

MINUTES

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

May 27, 2026

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

Commission Members in Attendance:

David Bradford, Worcester County Chesapeake
Dan Burris, St. Mary's County
Ben Etherton, Talbot County
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Glenn Gillis, Harford County
Anita Grant, At Large
Alexander Hamann, Department of Commerce (for Palma)
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
Alisha Mulkey, Department of Agriculture
Annie Richards, Kent County
Tammy Roberson, Department of Environment
Brian Roche, Dorchester County
Dave Wilson, Worcester County Coastal

Commission Members Not in Attendance:

Tim Adams, Prince George's County
Steve Bunker, Charles County
Derek Bland, Wicomico County
Mark Conway, Baltimore City
Allison Gost, Department of Transportation
Earl "Buddy" Hance, Calvert County
Sandy Huffer, Queen Anne's County
James Palma, Department of Commerce
Hitesh Patel, Somerset County
Lisa Rodvien, Anne Arundel County
Pat Young, Baltimore County

OPENING REMARKS

Chair Fisher called the meeting to order and welcomed everyone. Nick Kelly, Ph.D. confirmed the presence of a quorum.

APPROVAL OF MINUTES

Commissioner Gerthoffer moved to approve the minutes from the April 15, 2026 meeting. Commissioner Hance seconded. **Motion carried unanimously.**

ITEMS FOR VOTE/CONCURRENCE:

PROGRAM COMMITTEE

SUMMARY REPORT – Town of Rock Hall – Comprehensive Review

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 part of the minutes. The Town of Rock Hall recently completed a comprehensive review of their Critical Area Program as is required by State Law. On February 12, 2026, the Mayor and Council of the Town of Rock Hall approved Ordinance 2026-01, which repeals and replaces sections of Chapter 225(Zoning) within the Code of Rock Hall pertaining to the town's Critical Area Program. The Town requests that the Critical Area Commission approve the comprehensive update of their Critical Area program.

Discussion:

There was no discussion.

Recommendation: Commissioner McCall, Acting Program Committee Chair, moved to process this as a refinement, with the conditions as outlined in the staff report.

VOTE:

Motion to Concur: Commissioner Hance

Second: Commissioner Gillis

Vote: All in favor.

Chair Fisher said that he would take the Program Committee's vote to concur, and that would be his final decision.

SUMMARY REPORT – Town of Rock Hall – Map Amendment: Modified Buffer Area

Presented by Katie Hayden. Program Committee Recommendation – Approval with conditions.

Ms. Hayden presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. On February 12, 2026, the Mayor and Council of the Town of Rock Hall approved Ordinance 2026-02 to amend the town's Critical Area Map to include Modified Buffer Areas (MBA). The Town currently does not have any approved MBAs; this map amendment would establish designated MBAs within the Town for the first time.

Discussion:

Commissioner Hance asked if she understood correctly, that this would just modify the Buffer size, not change the designation, and Katie confirmed. **Commissioner Hance** followed up by asking if there are different requirements for the development of modified buffer areas. Ms. Hayden replied that they will still have to meet the regular standards for that designation.

Recommendation:

Commissioner McCall summarized the Program Committee's discussion and recommendation of both concurrence with the Chair's recommendation and that the map amendment be approved.

Chair Fisher acknowledged the Program Committee's concurrence and said their recommendation stood as his final decision.

Chair Fisher announced that it was the end of the formal action agenda for the day and introduced the initial draft regulations by providing a brief history of why climate resilience and equity are being added to the Critical Area regulations and thanking the Commission members for participating in the drafting process.

REGULATIONS – Climate and Equity Regulations: Overview

Presented by Lisa Hoerger and Kate Durant

House Bill 233, Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Climate, Equity, and Administrative Provisions, was passed by the Maryland General Assembly during its 2024 legislative session. Now known as Chapter 424 of the 2024 Laws of Maryland, the law authorizes the Critical Area Commission to adopt regulations regarding the assessment and adaptation of the Critical Area for climate resilience, enhancing resilience in the Critical Area, and incorporating environmental justice and equity initiatives. In accordance with this charge, Commission staff are presenting to the Commission draft regulations, which are attached.

The draft regulations were developed by the Commission's Legislative and Regulatory Team as a result of internal research and discussion, outreach to select local government and State agency staff, and conceptual meetings with a workgroup of Critical Area Commissioners that met multiple times during late fall and early winter.

Discussion:

Commissioner Hance asked how the preferences of an impacted community would be determined and considered. Ms. Shearin responded that she is currently working on a guidance document that will assist state and local applicants in following the Participation, Access, and Community Outcomes (PACO) Policy.

Commissioner Gillis asked about the correlation of Critical Area to Underserved/Overburdened designated areas, if there was much overlap. Ms. Shearin replied that it has not been done yet but should be fairly straightforward to look at various layers with MDE's EnviroScreen tool.

Alex Hamann (MDC for Commissioner Palma) asked about inundation. If local or State agencies take steps to reduce or mitigate rising sea levels, would maps reflect those changes? Ms. Durant replied that the Maryland Commission on Climate Change is mandated to update data every 5 years and those changes would be captured during those updates. Chair Fisher added that applicants will still have to do the calculations and use the data based on current site conditions.

Commissioner McCall commented on the great conversations it's taken to get to this point and asked when agencies should expect to provide comments. Ms. Hoerger replied that it would be on a rolling basis but that she would be happy to schedule a meeting with her to discuss specifics. Commissioner McCall mentioned a concern about specific language that may limit the ability to install living shorelines. Ms. Hoerger thanked her and said that's exactly the kind of conversation she wants to encourage.

Commissioner Hance commented that the section on wetland migration as Habitat Protection Areas refers to some pretty broad exemptions to roads, bridges, and utilities, and wondered at the reason for that. Ms. Hoerger responded that the language was copied from existing Buffer regulations. She said that often a road or utility may have to cross a wetland migration area, not unlike the Buffer but that she would be happy to have further conversations about this provision applying to wetland migration areas.

Chair Fisher asked if provisions apply to lot reconfiguration/consolidation. Ms. Hoerger responded that the decision had been made not to address this point to limit the scope, but she also suggested we can reevaluate.

LEGAL UPDATES:

Wicomico Valley Foundation (Circuit Court for St. Mary's County) - UPDATE

Since the case was first presented, the administrative record was submitted to the Court, and the parties have filed their written briefs in this case. The hearing is scheduled for June 16, 2026. The Commission will request that the Court reverse the Board's decision on the grounds that the variance does not meet the Critical Area variance standards.

ANNOUNCEMENTS:

Chair Fisher announced that several people have stepped up to be a part of the workgroup to discuss and evaluate the appropriate balance of expanded uses within the Resource Conservation Area versus the use of growth allocation.

Finally, he mentioned the upcoming Commission Retreat, which will be held on June 10 at the Horn Point Lab, which he called one of the preeminent environmental facilities in the state of Maryland. He encouraged people to be there if they could.

The next meeting will be held online on July 8, 2026.

Meeting adjourned.

Lynette Fullerton, Commission Secretary

Date Approved