

Maryland Coast Smart Council

580 Taylor Avenue, Conference Room C-1
Annapolis, MD 21401

Meeting Minutes

December 20, 2016 9:30 a.m. – 11:00 a.m.

Immediate Action Items

- **Council Staff will make corrections to September meeting minutes and post final materials to the Council website; make changes to annual report recommendations (as outlined below) and disseminate an updated draft report to Council members and the DNR Office of Communications for final review; coordinate 2017 meetings with the Adaptation and Response Working Group; and prepare for report disseminations to state agencies and stakeholders.**
- **Council staff will follow up with Dave Guignet for federal executive language about floodplain and freeboard guidelines, and Kate Charbonneau for Critical Area Commission checklist language.**
- **Council members will send any additional comments on the draft annual report to Joe Abe.**

Council Members in Attendance:

Chair, Secretary Mark Belton, Department of Natural Resources
Dr. Gerry Galloway, Jr., P.E., University of Maryland, College Park
Sepehr Baharlou, P.E., Bayland Consultants and Designers, Inc.
Gary Setzer, Department of the Environment
Fiona Burns, Department of Budget and Management
Kate Charbonneau, Critical Area Commission
Mostafa Izadi, Department of General Services
Mark James, Maryland Emergency Management Agency
Richard Higgins, Department of Commerce
Dr. Donald Boesch, University of Maryland Center for Environmental Science

Council Members Not in Attendance:

Chris Elcock, GWWO Inc./Architects
Thomas Lawton, Somerset County
The Honorable Dennis Dare, Ocean City
Pat Goucher, Department of Planning
Sandy Hertz, Department of Transportation

Council Staff in Attendance:

Matthew Fleming, Department of Natural Resources
Joe Abe, Department of Natural Resources
Nicole Carlozo, Department of Natural Resources

Guests in Attendance:

Bill Anderson, Assistant Secretary for Aquatic Resources, DNR
Dave Guignet, Department of the Environment
Emily Vaineri, Office of Attorney General, DNR
Alex DeWeese, Critical Area Commission
Perry Otwell, DNR - Engineering and Construction
Bill Morgante, Wetlands Administrator, Board of Public Works

Welcome/Updates

Secretary Belton called the meeting to order and called for approval of the September meeting minutes. Kate Charbonneau made corrections to Critical Area language on page 4. Gary Setzer also made corrections to waterway construction language on page 5 to clarify that MDE is considering the integration of coast smart requirements and definitions into the preexisting Waterway Construction regulations. With corrections, the September 2016 meeting minutes were approved.

Joe Abe updated the Council on the status of delegating authority for coast smart criteria waiver review to the Governor's Smart Growth Coordinating Committee. Authority was originally delegated to the Smart Growth Subcabinet in 2015, but never officially delegated to the Smart Growth Coordinating Committee within the Subcabinet. A letter was signed to specify authority on November 16, 2016 by MDP Counsel and Assistant Attorney General Paul Cucuzzella and the Smart Growth Subcabinet Chair MDP Secretary Wendi Peters. This letter simply completes a delegation of authority action already approved by the Council in 2015.

Coast Smart Council Draft Annual Report

- Abe reviewed the intent and existing draft of the annual report, which will be the avenue for reviewing and refining the Coast Smart Program and shaping future Council activities. The Council reviewed recommendations outlined on page 25 of the annual report. Abe called for additional recommendations, changes to recommendations as written, and general comments on the content and framework.
- **Recommendation 1:** Matt Fleming and Secretary Belton discussed the need to coordinate with the Scientific and Technical Working Group of the Maryland Climate Change Commission.
- **Recommendation 2:** Setzer commented that the Waterway Construction Program has historically worked within nontidal waterways, and the Coast Smart council focuses on tidal waters. Because the Council would like to pursue coast smart construction guidelines within riverine areas, MDE is working with the Attorney General's Office to review the existing statute and determine if coast smart guidance within riverine areas can be pursued through the waterways construction law. The recommendation, as written, is flexible enough to move forward and coordinate with both the Coast Smart Council and the Adaptation and Response Working Group.
 - The second set of bullets under recommendation 2 were discussed. Dave Guignet commented on the second bullet, which references a two foot freeboard above the 100-year base flood elevation. Guignet suggested that the discussion align more closely with federal guidelines, and that Maryland should be thinking about areas just outside the special

- flood hazard areas. Guignet will share the federal executive language with Abe, which references a three foot freeboard.
- Emily Vaineri suggested that consideration of federal guidelines, including a three-foot freeboard, be incorporated into a new recommendation geared towards consistency between the State and federal programs. The tag line for the new recommendation could be “Possible Revisions to Coast Smart Construction Guidelines.”
 - Setzer reminded the Council that current authority does not include areas beyond the floodplain line. Secretary Belton clarified that this section describes topics to be discussed and considered.
 - Guignet suggested that the Limit of Moderate Wave Action (LiMWA) line that now exists on FEMA floodplain maps is another standard that should be considered by the Council. LiMWA represents where a 3-foot wave drops to 1.5 feet. The LiMWA does not represent a federal regulation yet but may in the future. Again, Maryland should work to be consistent with FEMA. Suggested language:
"Areas inside the LiMWA (wave heights between 1.5 and 3 feet) that are receiving State funding should be built to coastal V-Zone standards. New or substantially improved structures should be constructed on post, piles, or pier foundations with the lowest horizontal member elevated 2 feet above the base flood elevation (3 feet if it is a critical facility)"
 - Secretary Belton asked if the Council would like to include more general language about conforming to FEMA regulations. Guignet reiterated that the LiMWA is a standalone piece of information right now, but will most likely be rolled out with international building code updates. He noted that consistency will help to protect Maryland’s resources and investments. Sepehr Baharlow agreed that from a construction perspective, the current regulations are flawed.
 - **Recommendation 3:** Fleming discussed providing delegation of authority to the Smart Growth Coordinating Committee and that recommendation 3 is already underway (see delegation of authority letter).
 - **Recommendation 4:** Abe discussed the need of a screening tool as projects are reviewed before the Board of Public Works. Bill Morgante agreed that there is a need to check compliance and provide more information to the Board. Baharlow suggested that the checklist include a statement of how the project applies to coast smart siting and design. Secretary Belton asked about the development of a check list and if the Council can ask the Board of Public Works to approve use of the list when considering projects. Vaineri asked about the types of projects for which the checklist would be required. Setzer clarified that the use of a checklist should be broad and submitted with any agency projects under consideration. Richard Higgins noted that not all projects may be required to go through the Board. Setzer clarified that the checklist would provide documentation for applicable projects where coast smart practices should be considered. Fleming commented that a checklist provides assurance to the Board of Public Works that coast smart review is occurring at the state level. Charbonneau added that Critical Area Commission has a checklist for all projects under review and now requires a statement about how the project is incorporating resiliency. This requirement does not dictate the type or amount of information that needs to be included. Charbonneau can share that new requirement with the Council for consideration.

- Mark James added that many projects that are funded are passed through local jurisdictions, which falls outside the purview of the council, but inside the purview of the Maryland Climate Change Commission.
- Don Boesch discussed interest from the Maryland State Treasurer (also on the Maryland Climate change Commission).
- Setzer suggested striking the reference to MDE’s report and recommendation from the language and Secretary Belton agreed.
- Abe called for additional recommendations. Secretary Belton inquired about a previous Critical Area Commission recommendation.
- Guignet reminded the Council that the federal government is moving forward with a three foot freeboard and Maryland should be consistent. Secretary Belton recommended adding “in coordination with federal entities” or similar language to recommendation 1, which references the evaluation of new sea level rise science. Vainieri suggested additional language to “ensure we are at least as stringent as the federal government.” Secretary Belton agreed. Vainieri suggested that program documents can be adjusted as needed following changes to federal regulations. Guignet noted that there will be problems if two different recommendations exist, and that Maryland should lead the way. Maryland has the capacity to generate two and three foot freeboard on internal maps. Boesch noted that Congress will revisit flood insurance and that there will be more developments moving forward. The Council should address federal policy broadly.
- Secretary Belton called for suggestions of other state agencies that should be included in the report dissemination. Gerry Galloway commented that the report is solid and should be circulated widely because others look to Maryland for guidance. The Council can make adjustments as feedback is received. Galloway also suggested including a table of contents.
- Setzer asked if all state agencies are using the same information in map creation. SHA, DNR, MDE and other agencies. Matt Fleming and Nicole Carlozo responded that all agencies are using the same base data and sharing information through state commissions, advisory committees, and partnerships. Final map products might look different depending on goals and objectives. Fleming suggested that a future meeting topic include best available data, data use, and map products.
- Fleming asked the Council to send additional comments to Abe. An updated version of the Report will be reviewed by DNR’s Communications Office.
- Secretary Belton called for moving the report forward. There were no objections. The Council approved the content and format of the report.

Sharing Report with External Stakeholders

- Abe noted that the Program document approved by the Council in July 2015 requires an annual report to provide feedback to the Council regarding the Program’s implementation. There is no mention of communicating with other groups that may be interested in the Program and report findings. Secretary Belton suggested that the Council share the report with the Maryland Climate Change Commission to promote awareness. Setzer requested the final report to be sent to the Senate and House. Secretary Belton agreed and also requested a copy be sent to the Governor’s Office.

- Secretary Belton requested that the report and recommendations are added to the next Adaptation and Response Working Group agenda, and that copies with a cover letter are sent to localities to initiate a dialogue about local coast smart work.

2017 Coast Smart Council Planning

- Abe and Fleming discussed the Council's 2017 schedule. Quarterly Coastsmart Council meetings will be held on the same day as Adaptation & Response Working Group meetings. There was general agreement as long as the length of the meetings are adjusted.

Sea Level Rise and Climate Science

- Dr. Don Boesch from University of Maryland provided an update on climate science developments related to sea ice collapse. As the ice sheets in Greenland and Antarctica melt, ice is transitioning from land to water. Scientists do not know how rapidly this will occur, but there is evidence that Greenland is melting faster than projected. Greenland and the Antarctic are experiencing ice edge erosion from a warmer ocean, which melts the ice from the bottom up and causes the ice shelf to break off.
- Overall, nothing has changed with the state projections. Most likely, Maryland will have at least 2 feet of relative sea level rise by 2050, which is double what was experienced in the past century. There is a lack of confidence with the high end projections due to Antarctic ice uncertainties. Boesch commented on the need to manage the unavoidable (adaptation) and avoid the unmanageable (mitigation). Sea ice melt will not affect Maryland by 2050, but might be a long term concern.
- Secretary Belton asked Dr. Boesch to address the uniformity of sea level rise and how the Chesapeake Bay region relates to other areas in the United States. Boesch explained that the sea is not level; additionally, some land is sinking while other land is rising due to glacier movement and rebound. Louisiana is the most vulnerable to sea level rise because it is sinking at a greater rate; Florida is also vulnerable because of its coastal infrastructure and limitations in levee use; and the North Carolina Outer Banks (Albemarle Pamlico Sounds) and Delaware Bay low lying areas are also very vulnerable. Maryland is among the most vulnerable areas due to many factors. 1) Land Subsidence. 2) Fingerprints of Melting Ice. There are variations in how Greenland and Antarctic ice melt impacts sea level in different locations. Gravity pulls the ocean toward ice mass and the gravitational pull is reduced as ice mass melts. Sea level rises to a greater degree further away from the ice mass. 3) Gulf Stream Speed. The Mid-Atlantic region has experienced greater sea level rise because the Gulf Stream is slowing down. As the Gulf Stream slows, less water is pulled off of the shelf and sea levels rise. 4) Ocean warming (volume expansion). The largest variables for sea level rise are ocean warming and ice melt.
- Abe asked about how climate change relates to the polar vortex. Boesch commented that this past year has been unusual with record warm temperatures in the arctic region and the lowest measured sea ice. A cold mass forms every winter and will continue to form, but that mass is destabilized, which is why the polar vortex is affecting more people.
- Morgante asked about land sinking impacts to sea level rise. Boesch replied that land is sinking from New York south, but that the rate differs by latitude and local factors, such as subsurface fluid extraction (oil and gas, groundwater, etc.).

Local Spotlight: City of Annapolis

- Maria Broadbent from City of Annapolis was unable to attend and Council staff will reach out to her to attend a future meeting and provide information on how Annapolis is incorporating resiliency into local planning efforts.

Wrap Up

- Galloway mentioned a Union of Concerned Science report, which addresses impacts to communities surrounding military installations. The report addresses risk to transportation, the power grid, and other infrastructure.
- Boesch recommended that Council staff reach out to someone from Hampton Roads or the Norfolk Naval Base to attend a future meeting.