

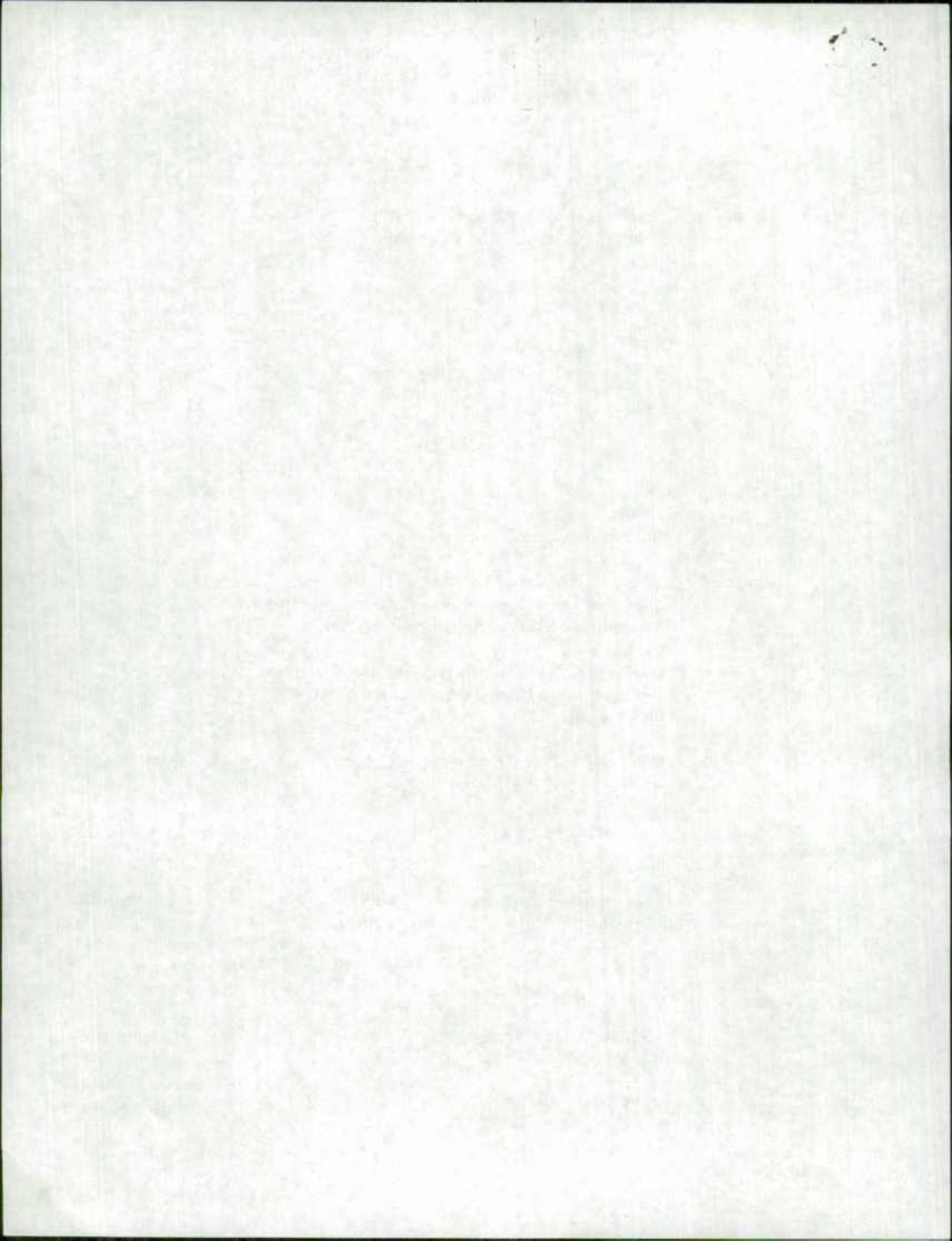
Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Peoples Resource Center
Crownsville, Maryland
September 5, 2001

AGENDA

- | | | |
|-----------------------|---|-------------------------------|
| 1:00 p.m. - 1:30 p.m. | The Honorable Parris N. Glendening
Remarks; Questions and Discussion | |
| 1:30 p.m. - 1:35 p.m. | Approval of Minutes
of August 1, 2001 | John C. North, II
Chairman |
| 1:35 p.m. - 1:55 p.m. | Special Presentation:
Talbot Rivers Protective Association | Albert Goetze |

PROJECTS

- | | | |
|-----------------------|--|-------------------------------|
| 1:55 p.m. - 2:05 p.m. | VOTE - DNR: Tuckahoe State Park:
Pedestrian Bridge
Queen Anne's and Caroline Counties | LeeAnne Chandler |
| 2:05 p.m. - 2:20 p.m. | VOTE - University of Maryland / Horn Point
Center for Estuarine Studies: Aquaculture and
Restoration Ecology Lab, Dorchester Co. | Mary Owens |
| 2:20 p.m. - 2:30 p.m. | VOTE - DOT/State Highway Administration:
Governor's Run Bridge Replacement, MD 509
Calvert County | Wanda Cole |
| 2:30 p.m. - 2:45 p.m. | VOTE - DGS: Day Care Facility at DNR | Dawnn McCleary |
| 2:45 p.m. - 3:15 p.m. | Old Business | John C. North, II
Chairman |
| | VOTE/Appeal - Anne Arundel County Board
Of Education: Mayo Elementary School | LeeAnne Chandler |
| | Harford County Mapping - Extension of
Critical Area (Tentative) | Mary Owens
Dawnn McCleary |
| | Woodrow Wilson Bridge
Contract BR3 | Lisa Hoerger |
| | Legal Update | Marianne Mason, Esq. |
| 3:15 p.m. - 3:20 p.m. | New Business | John C. North, II
Chairman |



Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
People's Resource Center
Crownsville, Maryland
September 5, 2001

SUBCOMMITTEES / PANELS

10:15 a.m. – 12:00 p.m. Project Evaluation Subcommittee

Members: Bourdon, Witten, Giese, Goodman, Cooksey, Setzer, Graves, Olszewski,
Jackson, McLean, Andrews, Jones, Rice

University of Maryland/Center for Estuarine Studies: Mary Owens
Aquaculture and Restoration Ecology Lab, Dorchester Co.

DGS – Day Care Facility at DNR, City of Annapolis Dawnn McCleary

DNR – Tuckahoe State Park: Pedestrian Bridge LeeAnne Chandler
Queen Anne's and Caroline Counties

DOT/SHA – Woodrow Wilson Bridge: Reforestation Package Lisa Hoerger
Prince George's County
Information

DOT/SHA – Woodrow Wilson Bridge: Contract BR3 Lisa Hoerger
Prince George's County

DOT/SHA – Governor's Run Bridge Replacement: MD 509 Wanda Cole
Calvert County

11:00 a.m. – 11:45 p.m. Program Implementation Subcommittee

Members: Foor, Myers, Bailey, Evans, Barker, Wynkoop, Johnson, Lawrence, Duket,
Samorajczyk, Bradley, Wenzel

Cecil County – Cecil County Airport: Growth Allocation Mary Owens

**11:45 a.m. – 12:00 p.m. Harford County Comprehensive Review
Panel**

Members: Duket, Evans, Goodman, Barker

Harford County – Request for Reconsideration of Dawnn McCleary
Buffer Extension Condition Mary Owens

12:00 p.m. - 1:00 p.m. - LUNCH

Chesapeake Bay Critical Area Commission
People's Resource Center
Department of Housing and Community Development
Crownsville, Maryland
August 1, 2001

The Chesapeake Bay Critical Area Commission met at the Department of Housing and Community Development in Crownsville, Maryland. The meeting was called to order by John C. North, II, Chairman, with the following Members in attendance:

Barker, Philip, Harford County; Cooksey, Dave, Charles County; Bourdon, Dave, Calvert County; Evans, Judith, Western Shore Member at Large; Foor, Dr. James, C., Q. A. Co.; Giese, Wm. Jr. Dorchester County; Graves, Charles C., Baltimore County; Jackson, Joseph, Worcester County; Johnson, Samuel Q., Wicomico County; Wenzel, Lauren, Md. Department of Natural Resources; Jones, Paul, Talbot County; Myers, Andrew, Caroline County; Rice, William, Somerset County; Olszewski, John A., Baltimore County; Samorajczyk, Barbara, Anne Arundel Co.; Witten, Jack, St. Mary's County; Setzer, Gary, Md. Department of the Environment; Duket, Larry, Md. Dept. of Planning; Goodman, Bob, Md. Dept. of Housing and Community Dev.; McLean, Jim, Governor's Office of Business and Economic Development

Not In Attendance:

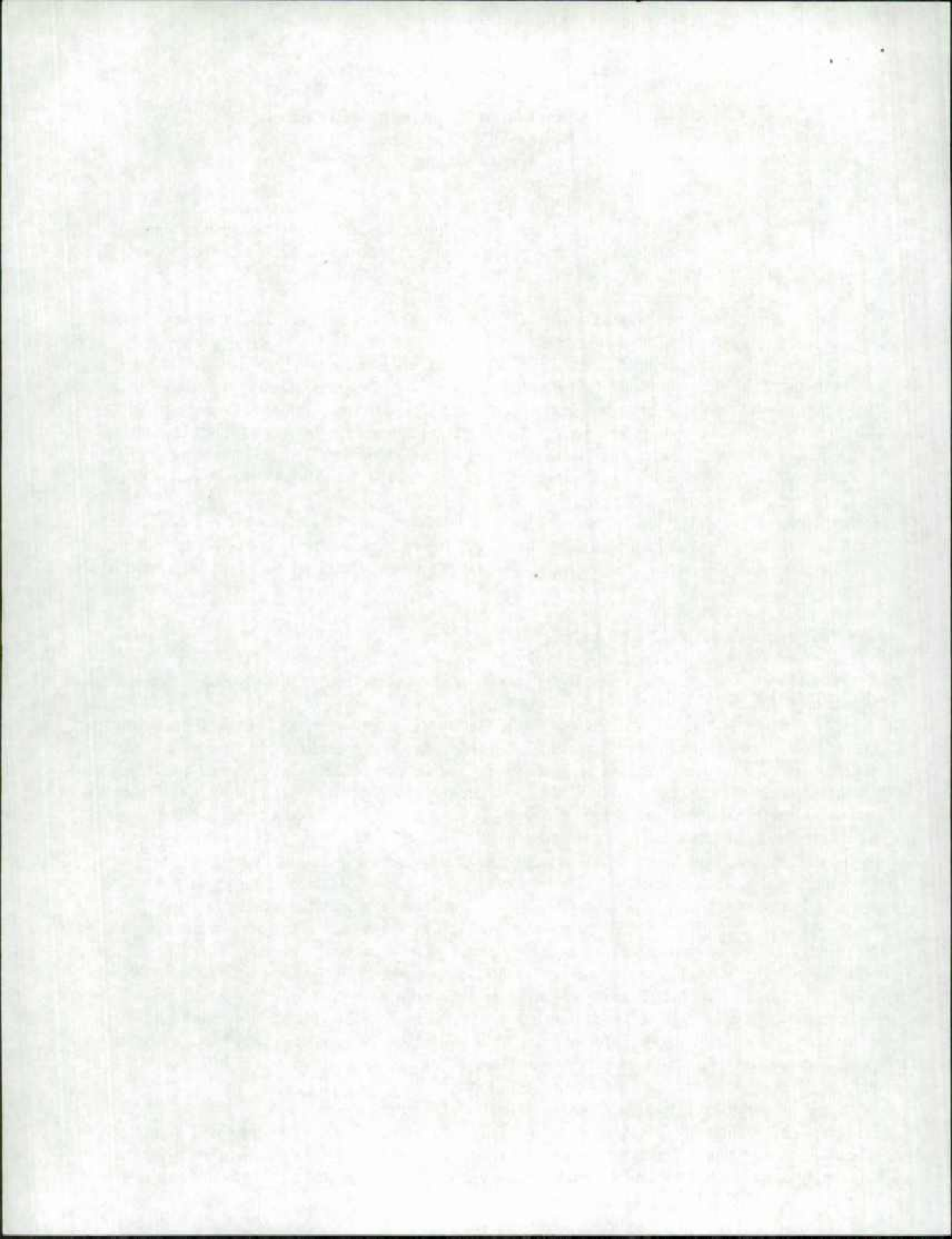
Andrews, Meg, Md. Department of Transportation; Bailey, Margo, Kent County; Bradley, Clinton, Eastern Shore Member at Large; Wynkoop, Samuel, Prince George's County; Lawrence, Louise, Md. Dept. Agriculture.

The Minutes of July 11, 2001 were approved as read.

Chairman North announced that Gary Setzer now officially represents the Maryland Department of Environment succeeding J.L. Hearn.

David Burke, Maryland Department of Natural Resources, gave a presentation on what the DNR is doing for their Shore Erosion Control Plan and Sea Level Rise strategy. He said that there was a series of statewide meetings a year ago to make people aware of the seriousness of the sea level rise and shore erosion in Maryland. With 260 acres per year lost, this is a major threat to the sensitive habitat areas. Mr. Burke told the Commission that the principal causes of shore erosion are storm events which impact major portions of shoreline causing a significant loss over a three day period. Cultural and historical sites and even graveyards are being lost all along the waterfront. Primary environmental impacts involve a significant loss of wetlands, nutrient loadings and sediment problems which aggravate the SAV loss. He said that the global sea rise is about 1.8 ml/year and in Maryland is double that, 3 - 4 ml/year, greater toward the mouth of the Bay. The Maryland General Assembly recognized the seriousness of shore erosion and the loss of shoreline and consequently a task force was convened to examine the issue. The Task Force came up with causes, effects and possible solutions for addressing the issue of sea level rise and because DNR did not get all the money it needed to complete the study, the Department is trying to get more money from federal grants. Pilot studies to improve shore erosion will be done in particular counties as a precursor to a statewide initiative. He said that in addressing this issue the Critical Area Act may need to be amended to expand the Critical Area in order to respond to this sea level rise. The global average of loss of shoreline per year has been 1.3 feet over the past century, and it is expected to be 2 - 3 feet in the next century.

LeeAnne Chandler, CBCAC planner, presented for VOTE a request for a second conditional approval for the Mayo Elementary School in Anne Arundel County. This approval is being sought by the Board of Education for Anne Arundel County (Board) in order to avoid forcing students to commute to an Annapolis school during construction if the first site construction were to occur. She said that the Board requested and

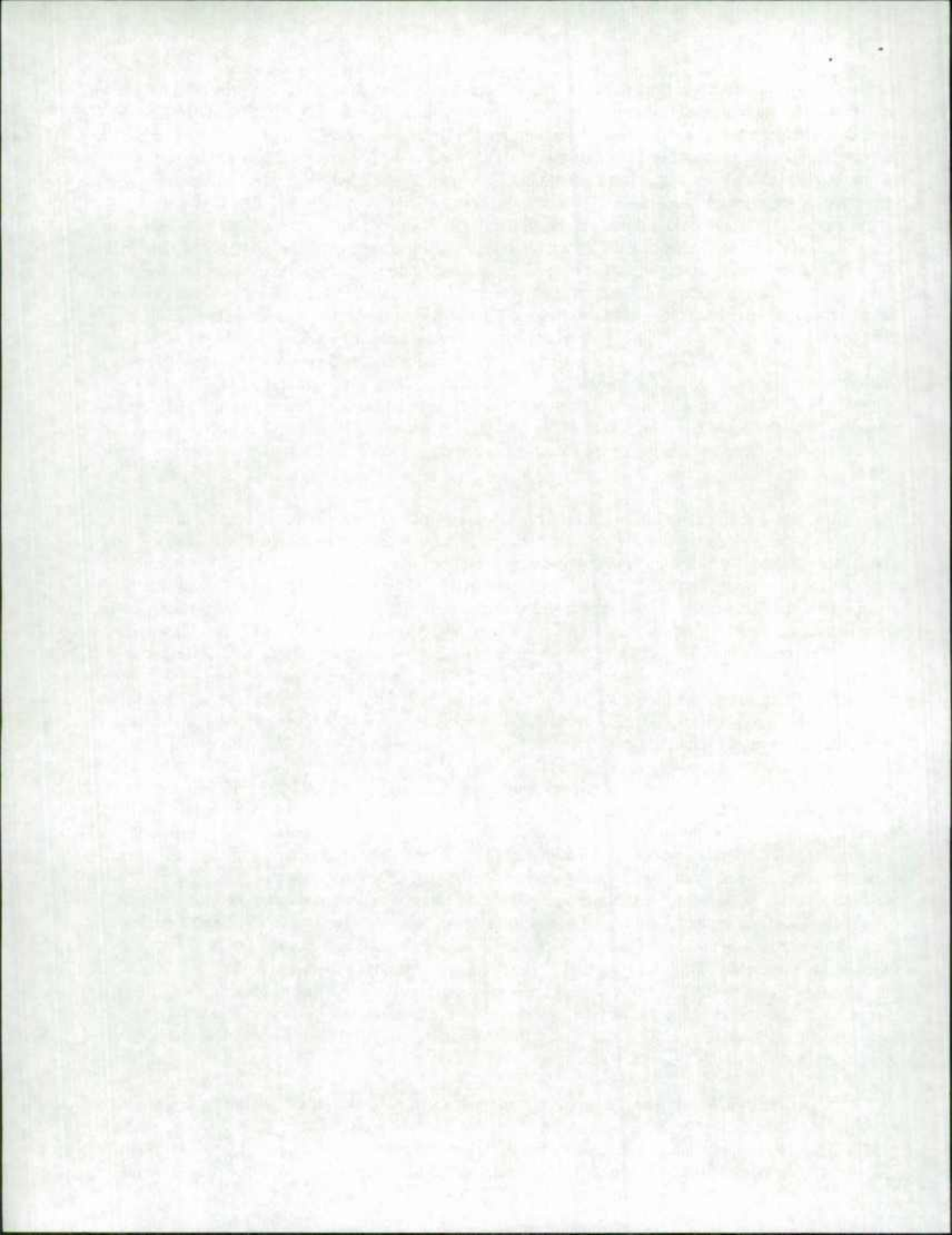


received conditional approval from the Critical Area Commission in August, 2000 for a project which would exceed the imperious surface limits on the existing Mayo Elementary School site from 20% to 33% on the 7.28 acre site. There would be no impacts to Habitat Protection Areas on the already approved site. The conditional approval has not been relinquished and is still valid. Despite this, the Board is seeking another conditional approval to construct a school and related facilities on an alternative site. Ms. Chandler described the multiple impacts to a stream, the 100-foot Buffer, non-tidal wetlands and numerous impacts to HPAs as well as exceeding the impervious surface limits and the clearing of 8.55 acres of forest. Because of these extensive impacts, a Panel was appointed by the Chairman to review the project and to hold a public hearing and make a recommendation to the Commission. The Panel recommendation was to deny the request because the Commission has already given a conditional approval for the initial request to rebuild the school a year ago on its current site. The Commission concluded that the Board did not offer methods to lessen the construction's impact on the environment or show that denying the request would prevent a school from being built (requirements in COMAR 27.02.06, criteria that must be addressed in consideration of a conditional approval). No one spoke in support of or in opposition to this request at the Commission meeting. Based on the findings of the Panel outlined in Ms. Chandler's August 1 staff report as amended (attached to and made part of these minutes), Dr. Foor, Panel Chair, moved to deny the request of Anne Arundel County Public Schools for the Mayo Elementary School Conditional Approval for an alternative site. The motion was seconded by Larry Duket and carried unanimously.

Lisa Hoerger, Planner, CBCAC, presented for VOTE Anne Arundel County's County Bill #49-01. Ms. Hoerger told the Commission that at its meeting on April 7th of this year Anne Arundel County Bill #78-00, which sets standards for Government Reuse Facilities in Buffer Exemption Areas (BEAs), was presented for approval and subsequently tabled at the request of the County. At the earlier meeting, the County met with the panel, which had conducted a public hearing, and was told that County Bill #78-00 did not adequately cover the standards for development and redevelopment outlined in the Commission's policy on BEAs. Bill #49-01 is an amended version of Bill #78-00 which addresses the issues that were identified as deficient. Ms. Hoerger reiterated the deficiencies in Bill #78-00 and the provisions for addressing those issues in Bill #49-01 (outlined in a staff report attached to and made a part of these Minutes). Dr. Foor moved to approve the amendment for Anne Arundel County's Bill #49-01, Government Reuse Facilities. The motion was seconded by Barbara Samorajczyk and carried unanimously.

Dawnn McCleary, Planner, CBCAC, presented for VOTE Harford County's Comprehensive Review. Ms. McCleary told the Commission that the review of Harford County's Program resulted in some amendments to the subdivision regulations and the County's development code with amendments to the Critical Area overlay district and to the Critical Area Program Management Document, appendices, and maps. The resource inventory has been updated and the Critical Area maps have been revised in the existing Critical Area expansion areas to be consistent with the new floodplain delineations that were adopted by the County in January 2000 and a growth allocation update was provided, showing 94 acres remaining. Janet Gleisner, Harford County Planning, accompanied Ms. McCleary in her presentation and discussed these changes. Ms. Gleisner said that most of the Critical Area of Harford County is located at the Aberdeen Proving Ground. She talked about the local issues and said that the County was the first to digitize their maps with DNR. Larry Duket moved to approve Harford County's Comprehensive Program Update with the changes that are cited in Dawnn McCleary's August 1, 2001 staff report (attached to and made part of these minutes) with the following omissions and clarifications to which she referred:

- 1) The condition relating to "grandfathering" should use the date of **original** Program adoption;
- 2) The condition relating to uses in the RCA should be revised to include both **residential and nonresidential uses**, and a determination should be made that the proposed use would **minimize**



impacts on habitat and water quality rather than "have no adverse impacts on" habitat and water quality;

- 3) The County shall ensure that the new extensions of the Critical Area boundary along stream corridors include at least the minimum 100-foot Buffer on each side of the stream.

Tracey Greene, Circuit Rider, CBCAC, presented for Concurrence with the Chairman's determination of Refinement a proposal by the Town of Snow Hill to redesignate three parcels of land as RCA to LDA on the basis of mistake as provided by the Critical Area Act. She said that the Town has determined that a mistake was made in applying the RCA designation in the original mapping when the parcel appeared to be one piece of land with one dwelling when in fact, it was subdivided into four lots and the subdivision was never shown on the State Tax Maps. Ms. Greene discussed the Town's findings and said that the new designations appear consistent with the Commission's Criteria for the LDA. The Commission supported the Chairman's determination of Refinement.

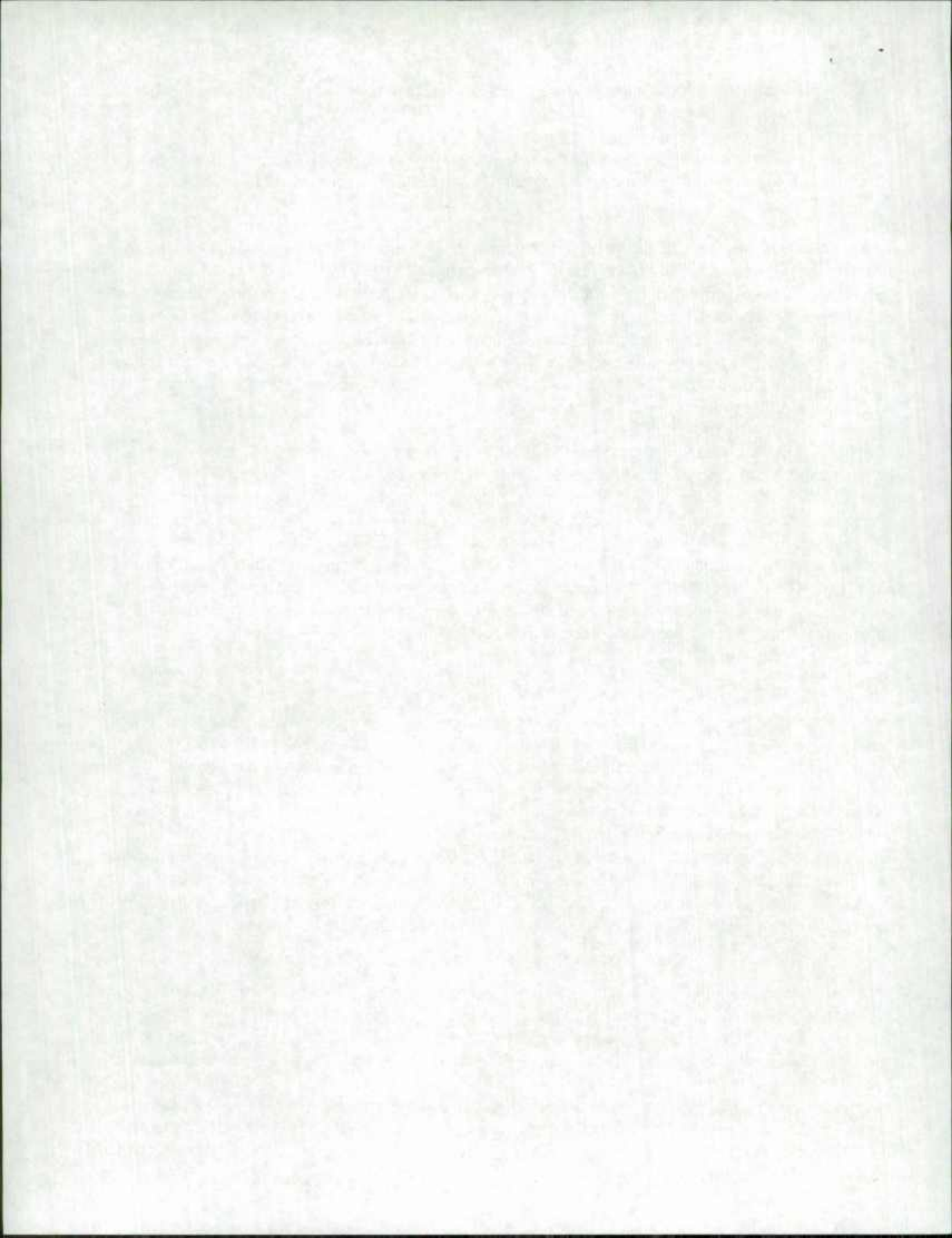
Amber Widmayer, Planner Intern, CBCAC, presented for Concurrence with the Chairman's determination of Refinement Dorchester County's request for approval of a text change to provide for the allotment of a portion of Dorchester County's growth allocation to the City of Cambridge and the Towns of Vienna, Secretary, Church Creek, Eldorado, Brookview and Galestown. This change will also designate 150 acres of the County's growth allocation acreage to be reserved for nonresidential uses that involve conversions from LDA to IDA and from RCA to LDA, and RCA to IDA. This request is consistent with section 27.01.02.06A(2) of the Critical Area Criteria and consistent with the State's Smart Growth initiatives and enhances the towns' abilities to efficiently and effectively implement their local comprehensive plans. The Commission supported the Chairman's determination of Refinement.

OLD BUSINESS

Ms. Hoerger gave an update to the Commission on the Woodrow Wilson Bridge project in Prince George's County. She said that she has received several phone calls from the contractors who have been awarded the foundation contract and the dredging has been completed and that there remains surprisingly, much SAV. The stone has been laid on the entire site including the 100-foot buffer. The contractors wanted to discuss the issue of the conveyor that will convey the concrete from the batch plant, which is outside of the Buffer, to the Potomac River where it will be loaded onto barges. The proposed minor revisions (also submitted to MDE for their tidal wetland license and to the Corps of Engineers) include a concrete pad that is just outside the 100-foot Buffer. There will be a large (770 sq. feet) footing which will be in the Buffer. Last month the Commission determined in its conditional approval of the project that the impacts to the Buffer already existed. As part of the approval, these changes were to be submitted for review and SHA is required to provide 3:1 mitigation.

Ren Serey, Executive Director, updated the Commission on Queen Anne's County. He said that the Queen Anne's County Commissioners have agreed to amend the County Critical Area Program to provide for a public hearing by the Commissioners before submittal of concept approval of growth allocations to the Critical Area Commission. The Commission should receive a formal bill and change within the next couple of months.

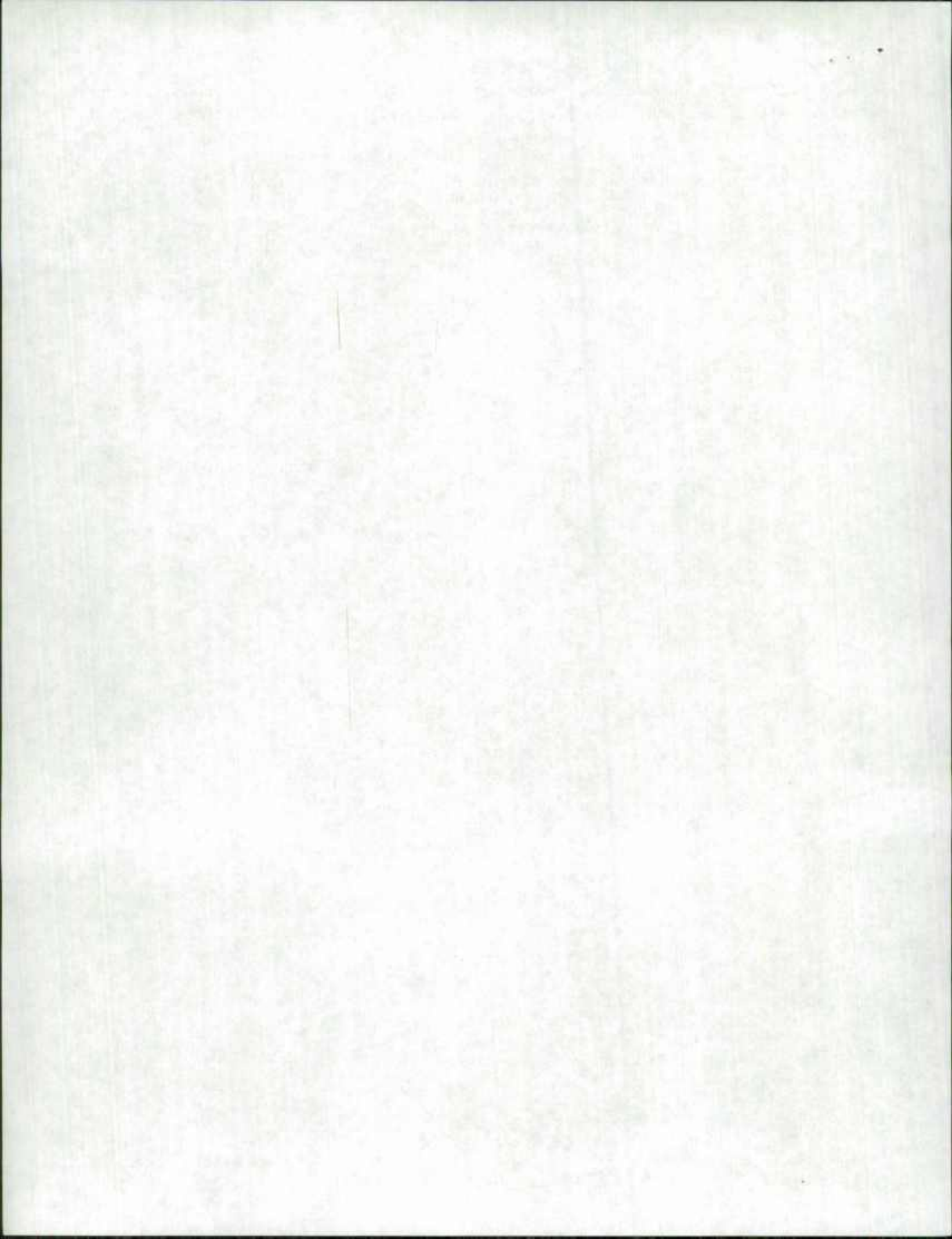
Marianne Mason, Esquire, Commission Counsel, reported on legal matters. She said that LeeAnne Chandler had the foresight to take photographs which are being used to support the case in Indian Head where she and LeeAnne were asked to support the Town's efforts against a violator who cleared too many trees. A decision is forthcoming.



Harford County has opposed a series of variances for a proposed subdivision, Old Trails, as the site has a lot of environmental issues, steep slopes, two species of endangered plants. Almost the entire site is in the Buffer near a stream and wetlands.

There being no more business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator



Chesapeake Bay Critical Area Commission

STAFF REPORT September 5, 2001

APPLICANT: Department of Natural Resources

PROPOSAL: Pedestrian Bridge over Tuckahoe Creek

JURISDICTIONS: Queen Anne's and Caroline Counties

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with conditions

STAFF: LeeAnne Chandler

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

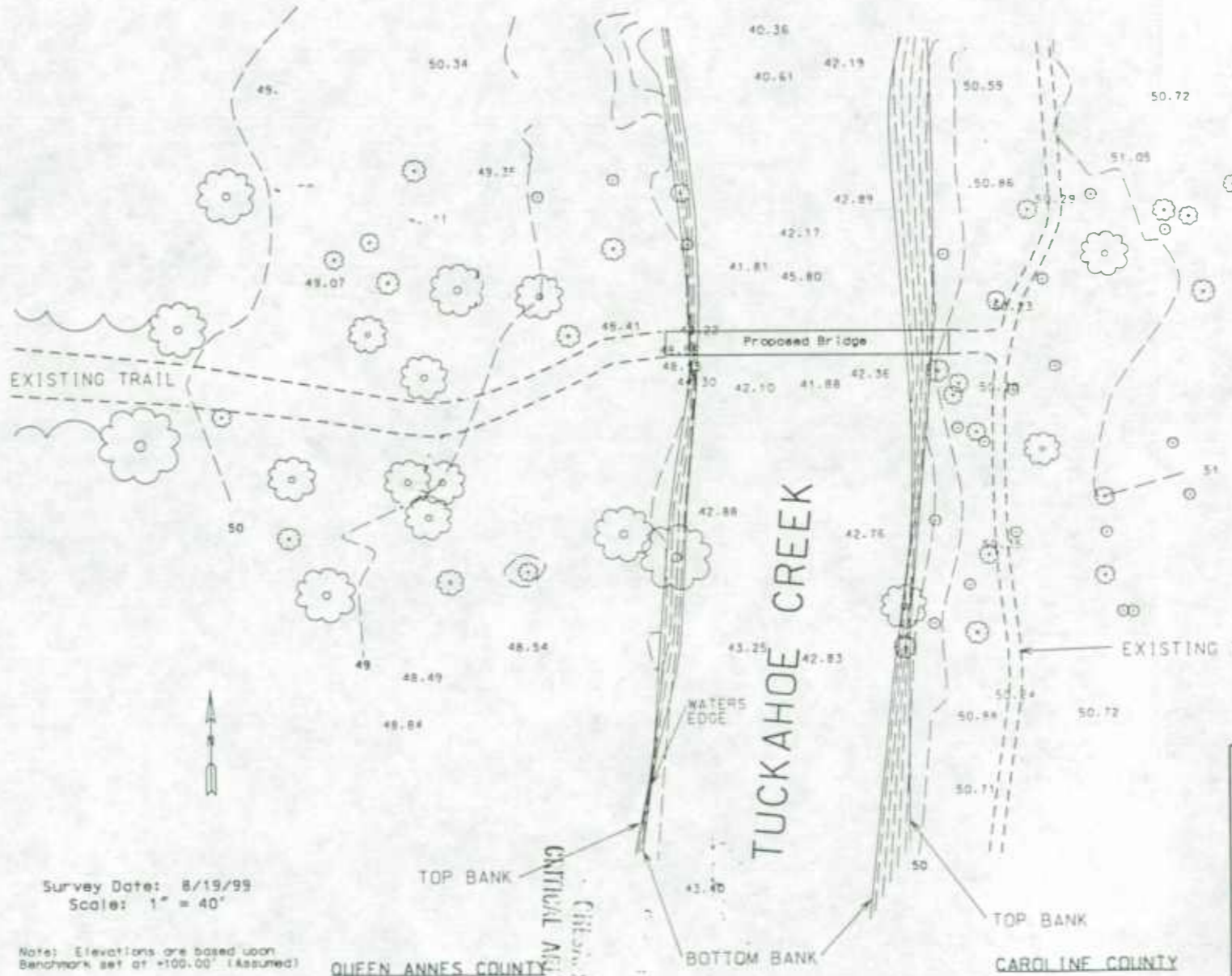
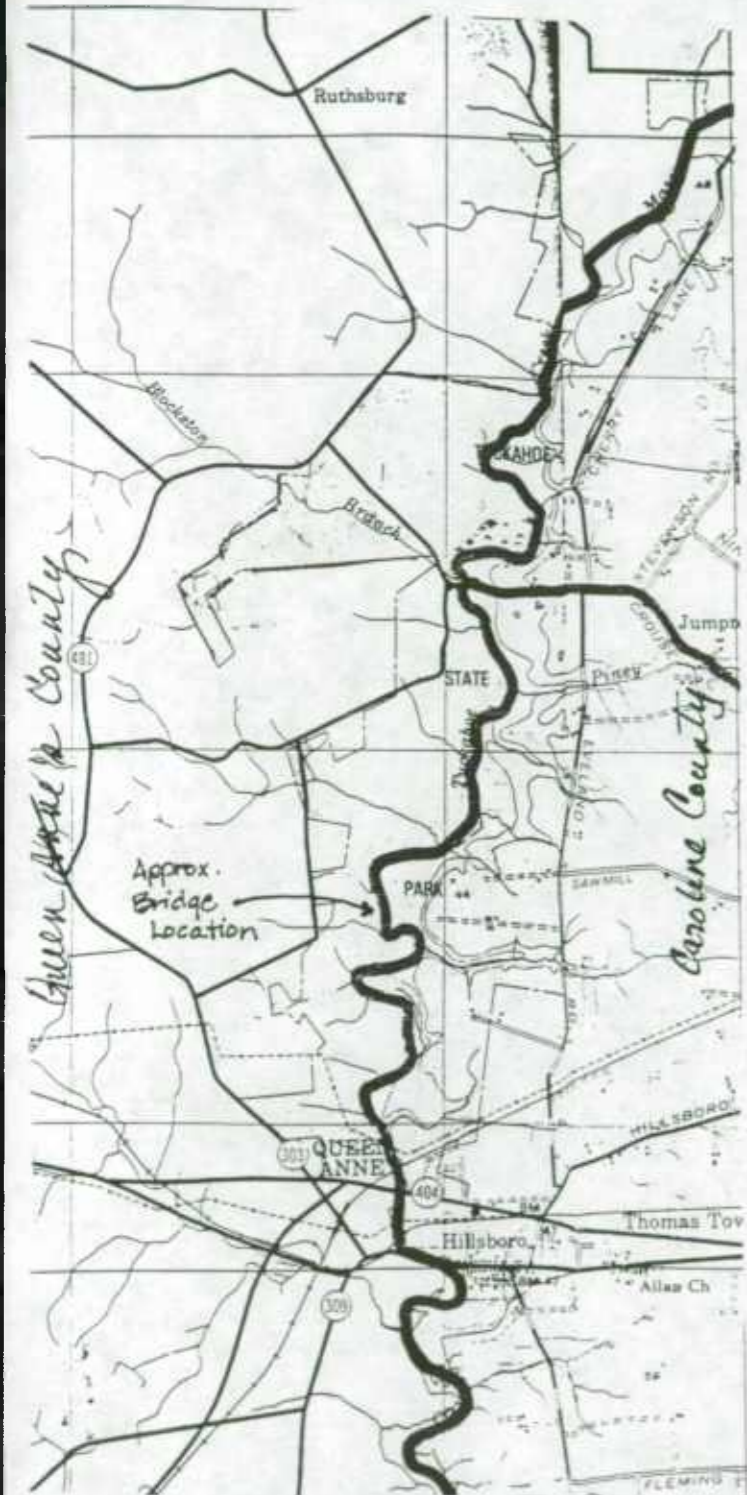
The Department of Natural Resources is proposing to construct a pedestrian/equestrian bridge across Tuckahoe Creek in Tuckahoe Creek State Park. The bridge will span between Queen Anne's and Caroline Counties at a location currently used by horseback riders to cross the creek. It will also provide a shorter trail option to hikers and riders who do not wish to traverse the entire length of the park. The trails on both sides of the creek already exist and consist of natural pervious materials.

The proposed bridge is six (6) feet in width and seventy (70) feet in length. It will be a prefabricated metal frame and will be brought to the proposed location in two pieces. The bridge decking will consist of timber planks with spacing in between such that it will be a pervious surface. Supporting pilings will be placed on both shorelines but no pilings will be placed within the creek itself. Horseback riders now cross through the creek in the vicinity of the proposed location of the bridge. This traffic has resulted in some degradation on both shorelines. The proposed bridge will provide a stable surface for riders to use and allow the previously disturbed area to be restored.

Habitat Protection Areas in the project vicinity include the 100-foot Buffer, Wetlands of Special State Concern, and potential rare plant habitat. With the exception of the bridge pilings, no impact is proposed within the Buffer. With regard to the Wetlands of Special State Concern and

rare plant habitat, staff from DNR's Heritage Program is going to visit the proposed bridge location to ensure that the bridge will not impact the rare plant species or the Wetlands of Special State Concern. Additional information will be provided at the Commission meeting.

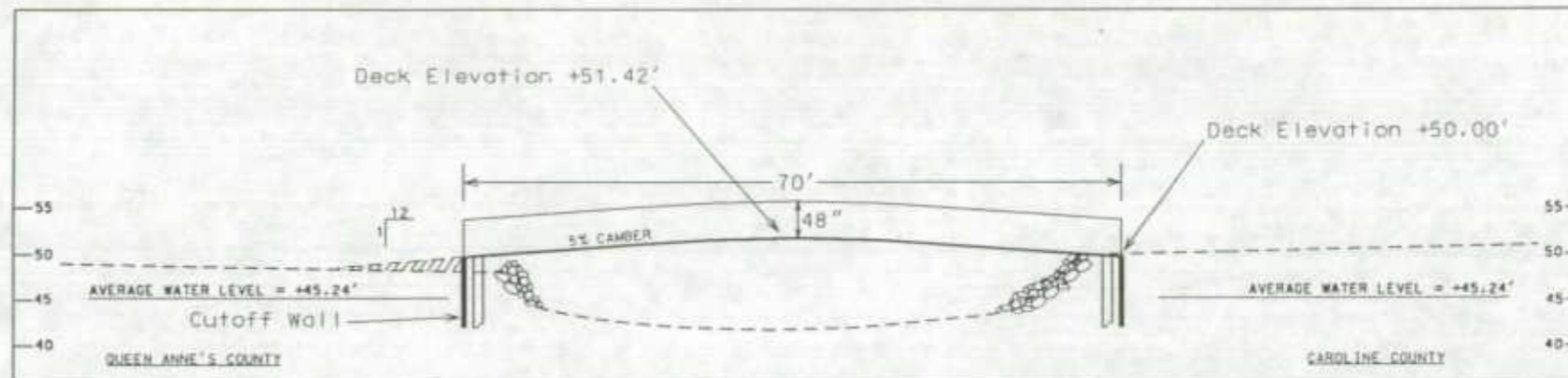
Provided that DNR Heritage staff concludes that the bridge will not adversely impact any Habitat Protection Areas, staff recommends approval of this project with the condition that any vegetation removed within the Buffer for construction of the Bridge be replaced at a 2:1 ratio. The area of the existing crossing should be a priority area for planting to help discourage further use of it.



Survey Date: 8/19/99
 Scale: 1" = 40'
 Note: Elevations are based upon
 Benchmark set at +100.00 (Assumed)

QUEEN ANNES COUNTY
 CAROLINE COUNTY
 CRITICAL AREA COMMISSION
 TUCKAHOE CREEK
 TOP BANK
 BOTTOM BANK
 WATERS EDGE
 EXISTING TRAIL
 EXISTING TRAIL
 PROPOSED BRIDGE

DEPARTMENT OF NATURAL RESOURCE
 TUCKAHOE STATE PARK
 CAROLINE & QUEEN ANNES COUNTIE
 MARYLAND
 PEDESTRIAN BRIDGE OVER
 TUCKAHOE CREEK
 May 2001 (Revised)
 Page 1 of 2



CROSS-SECTION
Scale: 1" = 20'

DEPARTMENT OF NATURAL RESOURCES
TUCKAHOE STATE PARK
CAROLINE & QUEEN ANNES COUNTIES,
MARYLAND

PEDESTRIAN BRIDGE OVER
TUCKAHOE CREEK

May 2001 (Revised)

Page 2 of 2

Chesapeake Bay Critical Area Commission

STAFF REPORT September 5, 2001

APPLICANT: University of Maryland – Center for Environmental Science

PROPOSAL: Horn Point Laboratory – Aquaculture and Restoration Ecology Laboratory

JURISDICTION: Dorchester County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Mary Owens

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05

DISCUSSION:

The University of Maryland's Center for Environmental Science (CES) proposes to construct an aquaculture and greenhouse facility at the Horn Point Laboratory outside Cambridge in Dorchester County. The proposed aquaculture and restoration ecology laboratory will serve as a research and education facility for conducting studies for shellfish and finfish aquaculture, submerged aquatic vegetation, and water quality programs. A greenhouse is also planned at the site and is required for growth of algae for oyster studies. The single story 50,500 square foot facility is located within the Critical Area on land that is considered not intensely developed.

The Commission gave this project conceptual approval in November 1998 because the CES could not secure State funding without approval from the resource protection agencies. As the design plans were developed, it became apparent that the original location was not suitable for the requirements of the facility, and revised plans were submitted for conceptual approval in October 2000. The Commission conceptually approved the project as submitted with the condition that the project would require final approval by the Commission after design plans were finalized and prior to construction.

In addition to the condition pertaining to final approval by the Commission, there were two additional conditions. The first condition required that stormwater management plans be developed and submitted for Commission review and that stormwater management and sediment

University of Maryland/CES

September 5, 2001

Page 2

and erosion control plans receive MDE approval prior to Commission approval. The second condition stated that all forest impacts and associated mitigation should be detailed on the final site plan submitted for Commission approval.

At this time, the CES has submitted final plans for review and approval by the Commission. As proposed, the building will not impact any habitat protection area and there are no threatened or endangered species on site. Three fresh water wells and a water line that were originally located within the 100-foot Buffer have been relocated, and there are no proposed impacts to the Buffer.

Applications for MDE approval of the sediment and erosion control plans and stormwater management plans have been submitted to MDE, and it is anticipated that approvals will be obtained by the date of the Commission meeting. Because this project is not located in an area that is considered intensely developed, the 10% pollutant reduction requirement does not apply. The stormwater management strategy for this project has been developed in accordance with the 2000 Maryland Stormwater Management Design Manuals Volume I and II and involves nonstructural Best Management Practices. These practices include the use of disconnected roof leaders with sheet flow through buffer strips as well as level spreader devices at outlets. In all cases, stormwater will pass through a forested area before being discharged into tidal waters.

The project involves .79 acres of forest clearing which represents less than one percent of the existing forest cover on the 856-acre site. Reforestation is required at one-to one. The applicant has provided a forest mitigation plan indicating .80 acres of forest will be planted in the Critical Area near Dupont Cove. A mixture of native canopy, evergreen, and flowering tree species will be used.

Chesapeake Bay Critical Area Commission

STAFF REPORT **September 5, 2001**

APPLICANT: State Highway Administration

PROPOSAL: MD 509 Bridge Replacement over Governor's Run

JURISDICTION: Calvert County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approve

STAFF: Wanda Cole

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06. Conditional Approval of State or
Local Agency Programs in the Critical Area

DISCUSSION:

The MD 509 bridge over Governor's Run is located in Calvert County just south of Scientist Cliffs near the community of Kenwood Beach. Governor's Run is a tributary stream to Chesapeake Bay and the MD 509 crossing of Governor's Run lies within the 1000' Critical Area Boundary. Staff has determined that the project is not an Intensely Developed Area. The entire Limits of Work occur within the 100' Critical Area Buffer expanded for the tributary stream.

The bridge is a twenty (20) foot, single-span, concrete slab bridge built in 1931. It must be replaced for safety and maintenance reasons. The approach roadways will be resurfaced as part of the project. The disturbed area will be 0.08 acres or 3,484.8 square feet.

The replacement will occur in-place by diverting traffic to one side while work occurs in the other. The deck will be replaced at the same width and the old abutments and wingwalls will remain. New abutments and wingwalls will be cast in place immediately behind the existing so that the old and new structures are flush with one another. Excavation of the slope will be necessary in order to build the new walls. As this excavation will occur behind the old walls, the old walls will continue to provide slope stabilization, thus acting as sediment control and thereby reducing the potential for sedimentation impacts to Governor's Run.

Staff Report
September 5, 2001
MD 509 over Governor's Run
Page Two

There will be no impacts to wetlands and a negligible encroachment into the nontidal wetland buffer for the installation of a short section of guardrail. This encroachment is considered a temporary impact and no mitigation will be required. The Limits of Disturbance either abut or occur outside the 100-year floodplain line. Application has been made to the Maryland Department of the Environment for a permit for these temporary impacts. Although not yet issued, Nontidal Wetland and Waterways permit 01-NT-0063 is expected to be issued. There will be no loss of forest cover.

Although there have been records for state-endangered and state-rare species in the vicinity, a survey of the area did not locate any of these species within the project area. The survey also found that the potential habitat for those rare and endangered species has been compromised by invasive vegetation.

RECOMMENDATION:

State Highway Administration is seeking conditional approval for the impacts to the 100-foot Critical Area Buffer. SHA has provided justification to the Critical Area staff for conditional approval to permit certain activities within the 100-foot Buffer. Therefore, staff recommends approval.

COMAR 27.02.06.01 Criteria

B. In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

The bridge is existing and any required maintenance would, by necessity, involve work within the Buffer. Failure to maintain the bridge would eventually lead to loss of access to the Kenwood Beach community.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

MD 509 is the only road that provides access to the Kenwood Beach community. The bridge is an integral part of this roadway.

(3) That the project or program is otherwise in conformance with this subtitle;

The project does not exceed the original footprint of the bridge, therefore, there will be no new impacts to natural resources in the vicinity. Impacts during construction will be temporary and minor, and all disturbed areas will be restored and/or stabilized in a manner that will protect resources.

C. The conditional approval request shall, at a minimum, contain the following:

(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;

State Highway Administration is authorized to provide for the State's primary transportation needs. This is a State-maintained roadway. In order to maintain the bridge, use of the Buffer is necessary.

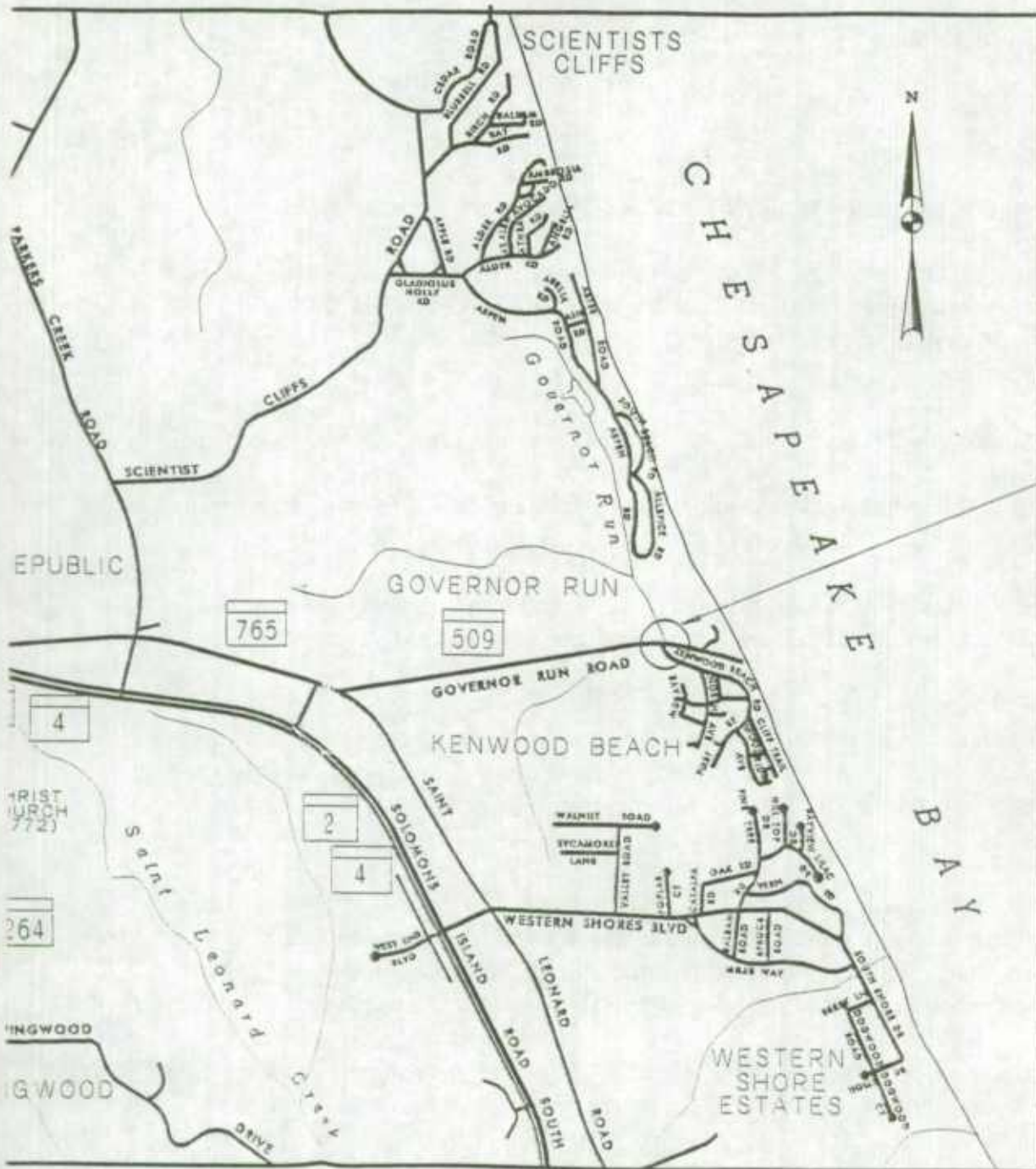
(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

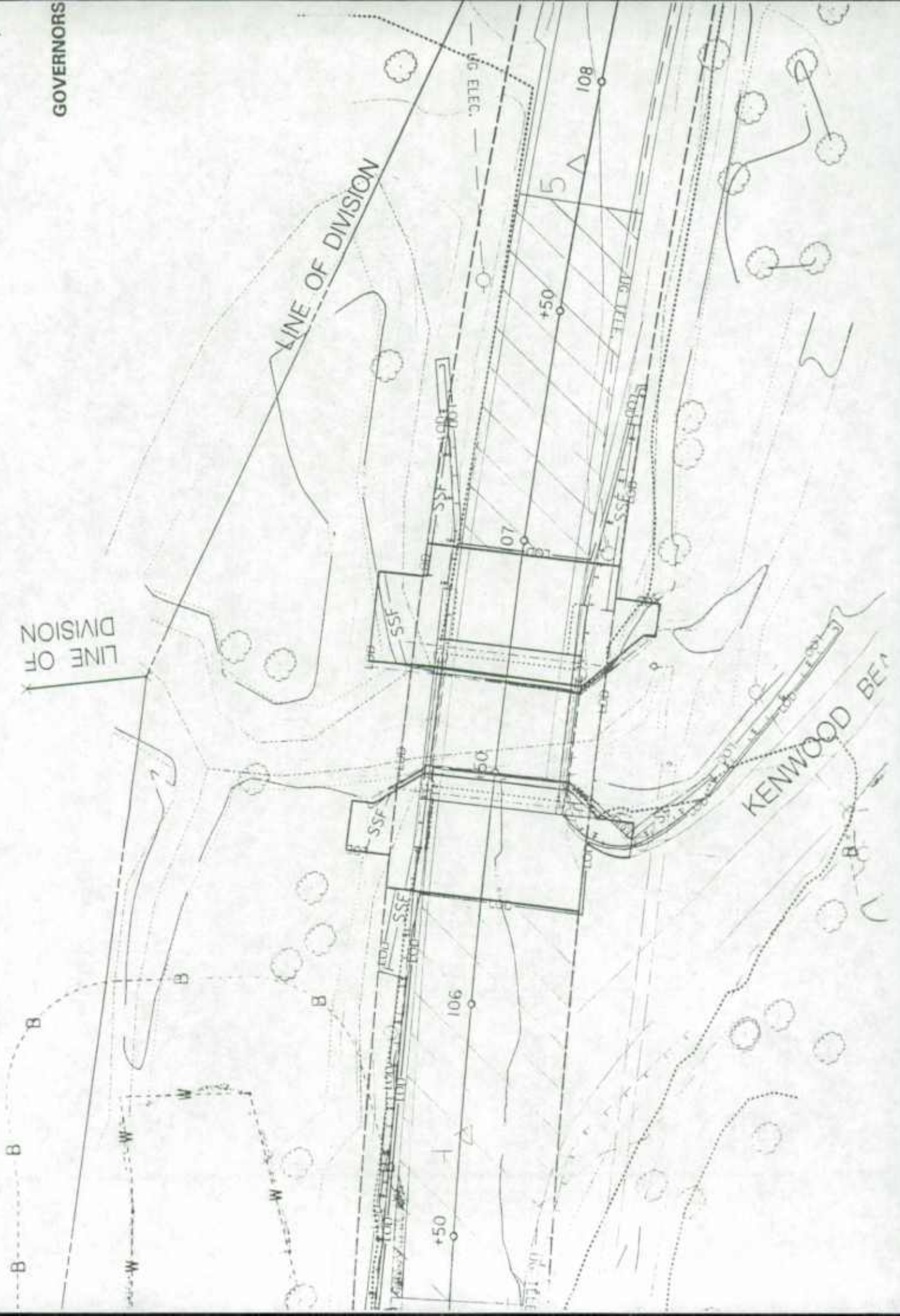
The project has avoided impacts to Habitat Protection Areas within the Buffer by maintaining the existing footprint. The only new feature on the bridge is the construction of new abutments and wingwalls. These portions of the structure will occur within the existing footprint and shall be installed in a manner that minimizes earth disturbances.

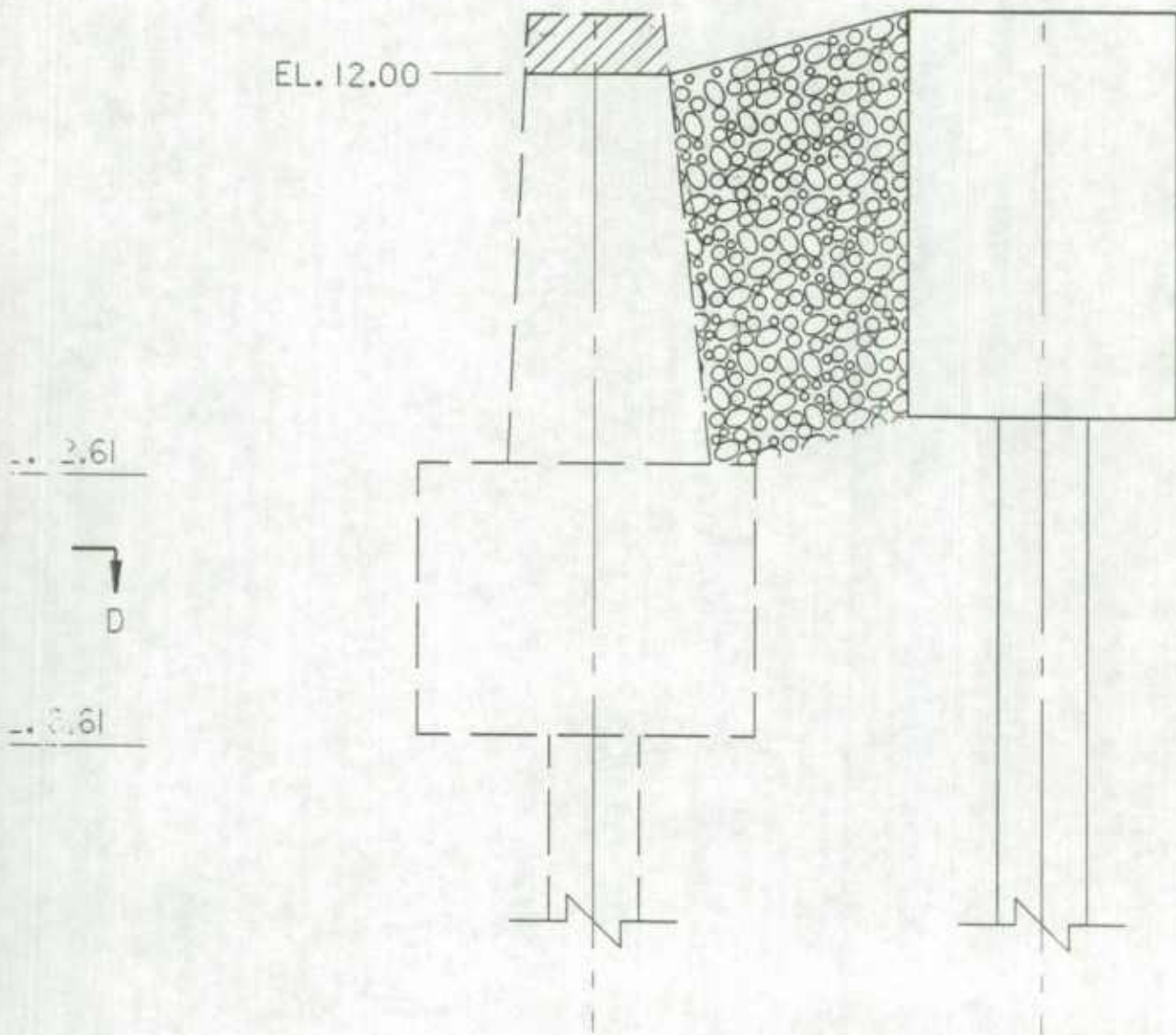
(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

No new areas of disturbance will occur. This is a maintenance project. No adverse effects are expected, therefore mitigation is not a requirement.

SHA CONTRACT NO. CA4635180 FEDERAL AID PROJECT NO.







TYPICAL EXISTING AND PROPOSED ABUTMENT

SCALE: $\frac{1}{2}'' = 1'-0''$

STRUCTURE
INVENTORY NO. 0402000

SURVEY
BOOK NO. 13983, 251

Chesapeake Bay Critical Area Commission

STAFF REPORT

September 5, 2001

APPLICANT: Department of General Services

PROPOSAL: Tawes Daycare Center

JURISDICTION: City of Annapolis

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Dawnn McCleary

**APPLICABLE LAW/
REGULATIONS:**

COMAR 27.02.05.03 – State Agency Actions Resulting in
Development on State – Owned Lands

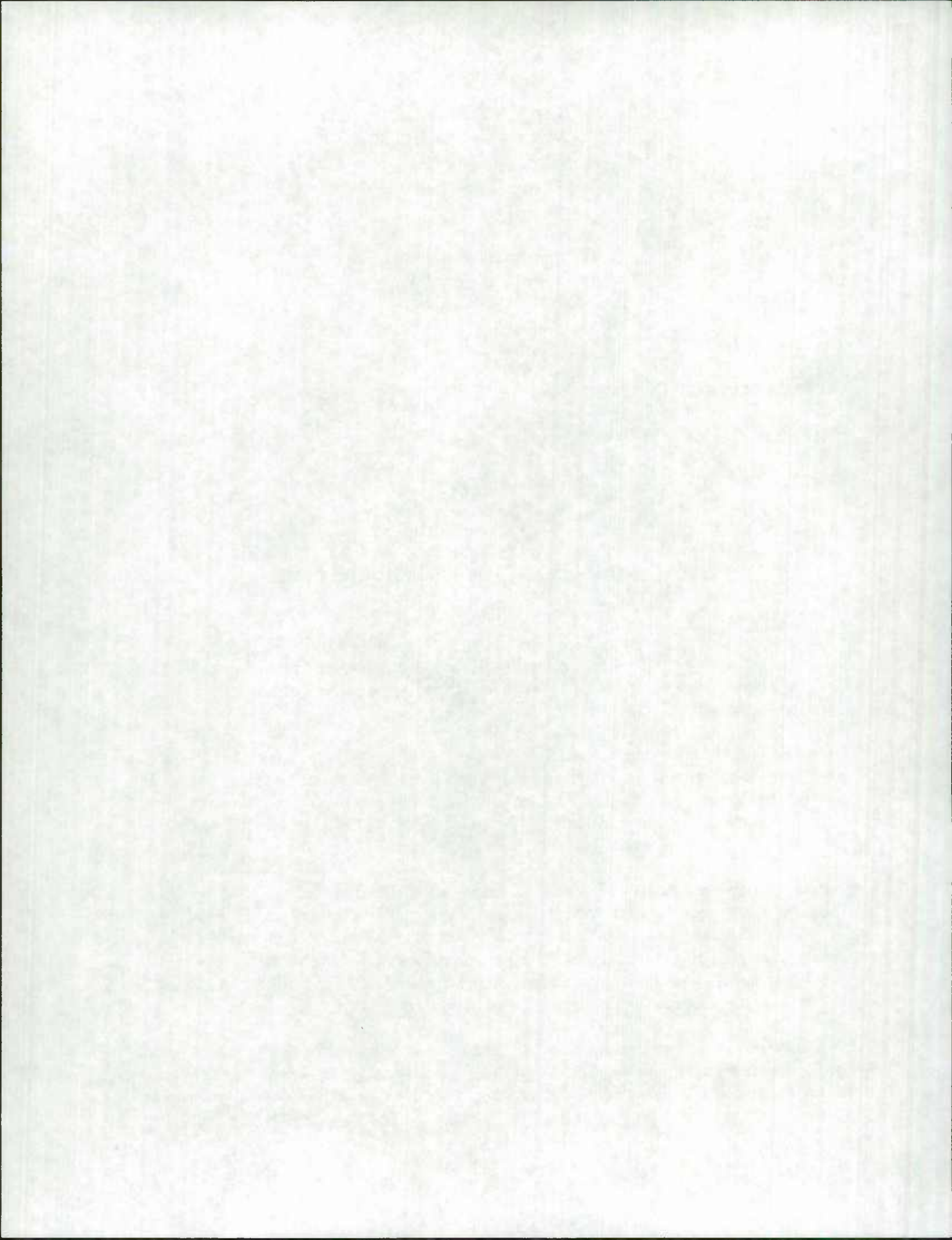
DISCUSSION:

Department of General Service (DGS) is proposing to remodel the existing B-Wing and install and grade the existing garden\pond area in front of the Tawes State Office complex for a future new playground. The proposed project is outside of the 100-foot Buffer but within the 1,000 Critical Area boundary.

The entire parcel of land is approximately 16.1 acres. The day care will disturb 0.69 acres, which is 4.2 % of the entire property. The existing pond in the area is surrounded by landscaping. DGS is proposing to backfill the existing pond and construct a play area that will be surrounded by a fence. The majority of the area will be grass with a small area that will be covered by a rubber matting. The rubber matting acts as a safety device.

DGS is proposing to construct a Best Management Practice (BMP) device which will provide water quality treatment for stormwater. The specifics are still forthcoming. The BMP will be located around the seamless play surface area. The consultant will submit a revised 10 % worksheet to satisfy the pollutant removal requirement. This proposed BMP will treat water quality and comply with the 10% pollution reduction requirements. There will be no impacts to the habitat within the area. No existing trees will be removed.

As of the date of this report, I expect to receive a revised site plan and 10 % calculations before the September meeting. The Maryland Department of the Environment, will also be reviewing the revised plan and I will apprise you of the status of their review at our Commission meeting.



Chesapeake Bay Critical Area Commission

STAFF REPORT September 5, 2001

APPLICANT: Department of Natural Resources

PROPOSAL: Pedestrian Bridge over Tuckahoe Creek

JURISDICTIONS: Queen Anne's and Caroline Counties

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with conditions

STAFF: LeeAnne Chandler

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

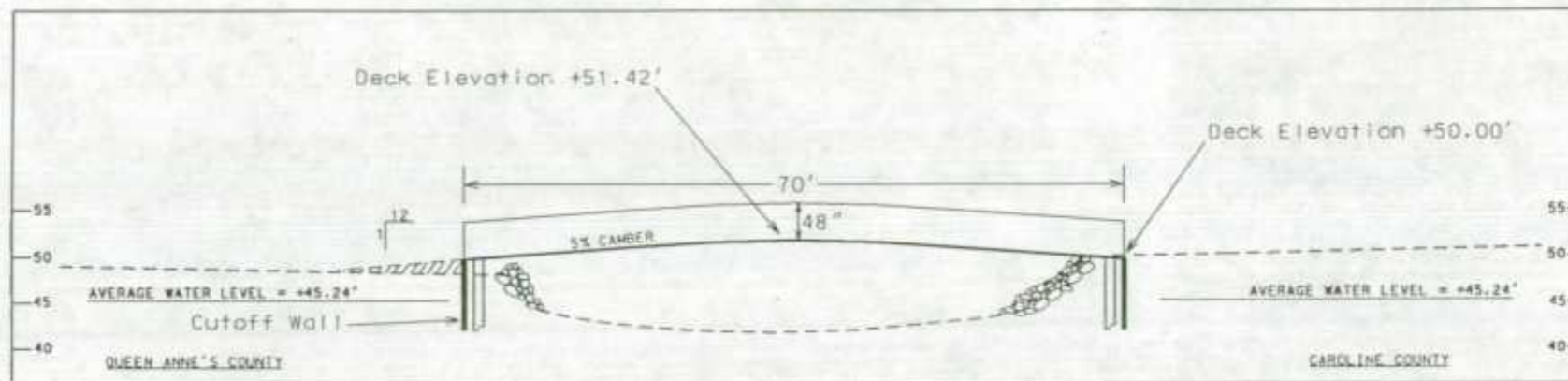
The Department of Natural Resources is proposing to construct a pedestrian/equestrian bridge across Tuckahoe Creek in Tuckahoe Creek State Park. The bridge will span between Queen Anne's and Caroline Counties at a location currently used by horseback riders to cross the creek. It will also provide a shorter trail option to hikers and riders who do not wish to traverse the entire length of the park. The trails on both sides of the creek already exist and consist of natural pervious materials.

The proposed bridge is six (6) feet in width and seventy (70) feet in length. It will be a prefabricated metal frame and will be brought to the proposed location in two pieces. The bridge decking will consist of timber planks with spacing in between such that it will be a pervious surface. Supporting pilings will be placed on both shorelines but no pilings will be placed within the creek itself. Horseback riders now cross through the creek in the vicinity of the proposed location of the bridge. This traffic has resulted in some degradation on both shorelines. The proposed bridge will provide a stable surface for riders to use and allow the previously disturbed area to be restored.

Habitat Protection Areas in the project vicinity include the 100-foot Buffer, Wetlands of Special State Concern, and potential rare plant habitat. With the exception of the bridge pilings, no impact is proposed within the Buffer. With regard to the Wetlands of Special State Concern and

rare plant habitat, staff from DNR's Heritage Program is going to visit the proposed bridge location to ensure that the bridge will not impact the rare plant species or the Wetlands of Special State Concern. Additional information will be provided at the Commission meeting.

Provided that DNR Heritage staff concludes that the bridge will not adversely impact any Habitat Protection Areas, staff recommends approval of this project with the condition that any vegetation removed within the Buffer for construction of the Bridge be replaced at a 2:1 ratio. The area of the existing crossing should be a priority area for planting to help discourage further use of it.



CROSS-SECTION
Scale: 1" = 20'

DEPARTMENT OF NATURAL RESOURCES
TUCKAHOE STATE PARK
CAROLINE & QUEEN ANNES COUNTIES,
MARYLAND

PEDESTRIAN BRIDGE OVER
TUCKAHOE CREEK

May 2001 (Revised)

Page 2 of 2

Chesapeake Bay Critical Area Commission

STAFF REPORT

September 5, 2001

APPLICANT: State Highway Administration

PROPOSAL: Reforestation Package for the Woodrow Wilson Bridge Project

JURISDICTION: Prince George's County

COMMISSION ACTION: Information (Project Subcommittee only)

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

At the July 5, 2000 meeting of the Commission, the replacement of the Woodrow Wilson Bridge project was approved by the full Commission with one abstention. That approval required four conditions including the following:

The Commission staff will be apprised of progress of the forest mitigation package, and will be involved in all future site visits or discussions pertaining to the forest resource package. Prior to construction, periodic updates shall be brought before the Commission's Project Subcommittee for review. The updates should include information that include efforts made to look on both public and private lands in the Critical Area, and including lands owned by land trusts. Sufficient documentation would include those alternatives examined, and justifications for selecting certain sites over others. Once the forest mitigation package is finalized, it will be brought to the Commission for review and approval.

The project forester is near completion of the reforestation package that will be proposed for approval at the October meeting. This proposed reforestation package is before the Project Subcommittee this month for an initial review and discussion. The overall project involves a total of 44.7 acres of clearing within the Critical Area. Based on the required mitigation ratios, the project is required to replace 88.1 acres. The table below details those impacts both inside and outside of the 100-foot Buffer and in the IDO, LDO and RCO (these acronyms are used by Prince George's County and are Intense Development Overlay, Limited Development Overlay, and Resource Conservation Overlay. They translate to IDA, LDA, and RCA). The table also provides the acreage cleared and necessary for replanting to satisfy the Reforestation Law.

Impacted Area	Proposed Impact (acres)	Mitigation Rate	Reforestation Requirement (acres)
CBCA 100' forested Buffer	11.1	3:1	33.3
CBCA non-forested 100' Buffer	4.9	3:1	14.7
CBCA Resource Conservation Overlay	0.0	3:1	0.0
CBCA Limited Development Overlay	2.2	3:1	6.6
CBCA Intense Development Overlay	26.5	1:1	26.5
Total CBCA	44.7		81.1
Reforestation Law	42.7	1:1	42.7
Total Project	87.4		123.8

The mitigation sites proposed as part of the overall mitigation package for the Critical Area requirements include four sites that are all within the Prince George's County Critical Area. Three sites are in the Potomac River watershed and one site is in the Patuxent River watershed. The table below shows these sites and the available acreage figures.

Site Description	CBCA Acres		CBCA Buffer Acres	
	Available (acres)	Proposed (acres)	Available (acres)	Proposed (acres)
Western Branch Wastewater Treatment Plant	0.0	0.0	0.9	0.9
National Park Service, Oxon Hill Farm	3.2	3.2	6.7	6.7
Puterbaugh Property	53.2	53.2	6.8	6.8
City of Bowie Property – Hohensee Property	25.9	25.9	4.1	4.1
Totals	82.3	82.3	18.5	18.5
Acreage Required		33.1		48.0
Reforestation "Banked" (- = shortfall)		± 49.2		(-29.5)
BCA Acres utilized for 1:1.5 Buffer credit				* 44.3 (29.5 x 1.5)
Reforestation "Banked"		± 4.9 (49.2-44.3)		0.0

* To complete CBCA Buffer reforestation obligations the Project will utilize the "Banked" CBCA receiving 1 acre of Buffer credit for every 1.5 acres of CBCA reforestation. The project requires 48 acres of Buffer plantings. Only 18.5 acres of the four sites proposed in the reforestation package could accommodate Buffer plantings. The remaining 29.5 acres owed is proposed to be provided by planting 1.5 acres for every remaining acres owed for Buffer mitigation.

Proposed Reforestation Sites

In developing the reforestation package, Commission staff has continually met with and conducted field visits with SHA and the project forester. Staff has allowed SHA to count a 300-foot Buffer as Buffer credit, and have also allowed SHA to use natural regeneration on selected sites.

Western Branch Wastewater Treatment Plant - The Washington Suburban Sanitary Commission (WSSC) owns the property at the Western Branch Wastewater Treatment Plant. This site is currently mowed and will provide .9 acres of forested Buffer along the Patuxent River. The site has been regularly mowed in the past, however WSSC has expressed desire to cease mowing upon planting. The planting site within the Critical Area will consist of Buffer planting. Any planting within 300 feet of tidal waters or wetlands will be utilized as Buffer reforestation. Reforestation of the site will increase the forested area on the property, add to the riparian buffer and increase wildlife habitat. Long term protection of the Buffer planting will be provided through Critical Area staff review of future WSSC projects on the site. No purchase of easement or property will be required. The site could be planted in the spring or fall, however a spring 2002 installation is recommended.

National Park Service (NPS), Oxon Hill Farm - This site consists of three planting areas totaling 9.9 acres that would provide 6.7 acres of Buffer and 3.2 acres of reforestation mitigation. Two areas are open fields currently vegetated with grasses and receive regular mowing. The third area at this site proposed for planting is an open area that was used as a baseball field in the past and is currently vegetated with thick fescue, other herbaceous vegetation and some scattered pioneer species of trees. The National Park Service has expressed an interest in reducing mowing requirements as well a desire to have the riparian buffer to Oxon Cove completely forested. The site is located along Oxon Cove and would provide an increased riparian buffer, wildlife habitat and improve water quality. The plantings would increase the size of a large existing forest block in a developed area and provide additional wildlife habitat, including the increase of Forest Interior Dwelling Bird (FID) habitat. The long-term protection of the site would be provided by the National Park Service (NPS) and a Memorandum of Understanding (MOU) between the State Highway Administration (SHA) and NPS ensuring protection of the reforested areas. The site is adjacent to the project area, in the Potomac River watershed and would significantly improve the riparian buffer along Oxon Hill Cove and between the landfill on the park property and the water. No purchase of easement or property will be required. The site should be planted in the spring due to deer browse and a spring 2002 installation is recommended.

Puterbaugh Property -The site is currently utilized as pasture and vegetated by a variety of grasses and herbaceous plants. The property is privately owned and the owners have expressed an interest in selling a portion of the property, fee simple, for use as a reforestation area. The owners are considering two options; option one would involve the sale of approximately 29 acres of land and provide 5.5 acres of Buffer credit and 9.5 acres of reforestation (non-Buffer) credit. Option two would involve the sale of approximately 79 acres of land and provide 6.8 acres of Buffer credit and 53.2 acres of reforestation credit. The site has an old tenant house and three

outbuildings in the reforestation area that would require removal. These buildings could be removed, leaving foundations in place with no excavation. Acquisition of the property, and the subsequent natural regeneration would provide wildlife habitat, improve the water quality, protect any cultural resources present, enlarge surrounding FID habitat and potentially enlarge the preserved area of Piscataway National Park. The long-term protection of the site would be provided by acquisition of the property, recordation of a protective easement on the deed and deeding of the property to an appropriate agency. The site is in close proximity to the project area, in the Potomac River watershed and would significantly improve the riparian buffer along Piscataway Creek. Natural regeneration of the site could begin immediately upon acquisition.

City of Bowie – Hohensee Property - This site consists of an open field that has been used for agricultural production. The site is surrounded by existing forest, an area used for model airplanes and rockets and an existing reforestation area. The City of Bowie has inventoried all City owned Properties and prepared a listing of areas available for reforestation by the City, other agencies and developers. Currently the City is requesting \$5,000.00 per acre for use of the property for reforestation in addition to the cost of reforestation. The site is in the Patuxent River watershed and includes approximately 4.1 acres of Buffer and the potential for 25.9 acres of additional reforestation. The site would increase the size of existing large forest blocks, add to the greenway along the Patuxent River, Buffer the tidal wetlands along the river, improve water quality and add to existing FID habitat. Long-term protection of the site would require purchasing the conservation easement as noted above. Additionally, care would need to be taken to prevent conflicts with other uses on the property including the airplane and rocket club and Boy Scouts that camp on the property. The site could be planted in the spring or fall, however a spring 2003 installation is recommended. The reforestation plan for the site would need to meet requirements of the CBCA Commission and the City of Bowie Forest Mitigation Policies. * *As of the writing of this staff report, this site was not yet formally offered to SHA as a site for mitigation. By the time of the Commission meeting, staff will report on the status of this site.*

Staff will discuss this package with the Project Subcommittee at the upcoming meeting. If you have any questions in the interim, please do not hesitate to contact me via telephone or email.

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