a decision at their Dec. 20 meeting.

State approval was necessary for the construction of the marsh, which would be next to a public park and contain a public walking pier, because the river bottom is state property.

"The issues raised in that hearing have been addressed, at least to my satisfaction," Ehrlich said.

There was no more testimony on the marsh Wednesday. Schaefer, who last month complained about development on the Eastern Shore, voted without comment to approve the permit.

The marsh was proposed as mitigation with a Midlands Companies project on the adjacent Miles Point property. Midlands and the Maryland Critical Area Commission (CAC) agreed to a minimum 150-foot setback from the waterfront with a constructed marsh in lieu of a 300-foot setback originally sought by the CAC.

Growth allocation, permitting higher than normal density for the waterfront area, has been granted for the project, but other permits, including zoning and building, have not yet been approved.

George Valanos, president of Midlands, said he was confident in the science behind the project and pointed out that all state and federal agencies involved supported it.

"We wouldn't have proposed it if we didn't have the science behind it," Valanos said. "We wanted to do the right thing environmentally."

Valanos noted that they had previously obtained permitting to build just a stone rip-rap shoreline but decided to go with the marsh. Eliminating the marsh and going to a 300-foot setback would affect only nine of 279 planned homes, he added.

With the wetlands permit now obtained, construction on the marsh could begin sooner than other building construction, Valanos noted, although it would ideally commence during a spring season.

Those who testified against the marsh at the Dec. 20 hearing argued that it won't withstand the extensive fetch, that it will harm existing marine life, that it will interfere with boat traffic and that there have been procedural errors.

Retired judge John North, a former chairman of the Maryland Critical Area Commission, had also argued that the community has been fighting the development for years and asked the state to intervene as it did with the Blackwater Resort Communities. Attorney Thomas Alspach added that 343 people had signed a petition in opposition to the project.

Midlands environmental counsel Marc Cohen, however, noted that the Chesapeake Bay Foundation, which fought adamantly against the Blackwater Resort Communities, has not opposed the Miles Point development or the marsh.

Rep. Wayne T. Gilchrest and others opposed to the marsh had tried unsuccessfully to get the Board of Public Works vote pushed back until after Martin O'Malley takes over for Ehrlich later this month.

Gene Slear, vice president for Environmental Concern, the company contracted to build the marsh, said they have constructed five marshes with larger fetch.

According to the application, Environmental Concern will install 11,900 cubic yards of sand and nearly 2,000 cubic yards of stone in the river to serve as a containment sill. The sill will go out as far as 110 feet into the channel in places.

Two acres will be "high marsh" (above mean high tide), while 2.4 acres will be "low marsh."

*The AP contributed to this story.*