

MINUTES

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

September 18, 2024

CALL TO ORDER: Chair Erik Fisher called the meeting to order at 1:00 p.m. The meeting was held virtually on Google Meets.

Commission Members in Attendance:

David Bradford – Worcester County Chesapeake
Steve Bunker, Charles County
Dan Burris – St. Mary’s County
Mark Conway, Baltimore City
Ben Etherton, Talbot County
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Anita Grant, At Large
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Shawn Kiernan, MDOT
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
Alisha Mulkey, Department of Agriculture
Jim Palma, Department of Commerce
Hitesh Patel, Somerset County
Larry Porter, Caroline County
Annie Richards, Kent County
Tammy Roberson, Department of Environment
Brian Roche, Dorchester County
Lisa Rodvien, Anne Arundel County
Dave Wilson, Worcester County Coastal
Pat Young, Baltimore County

Commission Members Not in Attendance:

Tim Adams, Prince George’s County
Earl Hance, Calvert County
Travis Marion, Cecil County

OPENING REMARKS: Chair Fisher called the meeting to order, and welcomed everyone. Kate Charbonneau confirmed a quorum with roll call.

APPROVAL OF MINUTES: Commissioner Etherton moved to approve the minutes from the August 7 meeting. Commissioner Porter seconded. Motion passed unanimously.

STAFF PRESENTATIONS

PROGRAM SUBCOMMITTEE:

Wharf at Handy's Point Growth Allocation – Amended Record Plat and Planting Plan – Request for Approval (Kent County)

Subcommittee Recommendation: Approve

Ms. Annie Sekerak presented for vote the request for approval of the mitigation planting plan and the amended record plat to fulfill conditions associated with the Wharf at Handy's Point growth allocation. Ms. Sekerak presented a summary of her staff report, the contents of which are incorporated into and made part of the minutes. Ms. Sekerak noted that the mitigation planting plan had been reviewed by Commission staff and a draft was presented to the Program Subcommittee while it was under development. Ms. Sekerak also noted that the revised record plat includes the requested note related to the building restriction line. The Program Subcommittee voted to recommend approval at its meeting on September 13th, 2024. Hearing no questions, Chair Fisher asked for a motion to approve the revised plat and the mitigation plan. Commissioner McCall so moved. Commissioner Bradford seconded. All voted in favor. **Motion carried unanimously.**

Refinement – Comprehensive Review (Worcester County)

Subcommittee Recommendation: Concur with Refinement and Approve

Ms. Kate Durant presented for concurrence and recommendation a summary of the Worcester County comprehensive review for both the Chesapeake Bay Critical Area Program and Atlantic Coastal Bays Critical Area Program. Ms. Durant provided a summary of both programs and noted that the comprehensive review merges the two programs into one unified ordinance. Ms. Durant noted that the update preserved the unique features of each program where necessary, opted into the non-water dependent structure on piers provisions allowed by law, and summarized the amount of remaining growth allocation in both the Chesapeake Bay (335 acres) and the Atlantic Coastal Bays (373.2 acres). The Program Subcommittee voted to recommend approval at its meeting on September 13th, 2024. Chair Fisher opened the floor to discussion. Commissioner Wilson commented that most of the remaining growth allocation was in the Coastal Bays watershed, which meant that this region will see the bulk of future development pressure.

Hearing no further questions, Chair Fisher recognized Program Subcommittee Co-Chair McCall, who recommended, on behalf of the Program Subcommittee, concurrence with the Chair's determination of refinement. Commissioner Bradford seconded. **Motion passed unanimously.** Chair Fisher acknowledged the motion and said this would stand as his final decision.

OLD BUSINESS:

Diversity, Equity, Inclusion, and Justice (DEIJ) Workgroup Update – Presented by Charlotte Shearin

Ms. Shearin provided an update on the DEIJ workgroup, which has been meeting monthly since February 2024 to develop a policy for the Commission. To date, they have developed a draft outline of the DEIJ policy document, including purpose and vision statements and guiding principles. Four guiding principles have also been addressed, with presentations from guest speakers to inform the workgroup's drafting of each section.

Sections completed so far include:

1. Adaptation to Climate Change
2. Respect for Other Ethno-religious Communities
3. Accountability and Transparency
4. Public Access and Accessibility

Future steps include finalizing drafts of remaining sections, completing the Executive Summary and Definitions, and identifying metrics for success. There will be a presentation on October 22, 2024 on public access and accessibility, all Commissioners are invited to attend. The November meeting will include a presentation on accountability and transparency. There were no questions by the Commission.

Maryland Department of Transportation – State Highway Administration (MDOT SHA) Mitigation Banking Workgroup Update Presented by Nick Kelly

Ms. Kelly provided an update on the development of a regional mitigation banking program for the State Highway Administration (SHA) to address challenges faced by SHA in identifying suitable mitigation locations for their projects. SHA currently has 5.24 acres of unmitigated impacts requiring replanting or restoration. Due to the linear nature of highways, there are limitations for on-site mitigation.

The workgroup has evaluated several potential off-site mitigation locations, including sites in Anne Arundel, Talbot, Queen Anne's, and St. Mary's Counties. Field visits were conducted, including the Koubeck site in Caroline County, which has naturally regenerated into a forested area, and a roadside mitigation bank owned by MDTA near the Bay Bridge.

Criteria for evaluating potential mitigation sites are being developed, with a focus on habitat, stormwater, and buffer restoration. The workgroup is also considering the possibility of using private lands for mitigation, and potential partnerships with nonprofits and land trusts.

Next Steps: The workgroup will meet in October 2024 to review criteria and continue evaluating potential mitigation banking approaches.

NEW BUSINESS – Chair Fisher:

HB-233 Implementation

Chair Fisher provided an update to the Commission on implementation of House Bill 233, which addresses equity and environmental justice in the Critical Area and will go into effect on October 1, 2024. Local jurisdictions will receive guidance from the Commission, particularly regarding administrative provisions including changes to lot coverage and comprehensive review requirements.

New Meeting Schedule Plans for 2025

Chair Fisher also noted that the 2025 meeting schedule will be sent out shortly. It will largely resemble 2024, with virtual and in-person meetings. However, program subcommittee meetings will be moved to one week earlier to give more time for preparation. There will also be another retreat in the Spring and a field day in the fall.

The next meeting of the Commission will be held virtually on November 6th. The December meeting will be in person on December 18.

Meeting adjourned 1:52pm.



Lynette Fullerton, Commission Secretary

11/6/24

Date of Approval