

CEQ MEETING MINUTES

Location: Jefferson Building

Date: April 24, 2024

Time: 7:00pm

AGENDA DETAILS

I. ATTENDANCE

7:00 Welcome to everyone. Please sign in.

Carol Newill, Lois Jacobs, Brian Lindley, Linda Davis, Valerie Androutsopoulos, Ralph Brown, Brian Fah, Monika Tracy, Radu Zamfirache, Brady Locher, Mahnaz Assadi, Andy Miller,

Lynda Eisenberg, Victoria Lawrence; excused absences – Steve Malan, Dustin Shearer, Chris Overcash

Thank you to Valerie for serving as Greeter at the door this evening. It will be Lynda's turn in May.

Thank you to Lois for updating the contact information for CEQ members, which has been emailed to commissioners and County liaisons.

Minutes of 2/28/24 CEQ meeting were approved by email voting.

II. NEW BUSINESS

7:05 Regina Esslinger, manager of the Environmental Impact Review Section of DEPS will speak on Updating the Baltimore County Forest Manual, with colleague Glenn Shaffer.

The 1993 updated manual is here: <https://resources.baltimorecountymd.gov/Documents/Environment/eir/fctechmanual.pdf>

Its 16 Appendices are here: <https://resources.baltimorecountymd.gov/Documents/Environment/eir/fctechmanualappendices.pdf>

7:30 Discussion

Missed first part of discussion

If people have to replant trees, this moves the release date by at least a year before it can be inspected and released. Have had one case of a big wetland mitigation that was destroyed by a chemical application and that reset the 3-yr maintenance clock that ran 5-6-7 years before the easement report came back and they got their deposit back.

Later securities are based on itemized cost estimate of 110% of what staff approves. In other cases developers ask for their money back long afterward and they don't get their money

back. It can affect the developer's credit rating if they default on the security. Cost estimate includes materials, labor, maintenance, and requires an itemized cost list and then the county requires a 110% bond based on that list in case the planting is unsuccessful. If they try to provide a lowball estimate, the staff know enough to kick back the estimate before signing off.

There are private entities that operate approved forest conservation banks where you meet your forest conservation requirement if you can't do it on site; but you need an approved plan. The County does not own or operate any of these. The state law requires an applicant to go to one of these banks before paying a fee in lieu to the County.

Q: In the forest conservation plan, are there any regular soil testing plans to make sure conditions are supportive for tree survival?

A: That responsibility falls on the person preparing the plan and doing the planting, and if soil amendments are necessary they will be specified on the final plan. We don't go out and inspect the sites ourselves – that is the responsibility of the people whose plan it is. If we see concentrations of dead trees we ask them to figure out why it failed in order to remedy the situation. There are no requirements in the forest conservation technical manual – that is the responsibility of the licensed entities to take care of this. There has to be a licensed forester or landscape architect to take responsibility.

III. OLD BUSINESS

7:45 Update on county nature park issues:

CEQ letter* was emailed on 4/15 to the County Executive, and to pertinent Department Directors and County Councilmembers, to request further awareness of and development of protocols re protection of park natural resources, and to call their attention to recent occurrences at Oregon Ridge Park (see *Letter at bottom of Agenda).

Lecture on rehabilitating a threatened park forest: On 4/14/2024, Bob Smith, Director of Recreation and Parks, attended the lecture that was sponsored by the Oregon Ridge Nature Center. The speaker was Lindsey Donaldson, National Park Service Chief of Resource Management at Catoctin Mountain Park. She discussed what they are doing at Catoctin Mountain to ensure the survival of their hardwood forest, which has many of the same problems as Oregon Ridge Park's forest.

Director Smith discussed the County Executive's proposed budget for this coming year and how it would positively affect Oregon Ridge. The new budget contains a significant increase in the funding of his department. Most importantly for the future of the nature centers, it contains funding for an increased number of Naturalists and for two Natural Resource Managers for the several nature parks. Nature Council President Dr. Ralph Brown has stated that the restoration and protection of our natural resources at the park has been sorely neglected in the past, but that will change if this budget is approved.

Carol spoke with Bob Smith and he said it isn't really clear what changes in the park would require input of DEPS and Carol amended the letter accordingly. Director Smith gave some good news about the County Executive's budget – see above. Ralph Brown commented about the budget for two land managers; it's not clear what the qualifications would be and who they would report to in Rec & Parks. Now there are two naturalists but it appears they have had little impact on how Rec & Parks manages Oregon Ridge. The two new positions will be for all of the nature parks combined together. There are six nature parks: Oregon Ridge, Lake Roland, Marshy Point, Benjamin Banneker and the Ag Center.

Q: Are there any divisions of responsibility between Parks and Recreation responsibility to ensure that the parks and forest side has the authority to make sure that errors are not made that affect the resource? Carol questioned whether the type of recreation that involves enjoying nature has been understood within the agency, which appears to be dominated by the objective of supporting recreation especially hardscape courts or playing fields.

Q: Why was nothing ever carried out following the results of the 2007 Forest Survey? The latest assessment was ordered by DEPS, which has a forest division with appropriate qualifications; but the implementation of the plan goes back to Rec & Parks which does not have the knowledge at the top of the agency. Carol points out that the previous director was supposed to delineate the responsibilities of the two parts of the department more clearly. Lynda Eisenberg said that both in Carroll and Howard counties there was no separation between recreation and parks. Ralph points out that Howard County does it differently, because they have a division responsible for specific tasks that cover what is needed for forest management. We aren't sure how Baltimore County's Parks & Rec Department addresses that need. Director Smith will do a series of open houses and community listening sessions and the public will have the opportunity to ask questions. There will be a meeting on May 6 at the lodge at Oregon Ridge at 6 pm, and there will be meetings at other parks as well – 2 Rec places and 2 Nature places. It may be easier to quantify the public need for particular kinds of recreation facilities.

The County does a tree giveaway every year – usually 600 trees, this year 1300, and at Benjamin Banneker Park in Catonsville on Friday, Saturday and Sunday of this week. First two days are for those who reserved trees, Sunday is for those who didn't. Pre-order was two trees per person.

Q: Is there a distribution between understory and canopy trees?

A: We have a mix of both – 7 different species including blackgum, sycamore, - check the list on the county web site.

Upcoming public meetings: Director Smith has announced a series of Open House and Community Listening Sessions. These “interactive sessions will offer the general public an opportunity to interact with Department staff, hear about exciting capital projects in development, and learn about programming opportunities in the community.”

Including Nature: He was requested at the 4/14 meeting to expand the language about parks to include Nature rather than simply Recreation, to help obviate the concern that funds and efforts would be devoted primarily to facilities rather than to the health of the natural environment at the parks and the opportunities for the public to enjoy and learn from them.

The Listening Sessions will be 5/1 at Eastern Regional Park, 5/2 at Banneker Community Center, 5/6 at Oregon Ridge Lodge, and 5/7 at Sollers Point Multi-Purpose Center, at 6:30 pm.

Recently there were volunteers at the Oregon Ridge Nature Center who wanted to do invasives removal. Ralph Brown and the chair of the stewardship committee met with Bob Smith to talk about developing a program to address the invasives in the park. Before they got started, he said that he doesn't have any control over this and because of the county council's law passed in the aftermath of the painted trees incident, he can't approve invasives removal or any other environmental change in the park. He said he would meet with the legal department yesterday, so Ralph wrote to him to ask if it was against the law to pull up garlic mustard without DEPS approval. So Ralph asked for feedback from the meeting with the legal department to bring to the CEQ meeting. They said they met with the Council to review and are talking with DEPS and

would let him know. Future dates are being planned, but are now on hold. Ralph asked if they couldn't just have DEPS approve a list of invasive plants that are approved for removal.

EPS Deputy Director Brady Locher said that they are working on this and other issues with Parks & Recreation, and their concern is that the department has an approved invasives management plan to make sure that volunteers who aren't trained aren't put in the position of making decisions that might create problems. They are actually looking to expand this program for volunteer groups county wide, but need to make sure it's being done in a responsible way with people who know what they are doing.

The upcoming revised forest conservation manual does have an approved list for invasive species removal.

Hopefully the delays will be temporary, and we will have an effective set of policies in place that approve needed activities and avoid harmful activities.

Carol says there is a movement in the volunteer community to have an approved Weed Warrior program with training for any group that does this, to be led by someone who is certified. DEPS would still want the invasive species management plan not as a barrier but to ensure things are done properly. This is true only for public property; we don't regulate those activities on private property unless there is an easement with a public buffer. There are interesting cases like Phragmites which is often considered an invasive but does have some important ecosystem benefits.

8:00 Update on the new Road Salt report - Linda Davis
Thank you to everyone who has helped!

Linda handed out the draft recommendations, those from the 2009 original and those from our new report, and also from review of the Northern Virginia salt management tool kit. These were also distributed to CEQ yesterday and can be added as an addendum to the minutes. She added the items that were never carried out. Linda asked CEQ to look over the draft recommendations and comment.

Brian Fath's student Monika Tracy, who has just written a paper on the topic of road salt, will also be reviewing the report.

Linda commented that it might be good to target what happens on private property or state highways.

Brian Fath suggested dedicating the May meeting to discuss this topic so we have more time to review everything. This will be in shape by May. Linda invites us to take a look and in another week she will send out a message and ask for our thoughts. Several people won't be here in June; is there a possibility to move the meeting? The meeting is scheduled for May 22. Sounds like it's best to leave it on that date.

For the May meeting we should also have an Oregon Ridge update.

8:25 Approve minutes of 3/27/24 meeting
Next meeting is May 22, then we are on our summer break

8:30 ADJOURN

Next CEQ meetings in 2024: 5/22, 9/25, 10/23, 12/4

*Letter

To: County Executive Johnny Olszewski, Jr. County Councilmembers Izzy Patoka, Wade Kach, David Marks Director, Recreation & Parks Bob Smith Director, Department of Environmental Quality & Sustainability Horacio Tablada cc: County Property Manager Deborah Shindle Oregon Ridge Nature Council President Dr. Ralph Brown

From: Baltimore County Advisory Commission on Environmental Quality

Date: April 14, 2024

Dear Sirs: The Baltimore County Advisory Commission on Environmental Quality (CEQ) respectfully requests your attention to some recent occurrences at Oregon Ridge Park which appear to be out of compliance with County law.

We request that the leaders of all pertinent departments and divisions be made aware of the Baltimore County law, bill, 67-18: <https://resources.baltimorecountymd.gov/Documents/CountyCouncil/bills/bills%202018/b06718.pdf> , which requires that any decisions affecting **the health of the natural environment, the trees, and the overall quality of the natural environment at our County parks** be agreed upon by both the Director of the Department of Recreation and Parks and the Director of the Department of Environmental Protection and Sustainability (DEPS).

We further request that a protocol be developed among the Directors of the pertinent departments and divisions, or reviewed if such a protocol already exists, that will assure that the law will be followed in the interests of protecting the important natural resources of our County parks.

It is very possible that over time the existence and intent of the law have been forgotten, or it is not clear what are the sorts of projects to which the law would apply. The law resulted directly from great public concern about the preservation of the natural environment of our Baltimore County parks.

2017 Triggering Episode (Damage to Trees): In 2017 when a stand of healthy mature trees in Oregon Ridge Park were painted by private citizens in an act approved by the Department of Recreation and Parks, a public outcry resulted. Members of the public asked CEQ to document what happened and recommend how to avoid such in future. The public outrage and concern about our Baltimore County parks led to the CEQ report of February 2018 (<https://resources.baltimorecountymd.gov/Documents/CEQ/treepainting.pdf>) and a change in County law.

The Law: Bill 67-18 requires the Director of Recreation and Parks to consult with the Director of Environmental Protection and Sustainability with respect to the regulation of certain activities and the protection of certain resources in or on County park property; and generally relating to the regulation of activities in County parks. It focuses on prohibited activities that interfere directly or indirectly with the use of park property; specifically:

(3) Conduct an activity that: (i) Is detrimental to the natural resources and ecological function of park property; (ii) Interferes directly or indirectly with the use of park property; or (iii) Is harmful to human, animal, plant, or aquatic life on park property

Recent Violations: In autumn 2023 at Oregon Ridge Park, two projects were carried out without adherence to that law. Further, they were carried out without evident regard to the trails planning process specified in the park's Master Plan, nor to safeguarding the trees' critical root zones or the ecological function of the forest and the lake. CEQ has been asked by citizens to address these distressing occurrences.

Severe damage was inflicted on the trees, the land and the vernal pond, in the course of excavating large channels by hiking trails next to the quarry lake. CEQ does not know the degree to which the leadership of the Department of Recreation and Parks was involved in the decision for the Property Management Division (of the Office of Budget and Finance) to act, nor is CEQ aware of any prior consultation and approval by the Director of DEPS.

1. First, on September 11, 2023, a lawn service contractor, hired by Property Management, used a Bobcat and chainsaw to cut large tree roots and plow a 5' deep, 8' wide channel at the start of a hiking trail to the west of the Oregon Ridge lake. While the intent is not clearly known, it appears that the work was done to modify a long-existing trail with stairs; however, the Oregon Ridge Park Master Plan's trails assessment and plans were not yet completed when this work was done.

CEQ has been told that the Nature Center staff was alerted and was able to demand a halt to the work but only after a 130' long trench had already been dug.

2. In early November 2023, a second 5' deep trench was dug out using pickaxes and other hand tools at the start of another hiking trail to the east of the lake. This was again done by a lawn contractor hired by Property Management. The digging was halted after the president of the Oregon Ridge Nature Center Council sent an email with photographs to Mr. Bob Smith, Director of Recreation and Parks.

Excavated soil from this second ditch was thrown down a steep slope which is a short distance from a vernal pond. This soil not only covered vegetation that was preventing erosion of the slope but would eventually find its way into the vernal pond.

Subsequent to these excavations, erosion has been occurring and nearby trails have been closed to the public. Discussion among County officials, the park Master Plan contractor, and concerned members of the public has led to the expense of a contract to plan and then to re-establish trail access in the area by the lake as well as to minimize the erosion and the instability of the quarry lake's walls.

The damage done to the trees, the land, the vernal pond, and the ability of the public to walk and hike in that area, appear to be the result of a decision that by law would have required explicit agreement beforehand between the Director of DEPS and the Director of Recreation and Parks. We have been told that such a discussion did not occur and no such agreement was arrived at.

If you have any questions or additional information about the problems discussed above, CEQ welcomes further conversation.

Respectfully, Baltimore County Commission on Environmental Quality: Dr. Carol Newill (Chair), Valerie Androustopoulos, Mahnaz Mazaheri Assadi, Brian Bernstein, Linda Davis, Lynda Eisenberg, Dr. Brian Fath, Lois Jacobs, Jennifer Langford, Steve Malan, Dr. Andy Miller, Christopher Overcash, Dustin Shearer, Karen Wynn