CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Chair Fisher, Critical Area Commissioners

From: Kate Durant, Natural Resources Planner

Date: April 15, 2026

Subject: Key Bridge Rebuild Update

This memorandum provides an update to the Critical Area Commission (Commission), consistent with the Memorandum of Understanding (MOU) between the Maryland Transportation Authority (MDTA) and the Commission regarding the status of the Francis Scott Key Bridge rebuild and anticipated mitigation approach.

Background

In response to the collapse of the Francis Scott Key Bridge (Key Bridge) in Baltimore on March 26, 2024, Commission staff engaged in coordination efforts with MDTA related to debris removal, channel reopening, and ongoing planning for the bridge rebuild. Subsequently, on July 24, 2024, the Commission approved a Memorandum of Understanding (MOU) with MDTA outlining coordination procedures during the Progressive Design Build process, including mitigation, monitoring, and maintenance requirements. The MOU was officially executed on September 9, 2024.

Project Status and Update

The Key Bridge rebuild is occurring in two phases.

Phase I (current) includes geotechnical investigations, site analysis, and preliminary design and engineering.

Phase II will include final design and construction, which will proceed following negotiation of a Guaranteed Maximum Price. The project footprint is expected to be located entirely within the MDTA right of way, mostly in Baltimore County and Baltimore City, with a small portion in Anne Arundel County. The proposed bridge will be wider and longer than the previous structure to meet current design and safety standards. At this time, stormwater management will be provided completely onsite, while mitigation will be met through both onsite plantings and payment into each local jurisdiction's fee-in-lieu program as appropriate. Additional details

regarding Critical Area and stormwater management impacts, as well as monitoring and maintenance, are provided in the attached memorandum.

MOU Update Requirement

Consistent with the MOU, MDTA is required to provide a formal written update and presentation prior to Phase II that addresses the possible mitigation for Critical Area impacts and the associated funding mechanism. The attached Francis Scott Key Rebuild Project – Phase I Update memorandum fulfills the written update requirement. MDTA will also provide a presentation at the April 15, 2026 Commission meeting.

If you have any questions prior to the April 15, 2026 Commission meeting, please contact Kate Durant at (410) 260-3477 or kathryn.durant@maryland.gov.

ATTACHMENT

Memorandum

To: Chesapeake Bay Critical Area Commission and Staff

From: Julie McCarthy, MDTA Natural Resources Lead

Date: April 15, 2026

Re: Francis Scott Key Rebuild Project – Phase I Update

The Maryland Transportation Authority (MDTA) and the Critical Area Commission (CAC) entered into a Memorandum of Understanding (MOU) for the Francis Scott Key Rebuild Project (Project) (effective September 9, 2024) that outlines requirements specific to the Project. Per the MOU, MDTA is providing this formal written update prior to Phase II outlining unavoidable impacts to resources under CAC's jurisdiction, proposed measures to mitigate the impacts, and the funding mechanism for fulfillment of the mitigation requirement. As the Project is a Progressive Design-Build project and design has not yet reached 100%, the information presented in this Memorandum is preliminary and subject to change. Should impacts increase after the start of Phase II, MDTA will notify CAC and coordinate with Commission Staff on revised mitigation plans. MDTA will provide the CAC and staff a formal written update and presentation regarding revised mitigation plans.

MDTA has procured the Project through a Progressive Design-Build delivery method. Kiewit, the successful bidder, has been progressing with Phase I activities, which include geotechnical and other site investigations, preliminary design and engineering, and progression of early works packages. Phase II activities (final design and construction) will begin after a Guaranteed Maximum Price (GMP) has been negotiated, which is anticipated to occur in late May or early June of 2026.

The Project's footprint remains entirely within MDTA right of way and is predominantly located within the designated Critical Area and Expanded Buffer. The Project traverses Baltimore County, Baltimore City, and Anne Arundel County (over water only). Increases in impervious areas are primarily associated with the typical section of the roadway on the new bridge structure, which is required to meet current design standards and includes two 12-foot travel lanes in each direction, 10-foot outside shoulders and four 4-foot inside shoulders.

The Project is currently at 70% design and is advancing to 100% design. Existing impervious area project-wide has been calculated to be 44.8% and is projected to increase to 52.9% based on

the current design, resulting in a phosphorus removal requirement of 21.70 pounds per year. Total load reduction is projected to be 21.73 pounds per year and will be provided through a combination of wet swales, bio-swales, micro-bioretention facilities, and submerged gravel wetlands. Coordination with Maryland Department of the Environment's Sediment and Stormwater Plan Review Division is on-going; approval of the Project's the Stormwater Management Concept Plans was provided on 10/2/25. Table 1 provides a summary of stormwater management requirements for the Project.

Table 1. Stormwater Management Summary

CONCEPT Stormwater Management				
Approved on Oct 2, 2025				
Stormwater Management Quality Summary				
Impervious Area Required Treatment (IART)			**Impervious Area Treated (IAT)**	**Water Quality Bank Debit**
Land-based	**Water-based**	**TOTAL**		
7.25 acres	18.61 acres	25.86 acres	14.74 acres	11.12 acres
Stormwater Management Quantity Summary				
3.3.B.1 Waiver for Tidal Discharge				
Stormwater Management Recharge Summary				
Recharge Volume Required			**Recharge Volume Provided**	**Recharge Volume Remaining**
6950 cubic feet			4046 cubic feet	2904 cubic feet
Temporary Access Road Treatment Summary				
Temporary Impervious Area Required Treatment (Temp. IART)			**Temporary Impervious Area Treated (IAT)**	**Temporary Water Quality Debit**
2.48 acres			0 acres	2.48 acres
Critical Area Phosphorous Load Reduction Summary				
Total Phosphorous Load Reduction Required			**Total Phosphorous Load Reduction Provided**	**Total Phosphorous Load Reduction Remaining**
21.70 lb/year			21.73 lb/year	0 lb/year

Impacts to vegetation occur within both Baltimore County and Baltimore City and are mainly associated with clearing for access, as well as re-establishment of slopes and embankments. Impacts to vegetation have been minimized throughout the design process by working with the Design-Builder to identify areas in which the limits of disturbance can be decreased without negatively impacting construction needs for the Project.

For the purposes of calculating vegetation impacts and mitigation, tabulation is provided separately for Baltimore County and Baltimore City and further broken down into impacts to the Critical Area and the Expanded Buffer. Impacts were calculated for the following categories: standalone trees; forest stands; hedgerow, shrubs and woody vegetation; and ground disturbance (including pavement removal).

In accordance with Section 3.2.1 of the MOU, mitigation requirements for impacts to the Expanded Buffer were calculated based on a 1:1 ratio as outlined in Exhibit A, Section 3.1, Number 11, of the General Approval Memorandum of Understanding between MDTA and CAC (dated 11/20/23). Mitigation for vegetation clearing outside of the Expanded Buffer was calculated based on a 1:1 ratio, as required by Section 3.3.1 of the MOU. MDTA has maximized the amount of mitigation that can be provided on-site and proposes to fulfill remaining requirements in accordance with Section 3.4.2.3 of the MOU with fee-in-lieu payments to Baltimore City and Baltimore County. For the purposes of mitigation calculations, pavement removal was subtracted from ground disturbance. Table 2 provides a summary of Critical Area impacts, mitigation requirements and how mitigation is proposed to be met.

Table 2. Critical Area Impacts and Mitigation Calculation Summary

Baltimore County					
Location	**Impact (SF)**	**Mitigation Required (SF)**	**Mitigation Provided (SF)**	**Delta (SF)**	**Fee-In-Lieu ($1.50/SF)**
Critical Area	0	0	0	0	$326,825
Expanded Buffer	474,511	454,700	236,817	217,833	
Baltimore City					
Location	**Impact (SF)**	**Mitigation Required (SF)**	**Mitigation Provided (SF)**	**Delta (SF)**	**Fee-In-Lieu ($3.00/SF)**
Critical Area	184,089	184,089	135,833	48,256	$525,591
Expanded Buffer	317,123	239,687	112,746	126,941	

On-site plantings to fulfill mitigation requirements consist of a palette of native species and include both canopy and understory trees and pollinator habitat. Per Section 3.5.3, monitoring and maintenance requirements will be met by ensuring survivability of mitigation planting sites

for 3 years, sites will be monitored and maintained for 5 years after establishment, and sites will be added to MDTA's Maintenance List to ensure invasive species are managed and at least 80% of each site is comprised of native species.