

**Maryland Coast Smart Council Quarterly Meeting**

August 3, 2020 | 12:30p - 1:30p

**VIRTUAL MEETING ONLY**

Meeting ID: [meet.google.com/fre-wmde-wso](https://meet.google.com/fre-wmde-wso)

Call in #: 1-929-299-3230

Pin: 980-036-813#

**Agenda**

**I. Welcome and Announcements 12:30 - 12:35**

- a. *Secretary Jeannie Haddaway-Riccio, Maryland Department of Natural Resources* will welcome attendees and request introductions.

Secretary Haddaway-Riccio called the meeting to order at 12:32pm. Welcomed attendees and thanked them for their participation. Provided an overview of the agenda.

Attendees (read out loud by Allison Breitenother): Peter Goodwin (UMCES), Dave Guignet (MDE), Tim LaValle (MD-Commerce), Emily Vainieri (DNR), Secretary Jeannie Haddaway-Riccio (DNR), Jim Bass (ESLC), Lee Mayer (DNR), Michael Bayer (MDP), Kate Charbonneau (CAC), Jaleesa Tate (MEMA), Bill Neville (Ocean City), Steven Allan (MDP), Ed Link (UMD), Sasha Land (DNR), Robert Newton (DNR), Dave Bohannon (BPW), Nell Ziehl (MHT), Susan Lacher (Arcadis), Tyler Chandler, Spyridon Papdimas (DGS), Zoe Johnson (Naval Academy), Treasurer Nancy Kopp, District 14 Democratic Club Brunch, Paul Berman, Sepehr Baharlou (BayLand Consultants), Chris Elcock (GWWO Architects), Sandy Hertz (MDOT)

- b. Review & Approve the 05/11/2020 Council Meeting Notes
- i. Materials: May 11, 2020 Council Meeting Notes
  - ii. Action: Approve Meeting Notes

Secretary Haddaway-Riccio sought motion for approval of the May 11 meeting minutes. No opposition or abstention. Minutes approved.

**II. 2020 Coast Smart Program Update 12:35 - 1:25**

Secretary Haddaway-Riccio provided a brief synopsis of the goals for today. To receive an update and clarification on the CRAB boundary and understand program document changes.

- a. Climate Ready Action Boundary (CRAB) - *Dave Guignet (MDE)* will provide background and an update on the most recent progress on the CRAB.
- i. Materials: [Storymap](#)

## Final: Approved November 16, 2020

Dave Guignet provided background, explanation and update on the development and mapping efforts related to the Climate Ready Action Boundary (CRAB)

Summary:

- The story map website is public facing and open for review and comment. It is not the official product. The CRAB boundary image (pg X in Program Document draft) was updated based on MDOT's comments to include the delineation of the FEMA floodplain and identification of the newly inundated area. The mapping layers show depths by 1 foot intervals (orange is 1 foot, dark blue is 3 feet). Upcoming addition: the inclusion of the CRAB elevation in comparison to FEMA floodplain, will likely be a crosshatch. Mapping is done for all 17 coastal counties at 3, 2, and 1 foot CRAB elevations.

Discussion:

- Question from Ed Link (UMD): The term depth on CRAB map layers can be confusing as well as freeboard. Recommendation to think through and provide clarity to the utilization of these terms for mapping.
  - Discussion: *Dave Guignet (MDE)* CRAB creates the line that you are trying to get to and the easiest way to show it is when you click on ground depth it shows you depth to CRAB. *Ed Link (UMD)*: term depth implies depth of water but it is an elevation difference. Is there a better term to bring clarity that CRAB depths = elevation not depth of water? *Peter Goodwin (UMCES)*: Freeboard is used as a factor of safety / uncertainties that go into elevation. But the "freeboard" here is calculating a new flood level to account for SLR and Cat. 2 storm. This could be a new BFE - since we are anticipating the borders of Chesapeake Bay to change, this CRAB puts us out in front of it.
  - Freeboard+3 title on the main page needs to be adjusted.
  - Terminology recommendations: negative freeboard, resiliency factor, use negative freeboard, since the CRAB Depth is telling me how much I have until I reach the elevation, not the water depth.
- *Secretary Haddaway-Riccio* asks Dave to provide attendees with a refresher of why we have the CRAB and intention
  - *Dave Guignet*: The current floodplain covers 95% of the land that is touched by a Category 2 storm. We have opted to build off the FEMA floodplain, as agencies know what map to go to for FEMA floodplain and it aligns with regulations. Category 2 maps are a NOAA product and not used by agencies, by building CRAB off of FEMA floodplain (instead of Cat 2) we align more closely with the already utilized system. Tying it to already existing federal and state regulations, allows for easier language adoption and identification of structures outside of the floodplain.
- *Ed Link (UMD)*: the explanation provided is elegant and makes sense, it's the term depth that is adding confusion, proposal to use height above BFE.
- *Allison Breitenother (DNR)* shared comments from chat: proposed to use term resiliency factor instead of freeboard. Recommendation to add "current" ahead of sea level on diagram.
- *Dave Guignet (MDE)*: whatever term is determined will have to be updated in regulation siting and design guidelines.

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- *Peter Goodwin (UMCES)*: CS CRAB elevation is the new state standard for design water elevations because it incorporates all factors and get's to Ed's comment about true depth. Allows flexibility as the water moves.
  - *Dave Guignet (MDE)*: This document is intended to be a living document, the thresholds, mapping levels and boundaries will be updated as needed.
  - *Allison Breitenother (DNR)* shared comments from the chat box, recommendation to add a footnote explaining the way depth is used. Second suggestion is to use BFE+3, BFE+2, etc. to keep the nomenclature the same.
- b. Program Document Review and Approval - *Emily Vainieri (DNR-OAG)* will provide an update on the program document review
- i. Materials: attached in email
  - ii. Decision: Receive Coast Smart Council's review and approval of Program Documents

*Secretary Haddaway-Riccio* provided background on the program document, thanked council members for their review and turned it over to *Emily Vainieri (DNR)* to go over changes.

Background: *Emily Vainieri (DNR)* provided a summary of legislative changes in 2018 and 2019. The big changes were expanded scope to include local capital projects, highway facilities and not only structures, revised the applicability to be consistent with the statute, cons. / recons. Structure; or constr. New highway facility, 50% state funds, at least 500K. We clarified mapping boundaries - where structures and facilities fall in the CRAB they apply; new section for highway facilities; changed exception to exemption; revised project screening form; developed a new appendix for describing legislative changes. Made consistency and general update documents. Based on the CS statute itself. The original legislative deadline (July 1) has been extended due to the COVID pandemic, to either October 1 or 30 days after the end of the state of emergency, whichever comes first. Next steps: approval from council, goes to the state house for review and then becomes effective.

Changes:

- Added a new introduction and provided clarity in the applicability section. The only new definition, 'highway facility' is the exact definition from state highway. Added background on why the CRAB was determined to be the best to use.
  - Question: *Treasurer Kopp*: Was the transportation and highway parts based on law/policy or coast smart statute? *Emily Vainieri* - the inclusion of highways came out of the 2018 and 2019 legislative changes.
- Siting and Design criteria section added as a separate entity for the highway portion. Other updates include the referencing of the CS CRAB instead of floodplain in order to be consistent. Using "to the maximum extent practicable" throughout the document. Design guidelines were updated to include the consideration for saltwater intrusion and salinization.

**Final: Approved November 16, 2020**

- Question: *Bill Neville*: on paragraph 2, minimum freeboard, should the term be first floor elevation? Since the freeboard is already included in the CSCRAB? #3 of the section references a minimum 2 ft freeboard above CSCRAB elevation. Recommendation to remove reference to freeboard. *Dave Guignet* provided an explanation. The current regulation requires 2 or 3 ft. above the floodplain for freeboard (depending on type of structure, critical or non-critical). What we've done with the CRAB is indicating that all structures need to be 3ft. above FEMA's 100 year floodplain. Adding the additional freeboard allows consistency from the current regulation to how we build with the CRAB. Without this added freeboard, we are being as protective for non-critical facilities as we are for critical facilities (not consistent with how FEMA regulates).
  - *Council member* suggested adding that rationale and explanation into the diagram or document as currently there is no rationale for that additional freeboard. Concern for local level projects being able to comply with this additional standard (for some structures, it may be as much as 7 feet above current floodplain. Some structures would not make rational sense to be elevated that high, especially if they are public access.
  - *Dave Guignet* reminded council members that the program has an established waiver process for any structures that need to obtain a waiver from a part of the siting or design criteria outlined and a structure that couldn't elevate to 7ft would be able to request a waiver provided they have an explanation.
  - *Bill Neville* brought up that a waiver process could cause undue delay in the project at a local level, but acknowledged a waiver process would allow projects to move forward.
- *Allison Breitenother* shared a suggestion from the chat box about including a delineation of a critical facilities layer in the future.
- Discussion around the determination of how much freeboard is required continued. *Multiple Council members* discussed how much more freeboard we are actually asking for. Since 2 is more than we had, because previously it was only 1 or 2 ft. of freeboard anywhere, but now everything has at least 3. Recommendation to add only 1 ft instead of 2 to be consistent and wouldn't we want to raise the bar consistently across critical and non-critical? Why is it 2ft if only 1 is requested? *Council member* indicated that some of it is due to the timing of regulations, FEMA regulations came out before the CRAB so it is a bit like comparing different levels of regulations. Reducing freeboard means the guidelines are not as strong as they need to be but can we (the council) live with that?
- *Allison Breitenother* shared chat box discussion: Anticipating a CRAB+2 standard for critical facilities is going to look like a really wise move in a decade or two. It certainly is not attractive now to communities, so suggestion to do a slow roll out. Let communities know that in the future (5 years) this more conservative criteria (CRAB+2) will be coming out. Critical facilities could be CRAB+1 now and the standard be re-evaluated as the SLR actually unfolds.

- *Emily Vainieri* provided a highlight of additional changes - added term for wells to be considered, added language for structures built adjacent to the LiMWA (designing as if they are in LiMWA) as a means for agencies to consider long term resiliency. The highway sections siting and design criteria mostly came from the structures. MDOT provided a lot of input to this section; adding that sometimes building lower and stronger (more resilience factors) is better for highway facilities than higher. A 1 foot elevation for projects is extremely cost prohibitive for some highway projects. BPW will be provided differential costs for higher vs. lower and stronger.
- Question from *Treasurer Kopp*: Is there an understanding for how projects will “demonstrate” compliance? *Emily Vainieri* - it is up to the using agencies how specifically they will integrate the changes into their process. They are self-documenting, the project screening checklist provides a document. Example - MDOT /SHA has their climate change vulnerability viewer and use it to actively screen their projects for what location they are in and where they are vulnerable.

*Allison Breitenother* initiated the conversation with council members on determining whether a second meeting is required or to vote on the draft document now. Current changes to be incorporated: adjusting image and adding clarity on language for the freeboard. Adding the 2’ freeboard line above CS-CRAB on figure. *Council members* do not feel we need to delay vote - allow for the variances, but no major complaints. *Peter Goodwin*: worth cleaning the freeboard definition in the document to provide clarity around how there are slightly different meanings. FEMA may be based on current conditions, while MD is looking ahead to future conditions. Document just requires a few minor tweaks and terminology.

*Secretary Haddaway-Riccio* asked for a motion to approve the document with changes, Ed Link first, Sepehr seconded motion. No opposition or abstention. Document approved by council 08/03, 1:25pm.

### **III. Wrap Up**

**1:25 - 1:30**

#### **a. Council member announcements (open floor)**

*Secretary Haddaway-Riccio* thanked the council for working on and through this document. Recognizes that this helps MD to move towards making good investments. She then the floor to council members for announcements.

*Treasurer Kopp* commended people for the effort put in and the overall document.