January 7, 2021

Ms. Laura Sanford, Associate Director RPAM, LAP
Maryland Department of Natural Resources
580 Taylor Avenue, E-4
Annapolis, MD 21401

Mr. Mike Schofield, Project Manager
Maryland Department of Natural Resources
Chesapeake Forest Lands
6572 Snow Hill Road
Snow Hill, MD 21863

STATE CLEARINGHOUSE RECOMMENDATION

State Application Identifier: MD20201106-0956
Applicant: Maryland Department of Natural Resources (DNR)
Project Description: Easement: CleanBay Requests an Easement of an Approximately 3,700' Long, 60' Wide Corridor for a Private Road Extension of an Existing Unimproved Road Across DNR Chesapeake Forest Lands in Somerset County, MD
Project Address: Ocean Highway, Westover, MD 21871
Project Location: Somerset County
Approving Authority: Maryland Board of Public Works (BPW)
Recommendation: That the easement be approved contingent upon consideration of the Maryland Department of Transportation and the Maryland Department of the Environment's qualifying comments, and compliance with Somerset County's requirements

Dear Ms. Sanford and Mr. Schofield:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation (COMAR) 34.02.02.04-.07, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation based upon comments received.

Review comments were requested from the Maryland Departments of General Services, Transportation, and the Environment; Somerset County; and the Maryland Department of Planning, including the Maryland Historical Trust.

The Maryland Department of General Services; and the Maryland Department of Planning, including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

The Maryland Department of General Services (DGS) provided the following comment: "This clearinghouse request does not conflict with the DGS procurement management of capital improvements identified in the DNR 5-year CIP [Capital Improvement Program]."

The Maryland Department of Transportation (MDOT) found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

> "Generally consistent with qualifying comments. It is generally consistent with our plans, programs, and objectives, but the attached qualifying comment is submitted for consideration. Additional MDOT SHA/RIPD [State Highway Administration/Regional and Intermodal Planning Division] Comments: As delineated in the application provided, this proposed easement does not directly affect MDOT SHA facilities. However, should future activities associated with the easement require access to MDOT SHA rights-of-way associated with US 113 and/or MD 413, a permit may need to be secured. Please coordinate permitting with Mr. Mike Shah, MDOT SHA District 1 Utilities Engineer, at 410-677-4095 or via email at mshah1@mdot.maryland.gov."

The Maryland Department of the Environment (MDE) found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

1. "Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
2. The Resource Management Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
3. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please [contact the] Land Restoration Program at (410) 537-3437.
4. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. Contact the Mining Program at (410) 537-3557 for further details."

Somerset County stated that their finding of consistency is contingent upon the applicant taking the actions summarized below.

> "Somerset County requests that due to concerns with the impacts the proposed volume of traffic may have on the current sand and gravel road bed of Benson Road, the County will require

> CleanBay Renewables to have an inspection of Benson Road performed by a professional engineering consultant, selected and retained by the Somerset County Roads Department with all expenses being the responsibility of CleanBay Renewables. Inspection services will include but not be limited to compaction testing, soil analysis and improvement recommendations that will sustain the proposed volume of traffic. In addition, a Traffic Impact Analysis of the Benson, Revells Neck Roads and U.S. Route 13 intersection should be performed based on the volume and size of truck traffic associated with the CleanBay use. The recommendations of the professional engineering consultant concerning Benson Road and the recommendations of the Traffic Impact Analysis will be considered by the County Roads Board prior to entering into an agreement with CleanBay for road improvements. Contact Woody Barnes, Roads Director, at 410-651-1930 or wbarnes@somersetmd.us if there are any questions."

It is requested that this matter be brought before the Board of Public Works at the earliest possible time. The attached Clearinghouse review recommendation paragraph should be included on the project's agenda item brought before the Board.

The State Clearinghouse should be kept informed of all decisions made in regard to this project. We appreciate your attention to the intergovernmental review process and look forward to continued cooperation. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at sylvia.mosser@maryland.gov.

Thank you for your cooperation with the Maryland Intergovernmental Review and Coordination process.

Sincerely,

Myra Barnes, Lead Clearinghouse Coordinator

MB:SM
cc:

Tanja Rucci - DGS	Amanda Redmiles - MDE	Tracey Gordy - MDPLL
Ian Beam - MDOT	Ralph Taylor - SMST	Beth Cole - MHT

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BOARD OF PUBLIC WORKS AGENDA ITEM REQUEST

The following comment should be included on the project's agenda item brought before the Board of Public Works:

STATE CLEARINGHOUSE: The Clearinghouse conducted an intergovernmental review of the project under **MD20201106-0956**. It is recommended that the easement be approved contingent upon consideration of the Maryland Department of Transportation and the Maryland Department of the Environment's qualifying comments, and compliance with Somerset County's requirements.

Myra A. Barnes
_____, **01/07/2021**
Myra Barnes, Lead Clearinghouse Coordinator