

**FINAL DRAFT**  
**SUMMARY OF THE COX CREEK**  
**CITIZENS OVERSIGHT COMMITTEE MEETING**  
**October 12, 2016 5:45 PM**

**Attendees:**

*Anne Arundel County Executive Office:* Nancy Schrum  
*COC Facilitator:* Angie Ashley  
*Concerned Citizens for a Better Brooklyn:* Diane Ingram  
*Greater Pasadena Council:* Allan Straughan  
*Maryland Environmental Service (MES):* Lauren Franke, Maggie Cavey  
*Maryland Department of Transportation's Port Administration (MPA):* Chris Correale, Shawn Kiernan, Katrina Jones, Sergio Adantor  
*Marine Trades Association of Maryland (MTAM):* Mike Bonicker  
*North County Land Trust:* Bill Jones, Laura Jones  
*Pasadena Business Association:* Brian Conrad  
*Resident of Legislative District 31:* Gary Gakenheimer  
*Restore Rock Creek:* Paul Jendrek  
*South Baltimore Business Alliance (SBBA):* Vince Glorioso

**Action Items:**

- Ms. Ashley will contact Cox Creek Citizens Oversight Committee (COC) members not in attendance to brief them on the meeting and share meeting materials. (*Ongoing*)
- COC members will help identify places that would be ideal for biofiltration as part of community enhancements. (*Ongoing*)
- Ms. Ashley will update the COC on important dates and activities related to the proposed Cox Creek Expanded (CCE) project. (*Ongoing*)
- COC members interested in the Committee Chairperson position will contact Ms. Ashley. (Complete)
- MPA will continue to internally discuss increased public water access at Cox/Swan Creek. (*Ongoing*)
- MPA will share a timeline visual illustration of the project once developed.
- Mr. Kiernan will provide more information regarding below grade demolition at the Committee's next meeting.
- MPA will provide more detailed plans for the borrow area at the Committee's next meeting.
- Mr. Straughan will provide MPA with additional information on MDE air quality monitor placement opportunities.
- Mr. Kiernan will reach out to Anne Arundel County Recreation and Parks Department to review their master plan and potential linkage to community enhancements.
- MPA will provide Mr. Straughan with information regarding nutrient uptake of floating wetlands. (Complete)

- Ms. Ashely will work with Ms. Jones to coordinate a terminal tour for those Committee members who are interested.

## **1.0 Welcome & Introductions**

**Ms. Angie Ashley**

Prior to the meeting, Committee members were invited to take part in a van tour of the uplands and Cox Creek Dredged Material Containment Facility (DMCF). Ms. Ashley thanked those Committee members that were able to participate. Ms. Ashley convened the meeting and welcomed the Committee members. Ms. Ashley introduced the Committee's new Chair, Mr. Glorioso. The previous meetings summary was reviewed and Mr. Glorioso requested a motion to approve, which was made by Mr. Straughan and seconded by Mr. Jendrek.

## **2.0 Cox Creek Expanded DMCF Project**

**Ms. Lauren Franke, MES**

### **Project Phases, Demolition, and Potential Mitigation**

Ms. Franke shared updates regarding the project phases, demolition, base dike widening, and potential mitigation. An animation was shown depicting the phases of the Cox Creek Expanded DMCF from the initial dike raising to +60 mean lower low water (MLLW) and then to +80 MLLW. The animation showed the project sequence as it progressed through demolition of the upland buildings, raising of the existing dikes and construction of dikes to +60 MLLW, followed by filling and construction of dikes to +80 MLLW. A comparison was made reminding the Committee that the existing dikes and the upland are at +36 feet (ft) and +40 ft MLLW and will be raised to +60 MLLW and then +80 MLLW. Therefore, when standing in the upland, the proposed dike construction would be relative to 20 ft and 40 ft.

Ms. Franke shared the phases of the project and the status of each. Some of the phases may be concurrent with other phases. Demolition is ongoing and is scheduled to be completed early 2017. The planning for the Operations and Maintenance (O&M) complex is also ongoing but is scheduled to open in early 2018 along with demolition of the current Operations trailers. Planning for remediation is ongoing. Areas within the base dike widening borrow material footprint in the upland that were previously identified for elevated concentrations of metals, PCBs, and/or petroleum impacts are to be removed before borrow excavation begins. This includes the removal of an underground storage tank and MPA will be coordinating with the Maryland Department of Environment (MDE) Land Management Administration (LMA) throughout the process. Explaining timeline, the initial excavation of the borrow area is scheduled to begin in Spring 2017 followed by construction of the base dike widening in Fall 2017. The planning for mitigation/community enhancements and the planning for final dike design are ongoing processes. Final excavation of the borrow area will occur in mid-2019 along with construction of the upland dikes and raising the existing DMCF dikes to +60 ft MLLW in mid-2019 to early 2020. The construction of mitigation and community enhancements is to be determined based on the mitigation required as well as coordination with the Chesapeake Bay Critical Area Commission (CAC). Ms. Franke concluded her timeline by stating the +60 ft dike will be constructed in lifts or phases and that operation of the DMCF will continue throughout the construction phases.

Mr. Kiernan stated that the Cox Creek Expanded project has most often been discussed as three phases but the timeline shared by Ms. Franke demonstrates that there are several phases within each of the larger phases. Mr. Straughan asked about seeing the phases Ms. Franke discussed in a timeline format to have a more visual illustration of the project. Ms. Franke stated that they did not have an updated timeline similar to the one included in the Feasibility Study at this time, but it could be developed.

Ms. Franke provided the Committee with an update regarding the upland demolition. The majority of the buildings have been demolished and that at-grade (slabs and asphalt) demolition will continue. Additional characterization of Building 201 is being conducted in order to dispose of the building materials properly. Demolition of below grade structures will occur during borrow material excavation. Ms. Franke stated that excavation of borrow material will occur in phases with the first phase occurring alongside the base dike widening construction. Mr. Conrad asked about below grade demolition to which Mr. Kiernan explained that below grade demolition will be conducted as borrowing for base dike construction begins and he would provide more information regarding below grade demolition at the Committee's next meeting.

Ms. Franke reminded the Committee that the Executive Summary of the Final Feasibility Study is available on MPA's GreenPort website. Designs are moving forward for construction of the base dike widening for future raising of the existing DMCF dikes. Base dike widening construction is expected to begin in Fall 2017. Construction of the dike base could begin by Fall 2017 dependent on regulatory review and permitting. Because this is a minor permit and in support of the +60 ft phase of the project, MDE does not require a public comment period. MPA continues to coordinate with multiple departments of MDE as the project progresses. For example, MPA is working closely with the Dam Safety Division (DSD) for safe construction of the expanded DMCF, the LMA for oversight of remedial options in the upland, Erosion and Sediment control staff for review of construction elements, and the Wetlands and Waterways Administration to ensure compliance with the existing discharge permit at each stage of the project.

Ms. Franke shared an aerial photo of the project to show the conceptual upland borrow area. Ms. Franke reiterated that excavation of the borrow material in the Cox Creek upland will occur alongside base dike widening construction. She pointed out the conceptual area where material will be excavated for borrow and explained that material may be excavated up to a depth of 50 ft below ground surface. Approximately 1 million cubic yards (mcy) will be excavated and directly placed within the existing DMCF for construction of the base dike. Ms. Franke shared a cross view of the base dike widening and stated that borrow material will be placed inside the existing dike in lifts up to +36 ft MLLW. This is being done in order to create a base for the +60 ft dike, which will be constructed after a period of consolidation of the base dike. MPA will be working with MDE Dam Safety Division to provide monitoring information as the material consolidates. Mr. Kiernan stated that MPA will provide more detailed plans for the borrow area to the next Committee meeting.

Concerning potential mitigation, Ms. Franke stated that MPA and MES have met with Critical Area Commission (CAC) staff to get feedback on any mitigation that may be necessary and CAC has visited the site. Previous on-site mitigation areas will need to be relocated. Ms. Franke explained that possible mitigation requirement includes the construction of the O&M complex and the associated stormwater outfall as well as the removal of trees along the existing dike, per DSD requirements. MPA will continue to coordinate with the CAC and the COC on any mitigation requirements. MPA will work to keep the COC informed as we move through the process as well as engaged in the types of mitigation that may be necessary.

Ms. Schrum asked about the CAC coordination and if Anne Arundel County was involved. Ms. Franke responded that it was state land and they are coordinating with the state CAC. Mr. Straughan voiced his confusion about the construction process and project phases. He questioned the CAC area (property within 1000 ft.) to which Ms. Franke noted that most of the project area for upland dikes is outside of the critical area buffer, and referenced online maps that are available. Mr. Straughan also expressed his concern about not having a final design before breaking ground on the project and potential issues that could arise that could stop the project. Mr. Kiernan reminded the Committee of the Feasibility Study and the great amount of work that has gone into planning the project. He explained that MPA was certain that the demolition would be necessary and decided to begin demolition while working on project design to shorten the project timeline and ensure capacity for dredging projects. He stated that in 2014, the full project was presented to the Joint Evaluation Committee at which time MPA fully disclosed conceptual plans. Ms. Correale reminded the Committee of all the past and ongoing coordination with all regulatory agencies, acknowledging that MPA is taking some risk, but its acceptable risk. She noted that MPA has worked to avoid as many wetlands as possible and expects to impact well less than 5 acres.

### **3.0 Operations & Maintenance Complex**

**Mr. Shawn Kiernan, MPA**

Mr. Kiernan shared the proposed plans for the O&M complex that will replace the current on site facilities, which are temporary trailers. The O&M complex will provide a safe and efficient workspace for MPA and MES staff. The facility will contain a water quality laboratory to enable the continuation of water quality monitoring per the DMCF permits. The maintenance garage building was among the buildings that were demolished in the upland area and was used to maintain equipment for both the Cox Creek and Masonville DMCFs. The proposed O&M complex will have a vehicle and equipment maintenance garage to support the continuation of maintenance on site. The complex will also provide locked storage for MPA capital assets such as vehicles and construction equipment. The location of the O&M complex will help to ensure site access control for visitors and contractors. The complex will also have an educational space similar to the Great Room in the Masonville Cove Environmental Education Center, that will enable environmental interpretation displays and an educational space to share with site visitors. This educational space would also provide the Committee with a meeting space.

Mr. Kiernan stated that the total proposed space will be 14,275 square (sq) ft and added that the existing operation trailers are only 1,100 sq ft. Mr. Kiernan explained that of the

total proposed space, 5,713 sq ft will be dedicated to office, crew, and lab space, 4,856 sq ft will be dedicated to the maintenance garage and shop, and 3,706 sq ft dedicated to storage of MPA capital assets. The Great Room will be 768 sq ft would provide a space for MPA meetings and public outreach. Mr. Kiernan provided a comparison for size and stated that the Great Room at Masonville is 690 sq ft. An aerial image was shown of the site depicting where the proposed O&M complex will be located, by the existing site entrance gate.

Mr. Kiernan shared the design plans with the Committee. MPA has met with the North County Land Trust to discuss the proposed complex including layout, parking, and the associated stormwater outfall and will be meeting with the CAC next month. The environmental design for stormwater management will allow the complex to meet standards as a wooded wetland. With the concurrence of the North County Land Trust, MPA believes this is the best design that impacts the least amount of trees; an estimated 11 trees within the critical area. Typically, a 1:1 mitigation ratio is required, meaning that if one tree is removed than one tree must be replaced. However, Mr. Kiernan stated that MPA plans to execute a 2:1 ratio by replacing two trees for each tree that must be removed for the construction of the O&M complex stormwater outfall.

Mr. Kiernan shared renderings of what the O&M complex may look like and stated that MPA will be seeking the Leadership in Energy & Environmental Design (LEED) certification level of Silver through the U.S. Green Building Council. Mr. Straughan inquired as to why MPA is seeking Silver rather than Gold or Platinum and Mr. Kiernan explained that the cost-benefit return for Silver was best for MPA. Mr. Straughan encouraged MPA to seek alternatives that may allow the building to obtain a higher LEED certification such as solar and/or a green roof. Mr. Straughan also inquired about the stormwater management for the complex. He asked why the stormwater could not be drained to the DMCF to undergo the same treatment and testing as the water currently within the DMCF and then simply be discharged back into the bay. Mr. Kiernan stated that there are several engineering challenges associated with draining stormwater in to the DMCF and reminded the Committee that MPA/MES are working to get rid of water in the DMCFs to allow room for future placement of material. Mr. Straughan encouraged MPA to explore alternatives such as an algal turf scrubber to treat stormwater.

Mr. Kiernan shared other renderings of the proposed design from the side and aerial to show where offices, the laboratory, the Great Room, maintenance garage, and secure storage would be located. The Great Room space would be somewhat separated from the offices with its own entrance as to not disturb day to day operations. MPA expects to begin seeking permits in October 2016 and move through the procurement process in November and December 2016. MPA plans to issue Notice to Proceed in February 2017 and begin construction of the O&M complex in March 2017 with completion in April 2018.

Mr. Conrad inquired about current security on the site and improvement plans for the future. Mr. Kiernan stated that currently there are cameras throughout the site but they are recorded and not transmitted anywhere live making them a reactive not responsive form

of security. The future plan for security is for the camera systems to be linked directly to MPA security where they can be monitored 24 hours a day.

#### **4.0 Community Enhancements**

#### **Mr. Shawn Kiernan, MPA**

Mr. Kiernan stated that the Committee has discussed several opportunities for mitigation and community enhancements and reminded the Committee of their previously discussed ideas. MPA has begun to take action on exploring the Committee's suggestions for mitigation and community enhancements. Meetings were held with Anne Arundel County Department of Public Works to discuss projects on their priority list to determine if MPA can help. MPA is still looking in to increased public access, which is currently being discussed with MPA's legal counsel. Mr. Kiernan visited several sites the Committee had suggested with Mr. Straughan to explore community enhancement opportunities. U.S. Fish and Wildlife met with Mr. and Mrs. Jones in regards to placement opportunities for osprey poles. MES has investigated the possibility of a hiking trail in the North County Land Trust easement area.

Mr. Kiernan explained that the goal is to get to a list of mitigation and community enhancement opportunities that work for both MPA and the community and prioritize the best projects. Once a list has been developed, MPA can continue investigation and generate cost assessments. Mr. Kiernan invited the new Committee members to share ideas that should be added to the list as well as new ideas from the rest of the Committee. Mr. Kiernan explained the difference between mitigation and community enhancements and discussed examples of both at Masonville. Ms. Ashley reminded the group that in past discussions, the Committee has favored visible projects with good PR value for MPA, and water/public access (either at Cox Creek or nearby).

Ms. Schrum suggested that MPA connect with the communities of Stoney Beach and Orchard Beach as they are geographically very close to the project. Ms. Schrum mentioned a presentation recently given at a Greater Pasadena Council meeting by MDE on air quality issues and it was mentioned that MDE is seeking new locations for their air quality monitoring units. Ms. Schrum suggested that MPA reach out to MDE as the proposed O&M complex could be a potential site for an additional air quality monitor. Mr. Straughan stated that he could provide MPA with additional information on air quality monitor placement opportunities. Mr. Kiernan encouraged the Committee to consider opportunities that could qualify as both mitigation and community enhancements. Mr. Straughan asked if MPA has guidelines on potential projects regarding size or cost. Ms. Correale explained that there are no guidelines but it is important for the Committee to prioritize a list so that MPA can seek cost estimates. Once that has been done, MPA will fund as many projects as possible and, though not all will be funded, those considered a top priority have a better chance of being completed.

Ms. Schrum asked if the Anne Arundel County Water Access Commission had been contacted and also inquired about possible water access and soft launch area for kayaks and canoes on site. Mr. Kiernan stated that the Water Access Commission had not yet been contacted. Mr. Conrad mentioned the water access nearby at Ft. Armistead Park and suggested that MPA may be able to conduct clean-up of additional areas in the park. Ms.

Schrum also recommended MPA coordinate with Anne Arundel County Recreation and Parks Department to review their master plan and wish list. Mr. Kiernan stated that MPA would reach out to Anne Arundel County Recreation and Parks Department to review their master plan.

### **5.0 Outreach Update**

**Ms. Katrina Jones, MPA**

Ms. Jones provided an outreach update and spoke about going back out to local community groups. Ms. Jones encouraged Committee members to invite MPA to speak at their meetings and other community meetings. Mr. Schrum shared that her office had information on all the local meetings and updated contact information that she could provide to MPA. Ms. Jones stated that MPA is planning to host another public meeting in 2017, and asked for input on planning and execution. The Committee felt the public meeting was well received in the past and liked the exhibit set up that was used. Ms. Schrum recommended hosting the meeting at the Rivera Beach Fire Department as they have a very large community meeting space.

Ms. Jones reminded the Committee that the Dredged Material Management Program (DMMP) Annual Meeting will be held on November 14<sup>th</sup> at 10 am at the Sollers Point Multi-Purpose Center in Baltimore. Ms. Jones encouraged all Committee members to attend and to bring a friend. Ms. Jones concluded by stating that inflow would be occurring in the near future and she would work to coordinate tours for those Committee members interested.

### **6.0 Harbor Development Update**

**Chris Correale, MPA**

Ms. Correale presented an update on Harbor Development Projects including Confined Aquatic Disposal (CAD), Innovative and Beneficial Reuse, and the current U.S. Army Corps of Engineers (USACE) studies. The CAD project is a pilot study that MPA is using to gain an understanding of the process and the issues that may occur. The CAD cell construction was completed on October 9<sup>th</sup> with a footprint of 250 ft X 800 ft and -65 ft MLLW. During construction, 130,000 cy of sand and gravel was excavated from the CAD cell. The sand and gravel excavated was placed into the Masonville Kurt Iron Slip. The CAD cell will be filled with material from the Ferry Bar Channel that was dredged during the USACE federal navigation channels maintenance dredging in Fall 2016. MPA conducted extensive nutrient monitoring prior to the construction of the CAD Cell. Further monitoring will be conducted during placement of dredged material into the cell. Hydrographic surveys, which will be used to observe any movement of the material, will also be performed after placement occurs. Once monitoring has been completed and reviewed, MPA will determine if CAD can be utilized as a program for future placement of dredged material. If it is a viable option, future CAD locations will be identified. Ms. Correale shared a cross section animation of the CAD cell, which illustrated the layers of the channel bottom and showed what layers of material were removed to construct the CAD cell. Photos and videos taken during construction of the CAD cell were shown, as well as the sand filling of the Kurt Iron Slip.

Ms. Correale announced MPA's slogan for their Innovative and Beneficial Reuse program; Sediment to Solutions: Channeling Innovation. Ms. Correale explained that

MPA must identify alternative management solutions to meet long-term capacity needs and stressed that Innovative Reuse needs to become a realistic tool in the tool box. Ms. Correale stated that MPA has been working with MDE and Maryland Department of Agriculture (MDA) to identify and close regulatory gaps. MPA has also been working with Maryland Department of Transportation's State Highway Administration SHA and other partners on demonstration projects. Ms. Correale stated that MPA is also working closely with DMMP stakeholders and citizens to continue to build support and promote the safe use of dredged material and show that dredged material is a resource with economic value.

Ms. Correale stated that the Innovative and Beneficial Use Regulatory Interagency Workgroup, February 2016 Draft Report is complete and available on the GreenPort website. The draft report was approved by the DMMP Management Committee on May 18th and approved by the Executive Committee on June 14th. The report included recommendations for how to move forward with innovative and beneficial reuse in Maryland. Ms. Correale presented the Committee with a timeline of deliverables the Regulatory Workgroup is currently working toward. In November 2016, the Workgroup will be finalizing outreach and educational materials including their slogan, infographic materials, and video. In December 2016, the Workgroup will present a draft Executive Order to DMMP Executive Committee for review and approval. An Executive Order from the Governor will allow state agencies to become leaders in reuse. For example, SHA could consider the reuse of dredged material first for future projects. Mr. Correale continued by stating that the Workgroup will be submitting technical screening criteria and a guidance document to MDE for review and approval in March 2017. The development of the technical screening criteria and guidance document has been an iterative process with several drafts for feedback and revisions. Public forums will be held in mid-December 2016. MDE believes it is feasible to use existing permitting mechanisms. If necessary, the Workgroup will prepare a recommendation on changes to statute or The Code of Maryland Regulations (COMAR) in Summer 2017. MPA's hope is that no changes to statute or COMAR will be necessary.

Ms. Correale stated that USACE is currently working on their Federal DMMP. MPA also prepares a DMMP that defines dredged material placement locations for the next 20 years. The Federal DMMP confirms Cox Creek, Cox Creek expansion and Masonville as sites for placement of material dredged from Federal channels, and recommends study of the feasibility of CAD. The USACE is also currently conducting a Channel Widening Study. The study seeks to determine whether it is feasible to complete widening of the Port's 50-foot channels. However, Harbor channels will not be widened reducing the demand for Harbor placement capacity. Ms. Correale shared a picture of the approach channels and stated that the widening would be from the Craighill Entrance Channel up to the Cutoff Angle, with all widening taking place outside of the North Point-Rock Point Line. The Virginia approach channels will also be widened but the material will be placed in ocean disposal sites.

Mr. Straughan asked if MPA had any information available on the performance of the floating wetlands that had been created to remove nutrients such as nitrogen and

phosphorous from the water. Ms. Correale stated that MPA could provide Mr. Straughan with information regarding the effectiveness of floating wetlands.

## **7.0 Committee Administration**

**Ms. Angie Ashley**

### Committee Administration and Open Discussion

Ms. Ashley reviewed committee administrative matters, including the Annual DMMP Meeting, the 2017 meeting logistics and a possible terminal tour. She announced that the DMMP Annual Meeting would be held on November 14th and encouraged members to attend and bring a friend as Ms. Jones had suggested. The meeting will be held at 9:30 AM in the Sollers Point Multi-Purpose Center located at 323 Sollers Point Road, Baltimore, MD 21222. Ms. Ashley provided a proposed 2017 meeting date schedule and asked for feedback on the meeting frequency and dates. The proposed meeting 2017 dates are January 11th, April 19th, July 12th and October 11th. The Committee was satisfied with the suggested dates and interested in a terminal tour. Ms. Ashely will work with Ms. Jones to coordinate a terminal tour for those Committee members who are interested. Ms. Ashley informed the Committee that the January meeting would focus on a review of the base dike widening plans. In April, the Committee will visit Cox Creek to see the areas that may potentially require mitigation.

## **8.0 Adjournment**

**Ms. Angie Ashley**

Ms. Ashley thanked the Committee for their time and reminded them to contact her or MPA staff with any questions.