

THE SEVERN RIVER COMMISSION

2011 - 2012 Biennial Report



March 2013

THE SEVERN RIVER COMMISSION APPOINTED MEMBERS

Lina Vlavianos, Chair (1987 – present)
Sally G. Hornor, Vice Chair (replaced John Flood 2/2000)
Kurt Riegel (replaced Joel Dunn 12/2011)
Mike Robinson (replaced Charlotte Lubbert 2/2011)
Joe Rubino (replaced Pete Robinson 2/2007)
Jeff Schomig (replaced David Mauriello 3/2006)
Tom Lindsay (replaced Kurt Riegel 7/2012)
Amy Clements (replaced Judd Legum 12/2011)
Bob Whitcomb (replaced Scott Hymes 5/2008)

COMMISSION EX-OFFICIO MEMBERS

Jamie Benoit, AACounty Council (replaced Ron Dillon 2/2008)
Fred Paone, Annapolis City Council (replaced Sam Shropshire 3/2010)
John Grasso, AACounty Council (replaced Jamie Benoit 10/2011)
Scott Hymes, Maryland Department of Natural Resources (appointed 4/2008)

ANNE ARUNDEL COUNTY LIAISON AND STAFF

Ginger Ellis, AACo. DPW/BOE, Watershed Ecosystem & Restoration Services
Brenda Weeks, AACo. DPW/BOE, Watershed Ecosystem & Restoration Services

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INTRODUCTION

The Severn River Commission (SRC) was established in 1985 by Resolutions of the County Council of Anne Arundel County, Maryland, and the Annapolis City Council, and extended indefinitely in 1989. In 2000 the Anne Arundel County Ethics Commission concluded the Commission is a County agency, its members are considered "employees" and are subject to the Ethics Laws.

Seven voting members are appointed by the County Executive and confirmed by County Council; two are appointed by the Mayor of Annapolis and confirmed by the City Council. All nine voting members volunteer their time and work without compensation. Ex-officio members represent DNR, County Council, City Council and General Assembly.

The Severn River Commission, designated to "provide counsel and advice to Anne Arundel County, the City of Annapolis, and the State of Maryland on environmental and other matters within the Severn River Watershed," focuses on study of and recommendations on policies, rules and regulations to protect the Severn River and its watershed, including comments on relevant existing State, County and City procedures.

The required biennial reports, submitted to the Anne Arundel County Council and the Annapolis City Council, focuses on the Commission's primary undertakings over the past two years, rather than address the Severn River watershed.

COMMISSION ACTIVITIES

In its role as advisory body to State, County and City activities, the Severn River Commission has been involved in legislative, policy and regulatory procedures concerning critical and decisive issues affecting the well-being of the Severn River, its watershed and residents.

As outlined in the Commission's bylaws, the considerations in "environmental matters shall include but not be limited to natural resources, water and air quality, groundwater, noise, energy sources, wildlife, and other natural aspects of the environment, and the relationship of health to ambient environmental quality."

POLICY

The SRC addresses questions relevant to private and public consideration and strives to strike a balance between governmental necessities and civic considerations on issues critical and decisive for the well-being of the Severn River, its watershed and its residents.

AGENDA 2011 - 2012

JABEZ BRANCH

Since the establishment of the SRC, the protection of Jabez Branch has been a priority. Being fully aware of the large acreage of forest land acquired by State Highway Administration (SHA) during construction of Route 32 around 1985, the SRC established a dialog with SHA years ago to have the excess woodland somehow permanently protected from development. That opportunity arrived when SRC learned that the excess SHA land was being considered for development of a sports complex. SRC objected rigorously. Instead, SRC suggested the land be placed in a permanent conservation easement. In turn, SHA agreed to protect what is known as the former Merbrand property via a long-term Forest Conservation Easement in perpetuity.

The SRC has had also in coordination with the Department of Public Works and SHA several site visits to identify areas impacted by road runoff. A priority list of areas in need of attention has been established.

SLAG (by-product of steel production)

Slag was dumped in the Severn River before any testing was done to determine potential toxicity in the river. Based on concerns expressed by the SRC, the Army Corps of Engineers (ACE) did agree to conduct some tests. The resulting White Paper acknowledged that use of slag in substrate shows leaching of certain metals into the water column. Letters were sent to the County Executive, Department of the Environment (DNR) and ACE recommending that no further placement of slag be made in the Severn River or anywhere in the Chesapeake Bay ecosystem. DNR responded that their review of the study concluded, “that the use of slag did not result in elevated concentrations of metals beyond the normal background levels.” Therefore, while DNR claims oyster and clam shells and granite are the preferred substrate material for oyster reefs, “the Department does not plan to abandon slag material at this point in time.”

COMPREHENSIVE REZONING

The SRC followed closely the activities of the Severn River Association’s (SRA) efforts to analyze the proposed zoning changes within the Severn River watershed. While the SRC did not want to duplicate the good efforts of SRA, the SRC did express the sentiment that the County Council’s rezoning process flaunted federal water quality

mandates, ignored the General Development Plan and Small Area Plans recommendations and in general was not transparent with last minute rezoning applications.

CRITICAL AREAS

In its effort to understand the apparent disconnect between state approval of shoreline hardening and structures, and resulting county approval of buffer clearance pursuant to a Vegetative Management Plan, the SRC invited individually Maryland Department of the Environment, Inspections & Permits, AA Soil Conservation District and the Critical Area Commission to explain their role in the approval process. The more the SRC delved into the topic, the more it became apparent that each agency was acting individually according to its own charge, often at odds with the ultimate goal of improving water quality. The passing of County Council Bill 93-12 may alleviate some of the disconnect by requiring a property owner to meet with Planning & Zoning before submitting an application for construction in the critical area.

OPEN SPACE

Bill 15-12 – The SRC recommended that further study is needed in order to ascertain what impacts on open space areas are implied by the proposed bill. Ultimately the bill was withdrawn.

Bill 69-12 – The SRC supported unanimously this bill which was an improvement on the proposed Bill 15-12 in protecting Open Space (OS) zoned areas and preserve designated environmental features recognizing the balanced goals of the OS provisions for conservation and recreation as well as passive and active use.

LICENSED PROFESSIONALS (HB 415 / SB 827)

Ever since the Severn River was designated one of Maryland's scenic rivers, only licensed professional engineers' signatures were accepted to certify sediment and erosion control plans within the Severn River watershed. Legislation was introduced in the Maryland General Assembly to include landscape architects' and land surveyors' signatures on the certification. Initially, the SRC argued against such provision; however, upon further study of the qualifications for landscape architects and land surveyors led the SRC to conclude that excluding the two professional groups from certifying sediment and erosion plans was no longer meaningful and withdrew its original reservation.

NO DISCHARGE ZONE

Based on EPA's favorable press releases on Long Island Sound, the SRC urged Mayor Cohen to adopt the City's Environmental Transition Team Report's recommendation to establish a "no discharge zone" in Annapolis. Although establishment of such a zone is ultimately the purview of the City Council, the mayor is in support of the idea and an internal task force has been established to evaluate the merits of such a zone.

WEBSITE

The SRC website is hosted by Anne Arundel County. Monthly meeting minutes and biennial reports, county permit compliance information and monthly litigation reports are now linked to the SRC website as well.

For 2011-2012, the website was visited 1077 hits.

OTHER

Without being directly involved, nevertheless following with interest were these topics:

- a) Oyster restoration activity in the Severn River;
- b) Anne Arundel Health Department's progress in the area of nitrogen reducing septic system installations; and
- c) Negotiations involving the SRA, the Scenic River Land Trust, P&Z and the property owner in developing and protecting Priest Point—one of the last large undeveloped properties on the Severn River.

GUEST SPEAKERS 2011 – 2012

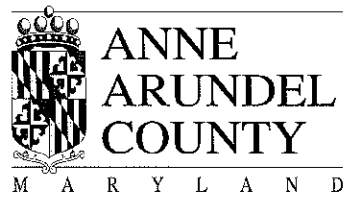
March 2011	Margaret McHale, Ren Serey MD Critical Area Commission Vegetation management plans and shoreline hardening
July 2011	Robert Hubbard, Bob Winchester Anne Arundel County Inspections & Permits Critical Area and buffer management enforcement
August 2011	Pamela Edwards MD Dept. of Labor, Licensing and Regulations Howard Harclerode MD Board of Professional Engineers John Mettee MD Board of Professional Land Surveyors Competency in certifying sediment and erosion control plans in the Severn River watershed
October 2011	Sonal Sanghavi MD State Highway Administration Protection of SHA excess property on Jabez Branch
November 2011	Douglas Hollmann Anne Arundel County Administrative Hearings Officer Decision process application of law
January 2012	Chris Phipps, Brent Ross, Joe Zorica Anne Arundel County Dept. of Public Works Shipley's Choice dam removal and stream restoration process
March 2012	Karuna Pujara, Dana Havlik, Cornelius Barner MD State Highway Administration Stormwater runoff concerns in Jabez Branch watershed

Anne Arundel County Inspections & Permits

J. L. Fisher, Vernon Hustead, Deborah Schwab, Colin MacLachlan
MD Chapter American Society of Landscape Architects
Signing and sealing grading and sediment control plans
within Severn River watershed

Anne Arundel Soil Conservation District
Ferry Farm Road and Severncroft Road properties
permitted buffer clearing

Margaret McHale, Kate Charbonneau, Ren Serey
MD Critical Area Commission
Critical Area County Council Bill 93-12



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