

FINAL
MARYLAND BAY ENHANCEMENT WORKING GROUP
CONFINED AQUATIC DISPOSAL SUBCOMMITTEE

November 14, 2024, 1:00 PM

Hybrid Meeting

KEY TAKEAWAYS

- **Introduction and Agenda:** Ms. Derrick facilitated the meeting, emphasizing the importance of staying on schedule and being considerate of differing views. She introduced the agenda, committee members, and observers. All meeting materials can be found in the Subcommittee [share file](#) including the [meeting recording](#).
- **October Draft Meeting Key Takeaways:** Ms. Derrick stated the draft key takeaways from the October 10th meeting are available in the [share file](#) including the [audio recording](#).
- **Action Items Review:** Ms. Derrick reviewed the action items from the previous meeting, categorizing them as completed or in progress, and provided updates on each item. (The list of action items can be found in the [November 14th meeting presentation](#))
- **Subcommittee Goals and Objectives:** Mr. Swift reminded members of the CAD Subcommittee of the goals and objectives. The overarching goal of the subcommittee is to review the available options associated with a second CAD pilot project to aid in meeting the long-term dredged material placement needs of the State of Maryland.
- **Meeting Schedule:** Ms. Derrick explained that the meetings are scheduled at the Cox Creek Operations and Maintenance Facility on the second Thursday of each month from 1:00 to 3:00 PM. The meeting agenda structure includes 90 minutes for technical presentations and discussion, followed by 30 minutes of open discussion for both subcommittee members and observers.
- **CAD Permitting Process:** Ms. Teresi, Mr. Wallach, and Mr. Morgante reviewed the CAD permitting process.
 - **U.S. Army Corps of Engineers (USACE) Permitting Process:** Ms. Teresi provided an overview of the USACE permitting process. The mission of the USACE regulatory program is to protect the nation's aquatic resources while allowing reasonable development for fair and balanced permit decisions. The program operates under two regulatory authorities: Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Any work in, over, or under navigable waters requires a permit from USACE. The permitting process includes receiving an application, determining its completeness, and deciding the type of permit required. For a CAD site, it is anticipated that a standard permit process would occur, involving a public notice and possibly a public hearing. The process also includes a public notice that would be prepared and published to the public, state agencies, and interested parties with a 15–30-day comment period. After evaluation, the permit decision will result in either an approval or denial.
 - **Water Quality Certification:** Mr. Wallach discussed the water quality certification process. The certification process certifies that a project will not impact water quality and includes enforceable general and special conditions.
 - **Joint Permit Application (JPA):** Mr. Wallach explained that the JPA is submitted to both the USACE and the Maryland Department of the Environment (MDE). This

application is submitted for a formal review process for state tidal wetlands. MDE reviews the application in a 240-day review period and submits a report and recommendation to the Board of Public Works (BPW) for approval.

- **Role of Board of Public Works:** Mr. Morgante provided an overview of BPW's role in issuing a Tidal Wetlands License and the process of reviewing and approving the license. BPW has the authority to issue a Tidal Wetlands License for larger projects, with regulations under Comar 23.02.04. The review process includes receiving a report and recommendations from MDE, which is reviewed by BPW. BPW's Wetland Administrator also conducts an independent review and submits a separate recommendation to the BPW. For projects with opposition or questions, the review process includes additional public notice and comment periods, with a 21-day timeframe for submitting comments. If the license is approved by BPW, it receives a signature for validation, and any monetary compensation or in-lieu fees are processed by MDE. Major or minor modifications could occur after the license is issued, such as an extension on time of year restrictions. For major modifications, MDE will have to issue a public notice and the license is resubmitted to BPW. The process for minor modifications is quicker and can take just days or a week.
- **Community Feedback:**
 - Ms. Derrick reviewed the purpose of the community feedback. The community members were asked to provide a succinct written summary of their questions, concerns, and prioritization in advance of the November CAD Subcommittee meeting. The questions and concerns should relate to the following 3 questions:
 1. What questions or concerns do you have about a second CAD pilot study?
 2. What additional studies do you think are required to address your questions or concerns?
 3. What primary questions would you like the technical CAD Subcommittee to evaluate?The community members' questions and concerns will be compiled into a list and categorized as either relevant or not applicable to the CAD Subcommittee. The list will be revisited during and after the evaluation process. Additionally, the final report will acknowledge all of the questions and concerns.
 - Subcommittee community representatives Ms. Gresham-James, Mr. Lindquist, and Ms. Hunt relayed feedback from their respective communities. Ms. Gresham-James shared that the Baltimore County residents are interested in the subcommittee's findings and final report. Mr. Lindquist stated that he has not received any comments or concerns from the Baltimore City residents. Ms. Hunt presented the results of a community-based survey. The survey results outlined opposition to the CAD project noting environmental risks, lack of transparency, and alternative solutions.
 - Community members, Mr. Garofolo, Mr. Treff, Mr. Sheer, Ms. Sliviak, and Ms. Whilden presented additional Northern Anne Arundel County and greater Chesapeake Bay Concerns including risk management, recreational and residential impacts, economic and structural risks, community engagement, and legal and regulatory concerns.

- **Next Meeting Agenda:** Ms. Derrick announced that the next meeting will focus on dredged material/sediment quality and other topics such as hydrodynamics.
- **Action Items:**
 - There were no action items to report.

Members Attending:

Anne Arundel County Waterfront Community Representative: Kelly Hunt
Baltimore City Waterfront Community Representative: Adam Lindquist
Baltimore County Waterfront Community Representative: Tasha Gresham-James
Bay Enhancement Working Group:
Anchor QEA (Anchor): Mark Reemts
Anne Arundel County Department of Public Works: David Braun, Karen Henry
Baltimore County Department of Environmental Protection and Sustainability: David Riter
Baltimore City Department of Planning: Grace Hansen
Chesapeake Bay Foundation (CBF): Gussie Maguire
EA Engineering, Science and Technology (EA): Peggy Derrick*, Cynthia Cheatwood
Maryland Board of Public Works (BPW): Bill Morgante
Maryland Department of the Environment: Matt Wallach
Maryland Department of Natural Resources (DNR): Gwen Gibson, Roland Limpert, Richard Ortt
Maryland Environmental Service: Dallas Henson, Lauren Mentzer
Maryland Port Administration (MPA): Rachael Gilde, Kelvin Moulden, Darren Swift
National Ocean and Atmospheric Administration (NOAA): Jonathan Watson
University of Maryland Center for Environmental Science (UMCES): Andrew Heyes, Elizabeth Price, Lorie Staver
U.S. Army Corps of Engineers (USACE): Eric Lindheimer, Maria Teresi
U.S. Environmental Protection Agency (US EPA): Byron Riggins
Blue Water Baltimore: Alice Volpitta
Maryland House of Delegates Representative: Nic Kipke
Senate of Maryland Representative: Bryan Simonaire

Additional Agency Members, Support Staff, and Others Attending:

Angie Ashley Consulting: Angie Ashley
Capital Gazette: Natalie Jones
Johns Hopkins University: William Ball
Maryland Environmental Service (MES): Saeka Foreman, Kenna Oseroff
Maryland House of Delegates Office: Aysia Rodriguez
Maryland Port Administration (MPA): Katrina Jones, Holly Miller
Observers: Allison Bachmann, David Copley, Mark Donohue, Sandra Donohue, John Garofolo, Laura Henn, Raymond Henn, Greg Sliviak, Ruth-Sliviak, Daniel Sheer, Chuck Thompson, Carl Treff, Marguerite Whilden
U.S. Army Corps of Engineers (USACE): Kevin Fenyak, Shay Gerald, Rachel Kierzewski

*Confined Aquatic Disposal Subcommittee Facilitator