

FINAL DRAFT
SUMMARY OF THE COX CREEK
CITIZENS OVERSIGHT COMMITTEE MEETING
January 8, 2020 5:30 PM
Cox Creek Operations and Maintenance Complex
1000 Kembo Road
Curtis Bay, MD 21226

Attendees:

Anne Arundel County Department of Recreation and Parks: Erica Matthews
Anne Arundel County Water Access Committee: Lisa Arrasmith
Cox Creek Citizens Oversight Committee Facilitator: Angie Ashley
Maryland Department of Transportation Maryland Port Administration (MDOT MPA): Dave Blazer, Kristen Fidler, Tom Hall, Kristen Keene, Holly Miller, Amanda Peñafiel, Gannon Price
Maryland Environmental Service (MES): Benjamin Langer, Maura Morris, Robert Natarian
Pasadena Business Association (PBA): Brian Conrad
Resident of Legislative District 31: Gary Gakenheimer
South Baltimore Business Alliance (SBBR): Jim Matters

Action Items:

1. The +60' MLLW dike rendering posters/presentation will be shown at the April 1, 2020 COC meeting.
2. A presentation on the Howard Street Tunnel project will be provided at the April COC meeting.
3. Committee members will share and review the Annual Report microsite at <https://mpadmmpannualreport.com> and to provide feedback to MDOT MPA.
4. Ms. Ashley will remind the Committee that annual financial disclosures are due on April 30, 2020.

1.0 Welcome & Introductions

Angie Ashley

Ms. Ashley convened the meeting and welcomed the Committee members, asking all in attendance to introduce themselves and the organization they represent.

Mr. Conrad requested comments on the October 2019 meeting summary. As no comments were made, Mr. Conrad then requested a motion to approve the October 2019 meeting summary, which was made by Mr. Gakenheimer and approved by the Committee.

2.0 2019 Outreach Update

Dave Blazer, MDOT MPA

Mr. Blazer provided a summary regarding the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) 2019 outreach efforts. Through outreach efforts led by MDOT MPA, over 15,800 people were provided information on the Port of Baltimore. Over 35,000 students had an opportunity to learn about the Port of Baltimore through site visits, classroom activities, and the terrapin head start program.

MDOT MPA hosted two outreach events for the Cox Creek Dredged Material Containment Facility (DMCF) expansion project. The first event was a community cookout that coincided with

the July 10, 2019 Cox Creek Citizens Oversight Committee (COC) meeting. The second event was an on-site open house at the new Cox Creek Operations and Maintenance (O&M) Complex on October 26, 2019. Approximately 50 citizens attended the open house and participated in activity stations which included touch-a-truck, wildlife survival games, and a tour of Cox Creek DMCF and Swan Creek Wetland. The open house also included exhibitors from the Anne Arundel County Department of Public Works (DPW), United States Fish and Wildlife Service (USFWS), Chesapeake Bay Foundation (CBF), and the National Aquarium.

To commemorate the 10-year anniversary of Masonville Cove opening to the public, MDOT MPA hosted 13 special events throughout 2019 in recognition of the Decade of Dedication. These events were attended by approximately 561 visitors, 45 of whom utilized the free shuttle service provided by MDOT MPA. The shuttle service picked up event participants from the Brooklyn Branch of the Enoch Pratt Free Library and transported them to Masonville Cove. This transportation initiative was developed to help increase community access to Masonville Cove. MDOT MPA's "Masonville Cove: A Decade of Dedication" received the 2019 Award of Distinction for Stakeholder Awareness, Education & Involvement by the American Association of Port Authorities (AAPA). Additionally, during the January Board of Public Works (BPW) meeting, Governor Larry Hogan spoke highly of MDOT MPA being a recipient of this award. Mr. Blazer stated that MDOT MPA provided presentations regarding the Decade of Dedication and Masonville Cove at the North American Association for Environmental Education and the Alliance for the Chesapeake Bay Watershed Forum.

The November 8, 2019 Dredged Material Management Program (DMMP) Annual meeting was the most attended DMMP Annual meeting to-date. The meeting featured presentations by Mr. Adam Lindquist, Chairman of the DMMP Citizens Advisory Committee, Dr. Mamie Parker from EcoLogix Group, and Mr. Andy May from the United States Army Corps of Engineers (USACE). Mr. Blazer presented two posters and a video montage that were used at the DMMP Annual meeting and are a part of MDOT MPA's new outreach campaign. Mr. Conrad stated that the DMMP Annual meeting was very informative for his community. He enjoyed listening to the guest speakers and he encouraged the Cox Creek COC members to attend the November 6, 2020 DMMP Annual meeting.

3.0 Cox Creek Expanded Update

Gannon Price, MDOT MPA

Mr. Price provided an update on the Cox Creek DMCF expansion project. An aerial photo of the site was displayed for the Committee to outline the base dike widening, upland demolition, innovative reuse staging area, and the proposed community enhancement trail through the conservation easement.

Base Dike Widening

Mr. Price provided aerial photographs of the base dike widening project to show the mud wave and installed prefabricated vertical drains (PVD)/wick drains. Mr. Price stated that Lift 1 of the base dike widening has been completed. To complete Lift 1, approximately 3 million linear feet of wick drains were installed over a 9-month period to consolidate the material and form a solid foundation for the future +60 feet mean lower low water (MLLW) dike raising. Currently, the contractor is working on Lift 2 in sections A and B.

Upland Work & Demolition of Building 201

Mr. Price outlined the sediment basin, borrow area, and innovative reuse area on the site photo. The material excavated from the borrow area is being used in the base dike widening construction. The sediment basin is utilized to collect water from the borrow area. Depending on test results, water from the sediment basin is either pumped into the DMCF or discharged to the Patapsco River.

Building 201 was originally utilized as a copper casting facility. Legacy activities performed within the building left elevated levels of polychlorinated biphenyls (PCBs) within the structural materials. As noted in previous meetings, MDOT MPA coordinated with the US Environmental Protection Agency (EPA) under an approved Remedial Action Plan to safely remediate and demolish the building. The demolition of Building 201 began in September 2018, the superstructure of the building was demolished in May 2019, and the contractor is currently working to remove the building foundation and any surrounding contaminated soil. The contaminated foundation material within the Building 201 footprint and the surrounding soil is sampled and removed in three-foot grids. Mr. Price stated that due to the amount of material requiring removal and disposal exceeding the original estimate, the Building 201 demolition is now expected to be complete in February 2020. The remaining building structures will be demolished and transported to approved designated landfills. Progress photos of the Building 201 demolition from February 2019 through December 2019 were displayed for the Committee.

Operations and Maintenance (O&M) Complex

Mr. Price stated that the construction of the O&M Complex was completed on-time and within budget.

Milestones

Mr. Price presented a graph depicting the milestones for the Cox Creek DMCF expansion project to the Committee. The upland facilities demolition began in July 2015 and is expected to be completed in February 2020. The initial design and survey staking of the area for the O&M Complex began in April 2015 and construction was completed in September 2019. Phase I and II of the upland soil remediation began in September 2015 and was completed in October 2019. Mr. Price stated that the original estimate of contaminated material within the upland was 60,000 tons but only 3,000 tons of impacted material was identified and removed. The base dike widening began in August 2016 and is expected to be completed in early fall 2021. The +60' MLLW dike design and permitting process began in January 2018 and dike construction is expected to be out for bid in August 2020. The construction of the +60' MLLW dike is expected to begin in September 2021 and be completed in summer 2024.

Mr. Conrad asked how the base dike widening will look from the Patapsco River. Mr. Price responded that the base dike widening will not be seen from the Patapsco River as it will not exceed the current dike height. Mr. Price added that the +60' dike will be covered with a native seed mix and maintained to prevent erosion from damaging the dike. Ms. Ashley suggested showing the +60' dike renderings to the Committee at the April 1, 2020 meeting. Mr. Conrad asked if the seed mix will be the same as the one used for the innovative reuse test nursery. Ms. Miller responded that the seed mix that will be used is specifically for sediment and erosion control on slopes and

will contain a variety of plant species. Mr. Matters asked if dredged material will be used for the surface of the +60' dike. Mr. Price responded that borrow material from the upland area will be used to construct the +60' dike slopes.

4.0 Community Enhancements & Mitigation Next Steps **Amanda Peñafiel, MDOT MPA**

Community Enhancements

Ms. Peñafiel reviewed the prioritized list of Community Enhancement projects, which the Committee formally recommended to MDOT MPA for consideration at the April 10, 2019 meeting, and provided updates on the five prioritized projects.

1. Reserving Placement Capacity in Cox Creek DMCF for Northern Anne Arundel County (AACo) Department of Public Works (DPW) Maintenance Dredging Projects – MDOT MPA will continue to coordinate with AACo DPW as needed.
2. Creation of Walking Trails and Associated Signs – The design firm A. D. Marble was awarded a contract to develop concept design plans for a walking trail and associated signage within the Cox Creek Forested Conservation Easement Area. MDOT MPA will review the concept design plans and determine the optimal design based on costs, reducing impacts, and trail features. The design plan will then be presented at a future Cox Creek COC meeting to obtain the Committee's comments. Maryland Environmental Trust (MET) and the North County Land Trust (NCLT) have been notified of the walking trail and project coordination will continue as the design plans are developed. The kick-off meeting and site visit for this project is scheduled to occur on January 15, 2020.
3. Installation of Navigation Aids in Cox Creek Channels – Maryland Department of Natural Resources (DNR) provided a map to MDOT MPA depicting the relocation/replacement of the displaced channel markers. As requested by the Committee, MDOT MPA inquired about improving the anchoring system. DNR responded that the largest buoy weights feasible are used for channel markers. DNR added that ice formation and people are the main causes of buoy displacement and that the buoys are reset every spring. Ms. Peñafiel informed the Committee that MDOT MPA considers this community enhancement completed.
4. Artificial Reef Installation – MDOT MPA and Maryland Environmental Service (MES) are currently developing a project team and scope of work for this enhancement project. MDOT MPA will be considering all options for artificial reefs that will enhance fish habitat within the Patapsco River watershed.
5. Osprey Platform Installations – MDOT MPA is coordinating with AACo, Baltimore City, and USFWS to determine optimal locations and permitting requirements for the installation of osprey platforms. Ms. Peñafiel stated that the site visits to discuss preferred platform locations at Fort Smallwood Park and Weinburg Park occurred on January 6, 2020. The site visit to Hancock's Resolution was originally scheduled for January 8, 2020 but was rescheduled to January 13, 2020 due to inclement weather.
6. Fishing Pier Installation
7. Support for Local Youth Fishing Groups
8. Water Quality/Habitat Enhancements in Local Waterways: Low Cost Option
9. Biofiltration Installations Outreach
10. Public Water Access: Northern Anne Arundel County Boat Launch

11. Road Restoration to Improve Public Water Access

Mitigation Next Steps

Ms. Peñafiel provided an update regarding mitigation requirements for impacts related to the +60' dike construction. As the Cox Creek DMCF expansion design plans near finalization, MDOT MPA is actively narrowing the potential project mitigation requirements. Based on known and anticipated project impacts, the likely types of compensatory mitigation will include nontidal wetland and critical area mitigation. MDOT MPA is estimating that approximately 1.15 acres of nontidal wetland and approximately 2 acres of nontidal buffer will be impacted by the +60' dike construction. Through coordination with MDE Nontidal Wetlands Division (MDE Nontidal), it is estimated that mitigation for the +60' dike construction will range between 3 to 5 acres. The potential mitigation options include wetland restoration, wetland creation, wetland enhancement, wetland preservation, wetland buffer enhancement, wetland buffer preservation, and out-of-kind. The mitigation could occur on-site, off-site, or through coordination with a mitigation bank. Due to limited available space, on-site mitigation is not likely to occur.

MDOT MPA is estimating that approximately 4 acres of critical area will be impacted by the +60' dike raising. The mitigation requirement will be determined through coordination with the Critical Area Commission (CAC). The critical area application will be submitted simultaneously with the nontidal application in early 2020. As required by the CAC for critical area permitting, a public notice announcement was posted on November 7, 2019 in the Baltimore Sun and the Committee was notified. No public comments were received. To meet the CAC mitigation requirement, MDOT MPA is looking to utilize the Hawkins Point mitigation bank.

Ms. Peñafiel discussed the impacts and associated mitigation related to the construction of an outfall within the conservation easement as a part of the +60' dike raising. MDOT MPA considered three design options for the outfall; the option that reduces the overall impact to the easement area was selected. This option will involve the removal of 14 trees. In October 2019, MET and NCLT agreed that these trees should be replaced at a 3:1 ratio. Therefore, 42 trees will be planted within the easement area along the walking trail.

Ms. Matthews asked if the remaining proposed community enhancements will be conducted. Ms. Peñafiel responded that the projects will be conducted following the prioritized list as funds allow.

5.0 Innovative & Beneficial Use

Kristen Keene, MDOT MPA

Ms. Keene reviewed new items pertaining to the Innovative Reuse Program.

Fleming Park Restoration Project

Ms. Keene announced that MDOT MPA has awarded a \$500,000 Secretary's Grant to the Turner Station Conservation Teams (TSCT) for the Fleming Park restoration project, which is a multi-partner effort to develop a community-based co-benefits project in Baltimore County. The design for the Fleming Park project proposes to create a new hybrid landscape that combines the innovative reuse and beneficial use of maintenance dredged material with waterfront recreational amenities and resilient infrastructure on Baltimore County property. The project will encompass the restoration of approximately five acres of upland and approximately five acres of offshore habitat. The goals of the project are to: enhance public health and safety by addressing possible

pollutants in and around Fleming Park; support community recreation and workforce development by increasing access to high quality public parkland, environmental education opportunities, and green jobs; restore aquatic environment by placing offshore reef balls to attenuate wave energy, support oysters and other aquatic species; reduce flood risk and strengthen resiliency of adjacent property, communities, and infrastructure by stabilizing and protecting shorelines with natural and nature-based features; expand permitting and regulatory pathways for innovative and beneficial reuse of dredged material; and nourish, re-grade and revegetate intertidal environments by removing invasive species and replacing with appropriate native plants. Ms. Keene added that the Fleming Park project will be the first project to use dredged material from the Baltimore Harbor in a beneficial use project located within the limits of the harbor. The project is being led by community leaders Ms. Gloria Nelson and Mr. Larry Bannermen from the TSCT.

The MDOT MPA Secretary's Grant will be used to fund Phase I of the project, which will include the pre-design investigation through on-shore and off-shore sampling and a full suite of surveys to characterize pre-existing site conditions and address any data gaps; the development of 30% design and engineering plans; development and submittal of a Joint Permit Application; and review of pertinent regulations. Phase I of the project will include community outreach through educational events, design workshops, and public information meetings. The public information meetings will be held throughout the design process to allow the community to engage with the project partners and to obtain frequent community input. Phase II of the project will include the finalization of the design and engineering plans. Phase III of the project will include construction planning, implementation, and management. Phase IV of the project will include monitoring, adaptive management, and reporting.

Mr. Matters asked if the project proposes to raise the existing elevation of the site. Ms. Keene responded that the project will not raise the existing elevation of the site. In order to attenuate wave energy and mitigate flooding frequency and severity caused by runoff and high tides within the community, the Phase I pre-design investigation will develop a plan that will provide coastal resilient infrastructure such as an in-water containment structure to retain the dredged material, a shoreline boardwalk to reunite the community members with the waterfront, upland storm water management features, and offshore restoration. Mr. Conrad asked if the design will allow tidal flow into the wetlands. Ms. Keene responded that the plan is to develop areas of low and high march habitat and areas for the marsh to migrate upland in response to sea-level rise. Currently, the shoreline of Fleming Park is covered with dense stands of invasive *Phragmites*. Mr. Conrad asked if the upland site will be improved. Ms. Keene responded that the upland site currently contains ballfields and a senior center, but the project includes a plan to create recreational pathways and other features while redirecting the flow of water on the site to lessen flooding frequency and severity.

MDOT MPA will continue to provide the Committee with updates on this project. Ms. Peñafiel inquired about the timeline for the project. Ms. Keene responded that the construction schedule will be developed as a part of Phase I. Ms. Keene added that the 30% design and engineering plans are expected to be completed within 12 to 18 months.

Innovative Reuse and Beneficial Use Request for Proposals

Ms. Keene informed the Committee that the Innovative Reuse and Beneficial Use Research and Development Request For Proposals (RFP) was advertised on November 26, 2019 through e-Maryland Marketplace Advantage (eMMA) (<https://emma.maryland.govpage.aspx>). The RFP will be used to support research and development of novel dredged material end-use applications to further the State's efforts to recover capacity and extend the lifespan of the Cox Creek DMCF. MDOT MPA intends to award multiple proposals, each not-to-exceed \$300,000. The maximum volume of dredged material that can be allocated under this RFP is 5,000 cy per proposal due to current space constraints to dry and manage material. MDOT MPA may decide to offer a longer-term contract for successful dredged material end-use applications should MDOT MPA acquire additional property in the vicinity of the Cox Creek DMCF or the vendor provides sufficient off-site property to conduct such operations.

The results of the RFP will provide MDOT MPA with an opportunity to better understand the potential for cost-effective capacity recovery of significant material volumes within the DMCF. Additionally, MDOT MPA can evaluate lessons learned, adaptive management approaches, and scalability of end-use applications with an eye on future opportunities to recover capacity in DMCFs. Ms. Peñafiel inquired about the deadline for the RFP. Ms. Keene responded that the RFP will remain open as long as funding is available.

6.0 Harbor Development Update

Kristen Fidler, MDOT MPA

2019 DMMP Annual Report

Ms. Fidler discussed the 2019 DMMP Annual Report which was prepared by the DMMP Management Committee and approved in December 2019 by the DMMP Executive Committee. The DMMP Annual Report provides an overview of 2019 accomplishments and identifies recommendations to focus on in 2020. Based on feedback from stakeholders, committee members, and citizens, MDOT MPA developed a two-page synopsis with a link to an interactive microsite (<https://mpadmmpannualreport.com/>) which contains a link to the full Report and a simplified list of recommendations for 2020. The microsite also contains DMMP information that will be updated throughout the year. MDOT MPA is hoping that this new format will assist in reaching new and broader audiences.

The seven recommendations for 2020 are as follows:

- 1) **Advocate for funding and policies at the federal level with the Congressional delegation and other partners at the USACE Headquarters, North Atlantic Division and the District. Focus on the Mid-Chesapeake Bay Island Ecosystem Restoration Project (Mid-Bay), resolving the Virginia channels issue, and developing a strategy to identify and address various external risks to the program.** Ms. Fidler stated that these risks could include climate change, insufficient funding, or lack of citizen and political support for projects.
- 2) **Participate in opportunities with the AAPA to advance supportive legislative language in the Water Resources Development Act (WRDA) of 2020.** Ms. Fidler stated that WRDA is updated and brought before legislation for approval every two years. MDOT MPA will be coordinating with partners locally and in Washington, DC to ensure that Mid-Bay will continue to progress.

- 3) **Plan beyond the 20-year horizon to ensure adequate capacity and dredging demand projections include consideration of climate change impacts, as well as opportunities for resiliency and other benefits such as carbon sequestration.** Ms. Fidler stated that, while a 20-year plan is required by Maryland state law and is in line with the USACE's 20-year plan, 20 years may not be long enough due to the amount of time required to initiate new projects.
- 4) **Continue to advance the 2011 Harbor Team recommendations for implementation of Cox Creek Expansion and Confined Aquatic Disposal (CAD).** Ms. Fidler stated that the Cox Creek Expansion not only includes the upland and vertical expansion of Cox Creek but also includes the acquisition of the adjacent Tronox property which MDOT MPA is continuing to actively pursue. MDOT MPA is continuing efforts to identify a location for the next CAD pilot project within the Baltimore Harbor area.
- 5) **Evaluate the 2014 Innovative Reuse Strategy and update where appropriate given the progress currently underway.**
- 6) **Extend the Port of Baltimore's outreach, education and stakeholder engagement efforts to continue to grow strategic partnerships and support for the DMMP.**
- 7) **Continue the ongoing habitat development efforts in the North Cell of Hart-Miller Island in coordination with DNR.** Ms. Fidler informed the Committee that DNR will ultimately manage the entire HMI site as a state park.

Ms. Fidler asked the Committee to inform their communities about the microsite and to provide feedback on these new materials in order to better disseminate information related to the DMMP.

Mr. Matters asked if the questions pertaining to overwintering crabs in recommendation 1 are related to the time-of-year restrictions. Mr. Blazer responded that the Virginia Institute of Marine Science (VIMS) and the Virginia Marine Resources Commission (VMRC) are concerned about impacts to the crab resource at the Rappahannock Shoals due to in-water placement of dredged material at Wolf Trap. Ms. Fidler added that the Rappahannock Shoals portion of the river is typically dredged every 3-5 years and placed at Wolf Trap, but concerns have been documented over the last 8-10 years. Virginia would like a site similar to Poplar Island and are seeking assistance from MDOT MPA to locate and promote a site for beneficial use.

Mr. Conrad requested additional information on the CAD project. Ms. Fidler responded that CAD involves the removal of existing material from the water bottom, typically sandy material, within a defined space, which is then filled with maintenance dredged material. The first CAD pilot cell was performed near Masonville DMCF and was highly successful.

Other Updates

Ms. Fidler informed the Committee that the BPW approved funding for the +60' dike construction portion of the Cox Creek expansion project on January 8, 2020.

Ms. Fidler stated that the Howard Street Tunnel project is advancing and that a presentation will be provided at the April COC meeting. Extensive public outreach and community engagement will be conducted for this project as 11 bridges will be impacted along the tunnel route.

Ms. Fidler informed the Committee that MDOT MPA Executive Director, Jim White, resigned effective January 1, 2020. Deputy Director Dave Thomas will serve as the Acting Executive Director until a new director has been appointed. Ms. Fidler also informed the Committee that Maryland Secretary of Transportation, Pete Rahn, will be stepping down effective January 20, 2020. MDOT State Highway Administration (SHA) Administrator Greg Slater will be the Maryland Secretary of Transportation Designee. MDOT MPA will ensure that the new leadership will be informed of the importance of the DMMP and outreach efforts.

7.0 Committee Administration & Open Discussion

Angie Ashley

Ms. Ashley stated that Mr. Bill and Laura Jones from the NCLT have moved to Delaware. Ms. Rebecca Kolberg and Mr. Edson Beall are interested in becoming the new representatives for the NCLT.

Ms. Ashley reminded the Committee that annual financial disclosures are due on April 30, 2020. Ms. Ashley will remind the Committee again at the April 1, 2020 Cox Creek COC meeting. Mr. Donald Heinbuch and Mr. Gary Gakenheimer will serve as liaisons to the Innovative Reuse Committee meeting in place of Mr. Allan Straughn. Ms. Ashley stated that MDOT MPA is in close coordination with Mr. John Chapman, liaison to the MET. Mr. Chapman may attend Cox Creek COC meetings based on availability.

8.0 Upcoming Meetings, Open Discussion, and Adjournment

Angie Ashley

The dates for the 2020 Cox Creek COC meetings are April 1, July 8, and October 14. The 2020 DMMP Annual meeting will be held on November 6.