

MINUTES

**Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West St., Suite 100
Annapolis, MD 21401**

July 9, 2025

CALL TO ORDER: Chair Erik Fisher called the meeting to order at 1:00 p.m.

Commission Members in Attendance:

Tim Adams, Prince George's County
David Bradford, Worcester County Chesapeake
Dan Burris, St. Mary's County
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Allison Gost, Department of Transportation
Anita Grant, At Large
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Catherine McCall, Department of Natural Resources
Travis Marion, Cecil County
Mira Morgan, Department of Housing and Community Development
James Palma, Department of Commerce
Annie Richards, Kent County
Tammy Roberson, Department of Environment
Lisa Rodvien, Anne Arundel County
Dave Wilson, Worcester County Coastal
Pat Young, Baltimore County

Commission Members Not in Attendance:

Steve Bunker, Charles County
Mark Conway, Baltimore City
Ben Etherton, Talbot County
Earl "Buddy" Hance, Calvert County
Alisha Mulkey, Department of Agriculture
Hitesh Patel, Somerset County
Brian Roche, Dorchester County

OPENING REMARKS

Chair Fisher called the meeting to order and welcomed everyone. He announced that the meeting was being held virtually and was being live-streamed on our YouTube channel. Dr. Nick Kelly conducted a roll call to confirm a quorum.

APPROVAL OF MINUTES

Commissioner Roberson asked that the spelling of her name be corrected on page 6, paragraph 2. Commissioner Marion moved to approve the minutes from the June 4, 2025 meeting, with the aforementioned correction. Commissioner Adams seconded. **Motion carried unanimously.**

ITEMS FOR VOTE

FULL PRESENTATION – Regulations: Permission to Publish as Proposed Regulations – 27.01.15, Enforcement (New Chapter)

Presented by Kate Durant.

Ms. Durant presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. At the June 4, 2025 meeting, Commission staff provided a review of the draft regulations and reported on the public comments received since the April Commission meeting. The purpose of creating a new chapter of regulations, COMAR 27.01.15 Enforcement, is to address the following provisions related to enforcement, including property access, active violations and stop work orders, notices of violation, fees and penalties, abatement, restoration, and mitigation plans, timeframes for notifying the property owner of a violation, deadlines for response to a violation from the property owner, appeals process, and processes for local jurisdictions to request enforcement assistance from the Commission Chair.

Following the presentation, Ms. Durant turned the floor over to Chair Fisher, who invited questions and comments from Commissioners.

Discussion:

Commissioner Wilson asked about restoration requirements: do replacement trees have to be the same species as trees that were removed?

Commission Staff: Mitigation should be with tree species that are appropriate for the planting area.

Commissioner Wilson: What recourse do residents have if they feel the County is not enforcing laws?

Commission staff: Residents can reach out to the Critical Area Commission, who can intervene if they believe enforcement is not being done adequately.

Commissioner Hance: Asked if a forester would be involved in developing a planting plan of tree species that would have a good survivability in the affected habitat. It was confirmed that trees should be appropriate to the planting area.

Following the discussion, Chair Fisher asked for a motion from the Commissioners. Commissioner R. Hance moved to approve the publication of the regulation as proposed. Commissioner Adams seconded. All in favor. **Motion passed unanimously.**

FULL PRESENTATION – Regulations: Permission to Publish as Proposed Regulations – 27.03 Public Notice and Project Applications

Presented by Lisa Hoerger.

Ms. Hoerger presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. At the June 4, 2025 Critical Area Commission meeting, Commission staff provided a review of the draft regulations and reported on the public comments received since the April Commission meeting. The purpose of updating COMAR 27.03.01.03, Notice Requirements for State Agency and Local Agency Development, and COMAR 27.03.01.04, Categories of Applications to be Submitted to the Executive Director, is to make updates due to changes in the Commission staff's reorganization of duties and priorities,

changes in the effectiveness of local government review of development applications, and changes to the Commission's meeting schedule. Based on comments from the public and Commission, changes were made to the draft regulations regarding timing of publication and where to publish such notifications. The timeline was originally 14 days for public notification, which was changed to 30. It was also discussed that public notice is required to be published in the newspaper, but public notice in other formats should be expanded to reach a broader audience.

Following the presentation, Ms. Hoerger turned the floor over to Chair Fisher, who noted that the regulation as proposed is not in its final format, and will eventually include climate and equity considerations. He then asked for a motion from the floor. Commissioner Rodvien moved to approve publication of the draft regulations. Commissioner Marion seconded. **Motion passed unanimously.**

SUMMARY REPORT – Maryland Department of Transportation Maryland Port Administration (MDOT MPA) Masonville Dredge Material Containment Facility Dike Raising to Elevation +42 Feet

Presented by Jamileh Soueidan. Project Committee Recommendation: Approve with Conditions.

Ms. Soueidan presented in accordance with the staff report, the contents of which have been incorporated into and made part of the minutes. The Maryland Department of Transportation – Maryland Port Administration (MDOT MPA) is seeking approval to raise the perimeter dike of the Masonville Dredge Material Containment Facility (DMCF) from an elevation of +30 feet above Mean Lower Low Water (MLLW) to an elevation of + 42 feet above MLLW in order to provide additional capacity for dredge material from Baltimore Harbor. The Project Committee recommended approval with conditions as outlined in the staff report.

Following the presentation, Ms. Soueidan turned the floor over to Chair Fisher, who recognized Project Committee Vice-Chair Roberson. Commissioner Roberson moved on behalf of the Project Committee to approve the proposed project with conditions as outlined in the staff report. Commissioner Wilson seconded. **Motion carried unanimously.**

SUMMARY REPORT – Kent County – Text Amendment – New RCA Use – Fox Hunting

Presented by Katie Hayden. Program Committee Recommendation – Concurrence; Approval with Conditions.

Ms. Hayden presented in accordance with the staff report, the contents of which are incorporated into and made a part of the minutes. Kent County is requesting that fox hunting kennels be added as an allowed accessory use in the Resource Conservation District (RCD), an underlying zoning district of the Resource Conservation Area (RCA). On March 4, 2025, the County Commissioners of Kent County adopted Bill No. 9-2024, which amends *Chapter 222, Zoning*, of the *Code of Public Local Laws of Kent County* (i.e., the Land Use Ordinance), allowing fox hunting kennels as an accessory use in the RCA. This new use in the RCA was requested by a county resident and is proposed to only impact one property at this time. Properties in the RCA that request this specific accessory use must comply with all other RCA requirements, including clearing, lot coverage limits, and Buffer requirements. This use will also need to comply with the county's soon to be adopted *Chapter 64. Animals, Article II. Fox Hunting Club Dog Kennels License Process* of the *Public Local Laws of Kent County*. Article II includes requirements for obtaining and maintaining a fox hunting club dog kennel license through the Board of County Commissioners, provisions pertaining to public nuisance, as well as provisions pertaining to enforcement and appeals. The process for obtaining a license as provided in Article II includes the ability for the Board to set additional conditions to a license to further address consistency with the Critical Area Program.

Following the presentation, Ms. Hayden open the floor for discussion.

Commissioner Roberson: How will dog waste be handled?

Commission Staff: The farm had previously been a cattle farm, and there was a septic system for handling the waste.

Commissioner Rodvien : Fecal matter could affect nutrient runoff levels, but wondered what the effect of urine would be?

Carla Gerber (Kent County): The County is not sure, but noted that the dogs were confined to the kennel area for most of the time, and that area is hosed down to remove all waste to the septic holding tank.

Commissioner Roberson: Has the Health Department approved the holding tanks?

Carla Gerber: Yes, as far as she knew. She mentioned the tanks hold over 1,000 gallons and are monitored regularly.

Commissioner Wilson: Is the septic tank outside the floodplain?

Carla Gerber: Yes, it is.

Following the discussion, Ms. Hayden turned the floor over to Chair Fisher, who asked for a motion from Program Committee Co-Chair McCall. Commissioner McCall moved that the proposal be accepted as a refinement to Kent County's Critical Area Program. Commissioner Roberson requested confirmation of the approval of the holding tanks and compliance with County health requirements from the County Health Department. Ms. Gerber said she would provide these documents. Ms. Vainieri suggested Chair Fisher hold determination for 10 days pending receipt of these documents. Chair Fisher stated he concurred and would make a decision within 10 days.

PRESENTATION (Information Only): Marsh Migration – Community Conversations and Policy Responses – Presented by Skip Stiles, from Wetland Watch.

Mr. Stiles presented information about marsh migration policy and its implementation in Virginia. Following the presentation he took questions and comments from the Commission.

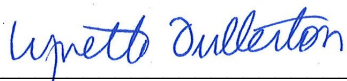
LEGAL UPDATE

Presented by Assistant Attorney General Emily Vainieri. No updates.

Additional Notes

- Chair Fisher announced that Commissioner Porter had resigned from the Commission. Chair Fisher thanked him for his service.

Meeting adjourned.



Lynette Fullerton, Commission Secretary

8/20/25

Date Approved