

Critical Area Commission

STAFF REPORT

October 7, 2020

APPLICANT: Maryland Department of Natural Resources

JURISDICTION: Worcester County

PROPOSAL: Corker's Creek Trail and Bridge at Pocomoke State Park and State Forest

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Michael Grassmann

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

The Maryland Department of Natural Resources plans to construct a new pedestrian trail and bridge at Pocomoke State Park located in Snow Hill, Maryland (Worcester County). The trail is located within the Critical Area on lands designated as Resource Conservation Area (RCA).

The proposed trail link is approximately 1,500 linear feet. The development of a trail link between the State Park/Shad Landing area and State Forest/Hudson and Tarr Tract area is cited as a priority in the 2008 Land Unit Plan for this area. Visitors to Shad Landing who want access to a trail in the State Park must currently walk or ride on the shoulder of Hwy-113 or drive to a State Forest trailhead. Corkers Creek is the major gap preventing a trail link between all the DNR lands on the south shore of the Pocomoke River. Worcester County is also working with DNR to identify additional lands for acquisition, as well as land owners willing to provide trail/recreation easements, with a goal of creating a land trail link between Snow Hill and Pocomoke City. The Corkers crossing is also a key gap in this effort. The current project timeline anticipates a construction start date in spring 2021, with completion by spring 2022.

This project was initially submitted for review through the Critical Area Commission's Memorandum of Understanding (MOU) with the Department of Natural Resources (DNR) as a Category II project, which allows for conversion of an unpaved trail to a paved trail and the installation of a new trail or boardwalk, provided specific conditions and mitigation requirements are met. However, the project cannot meet the MOU's Qualifying Parameters because it will impact medium or high priority sea level rise wetland adaption areas, as shown by Maryland's

Coastal Atlas. Therefore, this project requires review and approval by the Commission under COMAR 27.02.05.

Project Impacts

The new trail is 5' wide and consists of two segments of gravel through uplands (one 191 linear feet in length and one 765 linear feet in length), two elevated boardwalks over wetlands (one 191 linear feet in length and one 257 linear feet in length) and an 80 linear foot pedestrian bridge spanning Corker Creek. The entire upland limit of disturbance (0.46 acres) occurs within the Chesapeake Bay Critical Area. This limit of disturbance does not include the boardwalk or bridge sections as those impacts will be reviewed and approved by Maryland Department of the Environment (MDE). DNR has designed those sections to minimize disturbance by using prefabricated boardwalk sections and helical piers that do not require heavy equipment for installation.

The total proposed project lot coverage is 0.16 acres for the two gravel trails. However, given that the Critical Area portion of the park is 374 acres, lot coverage will be well below the 15% lot coverage limit.

Buffer Impacts and Tree Clearing and Mitigation

The project will disturb 15,755 square feet of the Buffer, which is expanded due to hydric soils. A portion of the disturbance, 3,522 square feet is redevelopment of an existing compacted gravel base and requires mitigation at a 1:1 ratio. The remaining disturbance is considered new and requires mitigation at a 2:1 ratio. The bridge installation will remove 11 total trees along the trail alignment and an additional 1:1 mitigation is required. Total Buffer mitigation required is 27,988 square feet.

FIDS Habitat

The project site is also located in potential Forest Interior Dwelling Bird (FIDS) habitat. However, forested canopy is not affected as canopy coverage will be maintained over the trail. Therefore, no additional mitigation is required.

Stormwater: Critical Area 10% Phosphorus Compliance

The Critical Area 10% stormwater requirement for the site is 0.28 pounds per year. The trail design includes five (5) Non-Rooftop Disconnect areas which will result in a Total Phosphorous Load Reduction of 0.12 lbs/yr. The remaining 0.16 lbs/yr will be met by planting an additional 32 trees in the proposed offsite mitigation site.

Offsite Mitigation

DNR has proposed an offsite mitigation for Buffer and stormwater requirements at a location approximately 8.5 miles northwest of Pocomoke State Park and Forest, referred to as the Foster Tract, because the park and nearby State lands are heavily wooded with dense vegetation. The proposed mitigation site, selected by Maryland Parks Service staff, is part of a drainage system that feeds into Pocomoke River. Therefore, plantings on the site will benefit the water quality and habitat protection goals of the nearby Pocomoke State Park and State Forest.

Permits and Agency Reviews

Maryland Department of the Environment (MDE)

Wetland Authorizations

Authorizations for Tidal and Nontidal Wetland Impacts are currently under review.

Stormwater Management Compliance

Approved September 3, 2020.

Other MDE Authorizations Sediment and Erosion Control

Authorizations for sediment and erosion control as well as the water quality certification are currently under review.

Maryland Department of Natural Resources (DNR)

In Nov 2019 Wildlife and Heritage Service evaluated the project and determined the site area is known to support state-listed threatened Lowland Loosestrife (*Lysimachia hybrida*) and highly rare Mississippi Buttercup (*Ranunculus laxicaulis*), which occurs in fresh tidal and mudflat habitat . WHS requested coordination during the construction phase in order to develop avoidance and minimization measures.

Maryland Historical Trust (MHT)

Review from MHT is still pending.

Climate Resiliency

As required under COMAR 27.02.05.03, State agencies proposing development on State-owned lands shall demonstrate that the agency has considered the likelihood of inundation by sea level rise over the course of the design life of the project, and demonstrate whether the development incorporates climate resilient practices in order to avoid or minimize environmental or structural damage associated with a coastal hazard, an extreme weather event, sea level rise, and other coastal impacts.

DNR has evaluated the area where the proposed Corker's Creek trail is located and supplied the following information, which is summarized below:

- The project will impact Medium or High Priority Wetland Adaptation Areas as shown on DNR's Coastal Atlas GIS mapping tool. These are areas that are more likely to be sustained in the long term as wetlands, provided appropriate development occurs around them.
- A portion of the State Park near the project area is part of a Wildlands Preservation System, which prohibits any development or disturbance. This pushes the trail alignment to the proposed location. There is no other means of aligning the trail and connecting the Shad Landing Area and the State Forest Track trail system.
- At its lowest point the boardwalk is located 5 feet above current Mean High Water

(MHW). The most recent projected likely range of sea level rise made by the Maryland Commission on Climate Change is 0.8 to 1.6 feet by 2050, with a 20% chance it could be higher than 2.0 feet. Based on NOAA gauges in the area the MHW Elevation is approximately 1.80 feet. A projected 2050 sea level rise of 2.0 feet would put the MHW at approximately elevation 3.90.

- The boardwalk will be constructed incrementally by installing new segments of prefabricated boardwalk from previously constructed boardwalk and will be installed on helical piers to minimize disturbance to the wetlands. The proposed plan intends to have the fiberglass pedestrian bridge delivered to the site in small components, and then fabricated and installed by hand to avoid using construction vehicles to access the area.
- The compacted gravel portion of the trail has limited disturbance within the wetland adaptation areas and occurs mainly at existing connection points. In these unavoidable areas the gravel trail presents the best selection of materials to maintain wetland functions as it allows for the rise and fall of water level to pass through without affecting the trail functionality. Additionally, as sea levels rise a new layer of gravel could be placed and compacted on the trail to prolong the trails life span.

Public Notice Requirements

Posted through MDE Tidal Wetland Public Notice on May 1, 2020. Signage posted on trails in Pocomoke State Park on September 23, 2020.

Staff Recommendation

Commission staff recommends the Critical Area Commission approve the project with the following conditions. Prior to the start of construction, DNR shall provide the following:

- a. A Planting Plan and Planting Agreement for review and approval by Commission staff; the plan shall include required plantings for Buffer mitigation, tree clearing, and 10% phosphorus removal requirements.
- b. Authorizations from MDE for nontidal wetland impacts, tidal wetland impacts, and sediment and erosion control.
- c. Review correspondence from MHT, including addressing any requirements that MHT may have outlined.