

2004 AAPA ENVIRONMENTAL IMPROVEMENT AWARD APPLICATION

**IMPLEMENTATION OF A
CITIZEN PLANNING TEAM
FOR THE
EVALUATION AND SELECTION
OF
DREDGED MATERIAL MANAGEMENT SOLUTIONS
FOR THE PORT OF BALTIMORE**

Maryland Port Administration

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INTRODUCTION

In the spring of 2003, the Maryland Port Administration (MPA) took the unprecedented step of relinquishing control over a significant portion of its planning process to the communities surrounding Baltimore Harbor. MPA asked these communities to take the lead in defining and recommending dredged material placement projects that could also improve their neighborhoods, contribute to shoreline revitalization and restore their local environment.

MPA's need to find dredged material placement sites was urgent. Due to citizen opposition and legislative constraints, MPA projects would not provide sufficient placement capacity beginning in 2010. The only way that new projects could come on line in time to provide the needed capacity was to engage citizens in a unique new partnership. The normal route risked the fatal eleventh hour opposition that had defeated previous projects.

Because of the historical adversarial relationship between MPA and some citizen groups, MPA decided that it should not facilitate the process. MPA hired EcoLogix Group, a policy and outreach consulting company, to work with the communities. EcoLogix Group, with MPA's complete support, turned the normal process on its head. Rather than presenting MPA's proposed projects to the communities during public meetings, EcoLogix Group asked the citizens to first present their ideas. MPA would then charge its engineers with putting these ideas into rough designs for the communities to evaluate.

The process ended up transforming the agency and citizens from adversaries to partners. The Harbor Team, as the Committee called itself, provided the forum for this

unique approach. As a result of its work, MPA and the communities are well on their way down a path that will lead to more dredged material placement capacity along with shoreline and community improvement projects using dredged material, truly a win-win for everyone.

The story about how this happened is both unique and uplifting. The partnership promises to guide MPA's activities into the future with continued benefits to the environment, economy and quality of life.

BACKGROUND

Relations between the MPA and the citizens who live near Baltimore Harbor were at a very low ebb at the beginning of 2003. In December of 2002 the leading stakeholder group, which was made up of high-level State and federal government officials, academics, and some environmentalists, submitted a report to Maryland's Governor and Legislature recommending a strategy for managing dredged material.

The only project mentioned in the report that had any potential for taking dredged material from Baltimore Harbor was a location in Baltimore County toward the mouth of the Patapsco River known as Sollers Point. However, this section of Baltimore County had just completed a land use visioning process that had also targeted Sollers Point for a project of a completely different nature.

In fact, the community had proposed the area for a mixed use residential, commercial and marina complex that was to serve as a magnet to revitalize a long neglected area. Not surprisingly, many people in the community were enraged upon

hearing of the State's interest in Sollers Point for a dredged material confinement facility.

This was not the first time the citizens and the State were at loggerheads over proposed projects. In fact, it is more accurate to say that the 2002 report opened old wounds rather than cut any new ones.

Residents of the counties surrounding Baltimore Harbor and the Patapsco River still remembered what they believed to be unfair treatment received at the hands of the State on other dredged material projects. Many unpopular projects had been proposed by the State and almost all had been defeated by an active portion of the educated and engaged public that live in the Chesapeake Bay watershed.

Proposed artificial islands at the mouth of the Patapsco River, open Bay placement and other dredged material projects pitted citizens against State and federal officials time and time again. The battles were long and almost always left the State with very few viable options.

Perhaps the leading sore spot over the years has been the confined disposal facility at Hart-Miller Island (HMI). Construction for this project, which is in the Chesapeake Bay off of Baltimore County's shoreline, started in 1981. It is required by legislative fiat to close at the end of 2009, at which time it will have accepted approximately 100 million cubic yards of dredged material.

Many in Baltimore County and other near by residents opposed this project from the beginning. They also vehemently opposed the 1988 and 1996 expansions of HMI, alleging among other things, that the expansions were in direct contradiction to promises made by State government officials. The final expansion was allowed to

happen only after State legislation banned further expansions, set the 2009 closing date and prohibited any other confined dredged material facility within 5 miles of the Hart-Miller-Pleasure Island chain.

Previous to this, the legislature had also established an imaginary line in the Patapsco River and essentially required that material dredged from above that line (Baltimore Harbor) be placed in a confined facility, in the belief that most of it would be contaminated. Over the years, the legislative constraints have reflected the citizens' frustrations. The residents had clearly had enough of the dredged material issue. The 2002 report therefore only fueled a fire that had been burning for quite some time. The atmosphere was ripe for anything but cooperation.

In the face of the hostile reaction from the communities and a looming dredged material management crisis, MPA decided to change the way it had been doing business. Quite simply, MPA knew that business as usual would not deliver the solutions it needed in the short amount of time it had left before Hart-Miller Island closes and MPA runs out of ways to manage Harbor sediments. It also realized that the only way to win back the community's trust and get the citizens to work together toward a common goal was to give up control of the process.

Accordingly, MPA hired a consulting firm with ties to local and regional environmental groups to provide outreach services, and gave that company free reign to fully engage citizens as equal partners. The company, EcoLogix Group, was asked to establish a productive process where the citizens could express their concerns, opinions and desires in a forum controlled by the citizens and not MPA. MPA committed

to supporting the process with substantial resources and doing its best to work with whatever ideas came out of this process.

EcoLogix Group attended community meetings and helped identify the citizen leaders in the Baltimore Harbor area who should be part of the process to find solutions. At the same time, the County Executive of Baltimore County, sensing the stalemate between his constituents and State government, suggested that a committee be established to address the problem. EcoLogix Group and others contacted the list of stakeholders to ask them to serve on such a committee, which once established became known as the Harbor Team. A remark by a County official when told of EcoLogix Group's charge summed up the state of affairs at the time. She said, "whatever they are paying you isn't enough."

METHODOLOGY

Formation of The Harbor Team

The Harbor Team consisted of citizens, businesses and local government officials from the City of Baltimore and the two counties that surround the Patapsco River leading to the Harbor, Baltimore County and Anne Arundel County. The representatives from three local governments came from the highest levels of either the planning or environmental departments. Ten different community and local environmental organizations were represented as well as three regional entities whose charge included natural resource protection. A Captain in the Association of Maryland Pilots, two representatives from industrial sites along the waterfront, a development corporation official and other key stakeholders rounded out the Harbor Team's membership to a

total of 23. The Team's geographic distribution was weighted slightly in favor of Baltimore County because it had more shoreline and more groups than the other riverfront communities.

No one from the State or federal governments sat on the Team. This is not to say that they were uninvolved, however. MPA offered its full support including its vast technical resources to the Team to help answer any questions that came up. The U.S. Army Corps of Engineers also provided assistance on technical issues as well as federal process issues. It should be made clear that the traditional Dredged Material Management Program (DMMP) committees had over the years produced volumes of information and analysis. All of this past information was made available to the Team. Additionally, at least one of the DMMP committees collected and analyzed new data for the Team on numerous occasions throughout the process.

Initial Harbor Team Meetings and Milestones

The first meetings of the Harbor Team provided background information to the members and attempted to convince them that they really were in control. In reality, the very first meeting did little to dispel the skepticism or ease the adversarial feelings. The Team heard a presentation on the DMMP process and one explaining which placement sites had been studied in the past. The Team then voted to hold meetings every three weeks until it completed its recommended plan, which was set for October 2003. At the end of the meeting the Team was adamant that the meeting structure needed to change if it was going to be successful. The Team wanted a specific outcome or mission to be identified, a schedule of milestones to get there and clear

objectives for each meeting. They especially did not want the outcome or any of the discussions to be “orchestrated.”

MPA created a support group to work with EcoLogix Group to satisfy these requests. The group consisted of MPA staff and engineers on contract with MPA, as well as University of Maryland and Maryland Environmental Service staff, among others. The three weeks between the first two meetings were spent in a hectic effort to provide all of the information requested by the Team. It was essential to the Team's future to make sure they knew that their work was of primary importance and that they would be taken seriously.

As a result of the support group's hard work, the second meeting saw significant progress and even some mood improvements. The Team's mission was clearly articulated as: “By October 31, 2003, recommend options for further study able to manage approximately 1.5 mcy annually of material dredged from Baltimore Harbor for 20 years.”

Perhaps most importantly, the Team discussed a schedule of proposed meeting agendas where the members plotted out how they could go from a blank slate to recommending a full-blown strategy in 7 months. This schedule, although incredibly ambitious, became the guiding star that led to the Team's remarkable success:

April 17, 2003	The big picture, review of the Bay Enhancement Working Group (BEWG) role and progress, land availability in the Harbor.
May 8, 2003	Presentation of Draft BEWG Harbor Option Environmental Matrix to the Harbor Team. Discussion of sediment quality. Begin to collect list of options for initial study from Harbor Team and others.
May 29, 2003	Review capacity, cost, size, annual need vs. total need considerations and how that relates to geotechnical, coastal and

	dredging engineering information. Continue to collect, discuss options from team for initial study.
June 19, 2003	Continue with above review, continue to collect options. Begin to present findings from studies of options.
July 10, 2003	Last day for submission of options for consideration in the 2003 draft report. Continue to present findings from studies of options.
July 31, 2003	Continue to present findings from studies of options. Harbor team needs to figure out how they will rank options for future study.
August 21, 2003	Present filled-out draft environmental matrix to harbor team. Describe and define matrix, rankings, weights. Continue to present findings from studies of options.
September 11, 2003	Begin to present findings of coastal, Geotechnical and dredging engineering studies on options. Review any updates to the environmental matrix.
October 2, 2003	1 st draft report for review with recommendations, continue to present findings from studies of options. Review any updates to the environmental matrix.
October 23, 2003	Final draft complete for submission to Executive Committee.

The remainder of the second meeting and other initial meetings provided the Team with information that the members requested to help them identify potential dredged material placement sites. Among other presentations, the Team heard from the MPA's land use planning staff what land was not slated for use by either government or the private sector in the Harbor area. From all of this information, the Team identified sites about which it wanted more information. Additionally, the Team discussed the importance of using dredged material for products and landfill caps and other uses that did not entail creating land.

During this early stage in the process the Team provided input on the communities' visions for these same areas. The idea was that the potential locations should not be built solely as dredged material projects but should be community projects that use dredged material. Along these lines, the Team members from Baltimore County explained their Sollers Point project and other ideas that they had developed for their shoreline during their land use planning effort. A common theme that came out of the early discussions was that any project must protect human health and the environment.

Evaluating the Options

During the next set of meetings, the Harbor Team studied the information provided and asked follow up questions. Each member became actively engaged in the dialogue, now that they knew their questions, concerns and opinions were being taken seriously. During these meetings, Harbor Team members requested information to assist the Team in making recommendations.

To satisfy these requests, more presentations were made by numerous agencies whose contribution to the process was instrumental in leading to a successful outcome. The agencies included: MPA, US Army Corps of Engineers – Baltimore District (USACE), Maryland Department of Transportation (MDOT), Maryland Department of the Environment (MDE), University of Maryland Center For Environmental Science (UMCES), Department of Natural Resources, Maryland Geological Survey (MGS), and Maryland Environmental Service (MES). The National Aquarium in Baltimore, Living Classrooms Foundation, and Dundalk Renaissance Corporation made other important presentations.

The presentations focused on topics such as sediment quality in the Harbor versus the Chesapeake Bay Channels, MDE's harbor sediment sampling results, and how ports around the world manage their dredged material. Other presentations provided socioeconomic information on the areas surrounding the potential placement sites; identified natural resources in those areas; described the Corps of Engineers' process for recommending placement options; and, summarized the National Environmental Policy Act regulations.

Using the information that they learned from the presentations and from discussions within their communities, the Harbor Team members asked that a list of about a dozen potential placement sites be evaluated according to environmental and human health criteria. Accordingly, a committee that was part of the DMMP structure took on the task at MPA's request. The committee, known as the Bay Enhancement Work Group (BEWG), developed a matrix to help assess the environmental and human health impacts and benefits of each project. The BEWG matrix included over 50 categories ranging from environmental factors to human use. The matrix was specifically tailored to the harbor projects, and included aesthetics and a heavy weighting for safety and human health impacts due to the proximity of population centers to these projects.

At each meeting, the Harbor Team discussed and commented on the status of BEWG's evaluation process. At the September meeting, BEWG presented a completed environmental ranking of all of the options. Additionally, an engineering consultant to MPA presented estimates on cost and capacity for each option at the Harbor Team's request. With this information and field trips to the potential sites and to existing

dredged material projects, the Harbor Team's expertise became impressive and the members became leading advocates of the process within their communities.

The Final Meetings

During the final meetings, the Harbor Team worked hard to identify the policy, project and community enhancement recommendations that it would make to the DMMP's leading committee, and ultimately to the Governor and state Legislature. Sticking to the schedule that was agreed to by the Team back in April, a first draft of the Harbor Team's report and recommendations was reviewed at the early October meeting. The report followed an outline suggested by the Team and reflected the points made in previous meetings. During this meeting, the draft was reviewed virtually word by word. The Team suggested changes and once agreement was reached, the new language was inserted. The Team learned at this meeting that a committee really could write a good report, putting to rest the old adage.

Finishing touches were made to the report at the final meeting on October 23, 2003. The Team then submitted its recommendations on October 28th, two days ahead of schedule. The report was submitted pursuant to an agreement made at the beginning of the process that no other DMMP committee could change the Harbor Team's report. It was understood that the Harbor Team's recommendations would go unedited through the remainder of the DMMP process. Other committees could agree or not with the recommendations but they could not be altered. After the submitting the report the Team took a well-earned rest and awaited the reactions.

The Harbor Team's Recommendations

The Harbor Team recommendations are broken into two sections. The first section underscores the importance of using dredged material for innovative reuses that do not include land creation. As stated previously, this theme was raised in the beginning of the process and remained an overriding concern. Accordingly, the Report states: "the Port's primary long-term strategy for managing Harbor dredged material must rely on cost-effective innovative reuse methods because sites suitable for land and water-based placement options are becoming extremely limited.

The Harbor Team recommended that a committee with technical, maritime and business expertise be appointed to propose a strategy for managing at least one third of Baltimore Harbor's dredged material "through cost-effective and safe innovative reuses by 2023." Specifically, the Team asked that the following innovative reuse options, at a minimum be evaluated: fill for mines and quarries, landfill caps and other uses, the manufacturing aggregates, bricks for construction and walkways, and agricultural application.

The second section of the Report addresses the placement sites and community enhancements recommended by the Harbor Team. The Team first listed the general policy considerations that should apply to all sites:

- "Projects must be designed to protect human health and the environment at all times.
- All options must add value to nearby communities.
- Wherever possible, public access to the water must be provided as a component of any dredged material management project.
- All jurisdictions bordering Baltimore Harbor (Anne Arundel County, Baltimore City, and Baltimore County) must be partners in the dredged material management program.

- Where placement options are combined with community enhancement options in the recommendations, the projects are to be considered comprehensively and not separately.
- Placement projects should be implemented in ways that maximize local tax benefits.
- Community Enhancement projects should, where appropriate, be designed to improve water quality and aquatic habitat.
- Community enhancements should, where appropriate, be protected for public use through perpetual conservation easements or similar mechanisms.
- Community oversight committees must be established to work with the MPA in implementing projects and in recommending end uses."

The Harbor Team then recommended 4 specific locations for dredged material projects "with the understanding that all projects must be designed to protect human health and the environment, benefit nearby communities, and include ongoing citizen input and involvement." Two of the projects are located in Baltimore City. The State owns one of them and the other is privately owned; both are brownfields. The community enhancement proposed for this area is the restoration and long-term protection of a nearby cove that has remarkably survived encroachment by heavy industry. Residents surrounding the cove have been trying hard for over 10 years to get this kind of enhancement so they can enjoy the natural benefits of the unique resource.

The Harbor Team also proposed a placement project with associated community enhancements for a site in Baltimore County. This project would improve the environment and aesthetics of the region by surrounding an unsightly manufacturing site at the mouth of the Patapsco River with forests and wetlands, restore and protect residential shorelines in the area and begin to address some legacy sediment contamination issues. Interestingly, the MPA project at Sollers Point, which was the

source of all the controversy less than a year earlier, was modified in ways that served the local community and fit into the overall vision for that location. The recommendation for Sollers is to use clean dredged material for the foundation of the mixed commercial, residential and marina complex.

The team also recommended that a facility in Anne Arundel County be used as a placement facility and that a nearby mitigation site be part of this project. This site was already slated for such use so it fit perfectly into the overall strategy and became Anne Arundel County's contribution to the solution.

Reaction to the Harbor Team's Report

The Harbor Team's recommendations received unanimous approval and endorsement as it traveled through the DMMP process to the Governor's desk. The stops along the way were the DMMP Citizens Committee (the umbrella citizens stakeholder group), the Management Committee (which includes high-level representatives from academia, government and business), and the Executive Committee (comprised of Secretaries of State agencies, District Engineers in the U.S.Army Corps of Engineers, citizen representatives, and other leading spokespeople).

A letter written by the Secretary of the Maryland Department of Transportation and the Secretary of the Maryland Department of Natural Resources, who jointly chair the Executive Committee, illustrates the high praise that the Report and the Harbor Team members received. The letter states: "On behalf of the entire DMMP Executive Committee, we want to express our deepest appreciation for your participation on the Harbor Team.... The Harbor Team truly turned out to be a model of effective citizen

involvement and one we can all be proud of....The Executive Committee endorsed your recommendations and requested that our agencies perform the necessary follow up. "

On the issue of innovative reuse, the letter states: "We agree that a more concentrated effort is needed to investigate the possibilities of innovative reuses for dredged material" and that MPA "will initiate a multi-stakeholder process designed to identify cost-effective and safe innovative reuses for dredged material."

Additionally, the Executive Committee agreed that the placement projects recommended in the Harbor Team Report along with their community enhancements merited further study. Finally and of equal importance, the letter states: "the Executive Committee is viewing the Harbor Team's report as not the end but rather the beginning of our work together. We know you agree that we must continue to exchange ideas in an open, honest and frank dialogue if we are to stay on the excellent course where we now find ourselves, thanks in large part to your work."

In less than a year, the local communities and MPA went from an adversarial relationship to this partnership and the Team's recommendations, including the community enhancements, are now into the feasibility study phase. Also at the Team's urging, resources are being devoted to establishing a process to develop an innovative reuse strategy.

CONCLUSION

Beginning in the early spring of 2004, the Harbor Team decided to change to better address the next challenges. It has broken into geographic subcommittees. The Baltimore County members are focused on filling in the details for the community

enhancements in their area. Baltimore City is further defining its requests for the restoration of the cove. Anne Arundel County is reviewing a permit for the project in its area and working on the creek restoration project in close partnership with MPA and the National Aquarium in Baltimore.

Members of these geographic groups have become leaders in their communities and the Harbor Team process has been followed as a model. This is especially true in Baltimore County, which established its own Harbor Team. The County's Team addresses shoreline issues including those presented by dredged material management. It has devoted three of its meetings to working with entire communities to ensure the broadest input into the project designs. Similarly, the Baltimore City group is meeting with MPA and others to develop the cove through the same consensus building approach.