BALTIMORE DISTRICT

DREDGED MATERIAL MANAGEMENT PLAN

PUBLIC SCOPING MEETING

Hearing in the above-captioned matter was taken on Thursday, June 20, 2002, at Anne Arundel Community College, 101 College Parkway, Arnold, Maryland, commencing at 7:00 p.m. before Carol T. Lucic, Notary Public.

REPORTED BY: Carol T. Lucic

PRESENT:

Daniel Bierly
Michele Gomez
Scott Johnson
Michele Bistany
Mark Mendelsohn
US Army Corps of Engineers
Deb Volkmer
John Pauling
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MR. BIERLY: Thank you all for coming. We are here to discuss the dredging program. My name is Dan Bierly. We are with the Corps of Engineers planning division, and me and my helpers will be conducting this study over the next couple of years. As I have been saying, against my better judgment there is my phone

number, and hopefully you all will pick up a copy of this outside, and also many of the slides I will be using the information is out there, and hopefully you picked up whatever you could.

The purpose of this meeting is twofold. First and foremost we're here to come to the public, which, by the way, is defined as anyone who doesn't work for the Corps, and allow you to understand what we plan to do in the future and most importantly to listen to what your comments are.

Currently we are working on a scope of work for a dredged material management plan

study. What that means is we are going to be producing a document to be approved by the folks above us, our bosses in New York and Washington, and it's going to detail how exactly we are going to conduct this study, which will lead eventually to a dredged material management plan. That is a plan of what to do with the material that we dredge from the Port of Baltimore every year.

When we discuss the plan, I'll go over the goals and how we think we might go about it, some ideas, but once again we do want your input

into this.

So this is just restating that. You will see that any comments you have will be taken down and considered. That's what we're here for. No comment, no question is too foolish or silly. Whatever you say here -- by the way, we do have a court reporter up here who is taking down everything we say and it will be held against us, and also when I'm finished, I've got

this little wireless microphone, so if you would all speak into the microphone so she can hear you and state your name, that would be great.

It says here that all comments are needed by July 19. Let me clarify that. All comments dealing with the scope of work we need to have by July 19 because by the end of that month we really need to get this thing wrapped up for approval; however, any comments on dredged material, dredged material management, or our plan can come in after July 19. Don't worry about that. Our ears are open for the next two years because that's how long we plan on doing this.

Once again out front I think you all were given a comment card. You can present that to any of us who have a little Corps logo on our tags or our court reporter or you can always

mail them in to us.

The DMMP itself, this is a nice brief goal which I'm going to read to you verbatim. I

don't like to read slides, but this is important, and I want you to listen to how this is phrased.

To develop a plan to maintain in an economically and environmentally sound manner channels necessary for navigation in the Port of Baltimore, conduct dredged material disposal in the most environmentally sound manner, and maximize the use of dredged material as a beneficial resource.

This definition of our goal is very important because it highlights the two mission areas, if you will, of the Corps of Engineers. First and foremost for a couple hundred years now the Corps of Engineers has had as a mission area navigation. It is our mission to maintain safe and efficient navigation through the navigable waters of the United States of America, but more recently we've obtained another mission area of environmental restoration.

What we're looking at here is, on the one hand, being stewards of navigation, safe and efficient navigation, and on the other hand being stewards of the Chesapeake Bay and how best do we mesh these two missions.

Toward that end I would like to point out this facts sheet. I hope you all got a copy. They're out front in the lobby. If you didn't, you might want to pick up one. This is our environmental operating principles. This lays down in black and white how the Corps of Engineers is to conduct all of our studies, and this is the environmental viewpoint, if you will. This was written by our chief of engineers, General Flowers. There is nothing new in here. We have been doing this for years, but finally it is now down in a nice one-page facts sheet for the world to see. I think this is very helpful.

I want to read two of the seven principles, which are listed as bullets on the

right-hand side. First the third one: Seek balance and synergy among human development activities and natural systems by designing economic and environmental solutions that support and reinforce one another, which is pretty much what I was saying. You've got the economics of navigation and the environmental considerations of the placement of dredged material, and what we're trying to do is combine these into the best possible solution.

The last one: Respect the views of individuals and groups interested in Corps activities, listen to them actively, and learn from their perspective in the search to find innovative, win-win solution to the nation's problems that also protect and enhance the environment, and that is precisely what we're doing here evening. We are reaching out to everyone. We want you to be informed in our process, we want you to have input into our process, and we want to come up with a plan that

when all is said and done, we can all look and think that this is a wise way to move forward with dredged material placement in the Port of Baltimore.

So here is the port. The port channels, there is 50 feet of water from Cape Henry in Virginia and the Atlantic Ocean up through the bay, and into the Port of Baltimore proper. We also have 35 foot channels up to the north and through the C & D Canal into Delaware Bay. This next slide will zoom in a little bit. There is the Bay Bridge right here. There is the port. Once again, these are 50 foot channels coming in this way. These are 35 foot channels going up that way to the C & D canal.

Over here, this is the Inner Harbor area. The North Point-Rock Point line is out here, and by law any material dredged from inside that line toward Baltimore City, in other words, in the Patapsco River is legally defined as being contaminated and must be handled differently.

It must be placed in a confined facility.

You can also see here we have the shipping channels. We also have anchorages and we have the channels that go to the terminals. There are also private channels. Beth. Steel, for example, has channels that go out to the federal channels, and we will consider all of these sources of dredged material in our plan.

Let's talk about federal dredging right

now. The Corps is responsible for maintenance of all the federal channels, and this amounts to approximately 4-1/2 million cubic yards per year. That's just maintenance, no new work involved in that.

The second bullet shows that the Corps pays for the lion's share of this maintenance. In fact, to the base plan the Corps is responsible for 100% of the cost of dredging in Maryland waters. In Virginia, the 50 foot channels, there is some cost sharing there, but in Maryland the Corps covers 100% of that cost.

The final bullet explains the Water Resources Development Act of 1996. This is a bill that's passed every two years typically by Congress, signed by the president, and this particular act had one section that allowed for cost sharing between the Federal Government and the nonfederal sponsor of the development of placement sites. That was new at the time. Previously that had been the state responsibility.

Where does the material come from? Well, about half a million yards comes from Virginia waters, those 50 foot channels down there. The 1.2 million down here that says Philadelphia, those are the 35 foot channels that go up to the

C & D Canal that I showed you in the previous slide, and they are maintained by the Philadelphia District Corps, which is why it says Philadelphia there even though it's in Maryland waters.

I want to also draw attention to this

500,000 number right here. That is the average maintenance taken from the Inner Harbor area, that area within the North Point-Rock Point line, the Patapsco River that is legally defined as contaminated and must be handled separately.

Currently we have four placement sites, three active, one coming on line very shortly, and even if this were in focus, you could not read this, so I'll help out. Down here is Poplar Island. This is an environmental island restoration project, wetlands, uplands environmental project, and it accepts only clean material from the outer harbor areas. This one right here is the Cox Creek project, and that is not quite on line yet. That will come on line next fall. That's the schedule, and it will accept Inner Harbor material, contaminated material.

Up here is Hart-Miller Island, which is to be closed by 2009, and it currently accepts both

21 clean and contaminated material. Finally up

1 here is Pooles Island. That is an open water
2 placement site that accepts clean material
3 typically from the C & D approach channels, and
4 that site is to be closed in 2010.
5 So as we go looking for new placement
6 options, what types of projects can we do?
7 Well, island restoration, which could be
8 something like Hart-Miller Island. Habitat
9 restoration, there I'm thinking maybe something
10 like Poplar Island. These are just examples out
11 there where habitat has been lost, and we go out
12 and we use this material in a beneficial way to
13 recreate the habitat that has been lost. Upland
14 placement, this, of course, is very important
15 for the contaminated materials since they need
16 to be confined. Shoreline restoration, we could
17 instead of going to an island, we could place
18 material near a shoreline. We could bring a
19 shoreline back out that has been eroded. We
20 could create marshland, that type of thing.
21 Ocean placement, Norfolk currently, for

example, San Francisco also, and I believe I was told earlier New York a little bit takes material out and places it in the ocean. Open water placement, by that I mean placement within the bay, which we're currently doing at Pooles Island. As I said, that site will close in 2010.

Wetland thin layering, we had some pictures of that out in the other room. This will never take large quantities of material, but it's a very interesting concept where you take your dredged material and you literally spray it over top of a marsh, which on its face sounds a little foolish, but if you realize that sea level is rising and marshes on the Eastern Shore, for example, are subsiding, these marshes are actually drowning and losing their ability to function as healthy salt marsh. So if you go back in and you add a few inches of elevation to these marshes, you don't destroy the vegetation. The vegetation comes back very quickly, and

you've actually restored that wetland and

extended its life, if you will. So that is an interesting idea, but, as I said, I doubt it will ever take major volume, but it could be part of an overall plan.

Abandoned mine land reclamation, coal mine, slate mines, limestone. You can take this material and fill the mine back up, if you will, and that will keep contaminated water, for example, for coal mines it's sulfuric acid from acid mine drainage. You can halt that drainage of the acid discharge into waterways near the mine.

Agricultural soil augmentation, much of this material is very fine, very silty. If you go to an agricultural field that's very sandy and you mix these up, you can get a good loam that's good for raising crops. You could mix it with sanitary sewage, for example, which has good nutrients, and you can make a nice soil that way and actually put it out on agricultural

land.

Lightweight aggregate blocks is another concept that we had there. This is where you take material, potentially fairly large quantities, and you actually incinerate it, and you can turn it into basically what looks like

gravel, and that can be used to create concrete or cinder blocks or products like that, actually commercially viable products, and others. We don't pretend to know all the possible uses of dredged material or what is to be done with it, and our ears are open.

So the DMMP process goes something like this. Last year we completed a preliminary assessment. Shortly I'll tell you what specifically that said. We are now in this -- where it says PMP September of 2000, that's where we are now. PMP is project management plan. This is the scope of work for the DMMP study that we are talking about now. We hope to have that all wrapped up and approved by

September of this year so we can get going on the actual study, which is in the next box there, the next oval.

Tiered EIS. I'm going to discuss that more later, but basically we are going to do an environmental document along with the plan to go hand in hand with the plan. As I say, I'll explain that further later on, and when that's all done on approximately our current schedule in September of 2004, we will have the dredged material management plan.

That plan is going to tell us where we

need to go, what is the next step. Well, obviously we're going to try to get some sort of project implementation in, so that's where we go next to site specific studies, and we will recommend design, and if everything works out, implement a specific placement option.

Once the option is implemented the process doesn't stop. This is a continuous process. We need 20 years by our guidance. The Corps of

Engineers is required to update a DMMP or keep a DMMP if they do not have 20 years of placement capacity available. So this is a loop that keeps going and more studies are conducted as necessary.

So the preliminary assessment. As said, the litmus test here is do you have 20 years of placement capacity, and the conclusion of the preliminary assessment was no. In fact, we only have about eight to ten years' capacity right now. Typically to get a Corps of Engineers project to implementation requires nine to 12 years, so we've got to get moving.

Existing sites will not be efficiently managed. Let me explain that. When dredged material is placed at a placement facility, the idea is to get as much water out of that

18 material as possible. When it's placed, it's
19 about 85% water and only about 15% solids.
20 After you place it a lot of that water is
21 immediately -- the material settles out fairly

1 quickly. A lot of that water goes right off,
2 but you are still left with a lot of water that
3 you need to get rid of.
4 What you try to do is get as much water
5 out as possible so that you can maximize the
6 amount of material that you can get at that
7 site. Experience has shown that we want to put
8 in what we call a 3 foot lift per year of
9 material on the site, and then you let it sit
10 and you dewater it. There are methods that we
11 can use to extract water and settle out
12 material.
13 We do that, and what can happen is that if
14 you need to put more than a 3 foot lift on the
15 site, you are not going to be able to adequately
16 dewater that site, or if you cannot let that
17 site sit and dewater for a long enough period of
18 time, then the next year you put another lift
19 on, and you've lost the capability to dewater
20 that first lift as well as you wanted to.
21 So it's important to have enough capacity

to place your material, but it's also very important to have enough area so that you can place efficiently. You don't want to put in a 5 foot lift; you want to put in a 3 foot lift, and if you have a certain volume in place at 3 foot, you need a certain area on which to place it.

Furthermore, it would be ideal to not have just a single site where you say every year I'm putting 3 foot on this site because you don't know what is coming up. You don't know year to year exactly what your need is going to be or you might have a very rainy year, for example, and that material never had the opportunity to properly dewater anyway.

So if you have the capability of actually letting a site sit for an extra year, then you could maximize the capacity, and we all want to do that. Once you have a site open, agreed to, you want to get as much material in that site as possible. I think everybody agrees on that. The last thing the preliminary assessment

concluded and what brings us here tonight is that a DMMP study is required.

So the DMMP study. When we say comprehensive in nature, we mean that it is going to factor in our federal channels, but also state dredging and also local or private dredging that also requires placement. We don't want to just consider part of the pie. We want to consider everything.

The tiered environmental impact statement. Let me explain that now. Whenever the Corps studies a project or implements a project, we need to conduct or produce an environmental document. This is all laid out in the National Environmental Policy Act of 1969, which we follow, and typically we will do an environmental assessment or an environmental impact statement. For a study of this magnitude, for a project of the magnitude of Poplar Island you're definitely going to do an environmental impact statement.

What this does is it documents the existing conditions, it documents the expected future conditions. You determine if you're

looking at an environmental benefit or some sort of impact to the environment, and, if so, what is it, what can you do about it, et cetera.

The tiered concept, what we plan on doing with this dredged material management study is to conduct an EIS where we consider all the placement sites that we can possibly consider. I've said at our previous meetings that if somebody comes and says that their concept is to put all of the material in the space shuttle and send it up and fire it at the sun or something like that, we'll write it down. We're not turning our backs on any option. I don't promise you we'll research that one very far, but if you look back at our public involvement section, you will see that it was written down I promise you.

What we want to do is take this whole

world of options and narrow it down to the ones that are realistic. Then narrow it down further to the ones that are potentially viable. We're not necessarily going to say these specific sites are exactly the ones we want to do because that requires detailed study on each one, and we don't have the time or the capability to really thoroughly examine each and every option, at least not to that detail, not that to

implementation detail.

What we would like to do is, for example -- this is still open to the discussion, but what we're thinking of doing is to group these projects together, these dredged material placement concepts together, and then we could say this is a plan for the Port of Baltimore.

Island restoration is a good thing. We want to do some of that. Shoreline protection restoration is a good thing. We want to do some of that. These innovative uses, we're very interested in that. We want to do some of that,

and so you lay out a plan. We call it an umbrella or tiered EIS, and what this allows us to do is when we get to the specific study portion, when we actually undertake a specific study, there are two advantages to having this tiered EIS complete.

First, we don't need to open up to the entire world of options again. If we decide that the restoration of an island in the middle of the Chesapeake Bay, for example, is a good thing, then we study middle bay island restoration. We don't have to look at the whole world of options. We just need to look at that subset of options. So this -- well, that cuts

down on my work, but let me point out the second aspect, and we think a real important part of this is that when you lay out the umbrella or the tiered EIS, you agree upon a plan where this type of project, this type of project, a mix, if you will, that we all agree is a good thing.

Let's take the example of a small island

restoration. I'm talking limited capacity, high cost per cubic yard, but we like it because of the environmental benefits. The environmental community and everyone else decides this is a good project. Let's suppose that we don't have this tiered EIS. We go out and study that project, but we have to compare it to all of the other projects around, so we end up comparing it to a large island let's say, and our little island doesn't make the cut because dollar for dollar it can't stand up to this island that has a larger capacity, and we lose the opportunity to get that real good habitat or that real good environmental benefit that we're looking for.

So when you have a tiered EIS in place and the tiered EIS says, for example, if it does, a small island -- small islands are good. We're losing them all over the bay, maybe in the rivers. These are good things. We should look at doing those. We should look at restoring

those. Now when you get down to your specific

study, all you need to look at is other small islands. It doesn't have to go against competition that quite honestly it can't possibly win. So therefore we are able to implement this varied and mixed plan.

Of course, in the study we will continue to seek public comment. The agency will be involved throughout. Eventually -- this is one of the next things I'm going to work on -- getting a web site up so you can see what the latest information is, the latest thinking, that type of thing. The first thing we want to do is establish the plan of study. We want your ideas. We're laying out to you the concepts as we see them. We want your comments on that. We want to know what you guys think about it.

A little bit more on the DMMP study. We're going to conduct the study the way we conduct all of our studies. First of all, we're going to follow the NEPA, National Environmental Policy Act process, which will include that

environmental impact statement that we talked about earlier, and these are the six planning steps that we use in all of our studies. You identify your problems and needs, and we pretty much did that in the preliminary assessment, but we'll restate that and maybe go further into that if we need to.

Determine existing conditions. There are two sides to this. What is the existing conditions for dredging? What is your current placement capacity? What is your current dredging operation, that type of thing, but also environmental existing conditions and where do you go from there.

Then we develop the alternatives, the placement options. We analyze these, we narrow them down, we compare the alternatives, and then we come out with a plan. For most of our civil work studies the plan is extremely specific down to having better than concept level designs completed, not necessarily in this case. In

this case we are going to develop a plan, but we will have an EIS. That word "integrated," that just means it will probably be all one document, plan and EIS all in one document. Don't think we're going to throw you a new, crazy term next year.

This slide is redundant, but I want to underscore that we're here to listen. We want to hear your comments. We want you guys to be involved not only during the scoping process, but for the next two years as we develop this plan, and as we go off and analyze specific placement concepts we definitely want and need your involvement then, too.

So that pretty much concluded my prepared comments. Did we give out numbers tonight? Who has No.1? If they would like to speak now, that would be great, and what I'm going to do is pass around this microphone to speak into. This will help our court reporter immensely.

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

7 representatives of the Corps, but they arise
8 from my involvement over the past six years with
9 a number of the projects and issues associated
10 with the navigation channels in the Chesapeake
11 Bay.
12 I speak as a private citizen tonight and
13 not representing any particular group, but I
14 have been an active member of both the C & D
15 Canal Working Group, appointed to that task by
16 Congressman Gilchrest and the Citizens Advisory
17 Committee of the MDHD program, appointed to that
18 by the commissioners of Cecil County. In
19 addition your record will show I have reviewed
20 and commented on a number of the dredging
21 projects undertaken by both the Philadelphia and

1 the Baltimore districts.
2 My general comments this evening would be
3 first when it comes to disposal options, to urge
4 you to avoid creating artificial islands and
5 focus your attention on the other options. I
6 think there is a significant distinction between
7 the creation of a new island and the restoration
8 of an historically existing island.
9 With regards to the scope of the dredged
10 material management plan that you're
11 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.

Who had No. 2?

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 I'm 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 if 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.

MR. BIERLY: That's correct.

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 followup 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.

I thank you all for coming tonight. Your comments are well noted, and thank you very much. If you would like to make other comments for the record, but don't want to say them out loud or whatever for whatever reason, if you want to personally insult us, that's fine. You can go visit our court reporter, Miss Carol, and she will take down anything you want to say. Also if you want to hand in those comment cards or what have you, you may do that as well. Thank you very much.

(Whereupon at 8:25 p.m. the deposition was concluded.)