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Transcript of Public Hearing

Date: September 9, 2020

Case: Ellicott City/Joint Permit Application; Corps of Engineers and MD
Dept Environmet

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U.S. ARMY CORPS OF ENGINEERS

BALTIMORE DISTRICT

PUBLIC HEARING

Wednesday, September 9, 2020

7:00 p.m.

Via WebEx

George Howard Building
Howard County Courthouse
3430 Court House Drive
Ellicott City, MD 21043

Job: 320763

Pages: 1 - 54

Transcribed by: Pamela A. Flutie

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A P P E A R A N C E S

Dan Swenson, Chief of the Regulatory Branch
U.S. Army Corps of Engineers
Baltimore District

William Seiger, Chief of the Waterway
Construction Division

Debra Correia, Senior Regulatory and Compliance
Engineer and Project Manager
Maryland Department of the Environment

Dr. Calvin Ball, Howard County Executive

Mark Richmond, Chief Stormwater Management
Division
Howard County Department of Public Works

1 PROCEEDINGS

2 MR. DAN SWENSON: Good evening. I'm
3 Dan Swenson, Chief of the Regulatory Branch,
4 U.S. Army Corps of Engineers, Baltimore
5 District. On behalf of the Corps of Engineers,
6 I'd like to welcome you to this public hearing.

7 Before we get started, I'd like to
8 explain how this hearing will be conducted.

9 This public hearing will be conducted
10 exclusively on WebEx. Instructions for the
11 WebEx can be found in the public notice, which
12 is posted to the Corps, Baltimore District
13 website.

14 Now, I'd like to explain a little bit
15 about the role of the Corps in this process.
16 Under our Federal Permit Program, the U.S. Army
17 Corps of Engineers is responsible for regulating
18 the discharge of dredged or fill material into
19 waters of the United States under Section 404 of
20 the Clean Water Act. Under this law and other
21 federal resource-related statutes, the Corps
22 evaluates potential impacts that would be caused

1 by the proposed project prior to making a permit
2 decision.

3 In addition to evaluating the
4 environment direct, indirect, and cumulative
5 impacts of the proposed project, the Corps must
6 determine whether the proposed project is the
7 least environmentally damaged practicable
8 alternative that meets the overall project
9 purpose.

10 In addition, no permit can be granted
11 if we find that the proposal is contrary to the
12 public interest. The public interest
13 determination requires a careful weighing of
14 those factors relevant to the particular
15 project. The project's benefits must be
16 balanced against its reasonably foreseeable
17 detriments. In meeting our regulatory
18 responsibility, the Corps is neither a project
19 proponent nor an opponent.

20 As you know, Howard County has applied
21 to my agency for permits to construct several
22 flood mitigation projects within waters of the

1 U.S. in Ellicott City. The county has applied
2 for a Regulatory Section 404 permit. While we
3 will be evaluating this permit application, the
4 proposed project is not a Corps proposal. We
5 are here in a permitting context only.

6 The purpose of this public hearing is
7 to gather comments regarding the proposed
8 project from the general public. We will
9 carefully consider all comments prior to making
10 our final permit decision and even following
11 this meeting, the public has until September
12 25th, 2020, as indicated in the public notice,
13 to provide written comments, which will also
14 become part of the record for this project.
15 Please note we will equally weigh comments
16 provided verbally or in written format.

17 I'll now turn it over to Bill Seiger
18 with the Maryland Department of the Environment.

19 MR. WILLIAM SEIGER: Thank you, Dan.
20 Good evening, everyone. My name is William
21 Seiger, and I'm chief of the Waterway
22 Construction Division at the Maryland Department

1 of the Environment or, for the rest of my
2 speech, the department. I am the panelist
3 representing the Maryland Department of the
4 Environment at this public informational hearing
5 for the Ellicott City Flood Mitigation Projects
6 Joint Permit Application and Water Quality
7 Certification.

8 Also, in attendance virtually from the
9 department is Ms. Debra Correia, senior
10 regulatory and compliance engineer and the
11 project manager for this project.

12 The Department of the Environment
13 appreciates both your interest and participation
14 in the public comment process. It is the
15 responsibility of the department to evaluate
16 applications that propose impacts to nontidal
17 wetlands, the nontidal wetland buffer, and
18 waterways including the 100-year nontidal
19 floodplain.

20 The department's authority is found in
21 Subtitles 5 and 9 of the Environment Article.
22 Each application received through our Regulatory

1 Program has specific and unique issues and
2 impacts that must be considered in relation to
3 weighing the potential benefits and detriments
4 of the project. The department is neither a
5 proponent nor opponent of any project.

6 This public informational hearing is
7 being conducted pursuant to Subsection 5-204 of
8 the Environment Article and Code of Maryland
9 Regulations 26.23.02.02, 26.17.04.13 and
10 26.08.02.10. The purpose of the public
11 informational hearing is to provide the
12 applicant with an opportunity to present an
13 analysis of impacts that may be associated with
14 the proposed activity. In addition, the hearing
15 provides the department with an opportunity to
16 solicit additional information from interested
17 persons.

18 This public informational hearing is
19 for nontidal wetlands and waterways permit
20 application Number 19-NT-3250/201961647/20-WQC-
21 0033 submitted by the Howard County Government
22 Stormwater Management Division.

1 The intent of the project is to
2 provide improved conveyance for large storm
3 events meant to reduce the potential flooding in
4 Ellicott City. The projects include floodplain
5 grading, channel stabilization, channel
6 dredging, construction of conveyance structures,
7 and additional culverts for bypass of high flows
8 along with the removal of existing channel
9 restrictions that are currently reducing channel
10 capacity.

11 The project will permanently impact
12 3,515 linear feet or 54,914 square feet of
13 stream channel and 343,085 square feet of the
14 100-year nontidal floodplain.

15 Please note that the department's
16 decision on the permit application and
17 accompanying information will be sent to the
18 interested person's list as well as to the
19 applicant. The department's decision will be a
20 final agency determination and there will be no
21 further opportunity for administrative review.
22 Any person with standing who is either the

1 applicant or who participated in the public
2 participation process through the submission of
3 written or oral comments may petition for
4 judicial review in Circuit Court. The petition
5 for judicial review must be filed within 30 days
6 of the publication of the department's permit
7 decision.

8 At this time, I would like to turn the
9 proceedings back over to Mr. Swenson. Thank
10 you.

11 MR. DAN SWENSON: And I, in turn, will
12 turn this over to Howard County Executive, Dr.
13 Calvin Ball, who will provide a brief
14 introduction.

15 MR. CALVIN BALL: Good evening. I'm
16 Calvin Ball, your Howard County Executive, and
17 thank you for joining us. Protecting and
18 promoting Ellicott City has always been a top
19 priority. Within three weeks of taking office,
20 I announced the first phase of our Ellicott City
21 Safe and Sound Plan. This holistic plan is
22 centered around public safety, supporting

1 businesses and property owners, and preserving
2 as much of the town's history charm as possible.

3 As part of the Safe and Sound Plan, we
4 have already instituted several public safety
5 measures including an outdoor emergency tone
6 alert system and high ground access points and
7 gates.

8 Additionally, we launched a Flood
9 Mitigation Assistance Grant Program to help
10 property owners and businesses complete
11 resilience projects on their structures and
12 bridges.

13 And to help keep our culverts free of
14 dangerous debris, we have cleaned more than
15 twenty-eight tons of debris from the streams in
16 and around Ellicott City since January of 2019.

17 In May of 2019, after an extensive
18 public comment process, I announced our Flood
19 Mitigation Plan. The plan includes a mix of
20 both retention and conveyance projects, some of
21 which were already in the design process. This
22 plan preserves six of the ten buildings

1 previously scheduled for removal under the
2 previous plan.

3 My team has been working incredibly
4 hard over the last twenty months to move these
5 projects along, and we expect to start
6 construction on these five projects within the
7 next eighteen months.

8 Before we can begin construction,
9 however, we are required to obtain a permit from
10 the U.S. Army Corps of Engineers and the
11 Maryland Department of the Environment. The
12 process of obtaining that permit includes a
13 review of the potential impact to historic
14 resources, which is a critical part of tonight's
15 hearing.

16 After delays amid this unprecedented
17 global health crisis, I am very glad we have
18 gotten to this point in the process, and I thank
19 the Corps and MDE for their dedication. Thank
20 you all for being here and your interest, thank
21 you for sharing your thoughts, and thank you for
22 your continued dedication to Ellicott City.

1 Now, I would like to turn it over to
2 Mark Richmond from the Howard County Department
3 of Public Works.

4 MR. MARK RICHMOND: Thank you, Dr.
5 Ball. My name is Mark Richmond. I'm the chief
6 of the county's Stormwater Management Division.

7 It is important to note that the
8 subject of this public hearing is the Joint
9 Permit Application for seven specific projects
10 relative to flood mitigation for Ellicott City.
11 The projects subject to this evening's public
12 hearing are as follows:

13 8777 Frederick Road Culvert
14 Improvement Project, which will increase the
15 capacity of the existing roadway culvert to
16 convey additional flow under the road.

17 8600 Frederick Road, High-Flow Bypass
18 Pipe Project, which will increase the capacity
19 of the existing culvert to convey additional
20 flow under the road.

21 8552 Main Street Flood Berm and 8534
22 Main Street High-Flow Bypass Pipe Project. This

1 project will create an earthen berm and increase
2 the capacity of the existing culvert
3 respectively to collectively reduce large flood
4 flows on Main Street.

5 The lower Main Street Channel Removal
6 Project, which will remove the rear portions of
7 six existing buildings to increase the capacity
8 of the Tiber Branch to safely convey large storm
9 events. The six buildings include: 8081 Main
10 Street (the deck only), 8085 to 8089 Main
11 Street, 8095 to 8101 Main Street (and this is
12 the first floor only), 8109 to 8111 and 8113
13 Main Street, and 8125 Main Street.

14 The next project is the Lower Main
15 Street Terrace Floodplain Project, which will
16 completely remove four existing buildings at the
17 lower end of Main Street. This is 8069, 8059,
18 8055, and 8049 Main Street. This will increase
19 the capacity of the Tiber Branch to safely
20 convey large storm events and is needed for the
21 Maryland Avenue Culvert Project.

22 The Maryland Avenue High-Flow Bypass

1 Culvert Project, which will construct new
2 culverts from Maryland Avenue to the Patapsco
3 River to increase flow capacity under the CSX
4 Railroad.

5 And finally, the North Tunnel Project,
6 which will construct a tunnel approximately
7 1,600 feet long and 15 feet in diameter from
8 approximately parking lot F to the Patapsco
9 River, including a portion under the CSX
10 Railroad.

11 I will now turn things back to Dan
12 Swenson to begin the public testimony.

13 MR. DAN SWENSON: Thank you, Dr. Ball
14 and Mr. Richmond. We will now begin with public
15 testimony. Preregistered speakers will be
16 called upon to speak first. After all
17 preregistered speakers have spoken, non-
18 registered speakers may speak during the open
19 session by using the hand-raise feature
20 according to the instructions included in the
21 public notice.

22 Individual speakers will be given two

1 minutes and those representing an organization
2 will be given five minutes to make comments.
3 Please note that only one speaker may speak on
4 behalf of an organization. All comments will be
5 documented and a countdown timer will be
6 viewable on the screen in addition to the sign
7 language interpreter. Speakers must conclude
8 comments when time has expired. Any remaining
9 time cannot be donated to another speaker. I
10 appreciate your cooperation in keeping to your
11 allocated time so the meeting runs smoothly and
12 we can hear all the people who wish to speak.

13 The purpose of the public hearing is
14 to gather information from the public to assist
15 us in making a permit decision. Therefore,
16 there will be no question and answer session.

17 Speakers must first state and spell
18 your name, address, and the organization that
19 you are representing, if applicable. You will
20 only be given the opportunity to provide oral
21 comments, as video will not be enabled for
22 individuals providing testimony. Presentations,

1 displays, and posters will not be permitted
2 during the public hearing; however, any
3 supporting information may be submitted with
4 written comments. Written comments are given
5 equal weight to verbal comments.

6 If you have not concluded your
7 comments within two minutes or would like to
8 submit additional comments with supporting
9 information, those comments must be submitted to
10 the Corps and MDE in writing before September
11 25, 2020, as outlined in the public notice.

12 If time remains after all speakers
13 have concluded public testimony, you may be able
14 to provide additional testimony.

15 If you are having technical issues,
16 please use the chat feature. Please do not
17 provide testimony and comments through the chat
18 feature, as they will not be considered in the
19 official record.

20 Instructions on how to use the chat
21 feature are also included in the public notice.
22 In addition, if you lose connection during the

1 WebEx public hearing, please refer to the access
2 instructions provided in the public notice.

3 All oral or written testimony will
4 become part of the administrative record for
5 this permit application. After the public
6 hearing has concluded, a transcript of the
7 public testimony will be available at the link
8 provided in the public notice at a later date.
9 You may contact the Corps and request that a
10 paper copy be mailed to you.

11 Before we begin, would Howard County
12 like to provide any additional WebEx
13 instructions or clarification?

14 MR. GREG SLACK: Thank you and good
15 evening, everybody. Thank you for joining our
16 WebEx event. Very good at reviewing the
17 upcoming housekeeping rules. Just a couple of
18 points to note that this meeting is being
19 recorded and also livestreamed on the Ellicott
20 City Safe and Sound Facebook page.

21 In addition, the persons that have
22 registered ahead of time will speak first,

1 followed by those who have joined and not
2 preregistered. You will have an opportunity to
3 do so at that time by clicking the raise hand
4 button. To access the raise hand button, if you
5 click on the participant's button in the lower
6 righthand corner, it will bring up the list of
7 participants and in the lower righthand side,
8 you should see a symbol of a hand. Clicking
9 that symbol will raise the hand. Clicking the
10 symbol again will remove the hand. When the
11 person is called to speak, you will be unmuted,
12 and you will state your identity and if you are
13 speaking as a group or an individual. You will
14 be given two minutes for individual and five
15 minutes for the group. Thank you.

16 MR. DAN SWENSON: Great. Thank you
17 for that. Before we get started, this public
18 hearing is scheduled for -- until 9 p.m. I will
19 begin by calling up the first preregistered
20 speaker and, I believe, our only preregistered
21 speaker. If you are the speaker, your audio
22 will be unmuted, as you just heard. For those

1 wishing to speak, when your turn comes, please
2 state and spell your name so that the
3 stenographer can clearly add that to the record.
4 State your address and the organization that you
5 are speaking for, if applicable. And please
6 remember that you have two minutes as an
7 individual and five minutes if you're speaking
8 on behalf of an organization.

9 Finally, when we get testimony from
10 you, speak clearly and slowly so the
11 stenographer is able to hear and transcribe
12 everything that you say.

13 And with that, let's go to our first
14 preregistered speaker. So, the first speaker is
15 Steve Wachs, and Steve will have five minutes to
16 speak on behalf of the Patapsco Heritage
17 Greenway, otherwise known as the Patapsco Valley
18 Heritage Area.

19 MR. STEVE WACHS: Thank you, Mr. Bole
20 and Ms. Correia, for this opportunity to
21 publicly comment. My name is Steve Wachs, W-A-
22 C-H-S. I live at 5852 Deer Ridge Lane in

1 Elkridge, and I am the board president of the
2 Patapsco Heritage Greenway, as you said, the
3 managing entity of the Patapsco Valley Heritage
4 Area. Ellicott City and the entirety of this
5 flood mitigation project are within the
6 boundaries of the Patapsco Valley Heritage area.

7 PHG is a nonprofit organization that
8 works to preserve, protect, interpret, and
9 restore the environment, history, and culture of
10 the Patapsco Valley Heritage Area. We have a
11 board made up of dedicated residents and a
12 larger team of equally dedicated members and
13 volunteers who love the valley, its history,
14 charm, and beauty. We appreciate the
15 opportunity to participate in the Section 106
16 review process through representatives Ms.
17 Jensen-Wingate and Ms. Kubofcik. They prepared
18 a detailed written report with recommendations
19 that was reviewed and approved by the PHG board,
20 which is being submitted as written testimony.
21 I wish just to summarize the written report
22 while stressing the points of emphasis.

1 We understand and support the need for
2 public safety and want residents, shop owners,
3 and visitors to feel confident when they are in
4 Ellicott City. Ellicott City's elevation from
5 an early mill town to today's charming unique
6 point of destination for strolling, shopping,
7 and entertainment is captured in an
8 architectural style spanning hundreds of years.
9 It is important, we feel, to retain this
10 history, either by retaining the architectural
11 evidence in the buildings or by at least
12 providing contextual evidence for
13 interpretation.

14 Specifically, in the lower Main
15 Street, we think additional mitigation for the
16 structures at 8049, 8055, 8059, and 8069 is
17 warranted. While their removal may be necessary
18 for public safety, such action will radically
19 alter the character of the lower Main. Our
20 report recommends specific suggestions for
21 maintaining evidence of their existence, their
22 place in history, and provides area of public

1 interest.

2 We request consideration for
3 preserving as much as possible of the historic
4 stone Tiber Channel walls as representative of
5 the early 19th Century milling industry
6 stonework. While not mentioned in the public
7 notice, the steel bridge adjacent to 8069 Main
8 Street appears eligible for the National
9 Registry Criterion C. We request these be
10 evaluated and documented for retention.

11 We support preserving the sandstone
12 storefront façade of 8059 Main Street, also
13 known as Bean Hollow, in situ to define the edge
14 of the streetscape and preserve an iconic
15 architectural relic from Ellicott City's past as
16 well as the retention of the historical sections
17 of buildings higher up Main Street, various
18 addresses from 8081 to 8125. Hopefully, future
19 use and occupancy will be allowed.

20 Finally, our report highlights the
21 structure at 8777 Frederick Road in the West
22 End, a 19th Century structure worthy of

1 consideration for relocation instead of
2 demolition. We request a full evaluation and
3 documentation for National Register eligibility
4 due to its construction style from locally
5 quarried stone.

6 We request full documentation on all
7 these affected properties be available for
8 public access.

9 Patapsco Heritage Greenway is prepared
10 to work with other consulting parties to
11 generate a memorandum of agreement in an effort
12 to minimize the adverse impacts of the flood
13 mitigation plans to the iconic Ellicott City
14 Historic District.

15 Thank you again for this opportunity
16 to comment.

17 MR. DAN SWENSON: Thank you, Mr.
18 Wachs. Now, we have an opportunity for
19 additional nonregistered speakers. In order to
20 speak, please use your hand raise button on the
21 WebEx screen. I will then call on those
22 individuals with their hand raise button

1 clicked. And, as a reminder, once you're
2 finished speaking, please remember to unclick
3 your hand raise button.

4 Our next speaker will be Joel Hurwitz.
5 Mr. Hurwitz, you'll have two minutes to speak.

6 MR. JOEL HURWITZ: Am I on?

7 MR. DAN SWENSON: Yes, we can hear
8 you.

9 MR. JOEL HURWITZ: All right. First,
10 for the county, you're deficient in publicizing
11 this. It's not on your event list or
12 highlighted on the news or events of the Safe
13 and Sound.

14 When the [inaudible 24:20] expressed
15 removal of ten buildings, I had written a blog
16 about how to preserve the facades and put in a
17 flood wall and keep the water off of Main
18 Street, and I believe the Safe and Sound Plan
19 does that in larger specs for the six upper
20 buildings. However, I am opposed to the removal
21 of 8049, the Phoenix Building. The county's
22 plans always show the concept plan looking from

1 Maryland Avenue. They never show the reverse of
2 what the culvert is going to look like, how it's
3 going to keep debris out, how you're going to
4 keep people out, but let the water in, what the
5 effect of the air going through it going to be
6 on the use, how to keep the B&O protected when
7 the buildings and the bridges are removed.

8 Instead, your concept plan -- in the
9 watershed master plan -- actually shows a deck
10 over the Phoenix -- where the Phoenix is
11 currently over the Tiber. I do not understand
12 why the Phoenix portion that's over the Tiber is
13 in any way impacted by the culvert construction,
14 and the county has never --

15 MR. GREG SLACK: Thirty seconds.

16 MR. JOEL HURWITZ: -- adequately
17 explained that. So, I would like to preserve as
18 much of the Phoenix as possible, particularly
19 because it has a historic marker on it. I
20 recognize that the elevations to get under the
21 road -- the bare road don't give you a lot of
22 room for the other portion of Phoenix. But as

1 much of it should be preserved as possible
2 because it brings the streetscape, as the
3 previous speaker said. I also --

4 MR. GREG SLACK: Time has expired.

5 MR. JOEL HURWITZ: -- support the
6 [inaudible] preservation.

7 UNIDENTIFIED MALE SPEAKER: I didn't
8 get the spelling of his name or his address.

9 MR. DAN SWENSON: Thank you, Mr.
10 Hurwitz. We have your -- we have your name
11 spelled out on the WebEx. Would you like to --
12 would you like to state your address for the
13 record?

14 MR. JOEL HURWITZ: 5681 Harpers Farm
15 Road, Columbia, 21044.

16 MR. DAN SWENSON: Thank you. We now
17 have an opportunity for another speaker. I'm
18 looking at the -- the list of attendees. I
19 don't currently see anybody else with their hand
20 raise button clicked. If you would like to
21 speak, please go ahead and click your hand raise
22 button and you'll be able to speak.

1 All right. Our next speaker will be
2 Stephanie Ermatinger, if I'm pronouncing that
3 right. Stephanie, are you speaking on behalf of
4 just yourself or an organization? If you guys
5 could unmute her.

6 MR. GREG SLACK: She is unmuted.

7 MR. DAN SWENSON: Stephanie, are you
8 speaking on behalf of a group? Stephanie?
9 Maybe we can come back to Stephanie. Is there -
10 - is there anybody else who would like to speak?
11 If so, please click your hand raise button and
12 we'll -- we'll have you start your -- start your
13 time. And just -- just to put it out there, I
14 do see Stephanie -- she is currently muted.

15 MR. GREG SLACK: Yes. She was
16 unmuted.

17 MR. DAN SWENSON: Can we keep her
18 unmuted?

19 MR. GREG SLACK: Yes, I can keep her
20 unmuted. And Stephanie, if you'd like, you can
21 just call in. We will unmute the call in.

22 MR. DAN SWENSON: Okay. Well, I'm not

1 -- let's just go through this one more time. If
2 there is anybody else who would like to speak,
3 if you could click the hand raise button using
4 the WebEx. We'll wait one more minute for that,
5 and then we'll -- we'll try -- we'll try
6 unmuting all to see if anybody else would like
7 to speak.

8 We do have a hand raise by Brent
9 Loveless. Brent, can you tell me if you're
10 speaking on behalf of a group?

11 MR. BRENT LOVELESS: I am currently
12 the president of the PTA Council of Howard
13 County; however, I will be speaking as an
14 individual.

15 MR. DAN SWENSON: Great, okay. Well,
16 you'll have two minutes to speak then, and if
17 you don't mind, please just restate your name,
18 spell it out, and if you'd like to state your
19 address, that would be great.

20 MR. BRENT LOVELESS: My name is Brent
21 Loveless, 9570 Whiskey Mountain Road, Laurel,
22 Maryland. I apologize. I did not come prepared

1 to speak this evening, but this is an item of
2 great importance.

3 My family has been in the region for
4 many, many, many generations and although we
5 were mainly focused around the Laurel area,
6 Ellicott City is equally important to us from a
7 historical perspective. And I would appreciate
8 any and all efforts to use your engineering
9 skills to try to maximize the historic
10 preservation of the region, and I do think that
11 with enough time, effort, and energy that we can
12 work toward engineering solutions and hydrologic
13 solutions which minimize the impact to the
14 historic character.

15 As a school representative, I am
16 always at odds between things that compete for
17 funding -- education versus things like flood
18 mitigation, safety, and historic preservation.
19 But I do think each of these are -- are
20 extremely important to the character of the
21 community and what we leave for future
22 generations. And I encourage, like I said, any

1 and all efforts that we can to implement
2 hydrology controls that minimize the impact to
3 the historic character of the neighborhood.

4 Thank you very much.

5 MR. DAN SWENSON: Thank you, Mr.
6 Loveless.

7 So, is there anybody else who wishes
8 to speak? If so, please -- please click that
9 hand button and -- and you will be able to take
10 your turn speaking. And I don't know if we have
11 Stephanie -- I don't know if we have Stephanie
12 Ermatinger back on the line. If so, Stephanie,
13 you can speak now.

14 MS. STEPHANIE ERMATINGER: Okay. Can
15 you hear me now?

16 MR. GREG SLACK: Yes, we can.

17 MR. DAN SWENSON: Yes.

18 MS. STEPHANIE ERMATINGER: This is
19 Stephanie Ermatinger. I'm sorry?

20 MR. DAN SWENSON: Are you speaking on
21 behalf of a group?

22 MS. STEPHANIE ERMATINGER: A group,

1 yes. My name is Stephanie Ermatinger. The last
2 name is spelled E-R-M-A-T-I-N-G-E-R. I am the
3 executive assistant for Ellicott City
4 Partnership. Ellicott City Partnership works
5 with the business owners in order to preserve
6 the heritage of Ellicott City -- of Old Ellicott
7 city.

8 Removing some of the buildings, I
9 believe, is going to disrupt a lot of the
10 business owners down there, and Ellicott City is
11 just a historic district, and it needs to stay a
12 historic district. Cutting off some of the
13 backs of the buildings, I believe, are going to
14 interfere with the business owners actual
15 product forward. Doing -- I can understand
16 construction and I can understand renovations.
17 I just hope that it is not going to interfere
18 with a lot of the business owners, their --
19 their retail businesses. They've been so much
20 affected by the pandemic itself. We've been
21 trying to get as much grant money as we can to
22 help any of the businesses and all of the

1 businesses, and we certainly would welcome any
2 and all information that anyone can provide in
3 order to help maintain the history of Old
4 Ellicott City.

5 I thank you for allowing me to speak
6 at this moratorium. If anyone has any
7 questions, feel free to contact me.

8 MR. DAN SWENSON: Thank you, Ms.
9 Ermatinger.

10 Would anyone else like to speak at
11 this point? Okay. Well, why don't we -- I'm
12 not seeing any further hand raises on the WebEx.
13 Just one last opportunity if you'd like to click
14 that hand raise button. I'll go ahead and just
15 wait just a little bit to see if anybody wants
16 to do that.

17 Okay, at this point, why don't we go
18 ahead, our Howard County IT folks, if you would
19 -- if you could unmute all the phone lines.
20 We'll see if we can have anybody who wishes to
21 speak but couldn't figure out the hand raise
22 feature and given them an opportunity to speak

1 as well. When we do this, if folks could -- if
2 there are people who do want to speak, if we can
3 just sort of go one at a time, that would be
4 great.

5 MR. GREG SLACK: Okay. I'm going to
6 unmute them right now. It looks we're getting
7 some feedback. Give me a moment.

8 MR. DAN SWENSON: I guess as an
9 alternative, while we're working on that, is
10 there anybody who wishes to speak but couldn't
11 get the hand raise feature to work? Why don't
12 you let our IT folks know through the chat
13 function. That's another way you can let them
14 know that you wish to speak, and we can make
15 that happen.

16 MR. GREG SLACK: I'm going to do small
17 groups at a time.

18 MR. DAN SWENSON: Even if we -- even
19 if we go one at a time, that's probably doable
20 with the number of people that we have.

21 MR. GREG SLACK: Okay.

22 MR. DAN SWENSON: However you, you

1 know, however you want to do that.

2 MR. GREG SLACK: So, I'm going unmute
3 the people with their first names that begin
4 with B and E.

5 MR. DAN SWENSON: So, for the folks
6 who are unmuted right now, if you'd like to
7 speak, you know, please one at a time, feel free
8 to do that.

9 MR. GREG SLACK: So, that would be if
10 the first letter of their name begins with a B
11 and ends with an E.

12 MR. DAN SWENSON: Why don't we just go
13 down one-by-one. Maybe they'll see the symbol.

14 MR. GREG SLACK: Okay. All right.
15 I'm going to unmute James. Okay. I'm going to
16 unmute Joel. All right. I'm going to unmute
17 Julia.

18 MR. DAN SWENSON: I think you're
19 unmuted. If you'd like to speak, please just
20 speak up. You know, state your name, address,
21 and you can have that opportunity.

22 MR. GREG SLACK: Unmute Keith.

1 KEITH: I have no comments.

2 MR. GREG SLACK: Thank you. I'm going
3 to unmute Christy. Okay. L. Wingate. Okay.
4 I'm going to unmute Lisa.

5 LISA: I have nothing, thank you.

6 MR. GREG SLACK: Thank you. I'm going
7 to unmute Liz. Okay. Unmuting Michael. All
8 right. Unmuting Nancy.

9 NANCY: No comment.

10 MR. GREG SLACK: Thank you. Unmuting
11 Nicole. All right. Unmuting Omari. Okay.
12 Unmuting Pat. Okay. Unmuting Peter. Okay.
13 Unmuting Robert.

14 ROBERT: Good evening. I have no
15 comments. Thank you.

16 MR. GREG SLACK: Thank you. Unmuting
17 Scott. Okay. Unmuting Shannon. Unmuting
18 Sharon.

19 SHARON: I have no comments. Thank
20 you.

21 MR. GREG SLACK: Thank you. Unmuting
22 Steve.

1 MR. STEVE WACHS: I already spoke.

2 Thank you.

3 MR. GREG SLACK: Thank you. Unmuting
4 Travis.

5 TRAVIS: No further comment. Thank
6 you.

7 MR. GREG SLACK: Thank you. And
8 unmuting WM Hittle.

9 WM HITTLE: No comment. Thank you.

10 MR. GREG SLACK: Thank you. That is
11 all of them.

12 MR. DAN SWENSON: All right. Thank
13 you for that. well, I think at this point,
14 we're ready for closing remarks unless anybody,
15 I guess, has one last opportunity before we move
16 on to that. And I guess another question is do
17 we want to -- do we want to continue the meeting
18 in case other participants decide to join or do
19 we want to move on to closing remarks. Mr.
20 Bole, let me know if you have any advice on that
21 decision.

22 MR. DONALD BOLE: Yeah, I think we can

1 continue the meeting until 9:00 in case other
2 participants join. Other -- other than that, we
3 can place the meeting in recess if there are no
4 additional comments at this time.

5 MR. GREG SLACK: Okay.

6 MR. DAN SWENSON: Bill -- Bill Seiger
7 and county folks, are you in agreement with that
8 plan or do you have other suggestions?

9 MR. WILLIAM SEIGER: No. This is
10 Bill. It sounds like a plan to me.

11 MR. MARK RICHMOND: That's fine from
12 the county's standpoint.

13 MR. DAN SWENSON: What I could do is
14 go ahead and read the closing remarks just to
15 reiterate some of the commenting deadlines and I
16 could repeat that at 9:00 when we -- when we
17 close this hearing.

18 MR. CHRISTOPHER PINEDA: Hello. Can
19 everybody hear me?

20 MR. GREG SLACK: Yes.

21 MR. CHRISTOPHER PINEDA: Hi. This is
22 Christopher Pineda. I'm the new executive of

1 the Ellicott City Partnership of the Ellicott
2 City Partnership. I just wanted to state for
3 the record that the Ellicott City Partnership
4 has not created a formal policy or statement on
5 behalf of the same and, if anything, will come
6 out on the [inaudible] it will be drafted and
7 sent to -- sent to the county exec's office in a
8 formal letter. That concludes my remarks.

9 MR. DAN SWENSON: Thank you. Well,
10 this is Dan Swenson again. I'm going to go
11 ahead and just read those -- I'm just going to
12 go ahead and read my closing remarks and then
13 I'll repeat those again at the formal end of the
14 meeting at 9. But just that if any of the folks
15 that are on the line wish to drop off the call,
16 I'm just going to repeat this.

17 On behalf of all of us with the Corps
18 and MDE, we would like to thank you for your
19 participation in this public hearing. Your
20 comments are important to us, and we will review
21 them carefully to ensure our final decision
22 accurately evaluates the project alternatives

1 and the environmental impacts. Again, the Corps
2 will carefully consider all comments provided at
3 this public hearing for the proposed project as
4 part of our final permit decision. As another
5 reminder, if you would like to provide
6 additional comments, the close of the public
7 comment period is September 25, 2020. Comments
8 must be received by September 25, 2020 to be
9 considered in the Corps' evaluation of the
10 proposed project. In addition, the transcript
11 from this public hearing will be posted to the
12 link provided in the public notice. You may
13 also request a public -- I'm sorry -- a paper
14 copy of the public notice and/or transcript by
15 sending a request via E-mail to Mr. Donald Bole
16 at -- and I'll spell out his E-mail address --
17 it's D-O-N-A-L-D dot R as in Robert, dot B-O-L-
18 E, and that's at U-S-A-C-E dot A-R-M-Y dot M-I-
19 L, or by calling 410-962-6079.

20 Thank you and have a good evening and,
21 like I said before, we're going to remain here
22 at the meeting until 9:00 and I'll repeat these

1 closing remarks at the very end.

2 If anybody would like to speak at this
3 time, you know, please let us know.

4 MR. GREG SLACK: Dan, this is Greg.
5 Is there a certain time that you want us to
6 reconvene to follow up if any additional people
7 wish to give testimony?

8 MR. DAN SWENSON: I think that, I
9 mean, correct me if I'm wrong anybody, but I
10 think the plan is for us to stay on and sort of
11 keep all channels open for the next hour and
12 fifteen minutes or so. But if anybody has a
13 different plan, you know, please feel free to --
14 to make suggestions.

15 MR. GREG SLACK: So, I was suggesting
16 that if we want to, you know, we could come back
17 at 8:30. The meeting will continue to run.
18 People will continue to join, and if we want to
19 check with anybody around that time to see if
20 there was any additional testimony, or we can do
21 whatever you like.

22 MR. DAN SWENSON: I mean, I think it

1 would be better to have people online, you know,
2 if people do join the meeting [inaudible] that
3 the meeting, you know, ended premature and drop
4 off.

5 MR. GREG SLACK: Okay.

6 MR. DAN SWENSON: I don't think
7 everybody necessarily needs to stay on, but I
8 think for the Corps, I think we'll just continue
9 to be on the line until 9:00.

10 MR. WILLIAM SEIGER: Yeah, this is
11 Bill. I like the idea of giving it a rest and
12 coming back, but unless there's some direction
13 for folks who will be joining now to instruct
14 them that we're coming back, I don't know how we
15 can do anything but sit and wait for a hand to
16 be raised or a new person to speak up.

17 MR. GREG SLACK: So, I have a Power
18 Point slide that states that we are in recess
19 and that we will be returning. So, if you like,
20 I can have it as is, or we can put a time to
21 state when we are returning to follow up with
22 any additional testimony.

1 MR. WILLIAM SEIGER: I didn't know you
2 had that. That sounds like a good idea.

3 MR. DAN SWENSON: This is Dan Swenson.
4 I'm okay with that. Joe, Don, or Katie, any
5 objection to that?

6 MR. DONALD BOLE: That sounds good to
7 me. We could put the in recess slide up and
8 then check back at let's say 8:15.

9 MR. DAN SWENSON: That will work. Why
10 don't we make it 8:30?

11 MR. DONALD BOLE: That sounds good to
12 me.

13 MR. DANIEL SWENSON: Excellent.
14 Thanks.

15 MR. GREG SLACK: All right. Thank
16 you. I will be putting up the slide
17 momentarily, and we will go on mute.

18 MR. DAN SWENSON: Sounds good. Thank
19 you very much, and thanks to all the folks that
20 joined us for this public hearing.

21 [Off the record at 7:50 p.m.]

22 [On the record at 8:30 p.m.]

1 MR. GREG SLACK: This is the Howard
2 County IT. We have gone unmuted and resumed
3 recording. It is now 8:30. I'll just put us
4 back on mute. We've been in recess.

5 [Off the record at 8:31 p.m.]

6 [On the record at 8:31 p.m.]

7 MR. GREG SLACK: If you'd like to
8 speak, please click on your raise hand button in
9 your WebEx application. And for those who have
10 just joined, to raise your hand, if you click on
11 the participants icon in the lower righthand
12 corner, you will see a raise hand at the bottom
13 of the participation list. You just click that
14 once, it will raise the hand. Click it again,
15 it will remove the raise hand.

16 MR. DAN SWENSON: So, it seems like we
17 don't have any raised currently. I suggest we
18 wait about five minutes and then if everybody is
19 in agreement, we could go on recess again until
20 just before 9:00. Give it one more chance and
21 then end the hearing. It looks like we do have
22 one hand raised, Mr. Brent Loveless.

1 MR. BRENT LOVELESS: I spoke earlier
2 and thanked you for the opportunity. I wanted
3 to make sure everyone else had the opportunity
4 before speaking. After thinking about the
5 comments I made earlier, I would like to
6 reiterate. I was involved in a very important
7 project in lower Howard County involving a
8 national historic site, and each and every year,
9 we requested signatures to see how many people
10 actually cared and were concerned about the
11 historical resources in that area of the county.
12 We did this for about seven years, and each and
13 every event that we had where we went out to the
14 people and requested their comments and thoughts
15 on it, we were getting 99, 99.5 percent support
16 for preserving the historic resources in Howard
17 County. The differences from this meeting
18 tonight is we went to the people and gave them
19 the option as opposed to sending out an invite
20 and hoping they could join. I'm rather
21 disappointed with the turnout here, but I think
22 it's indicative of the situation with the county

1 where school is starting, it's very busy, it's
2 about to rain, there are multiple meetings going
3 on, and even there is a meeting on this very
4 topic tomorrow, which may confuse people.

5 So, I can only offer my experience
6 from elsewhere in the county, but I do believe
7 most of the county is very concerned about the
8 historic resources if given the opportunity to
9 chime in, and I also believe they are very
10 concerned about the safety and well-being of the
11 residents of Howard County and Ellicott County.
12 And as the storm approaches yet once again in
13 Ellicott City, it's a good time to remind
14 everyone that our risk to life is based namely
15 on occupancy of the buildings. Our timing of
16 this project is urgent to protect life, but we
17 can obviously address that concern through
18 occupancy and address the long-term project of
19 mitigating this flood water over the period
20 required where it is least impactful and most
21 effective, and I encourage, yet once again, to
22 explore any and all alternatives, phasing, and

1 methodologies to both protect life and preserve
2 our heritage, and I think we can through phases
3 engineer the best solution possible. So, I
4 encourage you to shoot for the moon and try to
5 create a project that will be recognized
6 throughout the nation and the world for
7 preserving historic resources in environmental
8 areas. Thank you very much.

9 MR. DAN SWENSON: Thank you, Mr.
10 Loveless.

11 And just to -- just to make this
12 suggestion, if there's anybody that -- who spoke
13 previously that would like to speak again, it
14 looks like we have the time to do that. So, if
15 you do, just -- just use that hand raise
16 function, and we can have you -- provide you
17 with additional time to speak.

18 MR. GREG SLACK: We have a hand
19 raised. Dan, we have a hand raised.

20 MR. DAN SWENSON: Sorry, I was on
21 mute. We have Mr. Martin Eveler, who has got
22 his hand raised and would like to speak. Mr.

1 Eveler, are you speaking as an individual or on
2 behalf of a group?

3 MR. EVELER: On behalf of a group of
4 property owners at 3720 Maryland Avenue, Antique
5 Depot. I kind of got in late to the meeting.
6 I'm not sure what's been discussed or talked
7 about, but a question from me to whomever it may
8 concern is about Antique Depot and the
9 surroundings. I know Phoenix Emporium is
10 scheduled to be removed and what not and how
11 that's going to affect our business and property
12 and so on and so forth.

13 MR. DAN SWENSON: Just to clarify,
14 this was explained earlier in the meeting, but
15 the purpose of this public hearing is to get
16 comments from the public. But we -- we won't be
17 having a question and answer session as part of
18 this hearing.

19 MR. MARTIN EVELER: Oh, okay. Okay.
20 Very good.

21 MR. DAN SWENSON: Is there anybody
22 else who would like to speak at this time? If

1 so, please you can use the hand raise button on
2 your WebEx and we can -- we can unmute you to
3 speak. It looks like we have a new person
4 requesting to speak -- Mr. Hurwitz. Mr.
5 Hurwitz, are you speaking as an individual or on
6 behalf of a group, and if you could please --

7 MR. JOEL HURWITZ: Speaking again by
8 myself. As Mr. Loveless said, I'm surprised how
9 no one is here. My previous comments -- I guess
10 the underlying goes to the lack of engineering,
11 and I'm not sure what the Corps is being asked
12 to approve in regard to how the culvert area is
13 going to work or the tunnel access. Because
14 without some of that concept, as I said, of how
15 it's going to interact with the park and how
16 it's not going to be having this cold winter
17 blowing through on certain days, how you can
18 keep the cars from falling off Maryland Avenue,
19 how are you going to protect the B&O when the
20 flow is going to change. And, as I said, why
21 are we tearing down the Phoenix over the Tiber,
22 which is not really impacting and from looking

1 at pictures and my understanding, it doesn't
2 flood all that badly as it was now because it
3 was only a few feet apparently.

4 And regarding Lot F, no one has ever
5 explained how you're going to build the access
6 to the tunnel. To me, the topography there is
7 once the water is already there, you've already
8 got a problem, and to get enough water into it,
9 you have a huge problem because, as I said, Lot
10 F is so flat. So, without some of that
11 engineering, as I said, I don't understand how
12 the Corps is approving or even how this is all
13 one permit process for all these different
14 independent projects. So, I would hope you
15 would get those answers from the county before
16 proceeding on those details.

17 And since there's no one here, I
18 wonder how many people are actually using your
19 sign language interpreter. Maybe in the watch
20 later.

21 MR. DAN SWENSON: Thank you, Mr.
22 Hurwitz.

1 Is there anybody else who would like
2 to speak? Well, at this point we have just over
3 fifteen minutes left for the hearing. So, I'd
4 say let's -- I recommend we just stay on the
5 line until 9 and if there is anybody who wishes
6 to speak, please just use the good old hand
7 raise button, and we will unmute you.

8 [Off the record at 8:45 p.m.]

9 [On the record at 8:55 p.m.]

10 MR. DAN SWENSON: Anybody who would
11 like to speak at this time? If so, please use
12 the hand raise button, and we will -- you'll be
13 able to speak in the time that we have
14 remaining.

15 [Off the record at 8:57 p.m.]

16 [On the record at 9:00 p.m.]

17 MR. DAN SWENSON: It's 9:00. On
18 behalf of all of us with the Corps and MDE, we
19 would like to thank you for your participation
20 in this public hearing. Your comments are
21 important to us, and we will review them
22 carefully to ensure our final decision

1 accurately evaluates the project alternatives
2 and their environmental impacts. Again, the
3 Corps and MDE will carefully consider all
4 comments provided at this public hearing for the
5 proposed project as part of our final permit
6 decision. As another reminder, if you would
7 like to provide additional comments, the close
8 of the public comment period is September 25,
9 2020. Comments must be received by September
10 25, 2020 to be considered in the Corps'
11 evaluation of the proposed project. In
12 addition, the transcript from this public
13 hearing will be posted to the link provided in
14 the public notice. You may also request a paper
15 copy of the public notice and/or transcript by
16 sending a request via E-mail to Mr. Donald Bole
17 -- and here I'll spell out Don's E-mail address.
18 It's D-O-N-A-L-D dot R as in Robert, dot B-O-L-E
19 at U-S-A-C-E dot A-R-M-Y dot M-I-L, or you can
20 also call Don at 410-962-6079.

21 Thank you and have a good evening.
22 [Whereupon the public hearing was concluded.]

1 [Off the record at 9:01 p.m.]

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2 I, Martin Onuegbu, the officer before
3 whom the foregoing public hearing was taken, do
4 hereby certify that said proceedings were
5 electronically recorded by me; and that I am
6 neither counsel for, related to, nor employed by
7 any of the parties and have no interest,
8 financial, or otherwise in its outcomes.

9 IN WITNESS WHEREOF, I have hereunto
10 set my hand and affixed my notarial seal this
11 16th day of 2020.

12

13 
14 _____

15 Martin Onuegbu, Notary
16 Public for the State of
17 Maryland

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I, Pamela Flutie, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Pamela A. Flutie

September 16, 2020

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Conducted on September 9, 2020

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