

Appendix D:
Meeting Minutes and Property Owner Coordination

Section 200 Mitigation Meeting
Friday, June 13, 2008
9:00 AM

Introductions – Shawn Schmelzer, MdTA

Please see attached list of attendees.

Project Overview – Russell Walto, MdTA

Mr. Walto began the presentation with an overview of the purpose and need of the Section 200 project. Mr. Steve Elinsky remarked that at the I-95 Section 100 meeting last week it was mentioned that the northern terminus of Section 100 is being pulled back due to financial reasons. Mr. Elinsky inquired whether the project limits for Section 200 would be impacted due to the Section 100 change. Ms. Williams replied that the Section 200 limits will not be impacted by the changes to Section 100.

Section 200 Mitigation Presentation – Steve Swarr, JMT & Erik Schwenke, A.D. Marble

Mr. Steve Swarr began the mitigation portion of the presentation with a brief discussion of the impacts to streams, wetlands, and forests associated with the projects. Mr. Swarr indicated that these impacts were included in the Final EA. Mr. Elinsky noted that the temporary impacts are high overall, particularly the PFO impacts. Mr. Elinsky asked how these numbers were determined. Mr. Swarr stated that all environmental resources within 25 feet from the limit of disturbance (LOD) or cut/fill line was considered a temporary impact. Mr. Elinsky inquired whether the staging and stockpile areas were removed. Mr. Swarr stated that they were removed and noted that when considering the temporary impacts, you must consider the stormwater management for the project and the size of the project (25 feet off the LOD for 34 miles of roadway). Mr. Swarr continued to say that the Maryland Transportation Authority (MdTA) has been proactive and has tried to tighten up the impacts to the extent possible.

Stormwater Retrofits – Steve Swarr, JMT

Mr. Swarr asked the group to please keep the following questions in mind throughout the meeting:

1. What is your preference for the types of proposed mitigation? (stormwater retrofits or large parcels)
2. Please consider the amount of mitigation credit for the proposed sites.
3. Are the proposed sites within an acceptable distance from the project area?
4. Are there other sites within the project area's watershed that could have potential for mitigation for the Section 200 project?

Mr. Elinsky asked Mr. Swarr if he was asking the group to consider stormwater retrofits in place of the required stream, wetland, and forest mitigation. Mr. Swarr confirmed that there are no opportunities for onsite mitigation and that these are possibilities for offsite mitigation that the MdTA would like to get feedback on. Mr. Elinsky stated that he did not believe that this is something he could go along with based upon the regulations. Mr. Elinsky asked for the Maryland Department of the Environment (MDE's) input on this matter. Mr. Steve Hurt stated that he believed that these were offsite opportunities that the MdTA was looking into for potential mitigation. These are not stormwater facilities for the proposed Section 200 improvements. Mr. Swarr confirmed this and stated that later in the presentation offsite stream, wetland and forest mitigation opportunities on larger parcels would be presented. Mr. Elinsky stated that he would like to exhaust potential onsite wetland and stream mitigation first. Mr. Elinsky inquired whether Harford County has needs that they would like to meet through mitigation. Ms. Christine Buckley replied that Harford County has the Bush River Watershed Management Plan, which includes preferred projects in the watershed. She continued on to state that the County met with MdTA on these potential projects earlier in 2008. Mr. Elinsky noted that typically when the U.S. Army Corps of Engineers (USACE) approves a project, the applicant receives the credit. Mr. Elinsky did not believe that credit for two different entities would work. He inquired as to whom would hold the conservation easement in a case like that. Ms. Buckley replied that she did not believe the County was interested in receiving credit for these potential mitigation projects.

Stormwater Retrofit Site OP-10: Mr. Elinsky asked the County how old the development off of Crissfield Road was. Ms. Buckley answered that the development was constructed in the early 1990s and has stormwater management, however it is an in-stream facility downstream of the development. Mr. Elinsky inquired as to the effectiveness of the in-stream facility. Ms. Buckley stated that it has issues related to debris collection at the facility. The facility is located in a wooded area, which contributes to the debris. Mr. Elinsky inquired whether there is the potential to take the in-stream facility offline, provide alternate stormwater management and restore the stream. He noted that Winters Run is a good system and he would like to see the in-stream facility removed. Ms. Buckley stated she did not believe this was possible. Mr. Schwenke noted that there is severe bank erosion downstream. Mr. Hurt suggested that since the bank erosion is upstream of the in-stream stormwater management facility it would collect the sediment and keep it from impacting Winters Run downstream. Mr. Hurt asked what we were gaining here in the big picture. Mr. Swarr replied that by collecting the drainage from the development prior to it entering the stream we would be improving the water quality to Winters Run. Mr. Hurt added that the water quality is already being taken care of at the in-stream facility. Mr. Swarr reiterated what Ms. Buckley said about the existing stormwater facility and the problems with debris.

Stormwater Retrofit Site OP-8: Mr. Hurt inquired what the outfall at OP-8 was collecting. Mr. Swarr replied that it collected all of the drainage from the residential development and Tollgate Parkway. Ms. Buckley stated that the development does have a stormwater management facility. Mr. Elinsky asked whether the polygon that represents the potential OP-8 mitigation site could be extended to Tollgate Parkway to make it more contiguous,

adding habitat and reforestation opportunities. He inquired as to the ownership of the flat open space across Tollgate Road from OP-8. Mr. Swarr stated that the homeowners' association for the surrounding development most likely owned this. Mr. Swarr added that MdTA has been working with Harford County to identify these potential mitigation opportunities. These smaller stormwater retrofit sites were identified because they do not have the potential to naturally repair themselves. Mr. Hurt noted that this facility will be upgraded at a future date per the County's NPDES Permit. He said that this would just be transferring that responsibility from the County to the MdTA and that he would rather see the money spent on potential mitigation that is not already planned. Ms. Buckley noted that the County maintains over 400 stormwater management facilities and that this retrofit is not high on the County's list.

Mr. Elinsky asked whether, as per COMAR, 1:1 mitigation will be achievable. Mr. Schmelzer stated that MdTA is trying to get 1:1 mitigation. Mr. Swarr noted that the goal of the retrofits is to improve what flows into the tributaries throughout the study area. He stated that the MdTA would like to know what credit is available for going through with the intensive effort associated with the proposed stormwater retrofits. Mr. Swarr clarified that the stormwater retrofits proposed are improvements to existing facilities that were constructed prior to the Maryland Department of the Environment's 2000 guidelines. Mr. Hurt noted that what he would prefer to see are establishment of new facilities where none exist.

Stormwater Retrofit Site OP-14: Mr. Elinsky requested that the MdTA do further investigation to determine the source of sediment at the culvert adjacent to Upper Chesapeake Hospital. Mr. Walbeck noted that he remembered the outfall at the Home Depot head cutting to the pond. Mr. Elinsky asked if the retrofit that is presented would be in-stream stormwater management. Ms. Buckley replied that it would not. The marsh areas would be created in already wet areas along the edge of the development. Mr. Nichols stated that anadromous fish species are not present this far upstream, and that he was not interested in this retrofit.

Stormwater Retrofit Site HH-2 & HH-2A: Mr. Hurt recalled that outfall work was previously planned by the State Highway Administration (SHA) with upgrades to MD 24, but that work had been scaled back and thereby eliminated the need for mitigation. Mr. Swarr pointed out that downstream water quality has been impacted and proposed restoring the stream channel and upgrading the outfall. Mr. Kropp noted that the apartment complex's homeowners' association owns the property. Mr. Swarr added that MdTA right-of-way is not far downstream. Mr. Nichols noted that there is significant sand deposition in the Ha Ha Branch south of I-95 and would not have a problem pursuing this retrofit.

Moose Lodge: Mr. Elinsky stated that the Moose Lodge site looked good for potential mitigation. He stated that for sites like these, they typically like to relocate the stream. Ms. Buckley noted that this is fairly isolated from a fisheries standpoint. The stream drains to a trapezoidal concrete channel, which flows into a long culvert that goes under US 40 and the Amtrak line before opening up. Mr. Elinsky thought this might be a good

opportunity to get rid of the trapezoidal concrete channel, but was concerned with the narrow width of the corridor and the parcel. Mr. Nichols stated that Swan Creek has great habitat and would be interested in reducing the bankload and improving water quality.

Parcels – Erik Schwenke, A.D. Marble

Raphel Road Property: Mr. Elinsky inquired as to the existence of hydric soils on the site. Mr. Swarr stated that there are no hydric soils; however there are soils with hydric inclusions. Mr. Hurt noted that this parcel doesn't connect to the corridor, but there is the potential for reforestation. Ms. Williams noted that this parcel is for sale and is very affordable, which makes it attractive. It is also adjacent to a forested parcel. MdTA is very interested in this parcel.

Albert Bierman Property: Mr. Schwenke confirmed that the Bierman Property does have hydric soils (Keyport Series), however there are no tributaries on this parcel. Mr. Swarr noted that the closest tributary is Winters Run. Mr. Elinsky inquired whether Mr. Bierman would entertain the idea of selling a portion of the parcel. Mr. Schwenke stated that this property was chosen based on the County's prospective list of landowners that potentially would participate in mitigation. Mr. Davis confirmed that corn is grown on site and does not recall seeing hydrophytic vegetation. He added that Mr. Bierman previously subdivided the property to lease a portion for farming. Mr. Davis speculated that Mr. Bierman would be willing to sell a portion of the property if the price was acceptable. Mr. Elinsky stated that he would like to see this property on the list of potential mitigation sites. Mr. Hurt agreed with this.

Pouska Property: Mr. Schwenke confirmed that the entire property is 75 acres. Mr. Davis noted the potential for onsite mitigation. He also noted there may be potential for forest work on the adjacent forested parcel or potential mitigation on the adjacent old horse farm. Mr. Nichols noted that the Pouska property was a site of interest since the stream is pretty well denuded and there is the potential for erosion. Mr. Davis confirmed that there is stream erosion and added that the County has done some stream work to protect the sewer main that runs along the stream (Harford County's main sewer line). Mr. Elinsky asked how close the sewer line is to the stream and what kind of cleared easement the County has. Mr. Davis stated that the line is approximately 30 to 40 feet from the stream. Ms. Buckley believed the easement was 25 feet. Mr. Nichols asked if the County would be amenable to shrubs within the easement, as woody vegetation would assist in preventing erosion. Ms. Buckley stated that the County is sometimes inconsistent on whether the easement must be kept totally clear, however they are always looking for free erosion work to protect their lines. Mr. Elinsky stated that the permitting agencies would want perpetual easements on any mitigation site, an assurance that the mitigation is protected. Mr. Nichols suggested that the opposite side of the stream be looked at for potential mitigation.

Dewitt Tharpe Property: Mr. Schwenke indicated potential for stream buffer enhancement along the tributary to James Run and possible wetland creation along the same tributary. He also indicated that the property collects road runoff from Calvary

Road. Mr. Elinsky inquired whether there was bog turtle habitat on the parcels. Mr. Davis stated that Harford County has not identified any of the proposed parcels as Bog Turtle sites, but that doesn't mean there isn't potential. Mr. Davis said that he was not aware of cattle on this farm. Mr. Nichols noted that he would be very interested in negotiating with property owners, where applicable, to keep cattle out of streams and restore riparian buffers.

Gonzalez Property: Ms. Buckley noted that Mr. Gonzalez is very interested in performing stream mitigation on his property. He has significant fish blockages. Mr. Elinsky inquired whether Mr. Gonzalez would be willing to remove the bridge. Ms. Buckley thought he would be, but he may want it replaced. Mr. Gonzalez does have access from the other side. Mr. Elinsky asked if anadromous fish go up this far. Mr. Nichols replied that this site was probably a little too far upstream. Hookers Mill Road is the upper boundary for Bynum Run. He noted that he wouldn't have a problem with clearing alluvial blockages. Mr. Elinsky agreed. He inquired whether there were any macroinvertebrates. Ms. Buckley was unsure. She noted that the County is doing restoration on an upstream tributary and that there are water and sewer lines downstream of the bridge, which possibly crosses the stream. Mr. Davis confirmed that there were no gas lines on the property. Mr. Davis mentioned that there is a large restoration project downstream on Bynum Run. The Bynum Run watershed has become highly developed over the last 30 years. Mr. Elinsky believed the Gonzalez Property had good potential for stream restoration and buffer creation. Mr. Elinsky asked the County if Mr. Gonzalez would be open to stream restoration and buffering. Ms. Buckley believed so if they were packaged together. Mr. Elinsky asked what was the County's buffering requirements. Ms. Buckley said that for new development on the main stem they require 150 feet, however on restoration projects they take what they can get. Mr. Elinsky noted that the USACE would want 50 feet on each side. Ms. Buckley thought they could work with Mr. Gonzalez.

John Schenning Property: Mr. Schwenke noted the potential for stream mitigation exists on the tributaries that run between the active fields on the Schenning Property. These tributaries flow into James Run. Mr. Swarr noted that a potential fish blockage on James Run, as noted by Mr. Nichols, was in close proximity to the Schenning Property. Mr. Nichols stated that he would like this parcel added to the list of potential mitigation sites.

James Fielder Property: Mr. Davis stated that the County is potentially acquiring this property for an equestrian center/horse park and possible home for the annual Harford County Agricultural Fair. He stated that whether or not the County purchases the property it is a good site for mitigation.

Jack Davis Property: Mr. Walbeck inquired why this property was included. Mr. Davis stated that the County did a previous mitigation project with the MDE on this site and that he thought Carsins Run might have potential for stream restoration. Mr. Davis confirmed that the parcel was currently being farmed and the northern portion is wooded. Mr. Elinsky asked if there was potential to the north of the mitigation site. Mr. Walbeck stated that the elevation was most likely too high for wetland creation. Mr. Davis said

that there was potential for reforestation. He thought that tulip poplars were the predominant trees in the forested portion of the parcel with some oaks and hickory. Mr. Davis confirmed that the parcel was located within the Coastal Plain.

Mr. Elinsky inquired whether there were utilities, other than the Pouska Property sewer line, or master planned roads on any of the suggested sites. Mr. Swarr and Mr. Davis believe there are not.

Mr. Elinsky stated that he was not interested in the Fielder Property, but was interested in the Schenning, Pouska and Bierman Properties.

Fieldtrip

Stormwater Retrofit Site HH-2 & HH-2A: Mr. Nichols would like to see the riprap addressed on Site HH-2A. Mr. Hurt would like some water quality treatment added prior to the drainage entering the tributary at Site HH-2A.

John Schenning Property: Mr. Nichols would like to see something done to keep the cattle out of the stream. Mr. Elinsky would like a forested buffer along the stream. Mr. Hurt thought this was acceptable if the forested buffers from James Run and Bynum Run could be connected. Mr. Nichols also indicated that while pursuing mitigation on the Schenning and Pouska properties, he would like the MdTA to address the fish blockage along Bynum Run at MD 7.

Action Items for MdTA:

- OP-14 - Further investigation to determine the source of sediment at the culvert adjacent to Upper Chesapeake Hospital.
- Investigate potential for removing trapezoidal concrete channel at Moose Lodge site.
- Investigate potential mitigation opportunities at the following sites:
 - Abingdon Road Water treatment Plant (Suggested by Mr. Walbeck.)
 - James Run fish blockage - ¼ mile north of I-95; near abandoned golf course (Suggested by Mr. Nichols.)
 - James Run fish blockage – south of MD 7; close to head of tide (Suggested by Mr. Elinsky.)
 - Bynum Run fish blockage at MD 7
- Speak with property owners of Pouska and Schenning parcels to see potential for performing work.
- Provide detailed maps for the Pouska and Schenning parcels with descriptions of existing conditions and proposed mitigation.
- Contact Maryland Historic Trust regarding these parcels and look into RTEs.

PROPERTY OWNER COORDINATION

PRIMARY SITES:

Carsin's Run

This site is owned by the Authority and does not require property owner coordination.

Gray's Run

This site is owned by the Authority and does not require property owner coordination.

Fielder Property

In July 2008, the Authority contacted Mr. Jim Fielder for permission to access his property (a 255-acre agricultural farm located along the north side of Calvary Road) to conduct a field review of the natural resources on the property. Mr. Fielder was informed the field review was related to mitigation needs for the Authority's Section 200 project and his contact information was obtained from the USDA Forest Hill office, through earlier coordination with USDA regarding potential mitigation sites. Mr. Fielder agreed to let Authority staff enter his property and conduct the field review.

The Authority contacted Mr. Fielder again in April 2009 requesting permission to access his property with members of various federal and state resource agencies. The Authority advised Mr. Fielder that they had an interest in conducting stream restoration as well as wetland creation and enhancement along the tributary to Bynum Run that fronts his Calvary Road property. The Authority informed Mr. Fielder that the federal and state resource agencies would need to approve any proposed mitigation at this site. Mr. Fielder said that he understood and was familiar with the process. Mr. Fielder informed the Authority that they should take the agencies to another property of his, which is an historic property, because there appears to be dramatic stream down-cutting along the property that may be a useful mitigation site. In addition, Mr. Fielder commented his wife, Mrs. Grace Fielder, would be contacting the Authority with an additional potential stream mitigation site on the south side of their Calvary Road property; in April 2009, Mrs. Fielder did so. The Authority informed Mrs. Fielder the property would require investigation with the agencies to determine if it had potential to become a mitigation site for the Section 200 project.

In June 2009, the Authority contacted Mr. Fielder for permission to access his property to look at the tributary to Bynum Run and wetland that runs through the front of the Calvary Road property (north side). The Authority informed Mr. Fielder that the agencies were not interested in the other stream restoration sites (historic property or south side of Calvary Road), but did have an interest in stream restoration and wetland creation and enhancement along the tributary to Bynum Run that fronts his property along the north side of Calvary Road. The Authority informed Mr. Fielder that the stream and wetland that runs the entire length of the property was targeted for mitigation. The Authority informed Mr. Fielder that they would contact him when the project moves into design and encouraged him to contact the Authority if he had any questions or concerns.

Gonzalez Property

In July 2008, the Authority contacted Mr. John Gonzalez about the potential use of his property along McPhail Road as a mitigation site for the Section 200 project. The Authority met with Mr. Gonzalez in August 2008 at the potential mitigation site location to discuss potential stream and floodplain restoration and creation along Bynum Run that runs through his property. The Authority informed Mr. Gonzalez that the failed driveway on his property, which has fallen into Bynum Run, is having a negative effect on the stream and acting as a fish blockage. The Authority asked Mr. Gonzalez if he would agree to put the land surrounding the stream under a perpetual easement so the Authority could perform stream restoration, floodplain creation and enhancement, and stream buffer creation and enhancement. Mr. Gonzalez indicated he has no use for the stream or the land surrounding the stream. Mr. Gonzalez also noted he would be happy to cooperate with the Authority regarding mitigation on his property and was very eager to have the failed driveway crossing over Bynum Run repaired. Mr. Gonzalez gave the Authority permission to enter the property at any time to take a look at the stream and the surrounding land.

Pollard Property

In August 2008, the Authority contacted Mrs. Krishna Pollard about the potential use of her property at 218 Mountain Road for the Section 200 project, and requested permission to perform a cursory walk-through and wetland delineation at the site. She was informed at this time, depending on the outcome of the cursory walk-through, several subsequent visits to the site throughout the planning phase of the project could occur. After coordinating with the resource agencies and determining the high potential for this site to be used as wetland mitigation, the Authority contacted Mrs. Pollard (August 2009) to inform her of the opportunity. Mrs. Pollard indicated she is amenable to mitigation on this site, but only if the entire site is purchased. Mrs. Pollard requested the Authority continue to coordinate with her regarding their potential purchase of the property. The Authority assured Mrs. Pollard they are highly interested in her property and will continue to coordinate with her as the project progresses.

SECONDARY SITES:

Schenning Property

In July 2008, the Authority contacted Mr. John Schenning for permission to access his property to conduct a field review of the natural resources present. The Authority informed Mr. Schenning that the field review was related to mitigation needs for their Section 200 project. The Authority notified Mr. Schenning that his contact information was obtained from the USDA Forest Hill office, through earlier coordination with USDA regarding potential mitigation sites. Mr. Schenning agreed to let the Authority staff enter the property and conduct the field review.

In April 2009, the Authority contacted Mr. Schenning for permission to access his property for a subsequent field review with members of various federal and state resource agencies. The Authority informed Mr. Schenning of their interest in conducting stream restoration along tributaries running through the property. Mr. Schenning inquired why other agencies besides the Authority would need access to his property. The Authority explained to Mr. Schenning that the other agencies requesting access would be the agencies determining whether or not proposed

mitigation on the property would be acceptable. The Authority informed Mr. Schenning that any land used for mitigation on the property would be placed under a perpetual easement.

In June 2009, the Authority contacted Mr. Schenning requesting permission to access his property for a third field review. The Authority informed Mr. Schenning that the resource agencies thought his property had great potential for stream mitigation and that three of the four tributaries running through his property would be pursued for further design when the project receives funding. Mr. Schenning inquired about the extent of mitigation proposed along the tributaries. The Authority informed Mr. Schenning that proposed mitigation along the three degraded tributaries would somewhat resemble the area surrounding the fourth tributary, located on the western portion of the property, which is currently fenced off and buffered with riparian vegetation.

WUS 14E

This site is owned by MdTA and does not require property owner coordination.