

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

March 6, 2024

Project Implementation Subcommittee Minutes

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

Guests:

Department of Natural Resources: *Leanne Chandler (MPS), Anna Johnson, BayLand Consulting*

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

Talbot County: *Elisa DeFlaux, Philip Logan (Bellevue Park), Joshua Mills, DBF*

Item 1. Approval of February minutes.

Commissioner Grant moved to approve the February minutes. Commissioner Patel seconded the motion. All voted in favor. Motion passed unanimously.

Item 2. Information Only.

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. The County is seeking feedback on the structure and components of the MOU.

Discussion:

Subcommittee members asked for background on other MOUs with Counties for mitigation banking and then had some specific questions on the documents themselves. Discussion points related to long-term management measures including monitoring and project site conditions post the initial 5-year monitoring period; recorded easements to protect banks for the long-term; natural regeneration; and how equity may be considered when selecting a new mitigation bank site.

The County staff provided a summary of how the easements are recorded; how the Parks Department manages properties, including routine annual maintenance that would include invasive species management. The Science Advisor responded to concerns about natural regeneration. Finally, the County acknowledged the need to consider fair and equitable distribution of the benefits of mitigation banking. At the end of the discussion, Nick Kelly summarized that Commission staff would follow up to ensure the MOU (1) is clear regarding monitoring of sites post the 5-year initial planting period, (2) ensure the language in the MOU is clear regarding permanent protection and (3) review whether language could be added to consider an equitable geographic distribution of sites in the future.

Item 3. Information Only.

Talbot County - Bellevue Passage Museum - Conditional Approval

Presented by Annie Sekerak.

Talbot County is sponsoring a project by a local nonprofit on County-owned lands to house the Bellevue Passage Museum. The project will exceed lot coverage limits in the LDA and require Conditional Approval. The County is seeking feedback on the proposed mitigation for the Conditional Approval.

Discussion:

The Subcommittee discussion centered around the mitigation plan, which is deficient in planting by 400 square feet but includes other measures. Subcommittee members asked for clarification on whether additional plantings could be accommodated on the site as the aerial seems to indicate. The applicant indicated that there are more site constraints, including a basketball court and needed walking path, but agreed that additional understory and a salt-tolerant herbaceous layer may be possible. Stormwater management plans have not yet been reviewed by Talbot County so a final determination of whether there is extra stormwater provided is pending. Nick Kelly summarized that the Commission recommended the applicant use understory and herbaceous material to make up the additional needed mitigation.

Item 4: Vote.

Maryland Department of Natural Resources (DNR) - Sandy Point State Park - South Beach Area Restoration Project

Presented by Jon Coplin.

Maryland DNR is seeking approval of a project to enhance and restore the South Beach Area at Sandy Point State Park.

Recommendation: Approval with Condition

Authority: Code of Maryland Regulations 27.02.05

Discussion: The Subcommittee asked for clarification on whether the lot coverage installed could be made up of pervious materials. DNR staff indicated that the use of the site is too intense and unfortunately that could not be incorporated into this site design. There was an additional question about the leaning rails and DNR stated they are used to help keep visitors on the designated paths and pedestrian areas.

Commissioner Marion made a motion to approve consistent with the staff report and recommendation. Commissioner Hertz seconded. Motion passed unanimously.

Item 5. Vote.

Maryland Department of Natural Resources (DNR) - Somers Cove Marina - Updates on Conditions of Approval - Mitigation Plan (Somerset County)

Presented by Kate Durant.

Maryland DNR has submitted a mitigation planting plan for the purposes of meeting two conditions imposed on the project by the Commission in the September 2023 project approval. DNR is seeking approval of the proposed mitigation package to satisfy those conditions.

Recommendation: Pending Subcommittee Discussion

Authority: Code of Maryland Regulations 27.02.05

Discussion: The proposed mitigation plan included sufficient plantings for the installation of the boat ramp but additional planting is necessary to meet the remainder of the BMA impacts. However, the stormwater management greatly exceeds the necessary 10% pollutant reduction rule. Therefore, DNR is requesting approval by the Commission to meet BMA mitigation through the installation of an offset (stormwater management practice). Commission staff clarified that while stormwater requirements can be met by Buffer planting, because this site is IDA and BMA using stormwater as an offset seems acceptable.

Commissioner Patel made a motion to approve the proposed mitigation plan. Commissioner Grant seconded. Motion passed unanimously.