



# PATUXENT RIVER COMMISSION

301 W. Preston Street, Suite 1101  
Baltimore, Maryland 21201-2305  
Phone: (410) 767-4500  
Fax: (410) 767-4480  
Internet:

[planning.maryland.gov/ourwork/patuxentrivercomminfo.shtml](http://planning.maryland.gov/ourwork/patuxentrivercomminfo.shtml)

**Larry Hogan, Governor**  
**Councilman Michael Leszcz, Co-Chairman**  
**Frederick Tutman, Co-Chairman**  
**Christopher Perry, Vice Chairman**

*We, the Patuxent River Commission, envision a Patuxent River ecosystem as vital and productive in 2050 as it was in the 1950s. We therefore commit to be stewards and advocates for the Patuxent River and to lead and inspire actions to protect, enhance, and restore living resources and the natural, cultural, economic, and recreational values of the Patuxent River and its watershed.*

☀ Please call Daniel Rosen at MDP 410-767-4577 if you have any questions or comments.

## MEETING SUMMARY

**August 8, 2018**

**Maryland Department of Agriculture**

**Annapolis, MD**

**4:00 p.m. - 6:00 p.m.**

---

**Members:** Michael Leszcz, Co-Chair; Fred Tutman, Co-Chair; Christopher Perry, Vice-Chair; Robert Brown Sr., Martin Chandler, Luis Dieguez, Jason Dubow, Paul Emmart, John Hartline, Sandy Hertz, Mike Hewitt, Scott Knoche, Erik Michelsen, Alison Santoro, Mike Scheffel, Katina Shoulars, Mary Kay Sigaty, Joanna Smith, Barbara Sollner-Webb, Sandy Spencer, Mark Symborski, Al Tucker

**Attendees:** Frank Dawson, John Tarr

**Staff:** Daniel Rosen

The Commission approved the minutes from the March and May meetings.

### **Election of Officers**

Mike Leszcz was elected as chair and Christopher Perry was elected as vice-chair.

### **City of Laurel Presentation: Expansion of Riverfront Park, Grant-Funded Effort to Restore Patuxent Stream Banks in Laurel**

Joanne Barr, Director of the Laurel Parks and Recreation Department, presented on the city's trail extension plan along Riverfront Park. The biggest obstacle to the project is creating a passage under U.S. 1 as well as steep slopes. The plan also calls for a pedestrian bridge over the river to the Howard County side. The trail extension would also provide south side Laurel residents much better access to the park and to the MARC station. Ms. Barr indicated that funding comes from a \$100,000 state grant and Program Open Space funding; the city also is applying for other grants. In response to questions from the Commission, Ms. Barr noted that this is a 10-20 year project, and also that they are reaching out to other jurisdictions (e.g., Frederick) to seek guidance on how to accomplish this type of project.

Ms. Barr next presented on behalf of Stephen Allen, Laurel's Emergency Services Director, regarding

its plan to restore Patuxent stream banks in Laurel. The city is working with the Army Corps of Engineers on the 37.5-mile project. Since this project also involves a passage under U.S. 1, an opportunity exists for it to provide clearance under the road for the park project. Sandy Hertz said that various types of grants from MDOT (e.g., Transportation Alternatives Program) might be helpful.

### **Soil Conservation District Presentations: Overview of the County Development Review Process for Stormwater management and Sediment and Erosion Control**

Luis Dieguez, Charles Soil Conservation District, and John Tarr, Prince George's Soil Conservation District, presented.

Notes from Charles Soil Conservation District presentation:

- Charles County stormwater ordinance – enforced by the county. Requires environmental site design to the maximum extent practicable (ESD to the MEP) to mimic natural hydrology.
- Waivers are available and there are some grandfathering provisions. Within Charles County, there has been one waiver over the past five years, for quality control.
- Charles SCD comments on the conceptual stormwater management plan and onsite development, including the identification of steep slopes and erodible soils. The SCD also receives erosion and sediment control plans via direct submittal to the SCD.
- SCD approves erosion and sediment control plans and small ponds for dam safety.
- Erosion and sediment control plans are required for greater than 5,000 square feet of disturbance. Meeting the control plan requirements does not relieve the applicant's responsibility to prevent an erosion and sediment control problem. Also, control plans are required for forest harvest operations.
- Within Tier II anti-degradation waters, more redundancy of controls are needed onsite.
- Among the state, county and municipal levels, responsibility for implementing requirements, including inspections, varies. For example, the City of Laurel is responsible for implementing erosion and sediment control regulations but Prince George's County is responsible for implementing the stormwater regulations within the City of Laurel.
- Most counties require a maintenance agreement prior to approval of plans to ensure practices are maintained in perpetuity; however, an escrow account might not be required to ensure adequate funding over time for maintenance. The agreements track with the land.
- Homeowners associations sometimes are responsible for maintaining the required practices over time, but some have let them go.

Notes from Prince George's Soil Conservation District presentation:

- The Prince George's Department of Permitting, Inspections and Enforcement (DPIE), like Charles County, has a three-step process for approval of developments and their stormwater management components: (a) general concept plan, which includes flood control; (b) more

detailed site development plan, which the department reviews to analyze proposed stormwater ponds and other stormwater management measures; and (c) final plan, the approval of which includes approval of stormwater management for the project.

- The Prince George's Soil Conservation District (SCD) implements the sediment and erosion control regulations.
- Both DPIE and SCD issue final approvals.
- For stormwater management, quality control requirements must achieve ESD to the MEP, while quantity control requirements covers flood mitigation.
- As part of the process, the Maryland-National Capital Parks and Planning Commission-Prince George's (M-NCPPC-Prince George's) requires a Natural Resources Inventory (NRI). The NRI must be approved prior to stormwater management plan approval, and then both the NRI and stormwater management plan approvals must occur prior to sediment and erosion control plan approval. M-NCPPC-Prince George's has discretion regarding how impacts to NRI resources must be dealt with.
- Registered professional engineers, land surveyors, and landscape architects submit plans. Requirements exist for who can submit the plans and there are liabilities associated with those responsible for submitting the plans.

#### **Distribution of Advice of Counsel Memo**

Jason Dubow distributed the June 15, 2018 advice of counsel memo from Rieyn DeLony, Assistant Attorney General, to Planning Secretary Rob McCord regarding the Commission's authority to review proposed private development projects and the Secretary's authority to set policy for the Commission. Fred Tutman distributed an August 8, 2018 memo from Earthjustice entitled "The Patuxent River Commission's authority to comment on development projects that may threaten the health of the Patuxent River."

#### **Open Floor**

Alison Santoro noted that the annual Commission field trip will occur on October 10 at the Patrick Farm in Howard County. John Hartline noted that the MDE sewage spill website shows a significant increase in spills this year.