

FINAL SUMMARY OF THE COX CREEK
CITIZENS OVERSIGHT COMMITTEE MEETING
May 25, 2022 - 5:30 PM (Hybrid Meeting)
Cox Creek Operations and Maintenance Complex
1000 Kembo Road; Curtis Bay, MD 21226

Attendees:

Anne Arundel County Bird Club: Allen Young, Sue Young (both attended virtually)
Anne Arundel County Department of Public Works (DPW): Chris Phipps
Anne Arundel County Water Access Committee: Lisa Arrasmith
Cox Creek Citizens Oversight Committee (COC) Facilitator: Angie Ashley
Maryland Department of Transportation Maryland Port Administration (MDOT MPA): Dave Bibo, Kristen Fidler, Katrina Jones, Amanda Peñafiel, Joseph Ross
Maryland Environmental Service (MES): Dallas Henson, Benjamin Langer, Robert Natarian
North County Land Trust (NCLT): Rebecca Kolberg (attended virtually), Edson Beal
Pasadena Sportsfishing Group: Robert Schmidt
Regina Rochez Consulting Services: Regina Rochez (attended virtually)
Resident of Legislative District 31 & Chairman of the Cox Creek COC: Gary Gakenheimer
Resident of the Riviera Beach Community: Kelly Hunt
Restore Rock Creek: John Paul Jendrek

Action Items:

1. Ms. Ashley will disseminate the June 7, 2022 Innovative Reuse Committee meeting information to the Cox Creek Committee members. (complete)

1.0 Welcome & Introductions

Angie Ashley

Ms. Ashley convened the hybrid meeting, and the attendees introduced themselves. All meeting materials can be found at the following link: [5 25 2022 Cox Creek COC Meeting](#). Mr. Gakenheimer requested comments on the February 23, 2022 Cox Creek COC meeting summary; no comments were received, and the summary was approved by the Committee.

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. The +60' mean lower low water (MLLW) dike raising/expansion notice to proceed was issued to the contractor, Bowen and Kron Enterprises, Inc. on August 16, 2021. Heavy earthwork activity and installation of major erosion and sediment controls (ESC) began in late September 2021 and are currently ongoing. Installation of stormwater infrastructure is currently underway and will continue through summer 2022. Large scale dike construction began in March 2022 and will continue through 2023. Material from the borrow area in the upland portion of the site was used for the base dike widening project and will continue to be used for the +60' MLLW raising of the waterside dike and the landside dike expansion. The dikes are being raised in 8" lifts to ensure proper drying and compaction of the dike construction material. The north-south cross dike, which will separate the existing DMCF and the upland expansion area and provide an area for innovative reuse (IR) and beneficial use (BU) material processing, was completed in May 2022. The north-south cross dike will also enable inflow to occur during the +60' MLLW dike raising. Both spillway structures have been abandoned and a temporary discharge method has been constructed in order to maintain discharge capability. The long-term discharge solution will likely

be a floating weir structure which would be a cost savings to the project.

Major construction activities related to the +60' MLLW Cox Creek expansion project and the associated timeframes are as follows noting that many element are approved to be worked on concurrently: Erosion and sediment control (ESC)/infrastructure installation – ongoing; Storm drain piping abandonment - 99% complete; Earthwork including undercutting/stockpiling/backfilling – ongoing; Headwalls, end walls, cross culverts, and armored exterior slope drain construction – ongoing; Slurry wall installation and south spillway abandonment – completed in April 2022; North-south cross dike construction - completed; Upland and waterside dike raising – ongoing; Sediment trap conversions – 2024 completion.

Nontidal Wetland Mitigation

The +60' MLLW dike raising project impacted approximately 1.16 acres of nontidal wetlands. As detailed in previous meetings, an extensive search for a mitigation site was conducted and MDOT MPA is proceeding with nontidal wetland mitigation at the Genesee Valley Outdoor Learning Center (GVOLC). MDOT MPA received feedback from the regulators regarding the 90% design and proceeded to begin the 100% design, which is expected to be completed and resubmitted to the regulators in June 2022. Final regulatory permits are expected to be fully executed in late summer/early fall 2022. Board of Public Works (BPW) approval and easement execution with the GVOLC landowner are expected in September 2022. The construction portion of the project is expected to be advertised in October 2022, with projected construction starting in winter 2022. This timeline could be pushed back depending on when permits are received and BPW approval.

This mitigation project will fulfill the mitigation requirements associated with the 1.16 acres impacts and will generate 0.86 acres of advance mitigation credit for future impacts to nontidal wetlands as a result of MDOT MPA activities.

Community Enhancements

Funding for the community enhancement projects is dependent on the funding needed for required project mitigation. MDOT MPA moved forward with the top three community enhancement projects, and the remaining projects are subject to appropriations and available fiscal year budgets.

Reserving Capacity

A memorandum of understanding (MOU) between MDOT MPA and Anne Arundel County (AAC) 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. The first project consisted of placing approximately 2,000cy of dredged material. MDOT MPA is currently working with AAC on dredging and inflow coordination for the next project consisting of placing approximately 40,000cy of dredged material from the Magothy River Channels and Severn River headwaters; anticipated for October 2022.

Walking Trails and Associated Signs

The trail alignment was updated as a follow up to the October 2021 Cox Creek COC meeting and based on regulator coordination, feedback from the December 2, 2022 trail discussion meeting, and a follow-up survey with stakeholders. In March 2022 ground truthing of the concept design occurred to adjust the alignment as necessary to avoid environmental impacts and to account for drainage

patterns to avoid excess water on the trail. The proposed complete trail loop is approximately 1.9 miles. Extensive environmental coordination has been conducted since February 2022. A pre-application meeting for the Joint Permit Application was held with Maryland Department of the Environmental (MDE) on March 14, 2022. Initial coordination with the Critical Area Commission (CAC) and Forest Conservation began. A site visit was held with CAC on March 29, 2022 to discuss critical area impacts. Coordination is also underway regarding a forest stand delineation and forest conservation plan. As MDOT MPA was awarded a Recreational Trails Program (RTP) grant in September 2021, which is federally funded, the required National Environmental Policy Act (NEPA) related environmental coordination has continued.

MDOT MPA submitted a pre-application for a Land and Water Conservation Fund (LWCF) grant in September 2021. On March 25, 2022 the trail project was approved to submit a final application. A meeting was held with the Department of Natural Resources (DNR) on April 6, 2022 to get clarification on aspects of the LWCF agreement. The LWCF does not allow funding to be used in areas with overhead utility lines. Additionally, all areas of the planned recreation and areas used to access the recreation site must be designated under a federal boundary. For the trail project this would include the existing gravel road and parking area along Kembo Road. Considering the loss in flexibility to specific areas of the site and restrictions regarding the utility lines, MDOT MPA has decided not to proceed with the LWCF grant. MDOT MPA also applied for the FY23 RTP grant requesting \$50,325.00 to cover the cost of construction for a segment of the trail construction and approximately \$45,000.00 for signage for the entire trail.

The development of trail signage continues. The trailhead sign is planned to consist of a three-panel system. MDOT MPA is currently in the process of developing content for the trailhead sign including welcome language and a user-friendly trail map. Ten interpretive signs are included in the trail plan and include signs for each of the four classrooms, signs along the trail, and replacement of existing signs along the gravel road. The trail plan also includes eleven wayfinding signs to help guide users and two safety/caution signs at the riffle and vernal pool area near Classroom 1. Ms. Hunt inquired about the potential changes to the riffle crossing. Ms. Peñafiel responded that coordination regarding the riffle is ongoing. Mr. Phipps asked if the riffle needs to continue to be traversable by vehicle. Ms. Peñafiel responded in the affirmative.

The 60%, 90%, and 100% design plans are expected to be completed by August 2022, December 2022, and February 2023, respectively. Construction is anticipated for fall 2023. Mr. Bibo inquired about the construction completion time. Ms. Peñafiel responded that construction is estimated at one year, but time of year restrictions will be a factor.

On-Site Bird Surveys

A bird survey was conducted in May 2022. Species of note include a Bald Eagle pair, fledglings are expected to be seen soon; two active Osprey nests; Great Blue Herons; one Virginia Rail; three Soras; many transient land birds/passerines including one Rusty Blackbird, one Prairie Warbler, and two Black-throated Green Warblers; and a large fallout of Swallows. Not many shorebirds were seen during this time, but this is likely due to the decreased mudflats within the DMCF.

A bird tour was conducted on May 14, 2022 for the Patterson Park Audubon Center's Baltimore Birding Weekend.

3.0 Harbor Development Update

Kristen Fidler, MDOT MPA

Dredged Material Management Solutions

The Mid-Chesapeake Bay Ecosystem Restoration (Mid-Bay) project has received \$84 million in federal construction funding on behalf of the US Army Corps of Engineers (USACE) to advance the Barren Island and James Island portions of the project. Construction on Barren Island is targeted for September 2022.

The Masonville DMCF base dike widening construction and permitting for the +30' MLLW dike raising is currently underway. The final elevation for the dikes will be +42' MLLW resulting in the site gaining approximately 4 million cy of capacity.

The Masonville Cove conservation easement with Maryland Environmental Trust and Baltimore Green Space, as required per mitigation associated with the construction of the Masonville DMCF, was approved by the BPW in April 2022 and is currently awaiting final signature before it can be recorded in the Baltimore City Land Records.

The Fleming Park Shoreline Restoration project led by the Chesapeake Bay Foundation and Mahan Rykiel Associates in partnership with the Turner Station Conservation Teams is expected to reach 30% design by June 30, 2022. The 30% design for the Fleming Park project was partially funded through an MDOT Secretary's grant.

Masonville Cove Shared Use Path (later renamed Masonville Cove Connector (MCC))

The Federal Highway Administration (FHWA) memorandum of agreement (MOA) for the Masonville Cove Shared Use Path (SUP), a proposed 1.2-mile trail along Frankfurst Avenue, which will link Masonville Cove to the proposed Baybrook SUP, has been signed and executed as of July 15, 2022. Since signed, the FHWA has awarded \$1.2 million to MDOT MPA for the design and partial construction of the proposed trail. The Baybrook SUP, which will connect the Baltimore Washington International Airport (BWI) and Gwynns Falls Trails, was established by MedStar Harbor Hospital through coordination with the Greater Baybrook Alliance and was awarded funding through a state grant. Mr. Gakenheimer inquired about potential challenges regarding the Masonville Cove Connector in association with industrial neighbors and truck traffic. Ms. Fidler replied that coordination is ongoing with South Baltimore Industrial groups and partners to implement the MCC in tandem with other projects along and surrounding Frankfurst Avenue as well as the Middle Branch Restoration project.

MDOT MPA's Research & Development RFP for IRBU Projects

To-date seven contracts have been approved by the BPW under MDOT MPA's Research and Development Request for Proposal (RFP) for Innovative Reuse and Beneficial Use (IRBU) projects with a potential seventh project expected to be awarded in summer 2022. Attendees were encouraged to attend the June 7, 2022 Innovative Reuse Committee meeting to receive study result updates from two of the contract awardees, Belden Brick Company and Northgate Environmental.

IRBU Webtool

An IRBU webtool is available on the Dredged Material Management Program (DMMP) website (<https://maryland-dmmp.com/future-solutions>). The webtool provides a single location for all information related to the MDOT MPA IRBU program and a place where external parties can request material from MDOT MPA and access informational videos, project examples, and program resources.

Partnerships, Outreach, and Stakeholder & Community Engagement

In March 2022, MDOT MPA hosted US Department of the Interior Secretary Deb Haaland to Masonville Cove to learn about the Masonville Cove Partnership's significant contributions to the local economy and ongoing efforts to enhance Baltimore communities through recreation opportunities, restoration, and outdoor education. In April, MDOT MPA hosted Masonville Cove's first National Literacy Celebration with local author Aja Dorsey Jackson. On May 26, 2022, the Baltimore Port Alliance will be hosting the third annual Hiring and Career Expo.

In 2020, MDOT MPA had 6,743 engagements with the public compared to 10,682 engagements in 2021. Ms. Fidler noted that pre-COVID, in 2019 there were approximately 21,000 engagements, which are defined as planned outreach events, education programs, and site visits. The MDOT MPA education program connected with 195 classrooms through more than 4,500 engagements in 2021. Approximately 55% of the schools engaged in the program are Title I schools and 28% of the schools are certified as Maryland Association for Environmental and Outdoor Education (MAEOE) Green Schools. Masonville Cove is a MAEOE Certified Green Center, which helps support schools in achieving a Green School status by providing professional development to teachers and staff and field experiences for the students. Ms. Hunt requested clarification regarding Title 1 and Green Schools. Ms. Fidler responded that Title 1 Schools receive supplemental federal funds that assist schools with the highest student concentrations of poverty to meet school educational goals. Ms. Jones responded that Green Schools are certified schools that empower youth to make changes to reduce environmental impacts, encourage sustainability, and foster environmental literacy.

Ms. Fidler informed the Committee of MDOT MPA's new environmental education e-learning (e3) portal (<https://www.portofbaltimoreeducation.org/>) which hosts lesson plans and activities for students and teachers to learn about the Port of Baltimore, cargo, dredging, dredged material, and beneficial use of dredged material such as the Poplar Island project.

Ms. Jones stated that MDOT MPA is available to provide project updates at any public and community meetings upon request and added that the Committee is welcome to share the Cox Creek Expanded project update flyer.

4.0 Roundtable Remarks & Open Discussion

Members

Jack Creek Park

Mr. Phipps informed the Committee that the Jack Creek Park shoreline protection project in Shady Side was chosen as the recipient of the 2020 Maryland Quality Initiative (MDQI) Project of the Year under \$5 million. The project involved raising the site elevation from 4" to 7" using dredged material, shoreline protection, and a canoe/kayak launch installation. Mr. Phipps added that he will be attending the award ceremony at the MDQI Conference on May 26, 2022. Ms. Fidler stated that any opportunity to champion, showcase, and highlight innovative reuse and beneficial use of dredged material benefits all and acts as a collective effort. Ms. Fidler added that it was a long process for MDOT SHA to accept the utility of dredged material and that it can be safe for public health and the environment.

5.0 Upcoming Meetings and Adjournment

Angie Ashley

Ms. Ashley stated that the next Cox Creek COC meeting is scheduled for August 24, 2022. The Dredged Material Management Program Annual meeting is scheduled for December 9, 2022.