

The Capital

Top Stories

Enforcement, fines up for environmental violations

By DAVID ABRAMS, Staff Writer

Violators are easy to point out on the waterfront.

If there's a new house with a steep bank out front with nicely mowed grass, it's illegal, county officials said yesterday during a boat tour of the South River with members of the state's Critical Area Commission.

Three properties on the South River stand out with their finely-manicured lawns instead of the wild plants that naturally grow on the banks, inspectors said.

A homeowner on Friends Road was fined \$500 last month for clearing trees and vegetation without a permit near the Riva Road Bridge. He also got two \$100 fines for working outside his permit.

Another homeowner on Childs Point Road received the same \$500 ticket in July for clearing the banks on the river, as did his landscaper.

And a third on Melvin Avenue has paid a \$10,000 bond while county officials wait for him to replant trees and brush illegally removed about three years ago. That's after two previous \$500 fines.

But the county's new combination of stiffer fines and more stringent enforcement is appearing to make a difference.

The number of tickets issued for waterfront violations has more than doubled from this point last year, from 20 to 42. This year's fines total \$17,500.

Violators who were subject to \$500 fines in the past now face penalties between \$1,000 and \$5,000 for the first offense. Plus they have to replace three times as much vegetation as they destroyed.

The new fines went into effect Aug. 9, but county officials said no one has been cited yet.

In some cases, the county will take people to court to get even higher penalties.

"The important thing is people get the word that violations are going to be scrutinized," said Martin G. Madden, chairman of the state Critical Area Commission. The commission -- which reviews policies about regulation of the Chesapeake Bay waterfront -- toured the South River as county officials pointed out troublespots.

Robert Miller, county land-use and environment officer, said the surge in citations either means that enforcement is working or that some people just don't know the rules.

Assistant County Attorney Katie Byrne said violators can expect to wind up in court for

much stiffer penalties. In the past, an inspector wrote a ticket. But state law limited the amount the county could collect to \$1,000. Now the county can take people to court for up to \$10,000.

As soon as an inspector identifies an egregious violation, such as an illegally built pier or clearing, he calls the law office.

"We're developing our case right at the beginning," Ms. Byrne said.

South River Keeper Drew Koslow is pleased with the changes, but waiting to see them in practice.

"The thing I'm really concerned about is follow-through by the county," he said.

Mr. Miller said the county is largely trying to "pick up the pieces" from a time where newspapers used to give away lots on Herald Harbor and Shoreham Beach in exchange for subscriptions.

"It's not a wild river anymore," Mr. Koslow said. "It used to be covered with trees up and down the river, but now it's covered with lawns and big houses."

Part of the problem, Mr. Koslow said, has been the turnover in county government inspections chiefs. Current director Spurgeon Eismeier is the third person in the post in three years.

Moreover, Mr. Koslow said, properties will often change hands after an owner has signed an agreement to replace cleared vegetation. That leads to promises that don't get fulfilled and clearing that is never remedied, he said.

Mr. Koslow suggested that "mitigation agreements" be tied to deeds to make sure they are finished no matter who owns the property.

Sen. Janet Greenip, R-Crofton, and Del. Virginia Clagett, D-West River, said they would review Mr. Koslow's proposal to link the agreements to deeds.

While they admitted property rights of the owners are a concern, they said notifying buyers up front might be the fairest way to protect the environment.

"It's a delicate balance," Ms. Greenip said.

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