

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

*Attendees:*

*Cox Creek Citizens Oversight Committee (COC) Facilitator:* Angie Ashley

*Hancock's Resolution:* Nancy Allred

*Maryland Department of Transportation Maryland Port Administration (MDOT MPA):* Kristen Fidler, Katrina Jones, Holly Miller, Amanda Peñafiel

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

*North County Land Trust (NCLT):* Rebecca Kolberg, Edson Beall

*Resident of Legislative District 31 & Chairman of the Cox Creek COC:* Gary Gakenheimer

*Resident of Legislative District 46:* Diane Ingram

*Resident of the Riviera Beach Community:* Kelly Hunt

Action Items:

1. Ms. Ashley will redistribute the January 13, 2021 Cox Creek COC meeting summary for formal approval at the next meeting.
2. MES will gather additional information pertaining to costs associated with the outdoor classrooms and design aspects of the trail for Committee review and discussion.
3. Updated community enhancement project factsheets will be completed and distributed to the Committee prior to the next meeting.
4. Ms. Ashley will coordinate with MES and MDOT MPA to gather and distribute a plant species list of Cox Creek to the Committee.
5. Updates to the Cox Creek COC membership list will be discussed at the next meeting.

**1.0 Welcome & Introductions**

**Angie Ashley**

Ms. Ashley convened the virtual meeting and introduced all in attendance. All meeting materials can be found at the following link: [10 13 2021 Cox Creek COC Meeting](#).

Ms. Ashley requested comments on the January 13, 2021 Cox Creek COC meeting summary. As members of the COC agreed that an additional opportunity to review the January summary was needed, the January 2021 meeting summary will be brought before the Committee at the next Cox Creek COC meeting for formal approval.

**2.0 Cox Creek Expansion**

**Amanda Peñafiel, MDOT MPA**

Construction Update

Ms. Peñafiel provided an update on the Cox Creek Dredged Material Containment Facility (DMCF) expansion project. To date, the Operations and Maintenance (O&M) Complex, upland soil remediation, upland facilities demolition, base dike widening, and design and permitting for the +60' mean lower low water (MLLW) dike raising has been completed. Construction associated with the +60' dike raising and expansion began in August 2021 and is expected to occur over three years ending in May 2024.

*+60' MLLW Dike Raising & Expansion Construction*

The +60' project consists of raising the existing Cox Creek DMCF dikes and lateral and vertical

expansion of the dikes around the upland area of the Cox Creek property. The project includes constructing approximately 12,000 linear feet of elevated perimeter dike to +60' MLLW. The current capacity of the Cox Creek DMCF is 6.5 million cubic yards (mcy). The +60' dike raising and expansion will provide 8.8mcy of additional capacity increasing the total cumulative capacity to 15.3mcy. The +80' dike raising will provide 6.2mcy of additional capacity increasing the total cumulative capacity to 21.5mcy. As the design for the +80' project phase proceeds, the final cumulative capacity will be refined.

The pre-construction meeting for the +60' dike raising was held on August 2, 2021, and the notice to proceed (NTP) was issued to the Contractor on August 16, 2021. Since NTP, the Contractor has been preparing the required project submittals and installing the erosion and sediment control (ESC) measures. Earthwork activities are expected to increase in October 2021.

#### *+60' Permits*

All permits and authorizations for the +60' dike raising and expansion project have been obtained. A list of the permits and authorizations was presented to the Committee.

#### Mitigation Update

##### *Nontidal Wetland Mitigation*

The +60' project will impact approximately 1.16 acres of nontidal wetlands. An extensive search for a mitigation site was conducted. As onsite space and nontidal mitigation banks were unavailable in the Gunpowder-Patapsco watershed, MDOT MPA is proceeding with nontidal wetland mitigation at the Genesee Valley Outdoor Learning Center. Department of Natural Resources (DNR) required MDOT MPA to conduct a Phase I bog turtle assessment, and results indicated that no bog turtles were present at the site. Due to safety concerns regarding ponds and berms, MDE Dam Safety Division (DSD) required a site geotechnical evaluation, and the report was submitted to MDE DSD on August 25, 2021.

Upon design approval for the Genesee Valley project, MDOT MPA expects to receive the wetlands and waterways construction permit, MDE DSD permit, ESC approval, and forest conservation plan approval. Pending permit approvals, construction associated with the mitigation project is projected to begin in Summer 2022.

#### Community Enhancements

Although funding for the community enhancement projects is dependent on required mitigation, MDOT MPA moved forward with the top three community enhancement projects. Ms. Peñafiel stated that the third community enhancement project, which involved the installation of navigation aids in Cox Creek channels, is considered complete.

#### *Reserving Capacity*

A memorandum of understanding (MOU) between MDOT MPA and Anne Arundel County (AAC) Department of Public Works (DPW) was fully executed on September 24, 2021, and enables the placement of dredged material removed from Northern AAC waterways at MDOT MPA owned facilities over 20 years. MDOT MPA agrees to accept up to 15,000 cubic yards (cy) annually or a maximum of 45,000cy over a rolling 3-year period for an average of 15,000cy/year.

MDOT MPA approved material placement from AAC DPW's first dredging project, which will consist of approximately 2,100cy of material dredged from the Cox Creek Entrance Channel.

Inflow is expected to occur in mid-October 2021.

#### *Walking Trails and Associated Signs*

Phase II design of walking trails and associated signs in the Cox Creek Forested Conservation Easement Area is underway. Phase II includes 60% completion of the trail design, permitting, continued development of the signage plan, and outdoor classroom concepts.

Survey work began in September 2021. Trail signage concepts were presented to the Committee and included the trailhead, interpretive, and wayfinding signs. MDOT MPA applied for the State Highway Administration (SHA) Recreational Trail Program grant in April 2021 and was awarded \$83,491 to aid in the construction of the walking trail. MDOT MPA also applied for a Land and Water Conservation Fund grant in September 2021.

The preliminary estimate for the mitigation is approximately \$1.6 million, and the trail construction estimate is approximately \$1 million. MDOT MPA requested feedback from the Committee regarding the potential design components for the trail related to cost saving measures.

Regarding the trail map presented, Ms. Kolberg stated that the trail spur going to the river viewpoint is essential and is what the community wants. Ms. Peñafiel explained that the southernmost segment partly uses the existing road, but the road goes beyond MDOT MPA property.

Ms. Allred inquired about the cost associated with the outdoor classrooms. Ms. Henson responded that the cost associated with the classrooms could be shared with the Committee at the next Cox Creek COC meeting. The classrooms would consist of a cleared forest floor with areas for students to sit and platforms to view the water for those classrooms near viewpoints. Mr. Gakenheimer suggested that a Committee site visit of the proposed trail be conducted. Ms. Kolberg stated that MDOT MPA should be interested in an outdoor classroom with a viewpoint of the Port to see port activities such as incoming cargo vessels and cranes safely.

Mr. Gakenheimer informed the Committee that one of the Community Enhancement projects (road restoration to improve public water access) had been completed by AAC. Therefore, MES will update the community enhancement project factsheets, and the remaining community enhancements can also be discussed at the next Cox Creek COC meeting. Ms. Allred expressed that she hopes to see the completion of the osprey platform installation at Hancock's Resolution.

Mr. Carney recommended sharing the trail design with the AAC Bird Club and/or local birders for input. Increased accessibility within the forested easement is not only great for the birders and other visitors but also for the employees who conduct monitoring in that area.

### **3.0 Cox Creek Open House**

**Katrina Jones, MDOT MPA**

Ms. Jones stated that the Cox Creek Open House will be held on October 16, 2021 from 10 am to 2 pm and asked the Committee to contact Ms. Ashley if they were interested in volunteering.

### **4.0 Birds of Cox Creek & Swan Creek**

**Tim Carney, MES**

#### *History*

Mr. Carney provided a broad overview of the bird monitoring conducted at Cox Creek, the importance of bird monitoring, and community involvement. Mr. Carney acknowledged Ms. Sue

Ricciardi for being the first to regularly bring birders to Cox Creek, who started the official bird monitoring in 2003 with ten local birders. They were given full access to the site in exchange for submitting their data to the eBird website. Ms. Ricciardi wrote an annual birding report for MDOT MPA. MES began bi-monthly bird monitoring at Cox Creek in 2014.

Field trips at Cox Creek were first conducted in 2009 with the Anne Arundel Bird Club, who has since attended annual field trips. Field trips are also conducted for the Patterson Park Audubon Center for their Baltimore birding weekends. The latest field trip occurred on September 24, 2021. After the site closure in 2018, quarterly birding tours were conducted until the COVID- 19 pandemic. Field trips are limited to 20 visitors per leader, with a maximum of 60 people / three leaders.

#### *Habitat at Cox Creek*

Mr. Carney stated that while Swan Creek was intentionally restored to be bird habitat, the Cox Creek DMCF has created habitat that attracts different and potentially rarer bird species. These include shorebirds that migrate from northern Canada to Patagonia annually to rest and feed; during the winter months, this includes surface-feeding and shallow-diving ducks.

#### *Identified Species*

Mr. Carney stated that the major reason birders heavily visit Cox Creek is the abundance of shorebirds primarily in and around the DMCF. The only other shorebird locations close to Baltimore are Masonville DMCF which has not been open to the public, and Hart-Miller Island, which requires a boat to reach. Other birds which attract birders to the site include VirginiaRail, Sora, Nelson's Sparrow, Little Blue Herons, and Bald Eagles.

The rare birds identified at Cox Creek include a Long-billed Curlew and Black Rail in 2011; a Snowy Owl, Gull-billed Tern, and Tufted Duck in 2014; and a Sharp-tailed Sandpiper and Yellow-headed Blackbird in 2017.

#### *eBird*

Mr. Carney stated that eBird is an open-source data repository for logging bird sightings. Cox Creek is tied with Bayside Point on Assateague Island as the #5 hotspot in Maryland for total bird species observed of all time, #1 hotspot in 2017 and 2018, and dropped to its current position at #12 due to the site being closed to the public.

Ms. Allred asked if there is an inventory of plant species at Cox Creek. Ms. Ashley responded that she would coordinate with MES and MDOT MPA to gather and distribute a plant species list to the Committee.

## **5.0 Harbor Development Update**

**Kristen Fidler, MDOT MPA**

### State of the Port & MDOT MPA Update

Ms. Fidler informed the Committee that four new Post-Panamax cranes arrived on September 9, 2021. The new cranes are expected to be operational at Seagirt Marine Terminal (SMT) Berth 4 before January 2022. With SMT Berth 3 operating along with the Howard Street Tunnel, slated for completion in 2024, the Port will see an additional 600,000 containers annually. By 2027, the Port is expected to handle 1.5 million containers annually, providing additional jobs and increasing economic activity for Maryland and the region.

### Masonville DMCF Expansion

MDOT MPA is moving forward with the incremental dike raising from +18' to +42' MLLW as funding was restored for the next immediate steps, including the base dike widening, which is expected to commence in late 2021. Construction to +42' is slated to be completed by 2029 and will add 4.2mcy of capacity to the site.

### Innovative Reuse

To date, five projects have been awarded under the request for proposals (RFP) for research and development projects utilizing dredged material innovatively: 1) Belden-Eco Products - ceramic bricks and permeable pavers; 2) Northgate Environmental - precast concrete and shoreline protection structures; 3) FasTrak Express - re-engineered soil to produce sod; 4) Harford Industrial Minerals - lightweight aggregate; and 5) Suscon Products - precast concrete products. A sixth contract is scheduled for Board of Public Works review/approval on October 20, 2021. Two additional proposals are currently under review by the technical evaluation committee.

IRC Workshop #4 will be held virtually on November 23, 2021. In addition, MDOT MPA is completing an innovative reuse web tool that is expected to be launched in late October 2021. The webtool will be a comprehensive site that will enable interested parties to request dredged material or suggest an end use, host a library of resources, and help guide users in requesting, sampling and reusing dredged material.

### Masonville Cove: Environmental Education and Citizen Stewardship

Ms. Fidler discussed the work being conducted to support public access, such as meaningful opportunities for local communities and residents to connect with nature and have an impactful experience at Masonville Cove. MDOT MPA partners, the National Aquarium in Baltimore, United States Fish and Wildlife Service, Living Classrooms Foundation, and MES offer incredible citizen science, stewardship activities, and environmental education programs. The Committee received a flyer depicting October 16<sup>th</sup> events at Masonville Cove.

## **6.0 Administration and Open Discussion**

**Angie Ashley**

Ms. Ashley thanked the appointed Committee members for working through the reappointment process. MDOTMPA is working closely with the Governor's Appointment Office and will notify the Committee members once their re/appointments have been confirmed.

Two Committee members have resigned from the Cox Creek COC; Mr. James Matters, who represented the South Baltimore Business Association, and Mr. Allan Straughan, who represented the Greater Pasadena Council. There are two new appointments under General Assembly consideration to the Cox Creek COC. Upon appointment by the General Assembly, Ms. Christine Richardson will represent the Pasadena Business Association, and Mr. Robert Schmidt will represent the Pasadena Sportfishing Group. The membership list will be brought before the Committee at the next meeting to discuss updating the member list to reflect active groups in the area. Ms. Allred suggested revising the legislative language to be more flexible regarding the membership list.

## **7.0 Upcoming Meetings and Adjournment**

**Angie Ashley**

Ms. Ashley stated that the 2022 Cox Creek COC meeting dates will be distributed after the December 2021 DMMP Annual meeting.