

**Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting held online via Teams**

November 1, 2023

Project Implementation Subcommittee Minutes

***Attendees:** Conway (Chair), Adams, Grant, R. Hance, Shawn Kiernan (for Hertz), McCarthy, Patel, Roberson, Theo Williams (for Glanz), Roche, Ellen Bast (for Palma)*

***Not Present:** Glanz, Marion, Young, Hertz*

***Guests:** Amanda Atwell, Julie McCarthy*

Item 1. Approval of September minutes.

Commissioner Roberson moved to approve the September minutes. Commissioner R. Hance seconded the motion. All voted in favor. Motion passed unanimously, with one abstention (Williams).

Item 2. Maryland Transportation Authority – Update to the General Approval Memorandum of Understanding

Presented by Kate Durant.

Over the last several months, staff from the Critical Area Commission and the Maryland Transportation Authority (MDTA) have worked together to update the existing General Approval Memorandum of Understanding (MOU) between MDTA and the Critical Area Commission. The existing MOU between the two agencies was signed in 2015. The proposed updates to the MOU are intended to more closely match the approved project types and development thresholds that the Critical Area Commission approved for the Maryland Department of Transportation's (MDOT) MOU exhibits for the State Highway Administration (SHA) and the Maryland Transit Administration (MTA) in 2019.

Discussion: Commissioner Roberson asked for clarification on the phrase 'innovative mitigation opportunities' that will be allowed. Ms. Durant explained that it would be an alternative to simply replanting, and would include things like removing invasives, tree plantings, pollinator habitat creation, and stormwater management. Commissioner Roberson asked if it had to be 'on the ground' mitigation, or if outreach would be permissible? Ms. Durant confirmed that it would have to be actual mitigation, but it would not necessarily be tree-for-tree.

Commissioner Rosa Hance asked whether the language in the MOU about "no limits for clearing of woody vegetation" for stormwater management practices was standard, because it did not seem right. Mr. Kelly explained the purpose was to allow MDTA to go in and maintain practices that needed maintenance and that any clearing will require mitigation. It is the same language as found in other MOUs and is not intended to apply to new stormwater practices. Commissioner Hance still was not comfortable with the "no limit" language.

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Project Chair Conway suggested an amendment to the original language that would establish a limit but also not create additional work for Commission staff.

Motion: Commissioner Hance motioned to strike the line “no clearing limit” in the MOU and replacing it with “20,000 sf clearing limit for SWM practices” on item #5, page 14. The motion was seconded and passed unanimously.

Commissioner Hance next made a motion to approve the MOU as amended. Commissioner Grant seconded the motion. Motion passed unanimously.

Meeting adjourned 9:31 a.m.