



Comment Errata Sheet

Minimization Alternatives Analysis, August 18, 2021

MDE			
ID	Comment #	MDE Comment	BWRR Response/Approach
A	P1 Patuxent River 1:	Based on the information provided, MDE has determined that this project will result in permanent impacts to Patuxent River 1. Any Tier II minimization, in-kind mitigation, or out-of-kind offsets implemented, must occur within the affected Tier II watershed.	BWRR understands and will comply.
A1	P2 Patuxent River 1:1	The applicant is required to provide additional information regarding mitigation property search criteria, properties evaluated, location of properties relative to the Tier II watershed.	Understood. Please see updated sections of the Alternatives Minimization Report: 5.0 MITIGATION FOR PATUXENT RIVER I 5.1 Mitigation Methodology 10.0 MITIGATION FOR BEAVERDAM CREEK 10.1 Mitigation Methodology For mitigation property search criteria, properties evaluated, and location of properties relative to the Tier II watersheds. Appendix D – SCMAGLEV Tier II watershed Off-Site Reforestation and Conservation Site Search Appendix E – SCMAGLEV tier II Watershed Mitigation Site Property Data
A2	P2 Patuxent River 1:2	If no feasible properties are identified or other issues exist, such as financial constraints, the applicant is required to provide this and any other information available to support the conclusion that full in-kind mitigation is not possible	Understood.
A3	P2 Patuxent River 1:3	If it is demonstrated that full in-kind mitigation is not feasible, out-of-kind offsets shall be evaluated. Most preferred out-of-kind mitigation is off-site conservation at a ratio of 2:1 to net forest loss. Additional out-of-kind mitigation alternatives such as	The mitigation site search in Beaverdam Watershed for additional reforestation sites and out-of-kind conservation opportunities is summarized in the report sections: 10.1.1 Site search criteria- In Kind, On-Site 10.1.2 SITE SEARCH CRITERIA IN-KIND, OFF-SITE



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		retrofits (i.e. treating previously untreated impervious surface area with Environmental site design (ESD), and buffer improvements are acceptable.	10.1.3 Impacts and Site Search Result Summaries 10.1.4 SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (CONSERVATION) And detailed site search criteria, landowner outreach and site assessments methods and findings to date are documented in: Appendix D – SCMAGLEV Tier II watershed Off-Site Reforestation and Conservation Site Search
B	P3 Beaverdam Creek 1:	Based on the information provided, MDE has determined that this project will result in permanent impacts to Beaverdam Creek 1. Any Tier II minimization, in-kind mitigation, or out-of-kind offsets implemented, must occur within the affected Tier II watershed.	Understood. Mitigation opportunities are be limited within the Beaverdam Creek watershed due to existing forests and limited privately-owned land available within the watershed.
B1	P3 Beaverdam Creek 1:1	All comments provided in the section for Patuxent River 1 are applicable.	Understood, and updates have been made to Beaverdam Creek report sections 7-11.
B2	P3 Beaverdam Creek 1:2	After further internal discussion, it has been decided that no mitigation in Patuxent River 1 Tier II watershed will count towards mitigation for impacts to Beaverdam Creek 1.	Understood.
B3	P4 Beaverdam Creek 1:3	Beaverdam Creek 1 is a smaller watershed, and impacts to this watershed are proportionally greater. As such, it is critical that the applicant pursue any and all available conservation opportunities within the watershed.	Please see summary in report section: 10.1.4 SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (CONSERVATION) Details are located in: Appendix D – SCMAGLEV Tier II watershed Off-Site Reforestation and Conservation Site Search



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D1	P5 1.a	Mitigation plan implementation must be at least at the landowner negotiation stage.	Please see report section 5.0 Table 6, for a summary showing mitigation areas with interested landowners. Appendix D, Attachment 5 has a summary of landowner outreach and communications.
D2	P5 1.B	If details are not final, the mitigation narrative must contain a realistic approximation of acres of reforestation and conservation achievable in each affected Tier II watershed, presented as a worst-case scenario.	Please see updated report conclusions which summarize the realistic approximation of acres of reforestation and conservation achievable in each affected Tier II watershed, presented as a worst-case scenario. Report sections: 6.0 PATUXENT RIVER 1 CONCLUSION 11.0 BEAVERDAM CREEK 2 CONCLUSION
D3	P5 1.C	The public notification process allows the public the opportunity to review the primary information MDE would use if a final permitting decision is made. Documentation must be made available to ensure that the applicant is confident in the values presented.	Realistic expectations of available mitigation in each Tier II watershed are presented in report sections: 6.0 PATUXENT RIVER 1 CONCLUSION 11.0 BEAVERDAM CREEK 2 CONCLUSION
F1		For potential permitting, items related to the Tier II Review shall be addressed as special conditions, and all conditions must be addressed prior to receiving NOI coverage under the General Discharge Permit for Stormwater Associated Construction Activity.	Understood. BWRR expects that any special conditions related to Tier II will be included in MDE's wetland/waters permit.
F2		Please note that in the event that all portions of the Tier II review are adequately addressed by the applicant, i.e. report components are complete, MDE may still determine that the project is not justified.	Noted.



Report Comments

ID	MDE Report Comment	BWRR Report Reference
5.0 MITIGATION FOR PATUXENT RIVER I		
1	Create a section for the mitigation alternatives analysis hierarchy	Mitigation alternatives analysis hierarchy, has been added to section: 5.1 Mitigation Methodology
a	I.e. 5.x In-kind, on-site	
b	Include a summary table of all Tier II Mitigation, including conservation.	Table 6 and Table 11 summarize mitigation opportunities.
5.X.X SITE SEARCH CRITERIA IN-KIND, ON-SITE		
1	Include a more detailed SOP for how on-site reforestation areas were identified, evaluated, and ultimately chosen.	Please see the site search memo in Appendix D for more detailed SOP.
5.X.X IMPACTS AND SEARCH RESULT SUMMARIES, IN-KIND, ON-SITE		
1	Include an overview diagram of on-site reforestation locations.	Please see Appendix B, Sheet 2 for overview diagram of on-site reforestation locations.
5.X.X SITE SEARCH CRITERIA IN-KIND, OFF-SITE		
1	Include a more detailed SOP for how off-site reforestation areas were identified, evaluated, and ultimately chosen	Please see the site search memo and attachments in Appendix D, summarized in report sections: 5.1.2 SITE SEARCH CRITERIA IN-KIND, OFF-SITE 10.1.2 SITE SEARCH CRITERIA IN-KIND, OFF-SITE
2	Include a criteria to identify highest to lowest priority sites.	
3	Include a discussion of property land-use within the watershed, i.e. forested, developed, fallow, agricultural.	
4	Include types of properties excluded from consideration (i.e. Federal property, state owned property, county owned property, property within Priority Funding Areas or other areas of state supported growth and development, etc.).	
5	Identify the approximate number of acres included/excluded from consideration.	
6	As needed, refine any current search results to reflect property exclusions.	
7	Include a methodology for property owner outreach.	
5.X.X IMPACTS AND SEARCH RESULT SUMMARIES, IN-KIND, OFF-SITE		
1	Include an overview diagram of high priority, on-site reforestation locations from the search analysis.	Mapping of high-priority offsite reforestation locations from the search analysis is located in Appendix D, Attachment 2.



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2	If preferred properties are identified, provide aerial diagrams of the parcels, indicate the approximate location of the reforestation property, acres projected, and the Maryland Department Planning Real Property Data Search Results.	Mapping of high-priority offsite reforestation locations from the search analysis and the SDAT information for the priority sites is located in Appendix D, Attachments 2 and 6.
3	Provide brief summary of landowner outreach communications for preferred property owners.	Please see Appendix D, Attachment 5 for landowner coordination summary.
4	In an appendix, provide a tabular summary of landowner outreach communications for all properties.	Please see Appendix D, Attachment 5 for landowner coordination summary.
5.1.3 NEXT STEPS – Remove section		Next Steps section has been removed.
5.X.X SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (NEW SECTION)		
1	Determine if established forest conservation banks can be used for project mitigation. If not, provide explanation, and include this as property excluded from the conservation site search analysis.	Coordination with DNR regarding forest conservation banks is ongoing. Please see new report section: 10.1.4 SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (CONSERVATION)
2	Include a detailed SOP for how off-site conservation areas were identified, evaluated, and ultimately chosen.	Please see site search memo in Appendix D and new report section: 10.1.4. SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (CONSERVATION)
3	Include a criteria to identify highest to lowest priority sites.	Please see site search memo in Appendix D and new report section: 10.1.4. SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (CONSERVATION)
4	Include the types of properties excluded from consideration (i.e. not forested, Federal property, state owned property, county owned property, property within Priority Funding Areas or other areas of state supported growth and development, etc.).	Please see site search memo in Appendix D and new report section: 10.1.4. SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (CONSERVATION)
5	Identify the approximate number of acres included/excluded from consideration.	Please see site search memo in Appendix D and new report section: 10.1.4. SITE SEARCH CRITERIA OUT-OF-KIND, OFF-SITE (CONSERVATION)
6	As needed, refine any current search results to reflect property exclusions.	Please see site search memo in Appendix D.
7	Include a methodology for property owner outreach.	Please see site search memo in Appendix D
8	If preferred properties are identified, provide aerial diagrams of the parcels, indicate the approximate location of the	Please see site search memo in Appendix D, Attachment 4 and Appendix E, Attachment 3.



ID	MDE Report Comment	BWRR Report Reference
	conservation property, acres projected, and the Maryland Department Planning Real Property Data Search Results.	
9	Provide brief summary of landowner outreach communications for preferred property owners.	Letters were sent to landowners on August 14, 2021 with a response requested by September 1, 2021. A summary of additional landowner outreach communications will be provided when responses are received.
10	In an appendix, provide a tabular summary of landowner outreach communications for all properties.	Letters were sent to landowners on August 14, 2021 with a response requested by September 1, 2021. The appendix summarizing additional landowner outreach communications will be updated when responses are received

