

**Critical Area Commission
Chesapeake and Atlantic Coastal Bays**

April 17, 2024

Project Implementation Subcommittee Minutes

Subcommittee Members in Attendance: *Conway (Chair), Roberson (Co-Chair), Grant, R. Hance, Kiernan, Marion, McCarthy, Morgan, Palma, Patel, Young*

Guests:

Queen Anne's County: *Steve Cohoon, Stephanie Jones*

M&T Project: *Phil Hudson, Kelly Smilowitz, Ryan Sickman, Steve Seimer, Chris Krupinski, Daniel Brock, Emma Miniso, Michelle Harden*

Item 1. Approval of March minutes.

Commissioner Grant moved to approve the March minutes. Commissioner Kiernan seconded the motion. Commissioner Roberson noted that there were two abstentions (Roberson, Morgan) at the last meeting. Additionally, Commissioner Hance noted that she attended by phone, and was not present for the votes, so can't say the motion passed unanimously. With these changes, Commissioner Hance motioned to approve the minutes. Commissioner Conway seconded. Motion passed unanimously.

Item 2. Vote: Project Approval Requested

Queen Anne's County - Mitigation Banking Memorandum of Understanding (MOU)
Presented by Susan Makhoulouf

Queen Anne's County is proposing an MOU between the County and the Commission regarding the establishment and use of mitigation banks in the County to meet Critical Area mitigation requirements. A draft of the MOU was presented for discussion only at the March 6, 2024, Project Subcommittee meeting. County staff attended the meeting and responded to questions from the Chair and Commissioners regarding the MOU. Based on the questions, the Project Subcommittee made the following specific requests to amend the draft MOU:

1. Include within the MOU a process to ensure MBs will be inspected/monitored in perpetuity;
2. Ensure that MBs will be permanently protected and that uses will be limited to passive recreation; and
3. Consider equity when reviewing the geographic location of proposed MBs.

Since that meeting, County and Commission staff worked together to address these concerns, and the MOU was edited accordingly.

Discussion: Commissioner Roberson asked for clarification about added language regarding invasive species – if 10% per layer can potentially still be invasive, does that mean it would potentially allow for 30% of overall vegetative mass to be invasive? Ms. Makhoulouf and Ms. Claudia Jones elaborated, but the short answer is yes.

Commissioner Palma asked about who gets to decide after the five year period that an area is not being maintained properly. The language seems a little vague. Ms. Makhoulf clarified that there was language added stating that the mitigation banking sites would be transferred to the counties after the five year period.

Commissioner Hance thanked staff for their edits.

Chair Conway opened the floor for a motion to accept the recommendation. Commissioner Palma so moved. Commissioner Morgan seconded. Motion passed unanimously.

Item 3. Information Only.

Maryland Stadium Authority – M&T Bank Stadium Improvements (Baltimore City)

Presented by Kate Durant.

The Maryland Stadium Authority (MSA) is requesting preliminary feedback from the Project Subcommittee regarding the proposed renovations to M&T Bank Stadium located at 1101 Russell Street in Baltimore. MSA is requesting these renovations as the current parking and commercial facilities are not meeting the needs of the stadium's use for sporting and entertainment events. The project requires approval under COMAR 27.02.05 by the Critical Area Commission because the project is proposed by a State agency on State-owned land. The purpose of this preliminary Project Subcommittee discussion is to provide feedback to the MSA regarding the proposed development plans, including mitigation, and whether the current proposal fully addresses the requirements for approval.

Discussion: The Commissioners raised concerns about the tree removal and creating a bigger heat island effect on the site. There was a strong desire to replace trees and save existing trees if possible and questions about the potential for reducing the size of the project in order to save trees. MSA stated that they are still evaluating the ultimate footprint of the project and as part of that they do plan to try and save trees and also create a robust planting plan, but it is challenging given nearly the entire site will be impervious. As a result they also intend to use mitigation fee-in-lieu with the City.

In addition to the trees, Commissioners had questions about the stormwater filters and how they will remove phosphorus. MSA noted that there are special cartridges installed in the pods that help provide the pollutant removal and they will be changed regularly. MSA was also asked whether something like green roofs was being considered as an additional way of catching stormwater. MSA responded that there have been discussions about incorporating green spaces within the footprint of the facility, but again it's been challenging given the nature of the structures.

Chair Fisher asked if Critical Area staff have looked at where the site is positioned in terms of equity considerations given the site is highly developed, with a nearby incinerator, casino, and industrial uses. Charlotte Shearin answered that the area is in the 89 percentile using the EJ (Environmental Justice) screening tool. Chair Fisher noted that EJ is something to keep in mind when considering mitigation, especially since mitigation is going to be off-site. Project Subcommittee Chair Conway said it was good to be focusing on equity concerns, and the fact that it will take many years for any vegetation to regrow to sustainable or manageable levels. It's important to think about what can be done to reduce the impact. As a result of this year's legislation the Stadium Authority was strongly encouraged to keep these considerations in mind when refining the design, either by retaining trees or replacing trees on-site to help address the heat island effects.

Project Chair Conway then thanked all the Commissioners for their questions and suggestions.