Critical Area Commission

STAFF REPORT – Revised
September 6, 2023

APPLICANT:	Maryland Department of Natural Resources
PROPOSAL:	Somers Cove Marina
JURISDICTION:	Maryland Department of Natural Resources/ Somers Cove Marina Commission
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval with Conditions
STAFF:	Kate Durant
APPLICABLE LAW/ REGULATIONS:	COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION

The Maryland Department of Natural Resources (DNR) and the Somers Cove Marina Commission propose to renovate the Somers Cove Marina facility, located at 715 Broadway in Crisfield. Somers Cove Marina is on Somers Cove off of Daugherty Creek, which is a tributary of Tangier Sound. The Marina is the largest state-owned marina in Maryland. The site is entirely located on lands designated as Intensely Developed Area (IDA).

The Marina was established in 1958 and was deeded to the Maryland DNR by the City of Crisfield in 1980. In 2008, the General Assembly established the Somers Cove Marina Commission to oversee operations at the Marina. The Commission applies for grants from the State's Waterway Improvement Fund, as well as receives funds from the City of Crisfield, Somerset County, the State, and other sources in order to pay for operating, maintaining, and improving the marina. The physical property continues to be owned by Maryland DNR.

Somers Cove marina is approximately 31.5 acres and the City of Crisfield surrounds the site. The marina has 515 slips, including a transient floating pier and extended fuel dock. There are also significant parking areas that are used for seasonal events. The condition of the wooden bulkhead is significantly deteriorated. To the north of the marina is downtown Crisfield along West Main Street and a Housing Authority of Crisfield development with 50 units. To the east of the marina is a townhouse development. To the south of the marina is wetlands and boat ramps.

Maryland DNR proposes to demolish and replace the following elements: bulkheads, fixed piers, floating piers, catwalk decking, storm drains, boat ramp with launching piers, and underground

utility lines at the Somers Cove Marina. Specifically, most of the existing fixed piers will be replaced with floating piers, and the existing deteriorated wooden bulkhead will be replaced with a new vinyl composite bulkhead. The anticipated design life of the project is 30 years. Existing lot coverage for the project is 2.75 acres (120,000 square feet). There is no proposed change to the amount of lot coverage for this project. The project is considered water-dependent. As a state agency action resulting in development on state-owned lands, the project will be reviewed under COMAR 27.02.05. A site plan is attached to this staff report.

Proposed Impacts to the Critical Area and Required Mitigation

Buffer Impacts

All proposed impacts will occur entirely within the Buffer. The utility line replacement work will create temporary disturbance to the Buffer that is not required to be mitigated given no canopy removal is proposed. The wooden bulkhead will be demolished and replaced with Fiber Reinforced Polymer (FRP) Composite Sheeting. The total length of the bulkhead replacement is 3,948 linear feet (0.75 miles). The existing boat ramp will also be demolished and replaced with a new boat ramp that is 22 feet wide and 105 feet long. Some tree clearing is proposed (up to 15 trees), and will be mitigated at a 1:1 ratio with ¾" caliper native trees. Permanent impacts and mitigation requirements are as follows:

	Permanent Impacts	Mitigation Ratio	Required Mitigation
Bulkhead	120,000 SF	1:1	120,000 SF
Boat Ramp[1]	7,824 SF	2:1	15,648 SF
Tree Removal	Up to 17 (3,400 SF)	1:1	Up to 17 (3,400 SF)
Total			139,048 SF

As summarized in the table above, permanent impacts associated with the bulkhead replacement will be mitigated at a ratio of 1:1, and the permanent impacts associated with the boat ramp replacement, which are water dependent, will be mitigated at a ratio of 2:1.

Critical Area 10% Phosphorus Compliance

Critical Area stormwater management is required for all disturbance greater than 250 square feet on state-owned land. Given the total amount of lot coverage onsite within the LOD is not changing, the 10% pollutant reduction requirement is 0.64 lbs P/year.

Proposed Mitigation

Commission staff proposes that the mitigation for the Buffer impacts and the 10% pollutant reduction requirement be met through a combination of on-site and off-site projects, as well as possible offsets. The on-site projects could include the removal of impervious surface, replacement of some impervious surface with pervious pavers, installation of rain gardens, and planting of trees, shrubs, and herbaceous plants. The off-site projects could include planting, and installation of rain gardens or other stormwater management best management practices.

[1] The permanent impacts on this chart are the maximum amount based on the demolition of the existing boat ramp. The actual impacts may be lower, and will be based on landward disturbance.

Possible offsets could include living shoreline projects, and other natural or nature-based features that enhance the resiliency of Somers Cove Marina and/or Crisfield. The required mitigation projects will be finalized when the project comes back to the Commission in 6 months.

Permits and Review by Other Agencies

Maryland Department of the Environment (MDE)
Tidal Wetlands Authorization
Authorizations from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers (USACE) are pending. The project has not yet been brought to the Maryland Board of Public Works (BPW) for its Tidal Wetlands License.

Stormwater Management Compliance and Sediment & Erosion Control
This project is located entirely within the 100-foot Buffer and is designated as Intensely Developed Area (IDA) and Buffer Exemption Area (BEA). Due to these factors and several others, MDE issued a waiver for stormwater management. Additionally, MDE has issued conditional approval for the sediment & erosion control plans.

United States Army Corp of Engineers (USACE)
Authorization is pending for the tidal wetlands authorization.

Maryland Department of Natural Resources (DNR)
The Wildlife & Heritage Service determined that there are no rare, threatened, or endangered species within the project area.

Maryland Historical Trust (MHT)
The Maryland Historical Trust (MHT) has determined that there are no historic properties affected by this project.

Coastal Resiliency
Somers Cove Marina is vulnerable to a 3 foot increase in sea level rise, a Category 1 storm surge, and is adjacent to wetland migration areas. Mean sea level rise projections for 2060 ranges from 1.02 to 2.24 feet, with a 50% probability of 1.5 feet. In addition, the proposed activity is located within/waterward of the Coast Smart Climate Ready Action Boundary (CS-CRAB). Maryland DNR is requesting a categorical exemption from CS-CRAB requirements because the marina is a water-dependent facility. In accordance with CS-CRAB Program guidelines, Maryland DNR must implement adaptation and resilience measures to prevent or mitigate impacts to the maximum extent possible when applying for a waiver. Maryland DNR proposes to offset potential sea level rise, storm surge, and wetland migration area impacts by replacing the wooden bulkhead with composite sheeting, as well as converting most of the fixed piers to floating piers. They are also proposing to elevate all utilities above flood elevations.

The City of Crisfield is also vulnerable to sea level rise and climate change impacts and is undertaking a number of efforts to address those issues. Currently, the City is working with the Federal Emergency Management Agency (FEMA) to develop a grant application under the

Building Resilient Infrastructure and Communities (BRIC) program for infrastructure that will mitigate flooding. Additionally, the Nature Conservancy is working with a citizens advisory committee to develop an assessment process in order to identify flood adaptation strategies and evaluate their costs and benefits. Finally, the City has money to design and install new tide gates and stormwater pumps and is currently working with an engineer on that effort.

Public Notice Requirements
Notice of the project was published by MDE in accordance with the tidal waters and wetlands requirements. Additionally, a sign that met the public notice standards for the Critical Area Commission was posted at the entrance gate of the property. At this time, Commission staff is not aware of any comments.

RECOMMENDATION

Staff recommends approval of this project with the following conditions:

1. Within 60 days of the date of Commission approval, Maryland DNR shall submit all final plans and approvals, including but not limited to, the tidal wetlands authorizations from MDE and USACE and sediment and erosion control approval, to Commission staff.
2. Within 6 months of Commission approval, Maryland DNR shall provide Commission staff, and the full Commission if necessary, a mitigation plan for both the 10% pollutant reduction requirement of 0.64 lbs and the 15,648 square feet of mitigation for the boat ramp replacement for review and approval. The mitigation requirement may be met through a combination of on-site mitigation projects, including, but not limited to, permeable pavers, rain gardens, removal of impervious surface, a living shoreline project, and plantings.
3. Within 6 months of Commission approval, Maryland DNR shall provide Commission staff, and the full Commission if necessary, a plan to address the 2.75 acres of Buffer mitigation for review and approval. The Buffer mitigation may be met through a combination of onsite or offsite measures, as well as offsets such as a living shoreline project or other natural and nature-based features that enhance the resiliency of Somers Cove marina and/or Crisfield.
4. Commission staff recommends that DNR assist Somers Cove Marina with an assessment and plan for the facility to determine long-term needs as it relates to facility footprint, flood-risk, and maintenance requirements.