Summary Report
Public Scoping Meetings – June 2002
Dredged Material Management Plan
U.S. Army Corps of Engineers – Baltimore District (CENAB)

1.0 Introduction to Public Scoping Meetings

1.1 Purpose of the Public Scoping Meetings

The purpose of the meetings is to solicit input to the Dredged Material Management Plan (DMMP) study from any and all interested parties. The input generated at these meetings will be used to help scope the DMMP and begin to establish the goals and objectives of the DMMP, issues to be considered, and potential placement options. CENAB welcomes ideas and suggestions and believes the meetings will produce a list of comments and concerns that can be incorporated into the study.

1.2 Public Meeting Agenda

Each of the three meetings followed the same agenda:

7:00 Welcome and Introductions – Daniel Bierly, CENAB
7:05 Study Purpose and Overview – Daniel Bierly
7:30 Public Comments – facilitated by Daniel Bierly

A copy of Mr. Bierly's PowerPoint presentation is presented in Attachment A of this summary report. For an hour prior to each meeting, CENAB hosted an open house consisting of various topics, handouts, and displays. The following topics were covered at the open house:

- History of the Port
- Hart-Miller Island Dredged Material Management Facility
- Poplar Island Environmental Restoration
- CSX/Cox Creek Containment Facility
- Dredged Material Placement Options
- Environmental Monitoring
- Restoring the Chesapeake

The following handouts were provided:

- Public Scoping Meeting PowerPoint Presentation
- USACE Environmental Operating Principles
- DMMP Project Summary
- History of the Port
- Baltimore Harbor Chronology
- Hart-Miller Island
- Hart-Miller Island South Cell Restoration Project

- Hart-Miller Island Environmental Monitoring
- Restoring Poplar Island . . . A National Model for Beneficial Use of Dredged Material
- Poplar Island – A Brief History
- Poplar Island Restoration Project
- Poplar Island Environmental Monitoring
- CSX/Cox Creek Dredged Material Containment Facility Project
- Examples of Placement Options of Dredged Material
- Restoring the Chesapeake . . . working to meet the goals of the Chesapeake 2000 Agreement

A court reporter attended each meeting and prepared verbatim transcripts. Comment cards (prepared as a self-mailer) were distributed at the sign-in table for interested parties to submit their ideas and concerns in writing. The deadline to submit comments regarding the DMMP study was Friday, 19 July 2002.

1.3 Purpose of the Dredged Material Management Plan

The DMMP is a study conducted to develop a long-term strategy for providing viable placement alternatives that meet the dredging needs of the Port of Baltimore Federal Channels and includes consideration of state and local dredging needs. The study area encompasses the Baltimore Harbor and the Chesapeake Bay approach channels, which extend from the mouth of the Bay in Virginia to the Chesapeake and Delaware Canal in the upper Bay, Maryland/Delaware. The DMMP study will be evaluated through the preparation of a tiered Environmental Impact Statement. The DMMP will identify the quantity of material to be dredged from the Federal channels and how the dredged material can be managed in an economically and environmentally acceptable manner, with emphasis on beneficial uses of the material.

1.4 DMMP Schedule

- September 2001 Preliminary Assessment
- May 2002 Notice of Intent
- June 2002 Public Scoping Meetings
- July 2002 Comments for Inclusion into the Public Record
- September 2002 Finalize DMMP Project Management Plan
- September 2002 Initiate DMMP Study
- June 2004 Draft DMMP/Tiered Environmental Impact Statement to Public
- September 2004 Final DMMP/EIS

2.0 Public Scoping Meeting – 12 June 2002

2.1 Meeting Overview – 12 June 2002

The first public scoping meeting for the DMMP was held on Wednesday, 12 June 2002 at the Queen Anne's County Library – Kent Island in Stevensville, MD. Sixteen citizens attended the meeting. The meeting was adjourned at 8:10 p.m.

2.2 Oral Questions and Responses per Transcripts – 12 June 2002

MR. SOSSI: Dick Sossi. On the slide it says in the Port of Baltimore. Should that be to the Port of Baltimore?

MR. BIERLY: The Port of Baltimore is considered the entire system, so it's all the channels that service the Port of Baltimore. That's a good question. Baltimore Harbor would be sort of the proper area where the commerce is. The Port of Baltimore is the entire system.

MR. GILL: Who is paying for this study?

MR. BIERLY: This study is 100% funded by the Federal Government. That's an important point, very important point. This is purely a federal study. This is a study that we are conducting because we have a responsibility to maintain channels.

MR. COALSON: Bruce Coalson. When you said "local dredging projects," where do you solicit that information from? I mean do you go to the state for that? Say in Dorchester County we have several creeks that need some dredging work. They have been submitted to the RCD group as being projects identified. Where do you get this information from so you know what local problems, what local dredging needs to be done?

MR. BIERLY: The DMMP is conducted for any harbor that pays into the harbor maintenance trust fund. So Dorchester County projects would likely not be included; however, let me point out that should we build a project down near Dorchester County and the locals there come up to us and say we would like to put some local material in here, too, that's probably not going to be a problem.

MR. BRODERICK: Jack Broderick. The option of open water placement and you mentioned Pooles Island –

MR. BIERLY: Pooles is closing, but it's active right now.

MR. BRODERICK: When is that supposed to close?

MR. BIERLY: 2010.

MR. BRODERICK: Is that still a future viable option after Pooles Island closes? Is that placement option still something that –

MR. BIERLY: Do you mean the concept of open water placement?

MR. BRODERICK: The concept of open water placement in the bay.

MR. BIERLY: I'll make a broad statement here. This is the federal dredged material management plan; therefore, state law will not impact what this plan says; however, if something is against state law, it's not very likely we're going to be able to do it. That's when the plan hits reality because the state is involved, maybe not in the Inner Harbor dredging, but certainly the outer harbor dredging.

MR. COYNE: My name is Joe Coyne. I'm just curious if you could explain how you bring in the data that is being gathered by the MPA people in their process, citizens committees and management committees. How do you bring that into your consideration?

MR. BIERLY: You notice I didn't mention the state process. The reason I didn't mention the state process is because I want everyone to understand that our process is fully independent. Having said that, we would be pretty foolish if we threw away all that hard work. We sit on the committees, the state DMMP. We still call it DNPOP just because otherwise we would drive ourselves mad. But we sit on those committees. We have all of their data. We have all of the data that they distribute, and we will get more when it's ready. The engineering studies, for example, that they've done, we're definitely going to use all of that. The input that has come from the agencies, we'll definitely use that, too.

We're not out to reinvent the wheel, but by the same token we must do our own independent evaluation because, A, we're supporting a NEPA document; B, we need to take the national perspective, whereas the state takes the state perspective naturally, and there was probably a C there, but I've forgotten it. No one's hard work will be lost, but we are a separate entity, a separate process.

MR. SOSSI: About five years ago I decided to run for the House of Delegates, and we pay attention when a current delegate will make comments or pronouncements of various things, and, to be honest, I started paying attention to the issue about the dredged spoils as a result of one of those comments where he thought it was a great idea to dump these 18 million cubic yards of dredged spoils because he was going to get a whole dollar a yard for oysters. So, at any rate, as a result I went to one of the first meetings. It was held over in Anne Arundel County in a school over there, and I have to say I'm always amazed by the state's -- and you're not the state, of course, and maybe that's the difference, but they still outnumbered us, but it was only by one or two, and you guys can take us on easily with one hand behind your back.

But there were three people there, the head of the local Chamber of Commerce, myself, and a gentleman by the name of Pipkin, the father. At any rate, the whole idea didn't smell very good to me, and I have to say I was one of the people to write in in opposition. Dredged spoils means silt, and that's not good for the bay. It's bad for grasses. Of course, E.J. Pipkin got riled up about it and was able to bring new sources and grass roots organizations there. I personally mailed out in my campaign about 20,000 pieces of mail objecting to the project.

What I'm getting at with all of that is there are a lot of us who have a lot of memory of this whole issue, and we're not the lambs that we were when it first started. One of the things that came out clear to us in that process -- a couple of things. One was that it seemed pretty clear to us after a while that it was a done deal. All the protestations to the contrary, we were proven right. It was

basically a done deal from that standpoint. Fortunately, people weren't going to put up with it, and they kept fighting, and it was changed.

The other thing I have to tell you is that the Corps did not fare very well in terms of the research concerning the deepening of the C & D Canal. They were proven wrong a couple of times. Their report on the toxicity of the dredged spoils was found to be grossly in error. So it worries me when you say things like probably toxic. I challenge you to go to the Patapsco, catch a fish, and eat it. You won't have to put it on the stove. You can just leave it on the plate. It will cook itself.

MR. BIERLY: People do. I've seen them fishing.

MR. SOSSI: All I'm saying is that any talk or considerations -- I'm not asking about reinventing the wheel. I just don't want you to ignore the wheel. We have been there, and we don't want any type of dumping in the Chesapeake Bay. It's just a bad idea.

MR. BIERLY: Thank you for your comment. Anyone else?

MR. GILL: John Gill, U.S. Fish and Wildlife Service. A real quick question: Is this study just looking at mainstem shipping channels or are you going to consider any of the smaller federally authorized channels?

MR. BIERLY: Do you mean like the local marinas?

MR. GILL: I'm talking like the Knapps Narrows, the Kent Narrows, the Honga River.

MR. BIERLY: No. Once again, like I said before, if we have a project constructed close to those and it becomes an economically viable thing, then potentially they can use the project. For example, Poplar Island right now, only material from certain channels can go to Poplar, but that's because that's the way the cooperation agreement was written. We could write an agreement that says this will also accept from such and such a county or from such and such an area. If appropriate, we may do that. Most of the small projects can't really afford the distance that it would likely be from there.

MR. GILL: And that's why I'm asking because, as you know, the islands which make up my refuge are a long way from the central area where you're dredging, and it's really the smaller channels that often lend themselves, but the smaller channels don't generate the dollars that your effort is going to generate. Hence, the question.

MR. BIERLY: That's true. I refer you to the thin layer placement discussion we had earlier. If it is considered a good idea by enough people to use some mainstem material, then that can be done.

MR. GILL: That's a long way to haul it.

MR. BIERLY: That is a long way to haul it, which is why I'm not going to say yes, we'll do that. If enough people think it's a good thing to do, and obviously we're not going to get huge capacity out of these either, and then the corollary to that is, are you going to use the material from the small channels to play with.

MS. AIOSA: Jennifer Aiosa with the Chesapeake Bay Foundation. I just had a question. The question that I want to ask is you have repeated on a couple of occasions that this process is independent from the state's process, and that while you will use input from the state's process, you need to make an independent decision on a variety of factors, and so what I wanted to know is how does the Corps go about determining what the dredged material need is?

MR. BIERLY: One of the first tasks of the DMMP will be to establish the need. What I presented to you this evening was the maintenance need. We've taken that from the historic dredging data, and so we felt pretty comfortable with that and confident in that. We also will do an economic reevaluation of the port. Having said that, we're currently out there building a project which took an economic evaluation of the port. If the port is viable enough to improve upon, certainly it's viable enough to maintain if it can be maintained relatively cheap to do it; however, that will be done.

What I know you're more concerned about is but what new projects lie out there in the future? We're not naive. We understand that the Corps can't sit still. We've got some really cool pictures back there of the port, and we've got a chronology laid out of what is happening. If you go back far enough, the port had a 22 foot channel, and by golly that was enough in 1830. It's fine. You have 20 feet of water now and you will get sailboats and that's about it. So we know there is going to be something out there. What we are going to do -- I can't say that because I don't know what we're going to do. We've floated around some concepts of what we're going to do. Do we take an average number and apply it per year? Do we make some sort of projections? Are there projects that we know about? Maybe.

We don't have any federal projects on the burner right now. The last ones are being done right now, so we know what that's going to be. The state is talking about improvements. Are they going to tell us exactly what they're going to do? No. Competitively that will kill them. They're running a business. We've got to understand that. They're running a business; however, we're going to need to make some estimates and we're going to need to decide what is reasonable and not reasonable. Yes, it's going to have to be considered. I just can't tell you how yet. We need to work on that.

MR. SOSSI: You seem to poo-poo the idea of the recycling -- my comment is it seemed like it was downgrading the importance of recycling material into bricks and other things.

MR. BIERLY: No. In fact, I've heard some really interesting concepts about that, people who think they can get substantial yardage and do something like that with it. On the one hand, I'm all for that. On the other hand, depending on the process, what is the process going to generate? Is it a chemical process with a waste product? Is it an incineration with an air quality issue? So all of these things need to be worked together, but if the output from such a process was acceptably clean and we could take this material a million yards at a time and turn it into

lightweight aggregate, which we would then do what we normally do with mined quarry material, I think that would be great. One thing I will say is you can't bet your future on something that may or may not be viable, so there is a cautionary side to that. If down the road such a thing is viable economically and physically, then that's great. Scott, do you want to pipe in here?

MR. JOHNSON: (Scott Johnson, CENAB) The bottom line right now is we are not aware of a proven technology out there. That's what we're hoping somebody will come forward and say here it is and here is an economically viable, environmentally acceptable, innovative use of the process that you can apply at our port. Great.

MR. SOSSI: As a delegate, the mayor has been pushing that plan and it is an economically viable operating system for years in Germany.

MR. BIERLY: I've heard a little bit about that.

MR. SOSSI: The real concern is the state is supposed to be doing something in the way of capacity, and it doesn't seem like you guys -- you don't like the idea or you seem not to like the idea or whatever. So there is really not a whole lot -- how long does it take to do studies to find out that there is a viable option?

MR. BIERLY: Economic viability is an interesting concept because it depends where you are. Economically viable in New York is $60 a cubic yard. That's not economically viable in Baltimore. Economically viable in Germany is extremely expensive because this is a land locked country with rivers flowing through it and the ports are developed all around. What are you going to do with the stuff? You kind of have to do something with it, and so if the price goes up, that's okay. It's worth it. That having been said, I don't want anyone leaving here thinking that any of these innovative uses are not being taken very seriously by us because I would love to see the future where we have to stop worrying about where we're going to put this stuff and just turn it into something useful and use it. That would be great.

MR. COYNE: In your plan are you taking into account what I've heard is a tremendous amount of siltation built up in Pennsylvania and the upper watershed in the dams of the Susquehanna? How are you dealing with that?

MR. BIERLY: We're struggling a bit with exactly how to quantify that. It's very difficult. For those who are not aware, although based on the questions I think I've got a presently well-informed crowd here, the hydroelectric dams on the Susquehanna River, the main branch, Conowingo in Maryland, and another one in Pennsylvania, effectively trap about half the sediment that comes down the Susquehanna River. The sediment, therefore, is not lined up in the bay and potentially in the federal channels that needs to be dredged. There is only about 15 or 20, 25 years or so give or take of capacity left behind those dams before they fill up and reach a steady state, in which case all the material that comes down the Susquehanna will go into the bay, effectively doubling the sediment load. Don't take this as factual. Take this as theoretical.

Another big problem with the dams is you've got this huge slug of material sitting there. Another Agnes comes down, and a lot of that material gets resuspended and dumped down in one enormous slug. That is a definite problem. We currently are working -- this year in fact we got the authority to study that problem separately from this effort, and we're currently working with some folks here in Maryland and in Pennsylvania about scoping out a study of what to do. That study, I've seen some preliminary concepts -- and nothing has been signed, nothing has been agreed upon -- I can say with some certainty that that plan is going to include thinking about ways to keep the material up on the land or at least not let it get down to the mainstem of the Susquehanna, and can we physically remove some of that material and maintain, if not increase, our capacity? As these dams come closer to the steady state or filled state, they will effectively travel a lower and lower percentage because of the less settling time.

So I haven't gotten to your question. That study should help us to determine what impact those dams in the Susquehanna have on what we're doing right here, but I've got to tell you that's some pretty tricky science, how much of that material ends up where it is. I've sat in a lot of meetings on this topic, and even the experts can't figure it out. There is a thing called a turbidity maximum, blah, blah, blah. Most of it drops out north of there. The sediment from the Susquehanna is generally not felt down to the Bay Bridge or even a bit north of there. So here is another nonanswer, but we're well aware of it. We're working on the issue, but how exactly to quantify it I'm not sure.

MR. SOSSI: So it's reasonable to say that part of the mission is preventative. In other words, if you could find a way to keep it from getting into the Susquehanna or coming into the bay --

MR. BIERLY: What I discussed there was just the dams issue. We also have a study, and Steve is heading this one up, to study shoreline erosion in the Chesapeake Bay proper and in fact all the tidal influenced areas and all the tributaries as well to determine what impact is that material having on the aquatic ecosystem and how can we keep as much of that material there as possible. Where are the worst areas? Maybe we can do something in those areas. This goes well beyond the dredging issue, of course. It's really -- it's a bad grasses issue. Turbidity cuts down on the grasses, et cetera. John can tell you all about a nice project we should have going at Smith Island fairly soon where we're doing just that. We are halting erosion of land for the express purpose of clarifying the water and allowing bay grasses to grow. We hope to get 1,900 acres out of that.

MR. BRODERICK: I do have a comment I would like to make. I live here on Kent Island. I'm the president of the Kent Island Civic Federation, which is made up of a number of communities throughout Kent Island. We speak out on various issues of concern to Kent Island and our quality of life here. We were frankly amazed and very disappointed a couple of years ago when we found ourselves here on the island in what seemed like a battle where we kind of pitted the health of the Chesapeake Bay against the Port of Baltimore, and some of the big players here were the Port of Baltimore, the State of Maryland, and the Corps of Engineers. As Dick said, there really is a public trust issue here that is still hanging out there. So I just want to say I hope that we have better experiences this go around than we did the last go around on these issues.

I applaud your goal statement that mentioned twice that dredged spoils will be placed using environmentally sound measures or in an environmentally sound manner. Again, I think the devil is in the details, what is environmentally sound. I can recall the disappointment that we had several years ago when we read the Corps' environmental impact statement regarding the proposal for Site 104 when the major argument seemed to be to us the socioeconomic impact of not dredging the port. That really isn't something that I think ought to be part of an environmental impact statement, but that was a major thrust of it. So we go beyond all of that heartache and that frustration and we realize we have a state law right now that hopefully will prevent open bay dumping in the future, open water dumping, but let's hope that we can work together in the future in how we do this.

I want to say a couple of things very strongly in favor of the island restoration approach that you guys are doing. We think that's great. It just makes a lot of sense. Many of us have seen those islands get smaller and smaller, and in some cases some of them around here disappear certainly within our lifetime. Shoreline protection is also -- shoreline restoration is one that just makes a great deal of sense. In terms of whether or not the birds in the area like those islands and need those islands, I would ask anybody who would ever have the opportunity to go out and look at an existing tiny island not far from here down in Eastern Bay, Bodkin Island. My son and I were by there the other day, and there were somewhere between probably 500 and 1,000 birds on maybe less than an acre, a tiny island, and they are just crowded in nests on there like these seats are in here. Those islands are really popular with our birds in the bay. By restoring places like Poplar Island it can only benefit not only the bay, but can benefit the wildlife and habitat in the area. So we applaud that very much. We look forward to a very positive, solid working relationship with all of you in the future, and we appreciate this opportunity for public comment.

MR. BIERLY: Thank you.

MR. WEST: Doug West, president, Kent Conservation, and I'm a waterman from Kent County. I would just like to say that since the open water placement appears to be not an option anymore as far as the state is concerned, that I would like to see -- I would like to urge the Corps to make Poplar Island their base plan placement option, and I think in doing that it would really help encourage the restoration of other islands down the bay. If we had an island up here in the Upper Bay that was eroding as those are, I would be all for working on that, too. People say, well, it's not in your backyard. Well, if it was, I would be right there wanting to get it done. So thanks.

MR. BIERLY: We've actually heard from -- I cannot speak for people in Dorchester County, but there is interest down there in restoring some of those islands. So I certainly believe you when you say it's a it's not in my backyard situation. You bring up an extremely important point about this base plan, and I want to explain that a little bit. Once again you're a savvy group; you might know about this. As part of the study we will establish or re-establish the base plan for dredging. The base plan is an economic tool. It decides where federal operation and maintenance funding stops and federal project funding begins. If the base plan is overboard dumping, then the government will pay based on that 100% 50/50 slide I had up before -- will pay let's say 100% of what it would cost theoretically to do that.

If you're going all the way to Poplar Island, you have got transportation and construction and everything that goes on on the island, and that's a cost, and that cost is shared 75/25 in that case from then on. So it's federal O & M funding, which could well be 100%. In fact, when we maintain channels in Maryland waters, it is 100% federal O & M. That's just the way it worked out. So up to the base plan it's 100% federal funding, and then the cost sharing starts. So to change the base plan -- the biggest point to make is if you can change the base plan to something that's more expensive, the state cost share is less and that's a purely economic point of view, but that's what the base plan is all about. Of course, there are two. There is one for clean material and there is one for Inner Harbor material, and they're different base plans.

2.3 Written Questions and/or Comments – 12 June 2002

FRANCES FLANIGAN: Meeting had a nice, non-bureaucratic tone. Dan Bierly did a good job leading it. Still lots of questions about relationship between two planning processes and the fact that they seem to be on different timelines.

Frances Flanigan
6305 Blenheim Road
Baltimore, MD 21212-2206

JOSEPH COYNE: Strongly support restoration of islands! Wildlife and habitat need help. Anything you can do to help us in terms of stopping/slowing shore erosion (in Dorchester County). Provide on-going information via newsletter or similar communication. Sponsor a public meeting from time-to-time.

Joseph Coyne
913 Parsons Drive
Madison, MD 21648

3.0 Public Scoping Meeting – 18 June 2002

3.1 Meeting Overview – 18 June 2002

The second public scoping meeting for the DMMP was held on Tuesday, 18 June 2002 at The Community College of Baltimore County, Dundalk Campus (College Community Center Dining Area) in Baltimore, MD. Twelve citizens attended the meeting. The meeting was adjourned at 7:55 p.m.

3.2 Oral Questions and Responses per Transcripts – 18 June 2002

MR. WELSH: My name is Patrick Welsh. I just have a couple of questions. One, I noticed under the placement options example you have on here as a potential use open water placement.

MR. BIERLY: Yes. I'm glad you reminded me of that. It's something I didn't harp on, and Scott would have my head if I didn't mention it. The Corps of Engineers by guidance, by policy takes a national perspective on any problem we study, so when we come into a situation such as

this, we have to open up to the whole world of possibilities. Understanding open water placement is currently ongoing at Pooles Island; however, that site will close in 2010, and it's currently against state law, that's correct; however, we can't rule it out yet just because it's against state law, and let me tell you why. To play devil's advocate, the state could say we make everything illegal except taking this material down to Norfolk and dumping it into their channels. Obviously that's ridiculous, but they could legislate us into a corner, if you will. Now, having said that, open water placement is in fact against state law, and therefore, it's not going to happen unless the law changes; however, we can put it out there theoretically and say it's a viable option. Norfolk does it. San Francisco does it. We could do that.

MR. WELSH: You stated earlier that in dredging the 500,000 cubic yards in the Inner Harbor –

MR. BIERLY: Annually.

MR. WELSH: -- that by law that must be contained.

MR. BIERLY: Correct.

MR. WELSH: Are you also looking at the potential open water placement for that?

MR. BIERLY: No, absolutely not. Somebody could easily say that line that separates contaminated from clean, that's a state law, too. Yeah, but it's also a convenient line, to tell you the truth. It's conservative, which makes it a good planning vehicle. Anywhere in the country we the Corps of Engineers or we anybody cannot anywhere in the country place material that is contaminated in an open water site. It goes through what is called the inland testing manual. It must pass an exhaustive list of criteria that has been established by the EPA and the Corps of Engineers. The Inner Harbor material, if you take some hot stuff right by the terminals, it wouldn't pass. So, no; contaminated material would not under any circumstances totally regardless of state law be placed in open water.

MR. WELSH: So if you found clean material in the Inner Harbor --

MR. BIERLY: Then it goes back to the state law question.

MR. WELSH: So your view is that the Corps of Engineers could ignore Maryland state law.

MR. BIERLY: Most likely we could not. We still need to get permitted by the State of Maryland for anything we do, a water quality certificate. I'm looking to Scott to see if he wants to add anything on that. You think that's good? Okay.

MR. WELSH: Thank you very much.

MR. BIERLY: Thanks for your comments.

MR. STANCILL: My name is Terry Stancill. My wife and I live in Harford County near the Susquehanna River, and I've got a few questions. You've mentioned the term "economic" a

number of times this evening. What does "economic" mean in connection with the whole dredging question?

MR. BIERLY: The Corps of Engineers needs to satisfy several criteria, and one of them is always the benefit-cost ratio. If you get more benefits from the project than it costs, then economically speaking it's a good project. In environmental restoration you're not necessarily talking monetary benefits. We still consider it an economic exercise because there are environmental benefits. When you're talking navigation, you're talking economic benefits. If a channel is 42 feet deep, what is the anticipated economic impact of that compared to 41, 43, or anything like that? So if we maintain a channel, it needs to be economically appropriate to maintain that channel. Does that answer your question?

MR. STANCILL: Yes. So the maintenance of the channel for shipping is the primary economic reason even though there may be economic benefits from environmentally improving an area or enhancing habitat or other less easily quantifiable areas of benefit.

MR. BIERLY: Correct.

MR. STANCILL: The next question is are there any plans or are there any discussions being considered to dredge above the Conowingo Dam to intercept the silt that's coming down the Susquehanna River in that catch basin?

MR. BIERLY: I could give you the long five-hour answer or the quick one. I'll do something in between. Yes, that's a big issue, and we're well aware of it. At the last meeting someone asked the same question, and so what I did was I gave a brief overview of it. I'll try to be a little less verbose than I was the last time. There are four hydroelectric dams on the Susquehanna River, for those of you who don't know, between Harrisburg and the bay, and each one of those has been trapping material that naturally comes down the Susquehanna River. Of course, human development has increased the amount that comes down, but even naturally a lot of it comes down. Approximately half of that material, sand, silts, clays, whatever it is, gets trapped behind these dams before it hits the bay, and so speaking from the environmental point of view of sediments or the dredging point of view, this has been a good thing that we're not getting all that down here.

In about the next 15 or 25 years, depending on who you ask and when you ask them, the last dam of Conowingo, the one furthest to the south, will be filled, if you will, reach steady state is what the scientists like to say, so that as much material that is coming down the river will go over the dam and come down eventually into the bay. This is of great concern, not just from the dredging aspect, but from the environmental aspect. So the Corps currently has what we call a study authority. Congress has told us to undertake a study. What it is is a two-parter actually. One part of it, the part you're asking about, is for us to consider the material behind the dams and decide what to do with it. They are still, going back to the scoping word, they're still scoping that. The Susquehanna River Basin Commission, the State of Maryland, and some others are interested in partnering with us on this one because it's a very big issue.

There is about 200 million cubic yards as I understand it trapped behind these dams. The reason we care about material that's currently trapped as well as material that will be trapped is every time a big storm -- and I don't mean a couple of inches rain; I mean a big storm -- comes through it actually scours some of the material out and more material comes down the bottom than would have naturally. So that's a big issue. But this study when it gets going, which hopefully will be fairly soon -- there was a big meeting in our office today actually -- will look at that issue and try to come to some tough conclusions such as do we dredge some of this material out to maintain some capacity, some trapping capacity, if you will? Is that the best way to go? Do we go up into the watershed and try to -- you know, you've got a vacuum cleaner, a sandy beach, and you try to hold the sand down there. Is that the best thing to do -- don't take that as an editorial comment -- or a combination, which makes sense to me. That's being looked at.

How does that refer back to our DMMP? The question at the last meeting was are you considering that material -- are you trying to hang a number on it? In other words, ten years out what is going to be the contribution or extra contribution from those dams into the channels? It is an amazingly difficult thing to determine. For a year and a half I sat on the task force which looked at this issue that's chaired by the Susquehanna River Basin Commission, and you get the smartest people in the world in the room, and the consensus was I don't know. The other consensus, by the way, was that sediment can't move upstream, but that wasn't real tough to agree upon. We have what we call a turbidity maximum. Where most of the material drops out, it's almost always above the Bay Bridge.

I know I'm skirting your question, but we're aware of it. We're trying to quantify it through another study. The best thing we can do right now over the course of the next two years my guess, unless they hit on something good in this other study, is for us to look at dredging from prior years and to see if we can notice a trend because the more full these dams become, the lower their trapping efficiency, and so if we see some patterns there, maybe we can see where we're headed. So we're aware of it. We're going to try to deal with it, but I can't promise that we're going to hang a real number on it.

MR. STANCILL: Another related question is in the Corps' deliberations about sediments upstream from Conowingo has the responsibility of the various utilities been considered, their responsibilities to share in the cost of maintaining those pools such as Conowingo Dam, Safe Harbor, Peach Bottom Atomic Plant, which needs water for cooling, and who else? But anyway those several utilities --

MR. BIERLY: Three Mile Island.

MR. STANCILL: Three Mile Island. It would seem to me that they should have some responsibility for sharing in finding a solution to and sharing in the cost of that problem because they need those pools to generate electricity or to provide cooling water.

MR. BIERLY: Right. The folks from Conowingo, Holtwood, and Safe Harbor were on the task force I alluded to before. The topic of who is responsible honestly didn't come up. What did come up was that there is a whole lot of coal trapped behind these dams, a whole lot of coal. In some places they think maybe 40% of it is coal, and there has been talk about actively mining

that material. In fact, either Holtwood or Safe Harbor -- since I'm being recorded, I'm not going to choose one because I'm not sure -- but historically before Agnes did actually dredge and use coal from their pool. The president of one of the dams up there, he wants the mineral rights, but honestly when it comes to responsibility and things like that or whether they will participate economically or financially hasn't come up.

MR. STANCILL: There may be something -- and I just want to put this in the record -- there may be something in the original licensing agreements for those facilities which speaks to the responsibility of maintaining the depth of the pools. I would think especially Peach Bottom Atomic Plant, which is the Nuclear Regulatory Commission, because that's a safety issue, but they have been hopefully making money all of these years off of the water that has been coming down the Susquehanna, and there may be something in some old agreements that speaks to their responsibility to maintain the depth of the pools.

MR. BIERLY: That's a good comment. I'm going to pass that on to Amy Guise, who is our study manager on that effort. The one thing you said about -- another comment, I'm not sure I replied to it, but for the function of the hydroelectric dam they don't need to maintain a pool because the turbines are at the bottom of the dam and the scour keeps it clean. This might be tough to visualize, but if this is the dam and the original river went like that, the river now goes like this. The reservoir is filled up with sediment, but right next to the dam it's still deep because turbines are at the bottom and rushing water keeps it clean. So if it fills up, operationally it makes no difference, but I will bring up that point. That's a good one.

MR. STANCILL: How about Aberdeen Proving Ground? There are many thousands of acres. A lot of it not usable for much. I know Scott is aware of it.

MR. BIERLY: Yes.

MR. STANCILL: There is unexploded ordnance up there, but an awful lot of land that would seem to me would be an ideal location to consider for placement especially in shallow lifts of dredged material.

MR. BIERLY: That one is on our list.

MR. JOHNSON: I can elaborate a little bit. It is on our list. Right now the discussions we have had with Aberdeen Proving Ground, we're kind of waiting on a national policy on how to deal with unexploded ordnance. Until that can get resolved -- I'm talking at the Department of Defense level -- the liability issues working with that are currently insurmountable.

MR. BIERLY: The location is very attractive, though.

MR. STANCILL: Thanks very much.

MR. BIERLY: Would anybody else like to say something?

MR. MENDELSOHN: On the economic use, how navigation channels were evaluated for economics, but the restoration projects are evaluated differently, can you provide a little bit more information? I think that's what you were getting at, wasn't it?

MR. STANCILL: Yes.

MR. BIERLY: Do you want me to expand on that a little bit?

MR. MENDELSOHN: If you don't mind. Thanks.

MR. BIERLY: When we maintain a channel, when we construct a channel, we need to do an economic evaluation of that channel. This includes determination of traffic, determination of the value of the goods, the tonnages, what have you, that go through this channel. We do it on large navigation projects such as the Port of Baltimore. We do it on small navigation projects such as the scores, if not hundreds we have around the State of Maryland, 6-, 7-foot channels that service watermen. How much cash do they bring in? If the channel shoals and they sustain damage to their engines or rudders or something like that, what is the value of that and how much money have we saved if that channel is cleaned?

It's the exact same thing on the large projects. If this channel is allowed to shoal in for maintenance or for construction if this channel is not constructed, what do we project will be the future situation economically? What tonnages would be lost? Conversely what tonnages will come? You can pretty accurately hang a value on that monetarily because these goods as they come in -- you can do it one of a few ways. You can either go -- well, you can probably do both.

What is the value of the goods and what is the value of the time? For example, the Baltimore anchorages project is currently under construction. We didn't deepen any channels. We deepened some anchorages, but the fact is we didn't deepen any channels. So it isn't just a matter of what happens when you get to the port; it's wasn't getting to the port. What we did was since you can't assume that we're going to attract deeper ships because we didn't deepen anything, the channels anyway, what could you do? Well, you could save them a whole lot of time. You could make it more efficient, and you can hang a dollar value on that time, the value of their time. For example, when this project is completed, many, many ships that now anchor all the way down by Annapolis are going to be able to anchor right up in the harbor, a stone's throw from the terminal that they're going to call on. So if there is a ship at their berth that they need to get to, they're not going to have to wait anymore for that ship to chug all the way out of the Inner Harbor and all the way down past the Bay Bridge before they start to gear up because they probably can't time the pass.

There are a lot of different parts of navigation that cost money. Conversely, generate money. I'm no economist. I've seen the process happen, and it will give you a headache. It's really something. But that's what we'll do. So maintenance will say what if this maintenance isn't done? What if navigation as it now occurs cannot happen? What is that going to cost versus what does it cost to maintain that channel? Now, the basis of that is what is called the base plan. For example, what is the least expensive environmentally -- what is the word -- suitable,

acceptable -- least costly environmentally acceptable way to dispose of that material or to place that material, and that is the cost of the project.

Poplar Island is an extra cost, which is why it's cost shared with the state, but the determination has been made that the environmental benefits that we get, the created habitat that we get from constructing that island is worth that extra expense. Any Corps of Engineers environmental restoration project, and we're doing them all over the place right now, navigation is just one small area. We've got tons of them. They all go through the same process, very similar to the economic process that I vaguely stumbled through earlier, and that is what is the future condition if we don't do anything? Well, Poplar Island would have eroded away and been gone. That's it. There is no question about it. What is the future going to be if we do this project? Well, what the future is going to be is it's going to be some nice uplands, and Scott is our expert and he can tell us, but hundreds of acres of marshland as well, some great habitat. We've already got turtles laying eggs out there. What is the cost of it? Is it worth it? It's a harder question because you can't hang a dollar on it. But it's a very similar process. I feel like I haven't said anything new, but just added more words. Have I clarified that? My phone number is on the first slide if you have insomnia. Anyone else?

3.3 Written Questions and/or Comments – 18 June 2002

No written questions or comments were submitted at the 18 June 2002 meeting.

4.0 Public Scoping Meeting – 20 June 2002

4.1 Meeting Overview – 20 June 2002

The third and final public scoping meeting for the DMMP was held on Thursday, 20 June 2002 at the Anne Arundel Community College (West Arnold Campus, Florestano Building, Lecture Hall 101) in Arnold, MD. Fourteen citizens attended the meeting. The meeting was adjourned at 8:25 p.m.

4.2 Oral Questions and Responses per Transcripts – 20 June 2002

MR. WILLIAMS: My name is John Williams. I'm from Elkton, Maryland, in Cecil County. I am here because of my general concerns about the dredging and dredged material placement in the Chesapeake Bay. My comments have already been submitted in -- initial comments have certainly been submitted in writing this evening to representatives of the Corps, but they arise from my involvement over the past six years with a number of the projects and issues associated with the navigation channels in the Chesapeake Bay.

I speak as a private citizen tonight and not representing any particular group, but I have been an active member of both the C & D Canal Working Group, appointed to that task by Congressman Gilchrest, and the Citizens Advisory Committee of the MDHD program, appointed to that by the commissioners of Cecil County. In addition your record will show I have reviewed and commented on a number of the dredging projects undertaken by both the Philadelphia and the Baltimore Districts.

My general comments this evening would be first when it comes to disposal options, to urge you to avoid creating artificial islands and focus your attention on the other options. I think there is a significant distinction between the creation of a new island and the restoration of an historically existing island. With regards to the scope of the dredged material management plan that you're undertaking, I believe that you should clarify and enlarge the scope of that activity to explicitly consider all of the access channels serving the Port of Baltimore, and by that I mean you should consider the full length of both the southern access channel coming up from Cape Henry and the northern access channel, which initiates at Ready Point in the Delaware River. So that when you do the analysis, you consider all of the dredging that is necessary for both of those access routes as well as the commerce and the relative commerce to each of those waterways.

I believe that when you consider the commerce and the dredging requirements for each of those waterways, you will begin to see significant distinctions so that when you perform a more careful detailed economic analysis, I believe it will suggest to you that there are opportunities that need to be very thoughtfully examined which would enable reducing the demand and the need for the large quantity of dredging that's currently projected for maintenance activity going forward.

In particular, I have found by looking at these matters that the net benefits at the current time to deep draft shipping vessels using the northern approach to the Port of Baltimore are in the range of about a million dollars per year of net cost to those shipping companies compared to the alternative of using the longer route via Cape Henry, but more expensive in terms of the pilotage cost. The net on that works out to be about a million dollars a year. In exchange for that taxpayers are currently burdened with the expenditure of between 6 and 10 million dollars for dredging that or maintenance of that northern channel. If that channel were not maintained at the full authorized depth, but allowed to naturalize at a depth of about 22 feet or so, that would still provide for all of the barge commerce, which is indeed a significant fraction of it, as well as all the recreational activity.

It just strikes me that this is an opportunity that warrants consideration since well over half of the dredged material from the access channels is associated with the northern route. Indeed some of the analyses that I've seen suggest that two-thirds of the material that has its access in the channels that we have to cope with in some manner comes from that waterway. Comments with regards to the preliminary assessment that the District issued last year. I find in reviewing it that there was inadequate consideration of the northern access channel. It did not include all of the dredged quantities or the costs associated with that, and I believe that economic justification should be reworked.

Further, the particular economic justification used appeared to mirror that which had been used in the general design memorandum for the 50 foot project which issued in 1981, you will recall. That project was to deepen the southern route to a 50 foot depth. While the analysis appears to be similar, close scrutiny of numbers finds that the definitions for commodities were not consistent, and that needs to be rectified because that's a significant difference in total coal used and handled in the ports and export coal, which was the justification for the 50 foot project.

Finally, I would raise a question for you to ponder in that regard and it's also in my submitted comments is that it puzzles me as to how you can rationalize first with a set of benefits to deepening of the southern route to 50 feet and then come back and use the same economic justification now to rationalize the maintenance. It seems to say you're using the same benefits to accomplish two different objectives, and those benefits were already consumed in the rationalization and justification of the 50 foot project. I think there needs to be some improved understanding in the public domain about the concept of a base plan, what that is, and how it plays out in your considerations because it is the subtlety that is lost on 99-1/2% of the populus, I believe. In particular, I think you should address such issues as to how the Corps utilizes that and who is responsible for what costs for what kinds of projects. For example, if you do a beneficial -- in this case, as I understand it, the base plan is dumping the material into the deep trough. Perhaps placing it is a more PC way to say that. Nevertheless, the question that occurs in my mind is if you consider one of these so-called beneficial use options, how are the costs then allocated between the federal and the nonfederal sources? Those are the sorts of things which I think cry out for some public consideration.

Finally I would ask that there be multiple opportunities for the public to participate in this process as you go forward over the next several years. I don't know what your plans are in the way of a newsletter or such to keep the public informed, but it would be a shame for you to wait until you reach the end of the DMMP and issue a document for review by the public and by agencies and then have people express all kinds of concerns. It seems to be more productive to keep people involved in expressing themselves as you work yourselves through the process. Thank you.

MR. BIERLY: I totally agree with the public involvement comment. There is no question about that. I will discuss the base plan very briefly because I think most people probably don't know what it is. The base plan is defined as the least costly environmentally acceptable placement option. You have to understand that when the Corps does this type of study or any study really, we're looking from the national perspective; we're not looking from the local perspective. We have to apply the same criteria here that we do on the other side of the country because it all goes through our headquarters, and these are the same people looking at all the projects. So once a project is defined as the base plan, then that is the point of economic reference. The cost sharing is based on that.

So let's take Poplar Island for example. The Corps of Engineers I said pays 100% of maintenance dredging to the base plan, whatever that would theoretically cost. Additional cost is charged toward, if you will, the environmental restoration project of Poplar Island, and that is a cost shared project, 75% federal, 25% state. So the base plan, therefore, is the point where the project, the placement project, begins and, therefore, the cost sharing begins. So in a nutshell that's what the base plan is all about. I think you're very right, probably most people don't know that. There is much more to it than that, and, to be quite honest, we are going to be looking at the base plan in this DMMP, but first before I say anything more about it because I don't know what I can or cannot say -- I don't mean that from secrets; I mean we're trying to get guidance from headquarters on exactly how do you go about defining a base plan, what needs to be considered, et cetera. So if I was to say anything more than I probably already have, I would probably be speaking for headquarters. But the base plan is a very important issue. I agree with you.

MS. ROSSO: I'm State Delegate Mary Rosso, but I'm also an interested citizen from an area that has been designated as an artificial island, and I do appreciate your comments, Mr. Williams. Your expertise blows me away. I have been to a few meetings and followed some legislation on open dumping and artificial islands and where to put the dredged material since our county is targeted, and we have been working with the Corps on the Cox Creek innovative use of dredged material. We do have some problems with other uses on the site that the Corps is using or leasing to a recycling facility that came up. We just found out this year, and that's a concern of ours, and it's local, but yet there was lack of communication between I think the local officials -- I know there was lack of communication, and so we were surprised to find out there was a facility on site down there at the Cox Creek plant. That's one thing I want to bring out for the record because I think it's important. We have had a meeting with the Corps on that. That's not my main purpose for being here. It's really to get educated. The base plan explanation, I'm glad you gave that because my feeling has always been it seems it's the least costly environmental plan. I mean that seems to be the way a lot of these decisions are made when locally the way we protect our bay we don't feel that the least costly environmental way is the way to go because to us it's the most expensive way to go if we lose the bay or if we lose our resources here. So I will just make that comment and I'll pass it on to No. 3, but that's my concern, and going to be following this as well as the citizens here that are interested.

MR. BIERLY: Thank you very much. Like I said, the base plan and everything else we do goes on a national perspective, and open water placement is common throughout the country. In other areas -- the Chesapeake Bay is not the only area that is tightening down on that. Maybe there will be some change nationwide and they will say no, let's not do that anymore. I don't know, but for right now it needs to be considered because it is out there as a base plan. Thank you.

MS. DRENZYK: I'm Marcia Drenzyk. I live in Pasadena. I am the chairperson of the Cox Creek Advisory Committee for the Cox Creek dredge disposal site, and I'm here as an interested party to hear what you have to say. I'm here to also tell you that the Corps of Engineers does not have a stellar reputation. You probably already know that. They have been caught with their finger on the meter one time too many pushing the scales to where they want the solution to be rather than analyzing where it should be. Also I would mention that you were saying about 25% of the base plan. 25% of it is federal, 75% of it is state. I would remind you 100% of it is tax dollars. So that I would say that Mr. Williams' comments about the necessity and the economics of what we should and should not be dredging should be the problem -- it should be part of the solution, and I'm not certain if the Corps is capable of making that decision because the Corps in and of itself is self-perpetuated by dredging. So therefore -- I mean this is not to get into an argument with you, but this is simply to make a statement that it's sort of like asking the fox to watch the chickens.

Your reason for being is dredging, and so therefore geez, we've got to dredge. Well, it may be that some of these channels do not require the level of dredging that they have been getting, and maybe we don't need as many placement sites and maybe -- there are like a whole lot of things out there, and I could say some nasty things about the Port of Baltimore. Maybe it's not that huge economic engine that they pretend to be. Everybody is a little overblown about what they

are and how much good they're doing, and I think they need to have a serious reality check. So that would be the nasty portion of my comments. Then what I would like to say is that the Corps and the Port also have to think about the communities that they're asking to work with them.

As I said, I am the chair of the Cox Creek Advisory Committee. I was appointed by Governor Glendening. Well, right there in Northern Anne Arundel County we're already cooperating. You have the dredge cells there. The citizens are supportive. There are supposed to be innovative uses happening at that site, and so you have communities in Northern Anne Arundel County that are supporting you, and the next thing you know we hear you want to build an artificial island, too. Well, I would suggest that you don't look a gift horse in the mouth. Not that many communities are running around raising their hands going bring me dredged material. So you better think real carefully before you start inflicting one area with one thing after another or you may find that people just go, you know what? Take that dredge and get it all the hell out of here. So I would advise you to think very carefully before you start trying to push people around. You've got support for the Cox Creek dredge disposal site, but I would not push my luck any further if I were you, and I would say that very strongly. This lady who is taking the notes, put it in bold italics: Don't push your luck. So that's what I have to say. Thank you.

MR. BIERLY: I'm not responding to your editorial comments, but the first comment about the cost sharing, it's the total cost that is evaluated in the economic evaluation. Then when all is said and done, the cost sharing is broken out. So it doesn't matter if it's state or federal money. It's money. I will say that.

MS. KOLBERG: Hello. I'm Rebecca Kolberg, and I'm here tonight on behalf of the Greater Pasadena Council, and I am also co-chair of Citizens Against the Pasadena Dredge Island. I'll start with the specifics. Specifically the Greater Pasadena Council and Citizens against Pasadena Dredge Island are opposed to the concept of Site 170, an artificial island in the mouth of the Patapsco. We've received without even a major petition drive more than 2,000 signatures just without standing on the street corners, just community organizations. What I have been proud of the people I have been working with is we also don't say well, okay, build an artificial island down the road.

People are pretty much opposed to the idea of building an island where one has never existed I guess since European settlement and have been very supportive of island restoration in areas where citizens support island restoration. We have had communications with county commissioners in Dorchester County, you know, in areas where people are seeking islands to be restored, kind of working in partnership with them, and I think that's one thing citizens have problems comprehending is why the local economics aren't taken into account in the economic analysis. If you're protecting a shoreline in an area and saving a campground and saving an area that people want as opposed to building something that might cause increased flooding, increased erosion, damaged property values, any number of citizens have really advocated for inclusion of the local economics as part of the package because you're talking about impact on say ten marinas in each vicinity, positive in one area and negative on the another. Some of these costs might be almost -- you know, they're getting up there with the Port of Baltimore in terms of recreational use of the waterways in the Chesapeake Bay, which I think has risen in importance with each passing year.

I think the other thing -- this is just myself personally, not the group's -- I would encourage the Corps to rethink or relook at the base plan about open water dumping estuaries, which I think is becoming increasingly regarded as not desirable environmentally, at least I know in the Delaware River and some areas by New York that are more not open ocean placement. So I think environmental science does change with time, so using something that's perhaps 20 years old, it may be time to rethink that because doctors used to encourage patients to smoke. You know, before asthma, tobacco was regarded as therapeutic at one time. That has changed environmentally, so what was environmentally acceptable 20 years ago may not be environmentally acceptable today and maybe kind of artificially making better environmental options appear expensive. That's my comment.

MR. BIERLY: By the way, open bay dumping is against state law, so it's not going to happen, but the base plan in this case would still be an economic tool, and, yes, we're going to revisit the base plan. I'm not going to say we're going to change it. We're going to revisit it based on the ideas that we get, and we'll see what happens.

MR. WILLIAMS: It's against the state law to dump in Maryland. That does not preclude you from continuing to do open bay dumping in Virginia.

MR. BIERLY: Well, correct. There is a current open bay site in Virginia. That's correct.

MR. WILLIAMS: And you use it when needed.

MS. HAMILTON: First of all, let me tell you I've got this in writing for you. I'm Melinda Hamilton. I am the legislative assistant to Councilwoman Shirley Murphy, who represents the Pasadena Lake Shore Area where a lot of this goes on, the Cox Creek area, and I am very proud of the four or five people that spoke who work with us on almost a daily basis on this issue and are all constituents of Mrs. Murphy and Delegate Rosso. She wrote something because she's at an equally important meeting and asked me to read it, and if you will bear with me, that will be the fastest way to do this.

"To the Army Corps of Engineers: I am a member of the Anne Arundel County Council. Our council has gone on record two separate times opposing the dumping of dredge spoils at specific sites in the Chesapeake Bay; namely, Site 104 and Site 170. In those resolutions we call for eliminating the creation of islands for dumping in the Chesapeake Bay.

"When I spoke before the House Environmental Matters Committee on behalf of House Bills 402 and 527 relating to the redeposit of dredge spoil in the Cox Creek area, I had the support of a number of colleagues whose districts also border the Chesapeake Bay. In fact, Dr. Thomas Flowers, chair of the County Commissioners of Dorchester County, gave me permission to offer both St. James and Barren Islands as repositories for dredge spoils from the Port of Baltimore." They are desperately looking for dredge spoils, as you probably already know.

"It may be that because of the distance to that area it is a little more expensive to deliver the spoils; however, we also have to look at the economic loss to a jurisdiction due to the creation of

dredge islands. My district is much closer to the port, but we have some public safety issues with high rates of erosion, public health issues due to some very shallow drinking wells, concerns about protected spawning areas and other habitat, and our tourism and housing industries will suffer from shore erosion and siltation near restaurants and marinas.

"I would ask the Corps of Engineers to support dredge spoil placement only to build up existing abandoned islands in the Chesapeake Bay. I would like to see a ban on using such spoils to create artificial islands.

"Sincerely, Councilwoman Shirley Murphy, District 3."

MR. BIERLY: Thank you. I would like to state that the Corps of Engineers looks at any and all economic benefits or costs. We do as part of a thorough analysis. Sometimes it requires or certainly it's helpful for the locals to point them out sometimes, but any and all economic benefits can and are considered.

Now, on our smaller projects where someone tries to justify a project purely on recreation, we can't do that. The administration dating back several administrations said you can't do a project for the sole purpose of recreation; however, recreational benefits can be added on top of commercial benefits. So if there is an island proposed for restoration, creation, or whatever or any project, the engineering question will be asked, will this have impact to the shoreline flooding, erosion, what have you, plus or minus. Down in Dorchester County, for example, they want those islands restored because they're sick and tired of losing shoreline. If those islands were back, that would offer them some protection. This is a benefit, especially since most of the shoreline is habitat, valuable marshland. So if we're protecting shoreline, that can be considered a benefit. If we're eroding shoreline, that's going to be considered a cost, and these things are factored in.

Does anybody else have a question or comment?

MR. BURTON: I didn't sign up to speak, but I have a question. My name is Don Burton. I live in Chesapeake City, Cecil County. I'm a member of the canal bank study committee appointed by the Cecil County Commissioners. I was a member of the working group appointed by Congressman Gilchrest that studied the C & D Canal project. I'm on the board of the Chesapeake Bay Yacht Clubs Association. So I am a little bit familiar with some of this.

On the DMMP, the dredged material management plan, it sounds like a very comprehensive type of program that you're instituting here. You go into great detail on the environmental acceptability of the various options, you look at the cost effect of the various options, but you leave out what several people have talked about here, the need to dredge. It's almost like it's a given, top dollar, top number, and you're forced to find a place that you can put it. Why doesn't a comprehensive plan include the need for dredging various parts of these channels that we're addressing? I guess it's more a question than a comment.

MR. BIERLY: It's the fourth and third to the last slides. Both mention -- the one mentions documenting it, factoring in need, and in one of them, the six-step planning process, it also says

to identify it, but what that means is there is economic justification that is required as part of establishing the needs. Every channel before it's dredged undergoes an economic reevaluation.

Now, Mr. Williams' contention was that flawed, old data would have -- you should take out a magnifying glass and redo that, but the justification of the needs is considered part of this analysis. I didn't hit upon it, however.

MR. BURTON: I know on the C & D Canal project the economic justification was several years old when it went into the system it seemed, and it was flawed badly and, of course, the whole project was reviewed and put in suspension because of the economic data. It had nothing to do with the environmental or the dredge costs or anything else. Is this group or the next tier up going to allow for public input on the economic justification?

MR. BIERLY: Public input is warranted at any and all steps throughout the process.

MR. BURTON: But is there a provision where we can do it, like a forum like this?

MR. BIERLY: Absolutely. NEPA requires it by law, and we will do it because it's good practice. So this is not the first and last meeting rest assured.

MR. BURTON: But when the public got involved in the C & D Canal project, it was through the auspices of the Congressman Gilchrest and several others that we went to the chief engineer of the Corps and had to get him to make a decision that the Philadelphia District and the New York District opened up their books, so to speak, to let us be involved, and when we did get involved, I think we came up with more accurate data and the results were what they were.

MR. BIERLY: Two things on the C & D Canal, and don't construe the first one as a cop out, but Philadelphia District did that study, and the reason I say that is because to tell you I don't know the details. I honestly don't. I didn't work on it.

MR. BURTON: I don't think I would be far from wrong to say that the Philadelphia District used the Port of Baltimore's numbers for economic justification.

MR. BIERLY: Sure. The other thing I was going to say is that the C & D Canal was an analysis for new construction deepening above and beyond the maintenance. The economic threshold, if you will, for maintenance is far less. It's like saying do I get the hole in my roof patched or rip it off and build a whole new one? Are you maintaining or are you building new?

MR. BURTON: I would compare that to the Arkansas River project. They're dredging one portion of the river for one barge a month. How much maintenance do you do for how much business?

MR. BIERLY: Right.

MR. BURTON: I don't look at that as a whole bunch different than the new project work.

MR. BIERLY: Well, a similar analysis has to be undergone, but the cost of the maintenance is much less than the cost of deepening. That's the big thing.

MS. KOLBERG: When there is only one barge, should you even be maintaining at all?

MR. BIERLY: I would say no.

MS. KOLBERG: Exactly. Does the Corps say never mind? This is hypothetical here. Just taking his example, if you find that there is one place where the amount of traffic on that channel does not justify it, are you going to go we shouldn't be dredging? Is that ever going to be the answer?

MR. BIERLY: We have deauthorized channels in the past. We have not deauthorized channels in the Port of Baltimore. We have deauthorized small channels in the past. It can be done.

MR. WILLIAMS: For the record, we're not talking in this particular case about one barge. The traffic through the northern access channel to the Port of Baltimore is one deep draft vessel per day each way.

MS. ROSSO: It's an interesting discussion on dredging and maintenance. What if you were to decide to look at maintenance-only dredging and not deepening of the channel; would you do an analysis based on how much placement you would need, how many cubic yards of dredged material would be required for -- do you have that figured out? Do we only maintain; we don't deepen?

MR. BIERLY: That's the 4-1/2 million yards I mentioned. For placement what we get is a cost per cubic yard of what it costs to place, and so you multiply the amount you're going to dredge and measure the project cost and do you have the economic benefits to justify the expenditure at that point then.

MR. WILLIAMS: You might want to mention this will be available if anyone has questions about this.

MR. BIERLY: The preliminary assessment? This preliminary assessment is an internal Corps document, but we're a public agency; therefore, we can provide it. It didn't hit the public because it's an internal document. All it did was to convince the Corps that we needed to go further, but if you want to see it, you're welcome to it.

MS. MARSH: Mary Marsh with the Maryland Conservation Council.

MR. BIERLY: I would like to thank you all for introducing yourselves, by the way. I neglected to say that, but that is very important.

MS. MARSH: We've done this many times. First off, I wanted to clarify that this dredging included Potomac River dredging?

MR. BIERLY: No.

MS. MARSH: So it does not. Secondly, on the base plan at the time when -- first off, when was the last environmental analysis done of the base plan at the deep trough?

MR. BIERLY: The last analysis that included the deep trough was the base plan, Scott, would have been Poplar? The last time we defined it as the base plan would have been during the Poplar Island study.

MS. MARSH: 1986 about?

MR. BIERLY: No; 1996.

MS. MARSH: At that time were other federal department and agency costs of money put into basically restore the bay taken into effect at that time? I haven't seen that study.

MR. BIERLY: I'm not sure I understand.

MS. MARSH: Well, for instance, we have EPA costs coming in with the Chesapeake Bay program, you have U.S. Fish and Wildlife, you have NOAA, you have all of these different amount of monies coming from other federal departments and agencies, and I'm just wondering if those -- and many times they're being put in in order to restore and deal with items such as sedimentation nutrients in the bay that in some cases would come from disposal of dredged material through open water dumping. Were they taken into effect? That's the only thing that I'm trying to make sure because if they weren't, I mean that right there is a real reason for doing a new study specifically on the base plan because if you have the open water disposal at the deep trough, it's a very cheap and easy method, and there are many of these other beneficial uses that are not only just restorative, but they're good for the environment and probably good for the economics, but because of the cost, they tend to be more prohibitive because everybody looks at the cost share and they don't actually look at what other items and what other agencies and departments are having to put in more money in order to take care of the problems that are coming from something else.

MR. BIERLY: Right. I think I understand. Well, as I said back on the goal slide, that we are to look at a few things. First of all, we are to give beneficial uses of dredged material every consideration. In fact, if you look at the list of options that are, I will say, out there since we haven't developed our own list yet, a good portion of those are environmental projects, and they are the ones quite honestly that are going to the top of this analysis that the state is doing.

Also there are many agencies out there doing good for the bay, and we're one of them. We have a lot of environmental restoration projects out there, and we have a lot more that will be coming shortly, including one called the Chesapeake Bay shoreline erosion study, which I guess you've heard of, which will look at the marine impact to the erosion that we see on land and the sedimentation, the runoff that we get from the land and what can we do about it.

That's going to be a big program. So if your overall statement here is let's do something good with dredged material, I don't think anyone is going to argue with that. I would like to say one more thing about cost share. If the cost share of an environmental restoration project is 75/25 or 65/35 and the cost of maintenance dredging is 100% federal, there are three ways to look at that. Overall cost because we're all taxpayers is extremely important, and that's what all the justification is based on. Then there is the state perspective and federal perspective. Both parties want to pay the least possible. We're humans. Humans don't like to part with money. Right now navigation is cost shared from the federal perspective at a higher rate than anything else we do. There are some movements afoot to maybe change that cost sharing down so the state is sharing more. What difference will this make? Well, I hope when it comes to an environmental restoration project, it makes no difference. We pay for the proper projects. But I guess that's Dan speaking. I can't start grandstanding for agencies, but I just want to point out that aspect of cost sharing. Beach nourishment is I believe 50/50. Flood control is 65/35, and we don't do recreation projects. So cost sharing, we have a million different cost sharing formulas, and navigation is the most favorable to the locals.

MS. MARSH: I did have one follow-up question. Back during the -- I was, of course, involved in the Site 104 issue, and I remember that Region 3 EPA had put forward that there was supposed to be a study done within the C & D Canal area. Whatever happened with that study? I know that a consultant was hired, but I've never seen anything since then.

MR. BIERLY: C & D proper or approach channels?

MS. MARSH: It was Brad Campbell when he was at EPA. I know it was on the C & D. I think it was on the C & D proper.

MR. BIERLY: The C & D proper I'm afraid I don't know about.

MS. MARSH: There was an economic study, if I remember, to look further even into the economics.

MR. WILLIAMS: EPA retained a consultant. The EPA Region 3 retained a consultant for the purpose of reviewing the economic analysis that was to have been produced by the Philadelphia District relative to reworking of the economics for the deepening of the C & D Canal. Because the project has been suspended, that report never came to fruition, never exists. There is no document for that consultant to review. So that part is moot.

MR. BIERLY: Thank you. Any other questions or comments?

MR. WILLIAMS: I keep thinking of them. How will the MPA's DMMP impact the activities and schedule of the Corps's DMMP?

MR. BIERLY: That is an excellent question, and it's still being worked out exactly, but from our perspective we need to maintain a national perspective on this. We will not take whatever the MPA comes up with and just slap a cover on it and say this is the Corps' document because this did not go through our process and this is not our document. Also the Corps of Engineers

needs to tie into a NEPA document environmental impact statement, which we're going to do. That being said, I don't want anyone to think that we're being wasteful and ignoring all of that good work that is going on and going off totally on our own and being redundant. We're not going to do that. We estimate 90%, probably 95% of the work that has been done can fold directly into our effort. What we want to do is to take the MPA or the state's report and use that as input to our report. The conclusions of the report will be, if you will, the viewpoint and opinion of these agencies, but behind that a lot of good engineering work has been done. We're not going to resurvey an area that has been surveyed. That's just wasteful. We're not going to redesign the same exact layout that they have already designed. Why do that? If we go into a detailed feasibility, yes, you need to redesign because that's a different level, but for now, no way. If the agencies have provided information, if they've provided an opinion, if they've said something in a meeting, if they've made a stand, if they've provided a letter, we're going to roll that right in as being that agency's input. We'll go and ask for more, but we're going to take that, and that's how we see our process meshing with the state. We're on very different time frames here. They need to wrap up by the end of the year. We've got two years and we're going to be going through the EIS process. But what they have been through will not go for naught, and, quite honestly, it's going to save us time and money, which is a good thing.

MR. BURTON: One of my concerns is that if the MPA gives you the economic data that they used in the C & D Canal project, it's going to be wrong, and, of course, the C & D Canal project is part of the total economic effect at the Port of Baltimore. It took us three years to delve into their data to find out why it was flawed and where the assumptions were bad and so forth. Will we get that amount of time to look into data that they supply you that we can say challenge or at least review for accuracy?

MR. BIERLY: Their data, their report will be made available for public comment when they're finished with it, and I can't say when that is because it's their document. I don't know how much economics work they've done per se beyond cost per cubic yard for placements, but once again I'm not going to speak for them.

MR. BURTON: But their data, to give you a little perspective on this, weighed about five pounds and was about 6 inches thick, so it took a little time to delve into their reports and their analysis.

MR. BIERLY: Our report will finish up two years after theirs.

MS. KOLBERG: Rebecca Kolberg, and I had two quick points that I forgot to mention. One, I know residents of my community association, which is Venice Civic Association, have written letters. We strongly oppose dredge disposal options that would increase flooding potential because we understand that's one of the missions of the Corps of Engineers is to help reduce flooding risk. Sometimes, you know, a few small communities getting flooded more severely, you know, it might be worth it to the Port of Baltimore, but for an overall mission of the Corps to reduce flooding, I think that's one of its priorities, and I also would hope -- and this is for all sites no matter that environmental justification concerns would be taken into account, that low income communities or communities of color or different ethnicity wouldn't be unfairly burdened.

MR. BIERLY: That is a topic in any EIS. Also on the socioeconomic, take away the economic and you're left with the social impacts, are also considered. We have projects, a flood control project, for example. If you build a levy around one town, it's no surprise when the town across the river gets more water. So that is in the environmental impact statement and what you do about it. Well, if it creates too much of a problem, well then, maybe it will bring the first project and make it unjustified because what you have to factor in is the cost to mitigate what you've created. We are currently raising the levies at Wyoming Valley in the Scranton area, and money has been provided to communities downstream based on how much they will be impacted. This is mitigation funds, and they're free to do with that money what they will. They can buy up properties. They can create their own protection, just for example. So if a project was built and the design was such that the analysis showed that this is going to impact something or someone, then it's going to need to be mitigated, and that mitigation has a cost, and that cost goes against the project.

MR. WILLIAMS: How will the comments that have been made this evening and at the other public scoping meetings as well as those which are submitted to you in writing -- how will those be consolidated and the answers to those questions, how will that be distributed? Will it be made available to the public and, if so, on what timing?

MR. BIERLY: Well, to be determined, I guess, is the answer there. Our document -- and I know that's not until the end of the line, but our document will include everything.

MR. WILLIAMS: That's September then.

MR. BIERLY: Pre-September '04. We're going to have to work on that. Like I said, we will have a web site set up. That's our plan. We will have notices, letters, newsletters. I'm going to have to leave that one alone. I don't exactly know.

MS. ROSSO: In other words, we won't get a copy of whatever was discussed tonight until 2004.

MR. BIERLY: You can request it. This is a public meeting. You can have it verbatim.

MS. ROSSO: Sometimes we have had problems when we've gone to hearings and there are certain deletions and inaudible things.

MR. BIERLY: We've actually hired a contractor, who went and hired our court reporter here, and so verbatim transcripts, if you want them, you can have them. We're also going to get summaries of these meetings worked up for us, and we plan to have those on the web site.

MS. ROSSO: So you recommend we request. It's not automatically sent.

MR. BIERLY: How many letters did we send out, 6, 8 hundred, something like that? We sent out about 1,000 public notices. We're not going to send out 1,000 transcripts. You don't want to kill that many trees.

MS. MARSH: Mary Marsh. I will say that during Site 104 and the EIS or DEIS of Site 104 that the Corps did an extremely good job of keeping things up to date on line and all the literature there for a long period of time, and also I do appreciate that the Corps had put the DEIS onto a compact disk; therefore, making less paper being used and also easier to find it, too, on computer. So I will say a very good job there.

MR. BIERLY: Thank you. That's pretty much standard now. We put our reports on CD.

4.3 Written Questions and/or Comments – 20 June 2002

2 Woodbine Circle
Elkton, MD 21921
June 20, 2002

Ms. Michele A. Bistany
U.S. Army Corps of Engineers
Baltimore District, CENAB-PL
P.O. Box 1715
Baltimore, MD 21201-1715

SCOPE OF DREDGED MATERIAL MANAGEMENT PLAN (DMMP):
QUESTIONS AND COMMENTS

Dear Ms. Bistany:

In accord with the public notice announcing public scoping meetings and soliciting comments relative to the initiation of a DMMP study for the dredged material placement needs and opportunities for the Port of Baltimore, appended are my comments and questions relative to the proposed activity.

These comments arise from my involvement in the past 6 years with a number of the projects and issues associated with dredging of the shipping channels in the Chesapeake Bay. I have been an active member of both the C&D Canal Working Group (appointed by Cong. W.T. Gilchrest) and the Citizens' Advisory Committee to the MPA's DMMP program (appointed by the Commissioners of Cecil County). Additionally, as the record will show, I have reviewed, analyzed and commented on a number of the dredging projects to expand the shipping channel system.

Because I am concerned that any and all actions for dredging, and the subsequent material placement, be performed only in situations that are <u>both</u> economically warranted and environmentally responsible. I remain keenly interested in all plans proposed or permitted by the Corps for such actions. Consequently, once the District has completed the DMMP study scope (Project Management Plan), I would appreciate receiving a copy of that document as well as any subsequent reports ... including draft versions.

Thank you for consideration of my comments and questions; I look forward to the study scope and the District's responses to this letter and the other comments proffered by the public. If, in the interim, there are any questions about this letter ... or if I can be of any assistance ... please do not hesitate to contact me at either (410) 398-6844 or jmjwilliams@dol.net.

Sincerely,
John M. Williams

Copy: Congressman Wayne T. Gilchrest

JOHN WILLIAMS: Questions:

1. The announcement for public comments on scoping mentions a "tiered Environmental Impact Statement". What, exactly, is a tiered EIS? What are the underlying concepts and how will it be developed?
2. How will the public and agencies participate in the development of the DMMP beyond the scoping meeting and an opportunity in 2004 to comment on the completed DMMP?
3. Will the Baltimore District's DMMP be including the project to deepen the C&D Canal? Why?
4. If the DMMP will include the C&D Canal project, what scope and timing are anticipated? Who does CENAB believe will pay for the project?

JOHN WILLIAMS: Comments and Questions:

1. **"SCOPE OF DMMP":** Two lengthy access channels, both of which require substantial maintenance dredging, uniquely serve the Port of Baltimore (POB). Consequently, the scope of the DMMP should include the <u>full</u> length of <u>both</u> channels to Baltimore.

   Comment: The *Preliminary Assessment* (July 2001) explicitly declined to address the northern portion of the C&D Canal route to and from the Port of Baltimore. That is inconsistent with the *General Design Memorandum* (GDM) (August 1981) that outlined significant, long-term disposal of maintenance dredgings to be placed in the containment sites along the C&D Approach Channel.

   Comment: In September 1995, the Philadelphia District (CENAP) completed a Preliminary Assessment for the navigation channels in the <u>upper</u> Chesapeake Bay and concluded that "A Dredged Material Management Study was needed in order to identify a disposal plan."

   Notwithstanding that conclusion – and the clear directives of the *Planning Guidance Notebook* – the Philadelphia District elected to take <u>no action</u> but instead chose to rely upon the MPA and the Baltimore District to perform the requisite dredged material management study. [Per letter from Deputy District Engineer (CENAP), 7 Dec 2000.]

   Comment: The economic justification for continued maintenance of channels in the *Preliminary Assessment* relies upon 'benefiting' commerce to the POB via all routes, yet only included a <u>portion</u> of the total dredging and maintenance costs by excluding the full maintenance of the northern access channel (C&D Canal route). This misstates (and overestimates) the apparent 'benefits-to-costs' ratio (BCR).

2. **"SPECIFICS OF DMMP":** The economic justification in the DMMP for continued maintenance dredging and placement should be based on the commerce and vessel traffic using each route (not the total POB traffic). Further, the DMMP should detail the annual maintenance quantities from each reach of both access channels as well as the vessel traffic, and should ascertain the incremental benefits of maintaining all channels at full authorized depths vs. shallower depths. For the northern access channel in particular, the consideration of shallower depths should extend all the way to the 'natural depths' (approx 20-22 ft) that would result from no maintenance dredging and yet would accommodate most barge and recreational vessel traffic.

   Comment: Consider a simple analysis for the northern access channel to the Port of Baltimore:

   If the channel were to be maintained at a 25-ft depth instead of the current 35-ft depth, about 784 vessels (1998 actual USACE count of 636 'foreign' and 148 'domestic') would have been obliged to use the longer Cape Henry route to access more northern ports. Those vessels would have experienced an increased sailing time averaging 5½ hours. As for the value of that time, the vessels in the fleet calling at the Port of Baltimore experience an increased operating cost averaging about $300/hour when sailing "at sea" versus sitting "in port" time (based on USACE-IWR vessel operating cost values).

   Hence, for the 784 vessels that would be obliged to use the longer route if the northern access channel were not dredged the annual increased cost to the shipping companies calculates to be $1.3 million. (Not including the differential pilotage costs which would lower the increased costs to about $1.0 million.)

   That compares to annual dredging costs of about $6-10 million to maintain the 35-ft depth instead of the 25-ft depth.

   Thus US taxpayers are annually paying at least 5 times as much for the Corps to dredge the channel as is saved by the (foreign) shipping companies!

3. **"PRELIMINARY ASSESSMENT":** The section on Dredged Material Management Plans (DMMP) in the Corps' basic reference, *Planning Guidance Notebook*, ER 1105-2-100, 22 Apr 2000 states:

   > "E-15. Dredged Material Management Plans. All Federally maintained navigation projects must demonstrate that there is sufficient dredged material disposal capacity for a minimum of 20 years. A preliminary assessment is required for all Federal navigation projects to document the continued viability of the project and the availability of dredged material disposal capacity sufficient to accommodate 20 years of maintenance dredging. If the preliminary assessment determines that there is not sufficient capacity to accommodate maintenance dredging for the next 20 years, then a dredged material management study must be performed."

That seems to clearly say that a 'preliminary assessment', and perhaps a 'dredged material management study', must be in place for all Federally maintained navigation projects.

Question: Why did CENAB not perform even a 'Preliminary Assessment' for the Baltimore Harbor and Channels project until just last year?

4. **"PRELIMINARY ASSESSMENT":** The *Preliminary Assessment* (July 2001) states that "Even though the C&D Canal deepening has been put on hold, the continued maintenance of that portion of the system is justified at this time."

   Question: Since there is no supporting analysis in the document for that channel, how can that be asserted?

   Question: The phrasing of the assertion raises the question that, even if such maintenance where justified at this time, will the combination of decreasing vessel traffic and increasing disposal costs for dredged material render maintenance of the northern route to Baltimore economically unjustifiable in the near future? An analysis of this possibility should be incorporated in the DMMP.

5. **"PRELIMINARY ASSESSMENT":** The economic justification in the *Preliminary Assessment* (PA) examined the volume of traffic for different commodities that were deemed to benefit from the project (50-ft) by updating the analysis used in the *General Design Memorandum* (August 1981). However, these two analyses did not utilize the same basis! The *General Design Memorandum* (GDM) justified the deepening of the channel to 50-ft using "export" coal … and the PA relied on the 'total' quantity of coal handled at the Port (import + export + domestic). In 1999, for example, 'export' coal was only 1/3 of the 'total'. Further, of the 'total' coal handled through the Port, about 20% moved via the C&D Canal route … not the 50-ft channel for which the PA attempts to justify continued maintenance. These distinctions need to be correctly incorporated into the economic analysis in the subsequent DMMP to ascertain if continued channel maintenance can really be economically justified.

   Question: The GDM justified that major capital expense of deepening the southern channel to the Port of Baltimore from 42 ft to 50 ft on the estimated 'savings' realized by handling 5 specific commodities. [It also concluded there would be no significant incremental maintenance dredging required in the Maryland channels.] How is it rational to use the same 'benefits' that were employed in 1981 to justify the deepening to now justify the maintenance dredging?

6. **"BASE PLAN":** In discussing the details of a management plan study, the Corps' *Planning Guidance Notebook* guidelines specify the establishment of a "Base Plan" for disposal of dredged material. Specifically:

   a. Policy.

(3) Base Plan. It is the Corps of Engineers policy to accomplish the disposal of dredged material associated with the construction or maintenance dredging of navigation projects in the least costly manner. Disposal is to be consistent with sound engineering practice and meet all Federal environmental standards including the environmental standards established by Section 404 of the Clean Water Act of 1972 or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. This constitutes the base disposal plan for the navigation purpose. Each management plan study must establish this "Base Plan", applying the principles set forth below.

Question: What is the 'Base Plan' for disposal of dredge spoils from the navigation channels in the Chesapeake Bay? Is it simply dumping those materials into the area of the Bay known as the 'Deep Trough' because that would be the least expensive means of disposal? When was that determined to be the 'Base Plan'?

Question: If State law or regulation precludes placement via a 'Base Plan', how are the costs for either the DMMP studies or the actual placement of dredged material anywhere other than the Base Plan allocated between Federal sources and the project's local sponsor? To what extent is placement in 'beneficial uses' – a non-Federal responsibility?

7. **"ENVIRONMENTAL":** There is ample evidence of leaching of heavy metal contaminants from dredge spoil disposal sites around the Bay (Pearce Creek, Courthouse Point, Summit, Hart-Miller Island, etc.). The pivotal factor is the release of free acid by the gradual air-oxidation of the naturally occurring iron pyrites in the dredge spoils. This issue should be specifically addressed in the Environmental Impact Statement (EIS) for any proposed disposal site with an upland component.

5.0 Questions and Comments Submitted Separate from Public Scoping Meeting and Prior to 19 July 2002

5.1 Jennifer Aiosa, Senior Scientist, Chesapeake Bay Foundation (CBF)

July 2, 2002

Ms. Michele A. Bistany
U.S. Army Corps of Engineers – Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Re: General Comments on Corps Dredged Material Management Plan (DMMP)

Dear Ms. Bistany:

The Chesapeake Bay Foundation appreciates the opportunity to comment on the process currently being undertaken by the Baltimore District to develop a federal DMMP for Port of

Baltimore dredged material. Having attended the first public scoping meeting on June 12 on Kent Island, I offer this letter as formal comments on behalf of CBF's membership in Maryland. While it is certainly laudable that, as the Federal agency most directly involved with dredged material management for the Port of Baltimore, the Baltimore District of the Corps of Engineers undertake a comprehensive approach to forecasting dredging yields and disposal needs into the future, the Chesapeake Bay Foundation has several concerns about the outlined process.

1) CBF has worked with many State and Federal agencies, including the Corps, in good faith to help the Maryland Port Administration improve their process for evaluating and selecting dredged material disposal capacity. After years of mistrust and poor communication, that process is slowly evolving and gaining support. After more than a year and half of State-led effort, the Corps begins a separate, though similar, process confusing the general public and leaving many participants in the State's process to wonder how much of their work will have been in vain. While CBF recognizes the Corps' responsibilities under Federal guidelines, we request the Baltimore District utilize to the fullest extent possible, the work that has gone into the ongoing State efforts. Also recognizing that time represents one of the greatest obstacles to meeting future disposal capacity, capitalizing on sound information developed and discussed among a myriad of State, Federal and private sources would save valuable time and resources and continue forward progress.

2) CBF also understands the subtleties associated with the Corps' ability to evaluate open water disposal and other State-barred disposal options as part of the federal DMMP process. However, publicly perpetuating the idea that open water disposal could be used in Maryland for Port dredged material undermines extensive work on the part of many of your Federal, State and local partners. Unfortunately, discussing open water disposal, even in terms for developing a federal base plan and determining cost-share ratios, gets lost in translation for many citizens and leads to confusion, or worse, mistrust.

3) CBF firmly believes that the Corps of Engineers should capitalize on the current opportunity to more closely evaluate the actual dredging need than relying solely on the Maryland Port Administration's assessment of dredging demand. Dredged material disposal capacity should be recognized as a finite resource and allocated accordingly. Dredging projects with questionable merit or economic justification should be, at the very least, postponed until reasonable dredged material capacity can be developed and brought online to accommodate maintenance dredging.

Though dredged material management for the Port of Baltimore poses an increasingly complex challenge, the Chesapeake Bay Foundation firmly believes it can be accomplished without compromising the health of the Chesapeake Bay. Thank you again for the opportunity to offer these comments.

Sincerely,
Jennifer Aiosa
Senior Scientist

5.2 Rebecca Kolberg, Greater Pasadena Council

From: Rebecca Kolberg

Sent: Wednesday, July 10, 2002 2:34 PM
To: Bistany, Michele A
Subject: DMMP Scoping Meeting -- Greater Pasadena Council Comments

U.S. Army Corps of Engineers-Baltimore District
Attention: Michele Bistany
P.O. Box 1715
Baltimore, MD 21203

The Greater Pasadena Council (GPC), which represents more than 30 communities in the Pasadena area of Anne Arundel County, Maryland, understands the Army Corps is seeking comments on dredged material placement needs and opportunities for the Port of Baltimore. As GPC's representative to the Maryland Port Administration's Dredged Material Management Program's citizen's committee, I was asked at GPC's June 27 meeting to submit written comments on behalf of the council.

GPC believes the first thing the Army Corps should consider in selecting sites is proximity to residential areas, and whether residents of such areas support the concept of a dredge-disposal site. Wouldn't it make sense to first try to dispose of dredge spoil where citizens want it (restoring islands in Dorchester County) rather than where citizens oppose it (creating an artificial island in the mouth of the Patapsco)?

GPC believes the Army Corps should pay close attention to human health and safety early in the site-selection process. A simple site visit and review of flood maps in the Pasadena area would show that many neighborhoods are extremely prone to flooding, which could be aggravated by building an artificial dredge island that would block much of the Patapsco River channel and alter the flow of water near the mouths of creeks. Also, a site visit would have revealed that most of us depend on shallow wells for drinking water - wells already at high risk for radium contamination due to acid groundwater.

GPC believes the Army Corps should not build artificial dredge-spoil islands where no islands have existed before. Such islands could amount to costly, dangerous experiments. Some long-time Pasadena residents who have weathered hurricanes like Hazel and Agnes are convinced a man-made island would suffer serious damage under such conditions, unleashing devastation upon the community we have worked so hard to maintain and improve.

GPC believes the Army Corps should closely analyze and prioritize the Port of Baltimore's dredging needs in the context of the entire U.S. port network to ensure that precious dredge disposal capacity-and thereby taxpayers' money-is not wasted on needless or economically marginal dredging projects. GPC thanks the Army Corps for this opportunity to share our views.

Sincerely,
Rebecca Kolberg
7605 Bay St.
Pasadena, MD 21122
410 439-4971

5.3 Faion Lott (per 20 June 2002 meeting comment card)

Make the meeting better by increasing public awareness of proposed meetings – newspapers, radio, and TV, etc.

Please mail me a copy of the June 20 DMMP scoping meeting minutes. Dan did a very good presentation – interesting and informative.

I am against the creation of any artificial islands. I am fore existing island restoration.

Use dredge material to make bricks – add straw – other additives like the Egyptians and Southwest Indians did.

Faion Lott
2000 Kurtz Avenue
Pasadena, MD 21122
410-437-6306

5.4 Gregory Kappler, Co-Chair, Citizens' Advisory Committee to Maryland's Dredged Material Management Program

July 11, 2002

Ms. Michele A. Bistany
U.S. Army Crops of Engineers
Baltimore District, CENAB-PL
P.O. Box 1715
Baltimore, MD 21203

Dear Ms. Bistany:

We are pleased to have the opportunity to offer comments to the U.S. Army Corps of Engineers as you initiate your Dredged Material Management Plan (DMMP) for the Baltimore Harbor and approach channels. Some member of our committee attended your recent public meetings and offered comments then. The purpose of this letter is to summarize the views of the committee for the record.

Our committee serves in an advisory capacity to the State of Maryland and its Dredged Material Management Program. We represent a broad spectrum of stakeholder, citizen and community groups as well as local governments. We attempt to advise the State on how proposals may affect specific locales, and we offer our views on the various technical and policy issues which must be considered.

We have appreciated efforts by some Corps staff to aid us in understanding the very complicated connections between the State's work and that of the Corps. We are just beginning to get a sense

of how the two efforts intersect. We plan to invest additional effort in further understanding these programs and the mandates that underlie them. In the meantime, we offer the following comments:

- Both the State and the Corps need to do a better job communicating the relationship between the two DMMPs.
- Projects which provide "beneficial use" for the Bay and the Bay watershed are generally viewed more favorably by this committee than projects which do not.
- This committee favors the restoration and protection of eroded islands as a technique for managing dredged material while simultaneously providing beneficial habitat to the Bay.
- All members of this committee are opposed to the creation of new islands for disposal of dredged material.
- The committee strongly supports research into innovative uses of dredged material and hopes that this work will be included in all future plans, with the idea that someday a significant portion of the material dredged from our channels will be creatively reused.
- We have expressed concerns about the long timetables related to dredging projects. We understand the complications of producing Environmental Impact Statements and dealing with Congress, but we urge diligence in the development of your DMMP.
- The costs of managing dredged material and the environmental complexities are much greater than they used to be. Therefore, public debate about what constitutes the best mix of approaches is vital, to ensure that there is strong public support and the ability to pay for whatever set of management options ultimately gets selected.
- We believe that the public as well as the business interests who rely on the Port of Baltimore would be better served by greater transparency in the planning process of the Corps of Engineers. We would urge that you be forthcoming with information as you develop it and that you make more effective and more timely efforts to keep the public apprised of your progress.
- Finally, we recognize that this is a political as well as a technical issue, and we recommend full and open disclosure to all elected officials. Elected officials serve the public interest best when they are fully aware of technical, economic and political issues related to complicated projects such as this. The Corps and all the other agencies involved in the dredging of Maryland's channels must do more to keep elected officials accurately informed.

We appreciate the opportunity to comment and look forward to working with your staff as the planning process evolves.

Sincerely,
Gregory Kappler, Co-Chair
Citizens' Advisory Committee

Attachments: Membership list *(Not included in this summary report)*

Mission statement *(Not included in this summary report)*

5.5 John Williams, Additional Comments to Original 20 June 2002 Submittal

2 Woodbine Circle
Elkton, MD 21921
July 18, 2002

Ms. Michele A. Bistany
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SCOPE OF DREDGED MATERIAL MANAGEMENT PLAN (DMMP):
ADDITIONAL QUESTIONS AND COMMENTS

Dear Ms. Bistany:

On June 20, in accord with the public notice soliciting comments relative to the initiation of a DMMP study for the dredged material placement needs and opportunities for the Port of Baltimore, I submitted some comments and questions relative to the proposed activity. This letter will augment and extend those comments.

A. "Economic Assessment:" The "Economic Assessment" of the *Preliminary Assessment*; July 2001 (PA) appears to be seriously flawed as outlined below:

1. Comments on 'Maintenance Costs and Quantity by Fiscal Year' for maintenance dredging of Baltimore Harbor and Channels as summarized in Table 5 of the PA:
    1. The calculations for the average Quantity and average Cost are both wrong and understate the correct values.
    2. The cited dredged quantities (and costs) are inconsistent with the dredging data provided by the USACE – Institute of Water Resources (www.iwr.usace.army.mil/ndc). Please explain why the values do not match.
    3. The tabulation and attendant analysis do not appear to include either the quantities or the costs of maintaining the Virginia portion of the 50-ft channel or the upper Bay portion of the 35-ft channel (maintained by CENAP). Since Baltimore maritime commerce utilizes those channels, please explain the apparent omissions.

2. Extension of Comment No. 5 (June 20, 2002 Letter): The analysis in the Economic Assessment of the PA attempts to follow that used in the GDM (*General Design Memorandum*; 1981). However, the definitions of benefiting commerce categories are not strictly followed. The GDM focused on the categories of commerce carried by deep-draft, ocean-going vessels that would require a deep access channel. Those categories were Iron Ore (Import), Residual Fuel (Import), Coal (Export), Grain (Export) and Sugar (Import) … all "Foreign Commerce". The PA, however totals all Coal movements (Import + Export + Domestic + Coastwise) … not just the export coal. Further, the PA totals all residual fuel oil AND all distillate fuel oil … and calls the total "Residual Fuel". Similarly, for Grain and for

Sugar, the analysis in the PA appears to total all commerce movements … Foreign + Domestic … Import and Export.

This distinction is of consequence because "Foreign Commerce" will be transported via large ocean-going vessels … requiring a dredged channel. However, "Domestic Commerce" is either 'coastwise' or 'internal' – and generally transported by barges and tugs. The latter are shallow draft vessels not requiring an extensive, deeply dredged channel system.

By not restricting the economic assessment to the quantities of "Foreign Commerce", the analysis significantly over calculates the total tonnage of benefiting commerce by about 100%. To illustrate, in Table 2 of the PA Total Traffic in FY 1999 was computed to be 19,802,000 tons. Using the criteria of the GDM for commerce handled by deep-draft, ocean-going vessel, the Total Traffic would be 10,038,000 tons … or only 50.7% of the PA values. [Data source: *Waterborne Commerce of the United States, 1999*; IWR-USACE.] Thus the computed benefits of Table 4 (Computation of Benefits by Commodity) also are too high by about a factor of 2 (two). Performing the calculation for FY 1999 (the most recent data year in the PA), I calculate Total Savings of $17,504,000. Compared to the cited maintenance cost of $17,621,300 produces a BCR (Benefit-to-Cost Ratio) of 0.99 versus the value of 2.0 cited in the PA.

On the basis of only the foregoing critique one might reasonably conclude that maintenance of the channels is potentially unwarranted. However, that analysis (and the one used in the PA) was too simplistic and did not consider the other (significant) commerce using the waterways in question. Furthermore, some of the maintenance costs cited in Table 5 are associated with the 35-ft channel (Brewerton Extension, Swan Point and Tolchester channels). Nevertheless, given the present uncertainties, **continued maintenance of two access channels to Baltimore at their full authorized depths is clearly questionabl**e – and thus warrants careful, appropriate analysis. Such analysis would seem to be an essential prelude to the DMMP study, as it would help define the scope, schedule and magnitude of needed dredged material disposal capacity.

B. Continued Maintenance and Alternatives: Based on my reading of standard Corps' guidance, there appears to be an imperative for some specific considerations that do not seem to have been previously addressed. The section on Dredged Material Management Plans (DMMP) in the Corps' basic reference, *Planning Guidance Notebook*, ER 1105-2-100, 22 Apr 2000 states:

> e. Study Components.
>
> (1) Alternatives. Management plan studies shall consider the full range of measures for dredged material management including: management of existing disposal sites to extend their life; various combinations of new disposal sites involving different disposal methods, disposal area locations, and periods of use; and, measures to reduce dredging requirements, including reduced dimensions. The Federal interest in continued O&M of an existing project for its navigation purpose is defined by that project of maximum scale and extent, within project authorization, for which continued maintenance is warranted in terms of vessel traffic and related factors.

1. Question: As part of the forthcoming DMMP study activity, how does the District intend to address the requirement to consider "measures to reduce dredging requirements, including

reduced dimensions"? Will the District assess separately the two alternative routes to and from the Port of Baltimore and examine the benefits and consequences of smaller or fewer channels?

2. Question: As part of the forthcoming DMMP study activity, how will the District perform the requisite economic assessments to ascertain "that project of maximum scale and extent, within project authorization, for which continued maintenance is warranted" for both the Cape Henry and the C&D Canal routes? [Note that the analysis employed in the PA appears to have been flawed and inadequate.]

3. Question: The main 50-ft channel to Baltimore services only a small number of really deep-draft vessels (draft > 45 ft) … about 1 vessel per week. How will the District determine if it is really economically beneficial to maintain the channel depth at 50 ft instead of 46 ft … or some similar value?

C. Cost Sharing: It is unclear how the forthcoming DMMP being prepared by CENAB will be funded and how it will be integrated, or coordinated, with the DMMP activities being undertaken by the Maryland Port Administration (MPA) in response to a directive from the State legislature. The 'cost sharing' portion of the section on Dredged Material Management Plans (DMMP) in the Corps' basic reference, *Planning Guidance Notebook*, ER 1105-2-100, 22 Apr 2000 states:

> f. Cost Sharing and Financing.
>
> (1) Management Plan Studies.
>
> (a) Existing Projects.
>
> (1) General. The cost of Management Plan studies for continued maintenance of existing Federal navigation projects are O&M costs and shall be Federally funded. For harbor projects, including inland harbors, such costs shall be reimbursable from the Harbor Maintenance Trust Fund, subject to the following:
> (a) …..
> (b) Budgeting priority for the navigation purpose is limited to the Base Plan. Therefore, the cost for any component of a management plan study attributable to meeting local or state environmental standards that are not provided for by the requirements of Federal laws and regulations, shall be a non-Federal cost.

1. Question: How will the costs of preparing the Management Plan, including the various study costs, be allocated between the Corps of Engineers and the local sponsor (MPA)?

2. Question: As part of their work to develop a DMMP, the MPA has already undertaken a number of 'reconnaissance studies' on various dredged material disposal options. Will any of those studies, which are currently being performed (and funded) by the MPA, be utilized by CENAB in its DMMP? If so, how will the costs be shared?

As I indicated in my prior letter, I appreciate the opportunity to submit comments and questions relative to the development of the scope for the District's DMMP study. I continue to look forward to receiving a copy of the study scope and the supporting documents in September.

Sincerely,
John M. Williams

Copy: Congressman Wayne T. Gilchrest