

# **Elms Advisory Committee**

**Report to the**

**Board of County Commissioners  
for St. Mary's County**



**March 31, 2009**

## **ELMS ADVISORY COMMITTEE MEMBERS**

### **Maryland Department of Natural Resources**

#### **Power Plant Research Program**

Pete Dunbar – Director  
Sandra Patty  
Gayle Moreland

#### **Wildlife and Heritage Service**

David Heilmeier, Southern Region Manager  
Jim Bennett

#### **Forestry Service**

David Gailey, Southern Regional Forester  
Mark Muir

### **St. Mary's County**

#### **Department of Planning and Zoning**

Phil Shire, Acting-Director, Elms Advisory Committee

#### **St. Mary's County Public Schools**

Bradley Clements, Chief Operating Officer  
Kim Howe  
Tracy Lumpkins

#### **Department of Recreation and Parks**

Phil Rollins, Director

### **Elms Environmental Education Center**

Margarita Rochow, Coord. Environmental Education Programs  
Kurt Reitz

### **St. Mary's College of Maryland**

Robert Paul, Department of Biology

### **Citizens**

Marianne Chapman  
Steve Riley

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### LIST OF ATTACHMENTS

- A. Property Map – Comparison Between Lease Areas
- B. Hunting on Publicly Owned Lands Information Sheet
- C. August 10, 2004 Letter from Steve Riley to the BOCC
- D. September 7, 2004 Letter from BOCC to Steve Riley
- E. April 27, 2006 Letter from B. King, MD DNR, Wildlife Heritage Service, to the SMC LU&GM
- F. January 23, 2007 Letter from Cindi Thomas and others on St. James Church Road
- G. April 18, 2007 Letter from M. Martirano, Superintendent of Schools, to D. Canavan, Chair, EAC

- H.** May 24, 2007 Letter from M. Martirano, Superintendent of Schools, to J. Savich, County Administrator, with Map of Future Field Site and Trail Additions
- I.** SMCPS Map of Future Areas, Field Sites and Trail Additions (including additional areas proposed for hunting)
- J.** August 21, 2007 letter from P. Dunbar, DNR, to M. Martirano, Superintendent of Schools
- K.** October 9, 2007 letter to J. Savich, County Administrator, from M. Martirano, Superintendent of Schools
- L.** March 12, 2009 letter to the BOCC from M. Martirano, Superintendent of Schools
- M.** 2003 Approved Elms Management Plan and New Lease Agreement
- N.** St. Mary's County Public Schools Elms Annual Report July 2007 – June 2008
- O.** SMCPS Elms Environmental Education Center Land Usage Maps and Future Field Study Sites and Trails
- P.** SMCPS Environmental Education Strategic Plan

## **EXECUTIVE SUMMARY**

This report serves as an annual report for the Elms Advisory Committee (EAC) and also addresses ongoing issues related to hunting. A considerable amount of material is provided for reference and specific information is provided by user agencies regarding environmental education, recreation, and wildlife management.

### **Background**

The 1,020 acre Elms property was acquired as a future power plant site by the State in 1975. Since that time, the property has been used for environmental education, recreation, wildlife management (hunting), and forestry management. An Elms Advisory Committee consisting of representatives from state and local government agencies and two citizen representatives assist DNR's Power Plant Research Program in managing the property.

An Elms Management Plan was approved by the BOCC in March 2003 following public discussion and recommendations by the Recreation and Parks Advisory Board, Board of Education, and Planning Commission. The Management Plan placed emphasis on environmental education and recreation and led to a new, 25 year lease between the Maryland Department of Natural Resources and the County. The new lease became effective on June 1, 2004.

The adopted Management Plan resulted in the County lease area increasing in size from about 230 acres (75 acres for Environmental Education; 80 acres for Elms Beach Park; and 75 acres for hunting safety zone) to about 476 acres. The State managed property, on which hunting is conducted, was reduced from 790 acres to 544 acres.

The County lease area was increased in size to enable the Elms Environmental Education Center to expand outdoor classrooms to areas not otherwise possible due to conflicts with hunting. Also, the expanded lease area enables the development of a trail system with connections to Elms Beach Park that will provide hiking opportunities for the general public. Finally, DNR Power Plant Research Program has indicated that it is not interested in renegotiating the lease.

### **Hunting Issue**

As indicated previously, the State managed area was reduced from 790 acres to 544 acres in the new lease. That reduction led to protests from several hunters and a neighboring property owner about the loss of land for hunting and other public access. Concerns were also expressed about inadequate public involvement in developing the management plan.

The EAC has had numerous discussions about these issues over the past four years. The EAC has considered various proposals to allow hunting within the County lease area. Those proposals included identifying time periods when students aren't on the property and allowing hunting during that time only and allowing bow hunting only. Because of safety and enforcement concerns, the Elms Committee did not support those proposals. There was also discussion about enabling hunting within the County lease area on the southern portion of the property. The Committee rejected that proposal because of the impact on the environmental education program and lack of County expertise and resources to manage hunting.

### **EAC Hunting Compromise**

Direction was given to the Committee at a July 31, 2007 County Commissioner meeting to try and find a compromise regarding the hunting issue. On October 11, 2007 the EAC adopted a map developed by Public Schools entitled "*Future Use Areas and Trail Additions*" that included 13 acres in the County lease area that could be made available for hunting (Attachment I).

In addition, the Committee recommended the demolition of two abandoned homes on the DNR managed property which, when demolition is completed, would open up another 64 acres for hunting. With the addition of this and the 13 acres in the County lease area, an additional 75 - 80 acres for hunting would be available.

Finally, an additional 850± acres of State property on Indian Bridge Road (former Salem tract) was opened to the public for recreational hunting in the fall 2007. That additional acreage brings the total amount of State land available for public hunting in St. Mary's County to about 4,000 acres (Attachment B).

### **EAC Recommendation**

***The majority of the Elms Committee members believe this issue has been thoroughly discussed and considered. The Committee respectfully requests that the Board of Commissioners continue to support the 2003 Elms Management Plan and the 2004 Elms Property Lease. The EAC also requests Board of Commissioner concurrence on the October 2007 hunting compromise proposal. Closure is needed on this issue to enable the Environmental Education Center to continue moving forward with program and facility plans.***

## **2003 APPROVED ELMS MANAGEMENT PLAN & BACKGROUND**

Development of the Elms Management Plan (EMP) was initiated by the Power Plant Research Program (PPRP) in conjunction with the EAC in 2001.

The Elms Management Plan (Attachment M) sets the framework to ensure the entire Elms site is used in a coordinated and integrated manner. This plan outlines the management goals for the property which are listed below in order of priority.

- Protect the Elms as a power generation plant site;
- Protect the environment and cultural resources of the Elms;
- Encourage and support use of the Elms for environmental education;
- Encourage and support use of the Elms for recreation; and
- Maintain and manage the entire Elms tract as a single, integrated site.

The Elms property is approximately 1,020 acres; under the terms of the new lease agreement, the County's lease area is 476 acres for the Elms Environmental Center and Elms Beach Park; the DNR managed area, which includes hunting, is approximately 544 acres. The hunting area has been reduced from approximately 790 acres to about 544 acres. Previously the SMCPS managed 75 acres for the Environmental Center and the County managed about 80 acres for Elms Beach Park.

These County leased areas were expanded with the new Management Plan to allow both the Elms Environmental Center and Elms Beach Park to meet the growing needs of education and recreation. "A single long-term lease with St. Mary's County will facilitate management of this area under one unified use plan" (EMP, page 21). Also, there has long been concern by Board of Education staff about conflicts in usage between hunting and environmental education programs on the property. Therefore, the EAC recommended increasing the amount of land to be managed by the County to address growth and necessary enhancements at both the Environmental Center and the Elms Beach Park and to help with conflicts between hunting use and environmental education use.

The previous Board of Education lease expired July 1, 2003; the previous County park lease expired October 1, 2003. The new combined County lease runs from June 1, 2004 – May 31, 2029.

### ***History of the Approved Plan***

**July 16, 2002** - BOCC was briefed by Jon Grimm, former Director of Planning and Zoning (now Land Use and Growth Management), in public session on the draft EMP. The BOCC concurred with the Plan as presented.

**September 19, 2002** – The EAC gave a joint public presentation to the Board of Education, Recreation and Parks Board and Planning Commission on the draft plan.

**October 3, 2002** – The R&P Board adopted a resolution recommending approval of the plan.

**November 13, 2002** – The Board of Education adopted a resolution recommending approval of the plan.

**December 9, 2002** – The Planning Commission adopted a resolution recommending approval of the plan.

**March 11, 2003** - The BOCC adopted the Elms Management Plan.

**April 27, 2004** - The BOCC approved and signed the new Elms property lease agreement with an effective date of June 1, 2004.

***Summary of Meeting Discussions and Correspondence Received Regarding Issues with the New County Lease Line Pertaining to Hunting and Public Access***

**November 6, 2003 R&P Board Meeting** – The R&P Board discussed the Elms property hunting issue as several Board members and staff received feedback from recreational hunters on the impact of the new lease area as it relates to hunting. It was noted that the previous hunting safety zones were reposted as the new lease was not yet in effect. (Note: EAC & R&P Board minutes are posted on the County website  
<http://www.co.saint-marys.md.us/docs/minutes/index.asp>)

**August 5, 2004 R&P Board Meeting** – Sandra Patty, Manager, Transmission Program, Power Plant Research Program (PPRP), Department of Natural Resources (DNR), and four hunters interested in the changes in the hunting boundaries at the Elms Property, attended this R&P Board meeting. Hunters were invited to this meeting so they could be informed about the new hunting boundary. The hunters expressed concern with the new boundaries.

**August 10, 2004** - A letter from Mr. Steve Riley was received by the BOCC expressing concern over the decrease in hunting areas at the Elms (Attachment C); the BOCC sent a response to Steve Riley on September 7, 2004 (Attachment D).

**October 28, 2004 EAC Meeting** – The Elms Advisory Committee discussed the land area for hunting and the consensus was to hold the lease line, but consider opportunities for hunting on the Environmental Center side, up to the former safety zones, during specific dates when no students are on the property. Concerned citizens Steve Riley and Cindi Thomas attended this meeting.

**January 20, 2005 EAC Meeting** – The Elms lease line was discussed during this Elms Committee meeting. During the meeting, it was decided that representatives for the Board of Education and the R&P Board would take the following proposal to their boards for approval: that the area between the old lease line and the new lease line would be opened up for deer hunting with shotguns for a limited time period of 7 days from the Saturday after Thanksgiving through the following Saturday, subject to periodic review. It was later determined that was not possible as Wildlife Management could not manage hunting within the County lease area (Attachment E).

**October 23, 2006 EAC Meeting** – The issue of land area for hunting was also discussed at this meeting. Hunters Steve Riley and Craig Buist attended this meeting. The discussion concluded with Denis Canavan stating the Committee will meet again in December and formulate a recommendation that will go before the BOCC at a future meeting.

**December 4, 2006 EAC Meeting** – The issue of land area for hunting was again discussed. The committee voted to recertify support for the current Elms Management Plan, adopted March 11, 2003, as written and to forward a recommendation to the BOCC and affirm the recommendation in the upcoming annual report.

**January 23, 2007** – Letter received from Cindi Thomas, and several other citizens living on St. James Church Road, regarding issues with the Elms lease line and public access to the Elms property (Attachment F).

**February 15, 2007 EAC Meeting** – The issue of land area for hunting was again discussed as was the letter from Cindi Thomas. The Committee welcomed new members Steve Riley and Marianne Chapman. Mr. Canavan clarified the Committee's next steps on the hunting and safety zone issue are to present clear facts to the BOCC. Ms. Chapman asked that the BOCC be notified that this issue has been discussed extensively in the past.

**March 15, 2007 EAC Meeting** - The issue of land area for hunting was again discussed as were Cindi Thomas' concerns about public access. Brad Clements volunteered to talk to the Board of Education as to what uses they would consider on the environmental education area.

**April 18, 2007** – A letter was sent to Denis Canavan from the Superintendent of Schools stating the Board of Education voted unanimously to recommend the Elms Advisory Committee maintain the designated areas outlined in the approved 2003 Elms Management Plan. The BOE concurred with the EAC that there is an immediate need to remove the old safety zone signage and establish the new delineation lines as soon as possible (Attachment G).

**May 24, 2007** – A letter was sent to the County Administrator from the Superintendent of Schools stating the school system has been unable to implement the full instructional program utilizing the leased area as outlined in the management plan due to the need to establish the boundaries of the new lease line, which would define the hunting area (Attachment H).

**June 7, 2007 EAC Meeting** - Ms. Patty motioned, seconded by Dr. Robert Paul, to request that the Elms Advisory Committee endorse the Management Plan as prepared and submit it to the BOCC and to further clarify the leases on the County leased property to further define the environmental education requirements, recreation requirements and other uses. The motion passed with a 6-2 vote; Mark Muir and Steve Riley were opposed.

**July 31, 2007 BOCC Meeting** – Denis Canavan, Director, LU&GM, presented a report to the BOCC. He informed the Board that the EAC met over the last few years with a focus on resolving hunting issues, in particular, where hunting is to be allowed on the site; trespassing on the property; maintenance issues;

integration between park activity and the Environmental Education Center; and the progress on implementing the Elms Management Plan adopted by the Board in March 2003. The Board directed Mr. Canavan to take the plan back to the EAC for one more attempt to achieve balance and return to the Board in a more focused way.

**August 21, 2007** – Letter from Peter Dunbar, Director, Power Plant Research Program, to the Superintendent of Schools. Dr. Dunbar said “I continue to find this to be an appropriate position and support the ongoing recommendation by the Board of Education not to allow the expansion of hunting to include leased properties” (Attachment J).

**October 9, 2007** – Letter from Superintendent Martirano to the County Administrator describing concessions offered for expanding hunting areas. That includes 13.44 acres in the northern corner of the County leased area and 63.55 acres on the State managed area that could be opened up for hunting when some abandoned homes are demolished; this is a total of 76.99 additional acres for hunting (Attachment K).

**October 11, 2007 EAC Meeting** – The EAC discussed the presentation to the BOCC of July 31, 2007. It was motioned that the plan as presented by the Board of Education titled *Future Use Areas and Trail Additions* (Attachment I) that shows area two (2) in the County lease area be made available for hunting and further that the plan serve as the basis to move forward and continue to work with the State to raze the remaining houses on the property to free up and additional 75± acres for the purpose of hunting (motion passed 7-1, with Mr. Riley opposed). Mr. Riley asked that the Committee consider cutting the southern line shorter and to the east to free up the southern most finger for hunting purposes; this was not supported by the Committee.

**January 10, 2008 EAC Meeting** – A motion was passed to draft an MOU with Wildlife Management that would enable hunting on the County lease area two (2), which contains 13.44 acres, and that signage on the internal line of the safety zone will be “No Weapons Beyond this Point” and “Authorized Personnel - Only St. Mary’s County Public Schools and Parks.”

**July 14, 2008 EAC Meeting** – During this meeting, it was decided that SMCPS and R&P would work together to post appropriate signage. A kiosk was suggested to provide information such as site and trail maps, information on hunting zones and hunting seasons. On another note, the Committee voted to leave the citizen representation as two members and to appoint a subcommittee to develop by-laws for the Committee. The Committee will hold one evening meeting per year to obtain public input.

**October 9, 2008 EAC Meeting** – DNR agreed that the hunting areas and lease line would be clearly marked with yellow paint within 30 days. SMCPS is

constructing the Freshwater Trail and the Forest trail is forthcoming. Denis Canavan reported that he hoped the Committee could present the report to the BOCC in November to include updates on the lease line, hunting, trails, signage and environmental and park usage. However, this was deferred when Mr. Canavan became ill.

**January 21, 2009 EAC Meeting** – It was reported that DNR marked the hunting and lease lines as previously agreed. The annual evening meeting was scheduled for April 22, 2009 at 4:00 pm; the public forum portion of the meeting will be held from 6:00 – 8:00 p.m. at Elms Beach Park. It was discussed that the Elms Beach Park pavilion should be named in honor of Mr. Canavan who passed away on December 3, 2008; all members were in favor of this.

**March 12, 2009** - Letter from Superintendent Martirano to the BOCC regarding the need to bring resolution to the matter of hunting on the County leased property (Attachment L).

**ELMS ENVIRONMENTAL EDUCATION CENTER ANNUAL REPORT**  
***From St. Mary's County Public Schools***

Please refer to the Attachments at the end of this report for information provided by the St. Mary's County Public Schools.

- St. Mary's County Public Schools Elms Annual Report July 2007 – June 2008 (Attachment N)
- SMCPS Elms Environmental Education Center Land Usage Maps and Future Field Study Sites and Trails (Attachment O)
- SMCPS Environmental Education Strategic Plan (Attachment P)

**ELMS BEACH PARK ANNUAL REPORT**  
*From the St. Mary's County Department of Recreation and Parks*

The Department of Recreation and Parks manages Elms Beach Park. Amenities at the park include approximately 500' of beachfront on the Chesapeake Bay which is used for sunbathing, unsupervised wading and swimming, fishing, picnic areas and pavilion, a floating pier used for launching canoes and kayaks and crabbing in a large tidal pond, and a children's playground. The park has no running water or restroom facilities.

The Department sponsors a popular children's day camp during the summer at the park. This very popular camp has operated for more than fifteen years and serves over 400 children per season. Activities sponsored at the camp include arts and crafts, outdoor recreational activities and team sports, canoeing, archery, wading, crabbing, environmental study, cook outs, relay races and field trips.

Elms Beach has experienced significant increases in visitation numbers over the past several years, especially on weekends and holidays. With the increased usage have come difficulties with inadequate parking and overcrowding at the park and picnic pavilion. Staff has documented numerous issues with visitors which include: parking in undesignated areas; vandalism; issues with alcohol; conflicts between patrons; and increased trash left behind by visitors.

- On average, staff estimated 300 to 500 visitors per weekend in 2007
- 400 to 600 visitors per weekend in 2008
- On holiday weekends, the park typically has 1,000 -1,500 visitors

Parking has become a major concern at the park, especially on holiday weekends. The current parking area has the capacity to hold an estimated 50-75 vehicles. On holiday weekends 150-200 vehicles are commonplace.

Because of overcrowding problems, staff is proposing the following changes for the management of Elms Beach Park beginning in the spring of 2009.

- Establish a user fee for each vehicle entering the park on weekends and holidays and employ a gate attendant to collect the fee. When the maximum number of cars is reached, the gate will be closed to additional vehicles and visitors will be given a list of other nearby parks and their amenities.
- Provide additional portable toilets and a larger dumpster to handle increased waste.

### **Suggested Park User Fee**

Weekends and holidays only – April through October

- \$5 Daily Pass for county residents per vehicle
- \$8 Daily Pass for non-county residents per vehicle

### **Estimated Revenue**

- County residents - estimate 300 vehicles per month @ \$5 = \$10,500
  - Out of County - estimate 450 vehicles per month @ \$8.00 = \$25,200
- TOTAL**      **\$35,700**

### **Estimated Costs**

• Additional portable toilets	\$2,600
• Miscellaneous supplies	\$500
• Park Attendant booth cost	\$3,000
• Staff - weekends & holidays (Booth staff 6:00a.m. – 9:00p.m., Park staff 10:00a.m. 6:00p.m.)	\$11,960
• FICA/WC	\$1,325
• Off-duty deputies (Weekends & Holidays 2:00p.m. – 8:00p.m.)	<u>\$15,100</u>
	<b>Total</b> <b>\$34,485</b>
	<b>Estimated Net</b> <b>\$1,215</b>

The proposal outlined above was presented to the Recreation and Parks Board on February 5, 2009. The Board voted unanimously to support the recommendations made by staff to charge a per vehicle user fee for Elms Beach Park from April through October (exact times to be evaluated by staff) and not to rent the picnic pavilion for private parties during holiday weekends.

Also, the Board concurred with staff to make the Elms Beach picnic pavilion an alcohol free pavilion with no further alcohol consumption permits approved for private gatherings at this site.

Finally, due to the increased usage, R&P recommends that a capital project for park expansion and enhancements be considered. A project was included in the CIP a few years ago for additional parking, restroom facilities, and more picnic areas. That project was taken out of the CIP due to funding constraints. The 2005 Land Preservation, Parks and Recreation Plan adopted by the County Commissioners recommends renovation and expansion of Elms Beach Park between FY12-15.

### **Biscoe Pond**

The Park has experienced problems when Biscoe Pond naturally closes due to major storm activity and tidal overflows into a small area of the park. R&P was concerned about safety issues for park users and had the situation evaluated by MDE, DNR, and County environmental planners. It was determined that it wasn't

appropriate to interfere with the natural pond closing activity. R&P will need to develop a plan to work around this issue in the future. Also, the floating pier on Biscoe Pond was replaced in spring 2008 with funds from the Waterway Improvement Program.

*Some pictures showing parking and other issues at Elms Beach Park from the July 4, 2008 holiday weekend.*



**MARYLAND DEPARTMENT OF NATURAL RESOURCES ANNUAL REPORT**  
***From the Wildlife and Heritage Division***

Dear season harvest data is as follows.

- 2008-2009 Season (to date) = 405 Reservations; 10 antlerless deer, 6 antlered deer (squirrel runs until February 28<sup>th</sup> and spring turkey season is in April & May)
- 2007-2008 Season = 145 reservations; 5 antlerless deer, 1 antlered deer
- 2006-2007 Season = 183 reservations; 3 antlerless deer, 3 antlered deer
- 2005-2006 Season = 191 reservations; 3 antlerless deer, 2 antlered deer
- 2004-2005 Season = Information not Available
- 2003-2004 Season = 470 reservations
- 2002-2003 Season = 458 reservations
- 2001-2002 Season = 688 reservations
- 2000-2001 Season = 744 reservations
- 1999-2000 Season = 620 reservations

According to DNR Wildlife and Heritage Division staff, while there appears to be a downward trend over the past few years in hunting reservations at the Elms, this may be somewhat misleading. This could be the result of non-compliance with the permit and reservation requirements. A common complaint from hunters over the years has been that people are just hunting on the property without making a reservation. The numbers for the 2008-2009 season are up, likely due to the fact that staff made it easier for people to comply with the requirements to hunt on the property.

Another indication that hunting pressure has not decreased is the reported harvest. The number of deer reported has remained stable over the years. If there was declining hunting pressure there would be a decline in the harvest, which has not been the case at the Elms.