

DRAFT SUMMARY OF THE COX CREEK
CITIZENS OVERSIGHT COMMITTEE MEETING
January 13, 2021 – 5:30 PM
Virtual Meeting

Attendees:

Anne Arundel County Department of Public Works (DPW): Chris Phipps

Anne Arundel County Water Access Committee: Lisa Arrasmith

Cox Creek Citizens Oversight Committee Facilitator: Angie Ashley

Marine Trades Association: Mike Bonicker

Maryland Department of Transportation Maryland Port Administration (MDOT MPA):

Sergio Adantor, Kristen Fidler, Thomas Hall, Margie Hamby, Katrina Jones, Kristen Keene, Holly Miller, Amanda Peñafiel

Maryland Environmental Service (MES): Dallas Henson, Robert Natarian

Pasadena Business Association: Christine Richardson

Regina Rochez Consulting Services: Regina Rochez

Resident of Legislative District 31: Gary Gakenheimer

Resident of Legislative District 46: Diane Ingram

Restore Rock Creek: Paul Jendrek

South Baltimore Business Alliance (SBBA): James Matters

Action Items:

Draft sign templates for the walking trails will be shared with the Committee for review.

1.0 Welcome & Introductions

Angie Ashley

Ms. Ashley convened the virtual meeting and introduced all in attendance. All meeting materials can be found at this link: [10 14 2020 Cox Creek COC Meeting](#).

Ms. Ashley informed the Committee that Mr. Gary Gakenheimer has volunteered to be the new chairman of the committee.

Mr. Gakenheimer mentioned an erosion issue beneath the BGE towers from the stormwater management ponds near Chestnut Hill Cove near Amazon and Best Buy warehouses. There are two potential warehouse projects on Solley Road and Tanard Springs Road on a 100-acre parcel that could potentially impact Swan Creek. If trees are removed and there are no proper measures in place, increased erosion and sediment runoff may occur upstream of the Swan Creek Wetlands.

Ms. Ashley requested comments on the October 14, 2020 meeting summary; no comments were received, and the July 2020 meeting summary was approved by the Committee.

2.0 Cox Creek Expansion Update

Amanda Peñafiel, MDOT MPA
Sergio Adantor, MDOT MPA

Construction Update

Ms. Peñafiel provided an update on the Cox Creek Dredged Material Containment Facility (DMCF) expansion project. An August 2020 aerial photograph of the site was displayed for the Committee to outline the base dike widening, upland building demolition, innovative reuse material staging area, the Operations & Maintenance (O&M) Complex, the Swan Creek mitigated wetland, and the proposed community enhancement trail through the Cox Creek conservation easement area.

Cox Creek Expansion

Ms. Peñafiel explained that the project, a recommendation by the Harbor Team in 2011, consists of raising the existing dikes at the Cox Creek Dredged Material Containment Facility (DMCF) and the lateral and vertical expansion of the dike around the Upland area of the property. The project includes the construction of approximately 12,140 LF of elevated perimeter dike at the Cox Creek Dredged Material Containment Facility (DMCF) to +60 feet Mean Lower Low Water (MLLW). Increasing capacity at the Cox Creek facility is critical to maintaining a long-term plan for placement capacity of Harbor material and maintaining the 50-foot channel system necessary for the competitive movement of cargo and thousands of jobs associated with the Port.

A figure was shown illustrating the capacity increases per phases of expansion at the DMCF. The +60' dike raising provides 8.8 mcy of additional capacity for a total of 15.3 mcy and +80' dike raising provides 6.2 mcy of additional capacity for a total of 21.5 mcy.

Base Dike Widening

The base dike widening, which will serve as the foundation for the future +60' MLLW dike raising, is complete. The Borrow Area Excavation and Base Dike Widening project began in August 2016 and used existing suitable material from the upland portion of the property to widen the existing DMCF dikes to a uniform elevation of +36' MLLW. The base dike is approximately 200' wide. Although the BDW is complete, other ancillary items are included in the contract that the contractor is working on, such as remediation of building 101 and additional smaller punch list items). Contract completion will occur in February 2021.

Ms. Peñafiel showed the upland borrow excavation area on the aerial map in relation to the sediment basin. As water accumulates in the borrow area, it is pumped into the sediment basin to allow the borrow area to remain dewatered. The Cox Creek DMCF discharge permit was modified to allow water from the sediment basin to be discharged directly to the Patapsco River if the discharge water meets the water quality standards. However, if the water within the sediment basin does not meet water quality standards, then the water is pumped into the DMCF.

Upland Demolition

Ms. Peñafiel informed the Committee that the upland demolition contract with MES is completed, but there are elements of the Kennecott infrastructure that will be removed as a part of the +60' contract. Demolition in the uplands consisted of 26 old industrial buildings and remediation during which over 124,000 tons of concrete, steel, and asphalt were recycled.

As a reminder, Building 201 remediation was considered fully complete in August 2020 when EPA had no questions or concerns on the closeout report and provided acknowledgment of project

completion in accordance with the approved plan.

+60' MLLW Dike Raising & Expansion

The design has been finalized and the project was advertised for bids on May 4, 2020 and bids were received on June 29, 2020. MES awarded the contract on December 11, 2020. Construction is expected to begin in March 2021 and is anticipated to be completed in February 2024. The timeline is contingent on permit issuance. Coordination continues with the regulators to obtain the necessary permits for the project and the Joint Permit Application was submitted to MDE on March 12, 2020. Still outstanding is approval for erosion and sediment control, dam safety, and nontidal and Water Quality Certification. Once the Water Quality Certification is received, it is anticipated that everything else will follow shortly afterwards.

Milestones/Schedule

Ms. Peñafiel presented a graphic to the Committee depicting the Cox Creek DMCF expansion project milestones. The O&M Complex was completed in September 2019. The upland soil remediation contract was completed in October 2019. The upland facilities demolition contract was completed in July 2020. The base dike widening contract is expected to continue through February 2021. The +60' project permitting process is expected to be completed in March 2021, after which dike construction will commence, currently scheduled for March 2021.

Critical Area Mitigation

The mitigation requirements for critical area impacts related to the +60' project were determined through coordination with the Critical Area Commission (CAC). The mitigation requirement equates to 4.85 acres. On October 7, 2020, the CAC unanimously approved the +60' dike construction and expansion project with the condition that all MDE authorizations are submitted to the CAC prior to construction. The CAC accepted MDOT MPA's proposal to utilize the established critical area mitigation credit bank at the MDOT MPA-owned Hawkins Point site, located less than 5 miles from the Cox Creek DMCF, to fulfill the critical area mitigation requirements.

Nontidal Impacts

The +60' dike construction and expansion project impacts to nontidal wetlands equates to 1.16 acres of nontidal wetland and 2.32 acres of nontidal buffer. Ms. Peñafiel stated that the original plan was for nontidal wetland mitigation to occur on-site at Cox Creek, but the proposed on-site areas were designated for required stormwater management features. Therefore, MDOT MPA proposed off-site nontidal wetland mitigation in the Gunpowder-Patapsco watershed.

The proposed site for mitigating nontidal impacts is the [Genesee Valley Outdoor Learning Center \(GVOLC\)](#). Proposed mitigation includes:

- Wetland restoration (1:1) - These areas at present are considered upland but have good potential for restoration with hydric soils and good potential for hydrology restoration.
- Emergent wetland enhancement (3:1) - the incorporation of educational elements, placement of woody debris as beneficial substrate, nesting structures, native plantings of trees and shrubs, connection to larger restored areas, control of invasive species.
- Open water wetland enhancement (5:1) - addition of fringe wetlands and gradual shorelines, controlled outlet structures designed to withstand larger storm events, submerged fish habitat structures.

Next Steps

The Phase II Mitigation Plan will be submitted to the regulatory agencies on January 22, 2021 (requirement prior to nontidal permit issuance). Fulfilling the compensatory mitigation for the project is an MDOT MPA priority. Permits are expected in March 2021.

Community Enhancements

Mr. Adantor provided an update on the status of the Cox Creek Expanded community enhancement projects. The Committee was reminded of the prioritized list of community enhancement projects formally recommended by the Committee to MDOT MPA for consideration in April 2019. MDOT MPA has investigated moving the top three community enhancement projects forward in fiscal year 2021. The top three community enhancement projects are: 1) reserving placement capacity in the Cox Creek DMCF for Northern Anne Arundel County Department of Public Works (DPW) maintenance dredging projects; 2) creation of walking trails and associated signs; and 3) installation of navigation aids in the Cox Creek channels.

Although funding for the community enhancement projects is dependent on required mitigation, MPA has begun moving some community enhancements forward. Budget constraints related to COVID-19 have shifted our focus to the top three community enhancements. However, next fiscal year, MPA will continue to assess if additional community enhancements can move forward.

Walking Trails and Associated Signs

Mr. Adantor provided an update regarding the creation of walking trails and associated signs in the Cox Creek forested conservation easement area. The trail design is being conducted in two phases; Phase I, the planning phase, includes site investigations, examining trail options, and developing a concept trail design based on site mapping. Completion of Phase I is expected in early 2021.

Phase II will include finalization of the trail design, classroom concept design, permitting, and preparation of required construction documents and will require six months to one year to complete. A.D. Marble is the contract design consultant.

Mr. Adantor displayed the updated concept trail design, based on previous input from the Committee, the environmental education team, the wetland delineation and A.D. Marble's site investigation in October 2020. Several sample designs of the outdoor classroom space presented.

Next Steps

MDOT MPA will continue to investigate the outdoor classroom concepts and proposed options to be able to make cost effective selections that are in line with the easement area, and advance the development of signs associated with the trail. To aid in this, subcontractor A.D. Marble will draft sign templates for review, which will be shared with the Committee.

3.0 Innovative Reuse and Beneficial Use

Kristen Keene, MDOT MPA

Innovative Reuse and Beneficial Use Request for Proposals

Ms. Keene reminded the Committee that MDOT MPA advertised the Innovative Reuse and Beneficial Use of Dredged Material: Research and Development for Dredged Material End Use Applications Request for Proposals (RFP) in November 2019 through e-Maryland Marketplace Advantage. The RFP will support research and development of novel end use applications for Baltimore Harbor dredged material. MDOT MPA intends to award a minimum of six contracts

under the RFP, each not-to-exceed \$300,000. The maximum volume of dredged material that can be allocated under the RFP is 5,000 cy per proposal. The RFP results will provide MDOT MPA with an opportunity to better understand the potential for cost-effective capacity recovery of significant material volumes within the Cox Creek DMCF.

To-date, MDOT MPA has received ten proposals in response to the RFP. Of these proposals, three have been awarded a contract and two are scheduled to go before the Board of Public Works on January 27th. The proposals highlight private sector ingenuity and generally include concepts such as manufactured building products, stormwater management solutions, coastal restoration and resiliency products, and agricultural applications. Ms. Keene shared that MDOT MPA is encouraged by the robust response to the solicitation.

MDOT MPA received a very diverse set of proposed end-uses for dredged material. Belden-Eco Products (BEP) was the first contract awarded for industrial-scale testing using Cox Creek dredged material for commercial production of ceramic bricks and permeable pavers. The permeable pavers could be marketed as a stormwater management solution for the Chesapeake Bay watershed, if the exercise is successful.

A second contract was awarded to Northgate Environmental Management to study the use of Cox Creek dredged sediment for manufacturing concrete traffic barriers for local transportation projects and structures to protect shorelines.

A contract was also recently awarded to FasTrak Express to use dredged material in the development of re-engineered soil for growing sod.

Ridgley's Cove Demonstration Project

Ms. Keene stated that Ridgley's Cove is an underutilized recreational parcel located in Baltimore City behind the Horseshoe Casino garage and adjacent to the Middle Branch of the Patapsco River. This site's revitalization is included as part of the mitigation package for the new Topgolf facility being developed in Baltimore City. MDOT MPA's portion of the project will include supplying approximately 22,000 cy of blended dredged material to serve as the upland remedial capping material that will be placed prior to plantings and recreational development.

Hauling is expected to commence on or about January 21, 2021. MDOT MPA is working with several partners to make this happen, including Baltimore City, Baltimore Development Cooperation, Topgolf, Maryland Environmental Service, Maryland Department of the Environment and others. This will be the first time MDOT MPA is using dredged material for remedial capping, and first time MDOT MPA will have an approved blended material approved by MDE and is our largest demonstration project to date.

Recovered Capacity at Cox Creek MDCF

The team at MES led by Mr. Robert Natarian started reclaiming material from the site in 2018. Ms. Keene shared a chart which illustrated the rapid rate in which the MES team was able to identify processing efficiencies to rapidly enhance the amount of material that could be dewatered over time. The illustration highlighted that 32,000 cy of dewatered dredged material is equivalent to 96,000 cy of recovered capacity, i.e., 1 cy of dewatered dredged material is equivalent to 3 cy of recovered capacity. Currently, dewatering of dredged material is paused in order to perform other on-site construction activities.

2020 Innovative Reuse and Beneficial Use Strategy (IRBU)

Ms. Keene reminded the committee that the IRBU strategy document serves as a roadmap for the program and outlines a variety of strategy items the MDOT MPA seeks to achieve over time. The overarching goal is to make long-term, sustainable innovative reuse and beneficial use programs and projects to address capacity recovery an implemented component of the Dredged Material Management Program in Maryland, to promote the long-term viability of the Port of Baltimore.

The DMMP Executive Committee approved the IRBU at their November 2020 meeting. The next step is to get an implementation plan in order to complete each of the strategy items in the document.

4.0 Harbor Development Update

Kristen Fidler, MDOT MPA

State of the Port & MDOT MPA Update

Ms. Fidler also acknowledged the great work done by the MES team at Cox Creek led by Mr. Natarian in recovering sediment for the Ridgley Cove project.

Seagirt Berth 3 Improvements

Ms. Fidler announced the Seagirt Berth 3 deepening project will be underway soon, with Corman Construction performing the dredging. Once the project is complete, the Port will have two 50' deep berths. The project also incorporates widening and maintenance dredging in order to improve ingress and egress for vessels calling at Seagirt. Work should be complete in late March/early April of this year in anticipation of the arrival of new supersized cranes to be delivered this summer. A new video was recently released by Ports America Chesapeake and MDOT MPA about the [Seagirt Marine Terminal Expansion](#).

The USACE and MDOT MPA are sharing a \$3M study to determine the feasibility and justification to further deepen the entire Seagirt Loop Channel so that ships will not have to back out. The study is under way and the team is looking at an alternative milestone by the end of January, and expect to have a tentative selected plan by the end of October 2021. There will be multiple opportunities for public input and MDOT MPA will make sure the DMMP committees are aware of these opportunities.

Masonville DMCF

Ms. Fidler reminded the committee that the Masonville DMCF vertical expansion to +18' MLLW was completed in April 2020. The next phase is currently on hold due to funding reductions due to the COVID-19 pandemic. However, the team is still working on obtaining permits so that when funding becomes available, the project will be ready to move forward. Other activities, such as stabilization of the +18' dike and the spillway improvements, are continuing in anticipation of the upcoming Seagirt dredging that will be placed at Masonville. Kurt Iron slip is being filled and graded. Funding for the additional dike raising is anticipated to be restored.

Hart Miller Island IGA

MDOT MPA and DNR continue to work on finalizing the design of the HMI North Cell to create low cost, low maintenance and operations that will encourage thriving diverse wildlife habitat and engaging park visitor experiences. The Memorandum of Understanding (MOU) between MDOT MPA the Maryland Department of Natural Resources (DNR) and Maryland Environmental Service (MES) will be updated to define roles and responsibilities in the Inter-Governmental

Agreement (IGA).

Poplar Island

Ms. Fidler stated that the 525-acre Poplar Island expansion is nearing completion and will provide an additional 28 MCY of capacity. The expansion will be ready to receive inflow in the next dredging cycle and provide capacity through 2032 for bay channel material.

Mid Bay Island Ecosystem Restoration

The Mid-Bay project consists of Barren and James Islands and will provide 90-95 MCY of capacity for the POB. The project is in the final design phase which is the pre-construction engineering and design phase. Hydrographic models, surveys, sediment sampling and geotechnical investigations that will inform the final design are underway. The cost-share agreement between USACE and MDOT MPA is 65:35.

Barren Island will be the first project and is scheduled to start next year. Outreach and engagement as begun at the federal, state and local level to ensure that the budget decisions will support the project.

Recommendation from the 2020 Annual Report

The [Annual Report](#) was presented at the November Annual Meeting, which lays out the recommendations for 2021. The recommendations are a roadmap that is reflective of the comments from our DMMP committee members.

Virtual Outreach, Engagement and Education

Ms. Fidler informed the committee that as part of the Maryland-dmmp.com site includes virtual tours of the DMMP sites. In response to feedback from the survey committee members participated in last year, MDOT MPA will be hosting a series of webinars this year on topics they wanted to hear more about, and the first will be February 24th on coastal resilience.

This year marks the 20th anniversary of the Dredged Material Management Act and throughout the year, we will highlight achievements that have been made since the enactment in 2001. The Act provided the guiding language that set the course for the DMMP and this year we reflect back on the course of the program while also engaging with our committees as we set the path for future direction.

The eagles at Masonville Cove and Cox Creek site are back. We will soon activate an [eagle cam](#) at Masonville Cove and expected the couple to lay eggs very soon.

The environmental education team has successfully made a pivot in providing virtual programs.

Ms. Fidler thanked Mr. Gakenheimer for his willingness to chair the committee and for his interest in the Port and the program. Thanked new attendees and members for attending. Announced the retirement of David Blazer from the Harbor Development staff.

5.0 Upcoming Meetings and Adjournment

Angie Ashley

Ms. Ashley stated that the next Cox Creek COC meeting is scheduled for April 14th and will be a virtual meeting. Appointed members were reminded that the annual disclosure forms are due in April, and can be submitted electronically.