

MINUTES

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

July 8, 2026

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

Commission Members in Attendance:

Derek Bland, Wicomico County
David Bradford, Worcester County Chesapeake
Steve Bunker, Charles County
Dan Burris, St. Mary's County
Ben Etherton, Talbot County
Jenelle Gerthoffer, Worcester County – Coastal/Town of Ocean City
Glenn Gillis, Harford County
Allison Gost, Department of Transportation
Anita Grant, At Large
Rosa Hance, At Large
Debbie Herr-Cornwell, Department of Planning
Sandy Huffer, Queen Anne's County
Catherine McCall, Department of Natural Resources
Mira Morgan, Department of Housing and Community Development
Alisha Mulkey, Department of Agriculture
James Palma, Department of Commerce
Annie Richards, Kent County
Tammy Roberson, Department of Environment
Lisa Rodvien, Anne Arundel County
Dave Wilson, Worcester County Coastal

Commission Members Not in Attendance:

Tim Adams, Prince George's County
Mark Conway, Baltimore City
Earl "Buddy" Hance, Calvert County
Hitesh Patel, Somerset County
Brian Roche, Dorchester County
Pat Young, Baltimore County

OPENING REMARKS

Chair Fisher called the meeting to order and welcomed everyone. He noted that the meeting was being conducted virtually via Google Meet, streamed live to the public, and that meeting minutes would be made available on the Commission's website. Nick Kelly, Ph.D. confirmed the presence of a quorum with a roll call.

APPROVAL OF MINUTES

Commissioner Huffer moved to approve the minutes from the May 27, 2026 meeting. Commissioner Herr Cornwell seconded. Commissioners Bunker, Gost and Rodvien abstained as they were not at the May meeting. All others voted in favor. **Motion carried unanimously.**

ITEMS FOR VOTE/CONCURRENCE:

PROJECT COMMITTEE

SUMMARY REPORT – Washington Suburban Sanitary Commission (WSSC) – Anacostia Depot Reconfiguration

Presented by Katie Hayden. Project 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. The Washington Suburban Sanitary Commission (WSSC) is proposing to redevelop their Utility Services Department in Hyattsville to include the construction of several buildings and storage sheds, the replacement and reconfiguration of parking areas and driveways, and to perform upgrades to existing utilities.

Discussion:

Commissioner Gillis inquired about the criteria used to accept increased impervious surfaces. **Ms. Hayden** and **Director Kelly** clarified that the decision was site-specific, factoring in heavy-load utility vehicle traffic which makes permeable pavers structurally unsustainable and prone to maintenance failure.

VOTE:

Motion: Commissioner Roberson moved to approve with conditions as outlined in the staff report.

Second: Commissioner Wilson

Motion carried unanimously.

PROGRAM COMMITTEE – CONSENT AGENDA

Town of Crisfield – Comprehensive Review

Staff Report by Annie Sekerak. Program Committee Recommendation – Concurrence; Approval with conditions.

Discussion: There was no discussion.

Town of Crisfield Critical Area Map Update

Staff Report by Annie Sekerak. Program Committee Recommendation – Approval with conditions.

Discussion: There was no discussion.

Town of Princess Anne – Comprehensive Review

Staff Report by Jamileh Soueidan. Program Committee Recommendation – Concurrence; Approval with conditions.

Discussion: There was no discussion.

Town of Federalsburg – Comprehensive Review

Staff Report by Jon Coplin. Program Committee Recommendation – Concurrence; Approval with conditions.

Discussion: There was no discussion.

Chair Fisher acknowledged each of the Program Committee's concurrences and said their recommendations stood as his final decisions.

REGULATIONS – Climate and Equity Regulations: Update and Discussion

Presented by Lisa Hoerger and Kate Durant

Kate Durant and Lisa Hoerger provided updates on the evolving draft regulations stemming from 2024 legislative expansions.

- **Overburdened and Underserved Communities:** Ms. Durant shared GIS mapping data derived from MDE's *EnviroScreen* tool, highlighting census tracts intersecting the Critical Area. Tracts are categorized based on pollution exposure, health susceptibility, and socioeconomic factors (e.g., poverty, minority demographics, language proficiency). Major subdivisions or State/local projects in these areas will require expanded public notice.
 - **Discussion: Commissioner Gillis** commented that he appreciated the attention given to understanding the extent of overburdened and underserved communities, and that all Commissioners should be looking at their local areas through this lens.
 - **Commissioner Bunker** asked how the Overburdened and Underserved maps came about. Ms. Shearin replied that they came from MDE's *EnviroScreen* tool.
- **Bridges, Roads, and Utilities in Wetland Migration Areas:** Draft updates propose defining wetland migration areas as a new Habitat Protection Area (HPA). Under current rules, roads, bridges, and utilities are prohibited in HPAs unless there is "no feasible alternative". Staff are collaborating with the Maryland Department of Emergency Management (MDEM) to assess state infrastructure planning.
 - **Commissioner Huffer** mentioned the Bay Bridge and Key Bridge replacement plans.
 - **Commissioner Gillis** commented that the "no feasible alternative" clause must remain a high, consistently applied bar.
- **Agency Outreach:** Staff have met with the DNR Watershed and Climate Services team—specifically discussing how to distinguish development from resilience/restoration projects (such as living shorelines)—and have outreach scheduled with MDE and local jurisdictions later in July.
 - **Commissioner McCall** noted DNR's Resiliency through Restoration program, whose intent is to carry out restoration practices to foster resilience outcomes, working across multiple departments including the Maryland Department of the Environment(MDE) and the Commission as well as local jurisdictions to understand where future habitat may be and incorporate that into project designs. Ms. Hoerger emphasized this is definitely an ongoing conversation and happy to continue the dialogue.
- **Statutory Variance Regulations:** Draft variance updates responding to separate statutory updates will be introduced for Commission review at the August meeting, ahead of an October 1, 2026 statutory effective date.

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 was held on June 16, 2026. The Commission requested that

the Court reverse the Board's decision on the grounds that the variance does not meet the Critical Area variance standards. The case was remanded back to the Board of Appeals for further fact-finding on two specific issues – inadequate findings on proper property-to-property comparisons; and a failure to address distinct county structural shoreline ordinance requirements.

Announcements:

Chair Fisher thanked the newly formed Resource Conservation Area (RCA) Uses Work Group, which met for the first time to evaluate permissible activities on sites with existing structures.

The next meeting will take place in person on August 19, 2026 in Crownsville. A lunchtime training session regarding stream restoration featuring a guest speaker from Montgomery County will begin at 12:00 p.m., followed by the formal meeting at 1:00 p.m..

The Fall Field Day is being planned for Harford County, with date to be determined.

Finally, the State Agency Consultant Training is scheduled for October 2, 2026 in Crownsville, to streamline coordination on State-level projects.

Meeting adjourned.



Lynette Fullerton, Commission Secretary

8/19/26

Date Approved