

**Dredged Material Management Program
Bay Enhancement Working Group
Meeting Summary
September 20, 2013
9:30 A.M., Maryland Port Administration (Broening Highway)**

ATTENDEES:

EA Engineering, Science, and Technology (EA): Peggy Derrick
Gahagan & Bryant Associates (GBA): Carter Stinchcomb
Maryland Board of Public Works (BPW): Doldon Moore
Maryland Department of the Environment (MDE): Robert Cuthbertson, Robert Rushlow
Maryland Environmental Service (MES): Melissa Slatnick, Jeff Halka Maura Morris, Danielle Wilson
Maryland Geological Survey (MGS): Richard Ortt
Maryland Port Administration (MPA): Bill Lear, Katrina Jones
Moffatt & Nichol (MN): Pete Kotulak
Phoenix Engineering, Inc. (Phoenix): George Harman
University of Maryland, CES (UMCES): Dennis King
U.S. Army Corps of Engineers, Baltimore District (USACE): Kevin Brennan, Justin Callahan, Steven Brown, Jon Romeo, Joseph DaVia, Mark Mendelsohn, Dan Bierly, Andrew Roach, Katie Perkins, Robin Armetta

Action Items:

- Ms. Morris will coordinate with the USACE Philadelphia District and Maryland Department of Natural Resources (DNR) to gain more information on the recreational use of the managed hunting area adjacent to Courthouse Point.
- Ms. Morris will determine the distance of the Courthouse Point expansion site from homes in the area. This distance is used in determining some of the human attributes.
- Ms. Morris will determine the distance from Fort Smallwood Road of both the Cox Creek northward and westward expansion sites. This distance is used in determining some of the human attributes.
- Ms. Morris will research the factors that influenced the positive protected species scores in 2005 on Parsons Island and Sharps Island.
- Ms. Morris will research the Parsons Island scoring for the Waterbird parameters.
- Ms. Morris will research the prime and unique parameter to determine why Parsons Island received a +1.
- Ms. Morris will research to determine why Parsons Island and Sharps Island received -1 scores for cultural resources.

Welcome and Introductions

Maura Morris, MES

Meeting Goals

Ms. Morris welcomed the group. She stated that the group has not met since August 2012. The meeting reviewed the boring plan for the Coke Point and gave updates on Confined Aquatic Disposal (CAD), Cox Creek Millennium Expansion, and Masonville Dredged Material Containment Facility (DMCF).

Ms. Morris stated that the purpose of this meeting was to have the Bay Enhancement Work Group (BEWG) members review the draft environmental parameters and scores for the U.S. Army Corps of Engineers (USACE) Dredged Material Management Plan (DMMP) placement options.

Overview of Federal DMMP Process

Andrew Roach, USACE

Mr. Roach stated that the federal DMMP is updated periodically as a policy requirement and as need presents. The purpose of the DMMP is to develop a programmatic plan to maintain, in an environmentally and economically sound manner, channels serving the Port of Baltimore, and to identify sufficient dredged material placement capacity for 20 years. Current estimates state that 4.5 million cubic yards (mcy) of dredged material will need to be dredged from the Port of Baltimore channels per year, or approximately 100 mcy over the next 20 years. The Assistant Secretary of the Army for Civil Works directed the USACE to update the DMMP in 2011; the preliminary assessment was completed in December 2011.

Mr. Roach outlined the similarities and differences in the federal and state DMMP. Both the federal and state DMMP were created to account for 20 years of dredging needs within the Baltimore Harbor; however, the federal DMMP assesses all of the federally feasible options for dredged material placement. Some of the federal DMMP placement options may differ from current Maryland state law.

Mr. Roach stated that the objectives of the federal DMMP include: meeting the 20 year dredged material placement requirements for dredging and navigation channels; placing dredged material in an economically sound manner by optimizing and expanding existing placement sites; maximizing use of dredged material as a beneficial resource.

Mr. Roach explained that the DMMP would encompass approximately 78 miles of federal navigation channels from the mouth of the Chesapeake Bay to the Port of Baltimore, as well as the Chesapeake and Delaware (C&D) Canal. At this time USACE has not included the Virginia portions of the Chesapeake Bay channels because they do not require additional placement capacity.

Mr. Roach then reviewed the 2005 federal DMMP. The plan recommended the following: efficiently using existing Maryland dredged material placement sites first [Cox Creek Dredged Material Containment Facility(DMCF), Hart-Miller Island DMCF, Poplar Island DMCF, Pooles Island, etc.], using existing open water placement sites in Virginia, using multiple confined disposal facilities along the Patapsco River, moving forward with the Poplar Island expansion, moving forward with large island restoration (MidBay), moving forward with wetland restoration (Dorchester County), and continued study of innovative use of dredged materials.

Mr. Roach stated that several changes have occurred since the 2005 federal DMMP recommendations: Hart-Miller Island DMCF and Pooles Island are closed and are no longer permitted to receive dredged material; Courthouse Point has available capacity, but has not yet been permitted to receive dredged material; USACE, in partnership with local and state entities, is assessing the feasibility of reactivating Pearce Creek; the Masonville DMCF has been constructed and is currently receiving material, but has not been approved by USACE to receive Federal material; the Poplar Island expansion project has been authorized; and MidBay has been approved, but not authorized.

Mr. Roach stated that placement alternatives presented in the 2012 federal DMMP update are designated for material coming from the Harbor channels, the MD Chesapeake Bay Approach channels, and the C&D Canal Approach channels (southern and northern). Currently, fiscal year (fy) maintenance dredging for the MD Chesapeake Bay Approach channels is estimated to exceed 1.8 mcy. In 2016 an estimated 1.2 mcy of material from the C&D Canal Lower Approach channels must be placed at Poplar Island. Such a large quantity of material would overload (create an inflow of greater than 3 feet, thus making dewatering/consolidation very difficult) the site. By 2020, Poplar Island would have insufficient capacity without the Poplar Island expansion. Current Harbor channel maintenance estimates suggest that 491,126 cy of material will be dredged per year, on average.

Projected Dredging Volumes and Dredged Material Placement Capacity

Mr. Roach stated that the USACE has developed a placement timeline for the existing containment facilities for the MD Approach channels and the C&D Canal Approach channels for the purpose of illustrating placement capacity under varying scenarios. In this timeline, total capacities have been calculated from their respective inception dates to the sites' end dates. These capacities were used when creating the DMMP timeline, which covers 20 years beginning in 2011. The existing Poplar Island site could receive an estimated 5.2 mcy of material from 2011 through 2019. Beginning in 2012, Courthouse Point could receive an estimated 1.2 mcy of material through 2015. Poplar Island expansion is scheduled to begin construction in 2016, and would accept material in 2019. The expansion area would receive 3.2 mcy through 2029. Mr. Roach again noted that under the scenarios examined with assumptions on dredging volume, Poplar would be overloaded from 2016 until 2019, which is when the expansion could potentially come online. If Pearce Creek DMCF was reactivated or any of the other DMMP alternatives were put into place, it would prevent the overloading. MidBay Island site construction could potentially begin in 2023; placement is estimated to begin in 2026-2029 with a capacity of 3.2 mcy.

Mr. Roach then reviewed the current DMMP alternatives that are being considered. Of the alternatives reviewed only seven needed to be reviewed and scored by the BEWG today: Courthouse Point Vertical Expansion, which would receive material from the Harbor channels and both the C&D and Chesapeake Bay Approaches; Cox Creek Northward Lateral Expansion (Cristal site), which would receive material from the Harbor channels; Cox Creek Westward Lateral Expansion, which would receive material from the Harbor channels; Hart-Miller Island (HMI) Expansion (North Cell Vertical), which would receive material from the Harbor channels and both the C&D and Chesapeake Bay Approaches; Small Island Restorations – Mid-Bay –

Parsons Island and Sharps Island, which would receive material from both the C&D and Chesapeake Bay Approaches; and Susquehanna Flats – Upper Bay Island Restoration, which would receive material from both the C&D and Chesapeake Bay Approaches.

Review New/Revised DMMP Alternatives

Katie Perkins, USACE

Ms. Perkins stated that she would be reviewing the site characteristics for the seven concept new/revised DMMP alternatives.

Courthouse Point Vertical Expansion: Courthouse Point is approximately 140 acres. It has been used for 39 years intermittently for the placement of dredged material from the upper approach channels. The vertical expansion would raise the dikes 20 feet (ft) (from +50 to +70 ft). Through the expansion, the site will gain an additional 6.5 mcy of site capacity.

Cox Creek Northward Lateral Expansion (Cristal): The potential site is approximately 140 acres and would utilize 130 acres of land owned by Cristal U.S.A. Inc., and 10 acres owned by Kemira. The site is mostly comprised of warehouses and pavement. The placement area would be 90 acres. The dikes would be 25 ft high and contain an average depth of 20 ft of dredged material. The potential site capacity is 4.1 mcy.

Cox Creek Westward Lateral Expansion-Upland: The Cox Creek Upland is currently owned by MPA. A former copper refinery, it now consists of abandoned warehouses, pavement, and facilities to support dredged material innovative reuse pilot projects. The lateral upland expansion would include 100 acres of land. The dikes would be approximately 25 ft high. The potential site capacity is 4.1 mcy.

Hart-Miller Island Expansion-North Cell Vertical: HMI is comprised of an 800-acre North Cell and 300-acre South Cell. Placement operations concluded in the South Cell in 1990 and in the North Cell in 2009. The proposed expansion would raise the North Cell dike by 10 ft [from +42 to +52 mean lower low water (MLLW)]. The site would gain an additional 16.7 mcy of site capacity.

MidBay - Parsons Island: Parsons Island is an eroding sheltered island in the Chesapeake Bay. Average water depth is approximately -6 ft MLLW. Current projections show that the existing footprint of Parsons Island would be completely eroded by 2058. Restoration of this small island would result in a 500-acre island comprised of 50 percent wetlands and 50 percent uplands. The proposed dike elevation is +10 ft MLLW. The potential site capacity is 12.7 mcy.

MidBay - Sharps Island: Sharps Island was an exposed island located at the mouth of the Choptank River, south of Tilghman Island; however the island was completely submerged in 1960. Water depths of the island footprint range from -8 to -14 ft MLLW. Restoration of this small island would result in a 500-acre island comprised of 50 percent wetlands and 50 percent uplands. The proposed dike elevation is +10 ft MLLW. The potential site capacity is 18.7 mcy.

Susquehanna Flats - Upper Bay Island Restoration: Only a general area has been identified for this potential restoration project. The project would result in a 500-acre island comprised of 50

percent wetlands and 50 percent uplands. The proposed dike elevation is +10 ft MLLW. The potential site capacity is 6.7 mcy.

It was asked how the dike heights of each site were determined. The Corps responded that the dike heights were determined by assessing existing conditions at each site and using data on dikes from existing DMCFs. It was added that the initial heights expressed are preliminary; heights can be changed based on foundation and potential consolidation. Any dike raising would be completed in stages to allow consolidation to occur.

Review DMMP Draft Environmental Parameters and Scores

USACE/MES

Ms. Morris asked the group to review the environmental scoring matrix distributed at the beginning of the meeting. The group reviewed and discussed the environmental scores of each new/revised alternative one at a time.

Courthouse Point Vertical Expansion

Water quality

Mr. Bierly asked why there is a difference in scoring for *nutrient enrichment* between Pearce Creek and Courthouse Point. Ms. Slatnick stated that she believes the difference in scoring is that the total maximum daily load (TMDL) requirements were considered when Courthouse Point was scored. Because Pearce Creek was not a new/revised option, it was not reevaluated. Mr. Callahan asked if there is an assumption that any site that requires discharge would receive a -1. Mr. Moore responded that it can be assumed that any discharge would cause change to the total water quality. The group agreed that *nutrient enrichment* should be scored -1 if the site has discharge.

Mr. Brennan stated that he was concerned that there was a difference in scoring for *groundwater* between Pearce Creek and Courthouse Point. Ms. Morris responded that groundwater surveys have been conducted at Pearce Creek; therefore, the -1 for Pearce Creek is appropriate and there is a 0 for Courthouse Point. Mr. Ortt asked if Courthouse Point could receive a 0 if a slurry wall and necessary precautions were installed. Ms. Morris stated that it may be possible because it would correct any long term effects on the groundwater. Ms. Perkins stated that it is assumed USACE will use an impervious liner when constructing Courthouse Point and Pearce Creek. The group agreed that *groundwater* for Courthouse Point and Pearce Creek should be changed to 0. It was later discussed that a caveat would accompany this score (see the Human Use Attributes section). It will state that the score shall remain 0 if a liner is installed, and be revised to -1 if a liner is not installed.

Mr. Brown stated that the nutrient enrichment score for Option 16 [confined aquatic disposal (CAD) pit (Patapsco River)] should also be changed because the cap of the CAD is a one-time event. It was asked that the group discuss one item at a time to allow for more efficient scoring.

Aquatic Habitat/Wetlands/Aquatic Biology

Ms. Morris stated that Courthouse Point is an upland site, and asked the group if they would be amenable with shading all of the Aquatic Habitat, Wetlands, and Aquatic Biology parameter

sections since they do not apply to the project. The group agreed that all the parameters in the Aquatic Habitat, Wetlands, and Aquatic Biology sections should be shaded.

Special

Ms. Morris stated that Maryland Environmental Resource and Land Information Network (MERLIN) states that there exist rare, threatened, and endangered (RTE) species in the habitats of concern in Courthouse Point. She added that, if requested, MES could draft a letter to DNR requesting any available information regarding RTE species that may be associated with Courthouse Point. Ms. Slatnick suggested that *habitat of particular concern* be shaded and protected species be 0. The group agreed that *protected species* be 0 and *habitat of particular concern* be shaded.

Waterbirds

The group agreed that the scores would remain as previously recorded.

Terrestrial

Ms. Morris stated that there is a lake at the far edge of the property; although the lake is not a part of the DMCF it is directly adjacent. She asked the group if they would like to consider any potential impacts to the lake as part of the scoring. Ms. Slatnick stated that the scoring of the lake would need to take into consideration the impact of the DMCF on the birds that use the lake. Ms. Morris responded that there is not enough information to date to know the DMCF's potential impact on the lake's ecosystem. Ms. Slatnick stated that the group should determine if more information is needed. Absent resource agencies can submit their input on the score once the summary of scores is distributed. The group agreed that *lakes and ponds* should be scored 0, as more information may be needed.

Physical Parameters

Ms. Morris asked if the group believed that there was a potential to find unexploded ordinance (UXO) or toxic contaminants, and if they would like to score the site with regard to the potential. The group agreed that the entire Physical Parameters section should be shaded.

Human Use Attributes

Mr. Brown asked why *noise* received a -1. Mr. Ortt stated that the noise during construction should not be counted as noise during the life of the site. Ms. Slatnick agreed, and stated that the *noise* scoring refers to long-term noise from daily operation. The group asked what would be the definition of long-term. Ms. Slatnick responded that there is no time limit for the life of a site. Ms. Morris stated that the scoring rubric states that any alternative located within half mile of a population center should automatically receive a -1. The group agreed that the existing scores would remain.

Ms. Morris asked the group if they believed *recreational value* should be shaded. Mr. Brennan stated that hunting takes place in the woods adjacent to Courthouse Point. Ms. Correale stated that she believes that seasonal hunting is legal on the adjacent grounds. Ms. Slatnick stated that the rubric states that any alternative known to provide recreational resources that would be permanently disrupted by a facility will be assigned a -1. She stated that the site should receive a -1 if legal hunting is currently allowed, but it should be shaded if legal hunting is not allowed.

During the meeting the DNR Managed Hunting Area website was found; the site stated that the area adjacent to Courthouse Point is designated as a wildlife management area for waterfowl, upland game, and forested species, primarily white tail deer. Ms. Slatnick stated that the managed hunting area would need to be investigated to determine what impact the expansion would have on seasonal hunting. Ms. Morris stated that she would coordinate with the USACE Philadelphia District and DNR to gain more information on the recreational use of the managed hunting area adjacent to Courthouse Point.

Ms. Morris stated that the Cox Creek vertical expansion received 0 for *aesthetics* and *cultural resources*; she asked if the Courthouse Point expansion should be scored similarly. Ms. Perkins asked if the site would be seen from half mile away once raised. It was noted that the site is surrounded by a wooded area, so even if there were homes within a half mile, it would be difficult to see the facility. Ms. Slatnick stated that clarification is needed on the aesthetics of the area before a score can be designated. Ms. Morris stated she would look into this. She added that she investigated the known cultural resources of the Courthouse Point area and found none; she believes that *cultural resources* should be shaded. The group agreed that *cultural resources* should be shaded.

Ms. Morris asked if the scores for *air quality* and *infrastructure* should stay the same. Ms. Correale asked if the area is in an attainment or a non-attainment area. Ms. Slatnick stated that the rubric definition for air quality states that if a project is in an attainment area, and building the project will put it the area out of attainment, it should receive a -1. The group agreed that *air quality* and *infrastructure* would remain as previously scored.

Mr. Ortt stated that *existing land use* could change to -1 if the new work would disturb the DNR recreational hunting area. Mr. Mendelsohn stated that the scoring with regard to the hunting area will only be used for the hunting area; *existing land use* pertains to the area directly impacted by the new site.

It was asked why *community socioeconomics* received -1. Ms. Slatnick responded that she was not sure why the current score was a -1; however, there is no new socioeconomic impact to the community. She suggested that the score be changed to 0. The group agreed to change the *community socioeconomics* score to 0.

Ms. Morris asked if anyone in the group could recall why *public health* received a -1. Mr. Mendelsohn responded that he believed it was in relation to groundwater quality. Mr. Ortt stated that groundwater should not be considered while scoring *public health* because it was scored independently as a part of Water Quality. He added that if the scoring is based on long-term impact, the group should assume that an impervious liner will be used. Ms. Slatnick stated that no beneficial attribute would create a positive groundwater remediation score. Ms. Morris suggested changing *groundwater* to 0. Ms. Slatnick stated that if the score for either *groundwater* or *public health* are changed, a caveat should be added to explain why the scoring was changed. She added that the score could be lowered or raised if a liner is or is not installed. Mr. Harman stated that section 303(d) of the Clean Water Act states that if there is a regulatory mechanism in place that could control the parameter in question it should not be listed, but be allowed to be controlled by the mechanism. Ms. Slatnick stated that the caveat would reflect Mr. Harman's

idea; the two parameters should be reflected as 0 assuming that the site will be fitted with a liner eventually. The group agreed that the score for *groundwater* and *public health* would be 0. Both would receive a caveat expressing that if a liner is not installed to address *groundwater* issues the two parameters would be re scored as -1. Ms. Morris asked if the group would like to reflect the same scoring technique to the *groundwater* and *public health* parameters for Pearce Creek. The group agreed.

Ms. Morris asked if *navigation* should be shaded. The group agreed that *navigation* should be shaded.

Beneficial Attributes

The group discussed beneficial use parameters. Ms. Slatnick read the definition of beneficial use. She stated that the scoring definition states that if there is no planned development of the area for beneficial use, the parameter should be scored 0. The USACE stated that they currently do not have any plans to develop the area once the vertical expansion is complete. The group agreed that the parameters within the Beneficial Attributes section would remain shaded.

Cox Creek Expansion Lateral (Northward and Westward)

Ms. Morris stated that the BEWG scored the Cox Creek Northward Lateral (Cristal Site) Expansion and the Cox Creek Westward Lateral Expansion (Upland) in 2011; she suggested that the group review the scoring of the two sites together. Ms. Morris added that the combined Cox Creek Northward and Westward Lateral Expansion was also scored in 2011, but is not an option under current review. Ms. Slatnick stated that little to no new information has become available since the 2011 scoring occurred.

It was asked if the forested land purchased during MPA's initial purchase of the entire Cox Creek parcel would be used during the upland expansion. Mr. Lear responded that only the paved area would be used for the upland expansion.

Mr. Bierly asked if there were any concerns about the potential for copper fines and contaminants at either of the sites. Ms. Morris stated that more extensive studies must be performed to understand the extent of contamination.

Mr. Ortt asked how shading impacted the final scoring of an option. Ms. Morris stated that shaded parameters are not taken into account when normalizing the data. Ms. Slatnick stated the group must to be mindful that excessive shading does not work in the favor of the site being scored.

Water Quality

Ms. Morris asked if the group would like to reflect the current Courthouse Point *water quality* scores for both Cox Creek northward and westward Expansions. Mr. Ortt stated that the same ideology used for Pearce Creek and Courthouse point should be used for the Cox Creek sites. Ms. Slatnick stated that the Cox Creek sites are not the same; Cox Creek was once an industrial area and Courthouse Point and Pearce Creek are located in residential areas; therefore, the two cannot be rated in the same manner. She added that groundwater use in the Cox Creek area is

different than in the Courthouse Point and Pearce Creek areas. Mr. Mendelsohn stated that when Cox Creek was initially vetted by the DMMP before the expansions, there were significant concerns with regard to groundwater quality; he believes both sites should receive a 0. Mr. Orrt asked why there was a 0 for northward expansion *groundwater* and 0 for westward expansion *groundwater*. Ms. Morris responded that she assumed it was due to the lack of data for the property to the north. MPA owns the property to the west and has conducted groundwater testing in that area. The group agreed that both the Cox Creek Expansion sites should receive a 0 for *groundwater*.

Ms. Morris suggested that *nutrient enrichment* should be -1; the group agreed that *nutrient enrichment* should be changed to -1.

Aquatic Habitat

The group agreed that the current scores would remain as previously recorded.

Wetlands

Ms. Slatnick stated that if non-tidal wetlands are present on the property they will most likely be impacted; however, she stated that she is not positive that they are located in the footprint of the site. Ms. Morris stated that non tidal wetlands are present; however, there are alignments that would avoid them. Ms. Slatnick stated that in the past, if an option was thought to have a potential impact on non-tidal wetlands, it would have been scored with a -1. The group agreed that a score of -1 should be assigned.

Aquatic Biology

The group agreed that the current scores in this section would remain as previously recorded.

Special

The group agreed that the current scores in this section would remain as previously recorded.

Waterbirds

Mr. Halka asked if the term “waterbird” was related to estuarine birds or all birds that live near water; he also asked if any birds were currently using the site. Ms. Slatnick read the rubric and stated that the definition of waterfowl is limited to the harvestable resources (ducks and geese) and the potential impacts upon existing areas of waterfowl utilization. Ms. Slatnick stated that the area is currently industrial. Mr. Brown stated that the expansion may create waterfowl utilization area over time. The group agreed that the parameters in this category should be shaded for both sites.

Terrestrial

Ms. Slatnick read the rubric for Terrestrial scoring: “*Wildlife habitat* is limited to the locations where the possibility of impacting sensitive natural wildlife areas exists.” She added that a 0 will be assigned if no negative impact is anticipated. Mr. Mendelsohn stated that both Cox Creek sites are industrial and do not impact sensitive habitats. The group agreed that all Terrestrial parameters will remain as previously recorded.

Physical Parameters

Mr. Roach asked why the northward expansion received a 0 for *substrate/soil characteristics* and the westward expansion received a 0. Ms. Slatnick read the rubric regarding *substrate/soil characteristics*: “Soil characteristics influence the type and productivity of terrestrial areas. Significant alterations to the soil characteristics could negatively impact habitat.” Ms. Slatnick suggested that soil characteristics would not be applicable for the paved site; she suggested that no change be made. The group decided that *substrate/soil characteristics* would remain as previously recorded.

Mr. Roach asked if the group would like to change the scores for *toxic contaminants*. Mr. Halka stated that additional information about the sites would be known once engineering and environmental studies are conducted; however, BEWG should score the sites with the information that is currently known. Mr. Ortt asked how the 0 and a 0 are weighted in the ranking. Mr. Halka responded that a 0 and a 0 are weighted the same. Mr. Ortt suggested that the group be consistent in scoring and assume known attributes to each site being scored. Therefore, both Cox Creek sites should be scored -1 for *toxic contaminants*. Mr. Kotulak suggested that the sites be scored as +1 because the contaminated areas will be capped. Mr. Mendelsohn responded that every area that will potentially receive capping should not be perceived as a potential enhancement to the site. Ms. Slatnick read the rubric on *toxic contaminants*: “Some Harbor options may include a ‘capping’ component whereby materials of poorer quality will be buried or capped with materials of better quality. A +1 would be assigned if there were a potential for capping toxic contaminated sediments with sediments of better quality. A -1 would be assigned if there were a potential that an option could degrade the sediment quality in the area.” She added that if the group scored this parameter +1, it would be assuming that the soil is degraded. Mr. Ortt stated that he is primarily concerned with consistency in the scoring process and would like to see all sites scored appropriately. Mr. Mendelsohn stated that he does not believe it is right to give a site like Cox Creek +1 because it will be capped; that score does not account for the total issues of the site capping process. Mr. Roach stated that the group should remain consistent with the way similar sites were ranked. The group agreed to keep the scores as they were previously recorded.

Mr. Bierly questioned why Sparrows Point received a -1 score for *CERCLA/UXO potential*. He stated that the area would be capped when construction was complete, thus remediating the site. Ms. Morris stated that the area is a known CERCLA site, and therefore was assigned a score of -1. Ms. Perkins stated that the rubric for *CERCLA/UXO potential* scores the site on whether or not it currently has issues. The score is used to denote how severe the known issues are.

Mr. Bierly stated that the remediation of a CERCLA site would be costly, but it would improve the surrounding environment and eliminate a health risk, so it does not make sense to score it a -1. Mr. Mendelsohn stated that this group cannot predict what the permit for a CERCLA site would dictate, and therefore this group can only look at what is actually known. Mr. Harman stated that prior scoring did not look at the potential for the owners to remediate a site with known contamination. However, if an agency is willing to pay for the remediation, scoring a CERCLA site -1 will negatively impact a site that could be an opportune site for remediation. The group decided that it would continue by assessing the site and placing caveats with scoring where there are known issues. The score of 0 will remain because more information is needed.

Human Use Attributes

Ms. Slatnick stated that she is concerned that only the northward expansion received a score of -1 for *noise*. Mr. Halka stated that he believes the northward expansion received a -1 because it is half mile from Fort Smallwood Road. Ms. Morris stated that she would determine the distance of both the Cox Creek northward and westward expansion sites from Fort Smallwood Road.

Mr. Bierly stated that he would like more clarity on why the northward expansion was scored +1 for *public health* and the westward expansion received a 0. Ms. Derrick responded that the +1 reflects the site's potential to isolate contaminated material as described in the rubric.

Beneficial Attributes

Ms. Slatnick asked if there would be any planned beneficial attributes. Mr. Bierly responded that a managed placement site is a beneficial use of a potentially contaminated industrial area. He added that there should be some potential to receive +1s in this section. Ms. Slatnick read the rubric for *beneficial use-uplands*: "The proposed options will be converted, in part, to upland habitat to enhance regional habitat resources (particularly for bird nesting habitat). If an option is not designed to create upland habitat, then it will receive a 0 score. If upland habitat will be created, the option will receive a +1." Mr. Bierly stated that there are currently no design plans for beneficial use on either Cox Creek property. Ms. Slatnick read the rubric for *beneficial use-adjacent habitat enhancement*: "Options may have the potential to restore or enhance adjacent habitat after construction. For example, protection of an eroding shoreline may allow for natural propagation of tidal marsh plants or submerged aquatic vegetation (SAV) adjacent to an option. Stabilization of certain beaches could also improve the nesting habitat for terrapins or colonial ground nesting birds (terns/skimmmers). Another upland example would be the potential for stream improvements from the cessation of acid mine drainage. Habitat enhancements adjacent to the proposed option will be considered as positive effects of option development and will be assigned a raw score of +1. If no benefit is to be derived a 0 will be assigned."

Since the area still has the potential of being converted into beneficial use, Mr. Halka suggested that some of the Beneficial Attributes be unshaded, even though a habitat design has not been created. Ms. Slatnick questioned if *beneficial use-wetlands*, *-uplands*, *-adjacent habitat enhancements*, *-faunal*, and *-recreational enhancements* should be unshaded at both sites. The group agreed with the exception of *-adjacent habitat enhancements*, which they wanted shaded. *Shoreline protection* shall also remain shaded. Ms. Morris asked if the other DMCFs should be unshaded in the same categories. The group agreed that on state owned properties a higher potential exists to develop beneficial use areas. Ms. Slatnick suggested that if the *beneficial use-wetlands*, *-uplands*, *-faunal*, and *-recreational enhancements* be unshaded for all the state owned properties, a caveat should also be included that expresses that state owned properties have more flexibility to create beneficial use than a federally owned property. The group agreed.

Hart-Miller Island Expansion –North Cell Vertical

Water quality

Ms. Morris asked the group if there should be any changes to the existing scores. The group agreed to keep the scores as they were previously recorded.

Aquatic Habitat/Wetlands/Aquatic Biology

Ms. Morris asked the group if it would be amenable with shading all parameters within Aquatic Habitat, Wetlands, and Aquatic Biology, as they would not be impacted by the vertical expansion. The group agreed to shade all parameters within aquatic habitat, wetlands, and aquatic biology categories.

Special

Ms. Morris asked if *habitat of particular concern* should be shaded. The group agreed.

Waterbirds

Mr. Roach asked if the North Cell area is currently being used by waterbirds; Ms. Slatnick responded it was. She added that once construction is complete birds would be able to use the area. The group agreed to make both *waterbird* parameters 0.

Terrestrial

Ms. Morris asked if the group would be amenable with keeping the shading within the Terrestrial section. The group members individually read the rubric for each Terrestrial parameter. Ms. Slatnick stated that the North Cell is not forested; therefore *forests* should be shaded. The rubric for fresh water *streams* dictates that this parameter should be shaded. The rubric states that *lakes and ponds* would need to be naturally occurring on the site. Lakes and ponds are not naturally occurring; therefore, this parameter is not applicable and should be shaded. Ms. Slatnick read the rubric for *other natural avian habitat*: “Upland areas provide habitat for a variety of avian species that differs considerably from those that are considered under the Waterbird category. Specifically, uplands provide habitat for a wide variety of resident species, but are also critical to sensitive groups such neotropical migrants and those that dwell in forest interiors.” Ms. Derrick asked if bird surveys had been conducted on the site. Ms. Morris responded that bird surveys are conducted. Mr. Mendelsohn stated that the area is a major migratory stop for shorebirds, and agreed that the parameter should be unshaded. The group agreed that *wildlife habitat* and *other natural avian habitat* would be unshaded 0s; the group agreed that *forests, streams, lakes and ponds, and prime or unique agricultural land* should remain shaded.

Physical Parameters

Ms. Slatnick stated that *fossil shell mining* should be shaded. The group agreed that *fossil shell mining* should be shaded. Mr. Halka asked if more information would be needed on *toxic contaminants* and *CERCLA/UXO potential*. Mr. Bierly suggested that the entire Physical Parameters section be shaded, as it is for an existing DMCF. The group agreed.

Human Use Attributes

Mr. Mendelsohn stated that *aesthetics* should remain a -1. Ms. Slatnick stated that all other parameters should receive 0s since the project is a vertical expansion that does not affect them. Mr. Ortt stated that *cultural resources* should be shaded. He suggested that the group’s scoring be consistent with Courthouse Point. The group agreed that *cultural resources, navigation, and existing land use* should be shaded, and that *aesthetics* should remain a -1.

Beneficial Attributes

As discussed in the Cox Creek northward and westward expansion beneficial use section, all state owned facilities would be scored similarly. The group agreed that *beneficial use -wetlands, -uplands, -faunal, and -recreational enhancements* be unshaded for all the state owned properties, with a caveat stating that state owned properties have more flexibility to create beneficial use.

Small Island Restoration –Mid Bay (Parsons Island and Sharps Island)

Water Quality

Mr. Ortt asked the group to determine if they wanted to consider the islands in their current state or the restored state. He added that the scoring should be similar to how Poplar Island was originally scored. It was stated that the end result (long term) is what is scored. Ms. Slatnick read the rubric for *turbidity*: “Excessive long-term turbidity can be detrimental, particularly to some planktonic and benthic organisms. If option development has the potential to increase turbidity levels beyond the natural ranges for the area on more than a short-term basis, the option would receive a score of -1. If option development is not expected to have any long-term increase in turbidity, it would receive a score of 0. If it has the potential to ameliorate existing high local turbidity, a +1 would be assigned.” The group agreed that addition of material would not enhance turbidity. Mr. Ortt stated that the increased land mass from the project could potentially decrease turbidity within the lower Choptank River. The group agreed that *turbidity* for Sharps Island should be changed to 0.

Aquatic Habitat

Ms. Morris explained that Parsons Island received a -1 in SAV because of the surrounding historic SAV beds. Ms. Derrick stated that Sharps Island is too deep to support SAV. She added that a water depth of 6.6 ft would support shallow water habitat; the current water depth at Sharps start at - 8 ft. The group agreed that *shallow water habitat* and SAV for Sharps Island should be shaded.

Wetlands

Ms. Slatnick asked if there were known non-tidal wetlands on Parsons Island. Mr. Halka stated that there are no tidal wetlands at this time, but there could be some non-tidal wetlands on Parsons Island. The group agreed that the Parsons Island Wetlands parameters would remain unchanged.

Aquatic Biology

Ms. Slatnick stated that most of the scores listed for this section should remain because only the acreage of the islands has changed. The group decided to score the *larval transport* 0 and shade *thermal refuge*, for both Parsons Island and Sharps Island.

Special

Mr. Ortt stated that both island restoration projects would create/enhance land for RTE species. Mr. Halka asked if the scores on the working draft summary of environmental factors, weights and scores were from 2005. Ms. Morris responded that the scores for the Small Restoration Islands were from the 2005 DMMP scoring. Ms. Morris stated that the National Marine Fisheries Service (NMFS) previously indicated that Small Island Restoration may impact loggerhead sea

turtles. She stated that she does not have the additional background on what species it would be protecting. Ms. Slatnick read the rubric for protected species: “If no RTE or applicable Sensitive Species Project Review Area (SSPRA) are determined to be in the vicinity and no negative impact is expected, a 0 will be assigned. If option development has the potential to protect or enhance existing RTE habitat, it will receive a +1. A positive or negative score will result for each species identified at a particular site.” Ms. Morris stated that she would research the factors that influenced the positive protected species scores in 2005 on Parsons Island and Sharps Island.

Waterbirds

The group was unsure of the Waterbird parameters’ scores. Ms. Morris stated that she would research the scoring of both Waterbird parameters for Parsons Island as well as the *waterfowl use parameter* for Sharps Island. The group agreed that the *wading* and *shorebirds* could be shaded for Sharps Island because the island is currently not a nesting or foraging area.

Terrestrial

Ms. Morris asked if shading all of the Terrestrial parameters would be applicable for Sharps Island. The group agreed that Terrestrial parameters should be shaded.

Ms. Derrick stated that there was farm land present on Parsons Island. Ms. Morris will research the *prime or unique farmland* parameter to determine why Parsons Island received a +1.

Physical Parameters

Mr. Halka asked why the islands were scored -1 in *substrate/soil characteristics*. He asked if the substrate at Sharps Island and Parsons Island was limited or unique. Currently Sharps Island is comprised of a thin sand bed and eroding clay. Ms. Slatnick reviewed the rubric and stated conversion of sandy bottoms to finer-grained substrates would be considered a negative impact and assigned a value of -1. Ms. Slatnick stated that the -1 assigned to both Sharps Island and Parsons Island seems to fit. The group agreed.

Mr. Ortt stated that the restoration of the islands would change water flow patterns over time. Mr. Halka stated there was extensive modeling conducted for Poplar Island to determine the impact to the flow of the eastern Chesapeake Bay. Mr. Halka stated that the islands are small and would likely have very little impact on the flow pattern. Ms. Derrick read the rubric for *hydrodynamic effects*: “Alterations in hydrodynamics that could increase erosion potential or alter currents over critical areas such as oyster bays would be considered as -1. However, options that would have no effect will be scored as 0. Options that may decrease erosion over sensitive areas or otherwise protect/enhance resources would be assigned a +1 for a positive effect.” Mr. Kotulak stated that a model was completed for Parsons Island, but it was not extensive. Mr. Halka stated that 0 is an appropriate score.

Human Use Attributes

Mr. Roach asked why both islands received -1 scoring for *aesthetics*. Ms. Slatnick read the *aesthetics* parameter in the rubric: “If an option is located within approximately half mile of a population center, dwellings, or managed natural area and will not include mitigating a site of existing poor aesthetic value, it will be considered to have the potential to have a negative impact on aesthetics, and will be assigned a -1.” Ms. Derrick stated that Parsons Island is near a managed natural area. The group agreed that the *aesthetics* score for Sharps Island should be 0.

Mr. Ortt asked why Parsons Island received -1 for *cultural resources*. Ms. Morris stated that she would research why Parsons Island and Sharps Island received -1 scores for *cultural resources*.

Mr. Bierly asked if the *navigation* score for Sharps Island could be changed since the project would define the waterways. Mr. Halka read the rubric for *navigation*: “Due to the large volume of barge, ship, and container traffic in the Bay, the potential effects of the proposed options on local navigation will be evaluated. Options that lie partially or wholly within navigation channels could be considered hazards to navigation. Additionally, options adjacent to channels could have an impact on navigation due to increased currents from altered hydrodynamics. A structure that may hinder navigation can also pose a potential environmental threat from potential ship collisions and groundings and will be assigned a -1. If no such potential exists, a 0 will be assigned. If the option has the potential to protect or enhance existing navigation on or immediately adjacent to the site, it will receive a +1.” He added that the rubric is considering impact to navigation channels. Mr. Halka stated that the impact to the navigational channels would be unknown. He suggested that Parsons receive a 0. Ms. Slatnick stated that the only option that received a -1 *navigation* score was Artificial Island Creation - Upper Bay, and that was because it was located so close to a channel. The group agreed that Parsons Island and Sharps Island would receive 0 for *navigation*.

Beneficial Attributes

The group agreed that the current scores in this section would remain as previously recorded.

Susquehanna Flats

The group decided not to score the option at this time due to time constraints. Mr. Roach asked the group to give their opinions on the potential for the Susquehanna Flats option to move forward.

Mr. Ortt stated that the area is a known SAV bed; DNR is currently working to preserve the area. He believes that any discussion regarding the area should include DNR. He added that the site is also downstream from the Conowingo Dam; the state occasionally floods the area and large rocks travel in the flood waters, which could potentially damage the site. Mr. Halka stated that the area is an environmental resource; it has a flourishing fish habitat, SAV beds and is a spawning ground. He stated that leaving the environmental resources undisturbed in that area would be more beneficial than the gained dredged material placement capacity.

Other Updates & Next Meeting

MES

Mr. Roach and Ms. Morris thanked everyone for attending. Ms. Morris stated that the updated scoring matrix would be distributed for the group to review. This will provide a chance for the resource agencies absent to comment. No additional meeting was scheduled.