

# STATEMENT OF COOPERATION REGARDING USE AND PLACEMENT

## OF DREDGED MATERIAL

### IN THE MARYLAND PORTION OF THE CHESAPEAKE BAY

*I*N ORDER TO support the State of Maryland's efforts to identify a long-term economically and environmentally sound dredged material placement plan, in accordance with Federal and State laws;

*W*HEREAS, the Port of Baltimore makes a very significant contribution to the economic health of the State of Maryland and the nation, generating:

- substantially in excess of \$2 billion per year in economic activity in Maryland;
- employment for 67,500 Marylanders, of whom 18,000 are directly employed in port jobs;
- \$141 million in state and local taxes each year; and
- \$400 million in United States customs receipts; and

*W*HEREAS, the natural resources of the Chesapeake Bay also make a very significant contribution to the economic health of the State of Maryland, generating:

- \$738.5 million in recreation related to aquatic resources, including direct expenditure for fishing, waterfowl hunting and nonconsumptive recreation;
- \$60 million in commercial finfish and shellfish landings;
- \$1 billion in expenditures and 18,000 jobs related to bay boating activities; and
- conditions for the continuation of the cultural heritage of Maryland's watermen; and

*W*HEREAS, the State and Federal Governments have invested millions of dollars to construct and maintain navigation channels, and the welfare of the Port is dependent on maintenance of these ship channels, requiring removal

of 4 million cubic yards of material annually in Maryland waters of the Bay, which along with any approved deepening and widening projects potentially generates more than 100 million cubic yards of material over twenty years to be placed in dredged material placement sites, which amounts are well in excess of existing disposal capacity, thus urgently requiring identification of suitable new dredged material placement sites; and

*W*HEREAS, State and Federal funding for dredged material placement sites is constrained, with Federal policy generally requiring that sites be funded by state or local parties; and

*W*HEREAS, the State and Federal Governments, having invested millions of dollars to protect, restore and improve the quality of the Chesapeake Bay, agree that it is important to continue progress protecting, restoring and improving water quality and fish and wildlife habitat to sustain environmental, economic, social, and recreational benefits related thereto; and

*W*HEREAS, Federal and State agencies have engaged in preliminary screening and evaluation to identify placement options more feasible to be carried out in compliance with the National Environmental Policy Act, the Fish and Wildlife Coordination Act, and other laws and regulations (see Appendix);

NOW THEREFORE, we the undersigned parties, agree as follows:

1. An important goal related to the Port of Baltimore's dredged material placement program is the protection and enhancement of the Chesapeake Bay. Given the provisions of State and Federal law, the large volume of material to be dredged, and the growing constraints on State and Federal funding, we recognize that consideration must be given to a wide range of factors including cost reduction, technological capabilities, avoidance and minimization of environmental impacts, natural resource restoration, community concerns and timely solutions in the selection and approval of placement sites.
  - Each proposed alternative site should be evaluated for potential elements to benefit the natural resources of the Chesapeake Bay and modified if appropriate and feasible.
2. In order that the Maryland dredged material placement program will be affordable, cost effective and environmentally sound, balancing natural resource beneficial use and economic interests, the State Plan should encompass a variety of dredged material placement techniques, which may include but not be limited to:
  - a. open water placement,
  - b. upland and marine containment sites, and
  - c. environmental enhancement projects, e.g., island and wetland creation/restoration, fish and wildlife habitat creation, and shoreline restoration.
3. The dredged material plan should include monitoring before, during and after placement, as appropriate, to ensure environmental quality and protection of natural resources.
4. Implementation of the State's Plan is contingent on the results of required environmental evaluations and the approval of necessary Federal, State and local permits for each site.
5. We will enter into a partnership agreement with appropriate provisions to concurrently review individual sites under the State Plan in order to coordinate review processes to minimize delay.
6. We pledge to continue to work in a cooperative and expeditious manner to find solutions to meet the State's twenty-year dredged material placement needs, consistent with applicable State and Federal laws.

FURTHER, the attached State of Maryland Dredged Material Management Plan contains the following elements:


1. Pooles Island Area Open Water Placement Site: (Expand area currently used for open water placement to address dredged material placement shortfall)
  2. Herr Miller Island Containment Site: (Raise dikes to increase capacity)
  3. CSX/Cox Creek Containment Site: (Build containment site adjacent to the Baltimore Harbor)
  4. Poplar Island Beneficial Use Project: (Develop a beneficial use site, restoring eroding islands)
  5. Additional open water placement site(s): (Placement of clean material in one or more open water sites; preliminary screening has resulted in the identification of Site 104 (Kent Island); Site 171 (Swan Point West); and the Worton Point Open Water Site for further consideration)
  6. Long-term upper Bay placement site: (Build a major containment/natural resources beneficial use project—artificial island—in the Bay north of the Chesapeake Bay Bridge; preliminary screening has resulted in the identification of Islechester West; Site 168; Site 171 (Swan Point West); and the Pooles Island area for further consideration).
- The Plan calls for additional preliminary screening of sites under numbers five and six above by September, 1996.
- The listing of the items above does not preclude further consideration or evaluation of other dredged material placement options. For example, shoreline stabilization projects, a variety of natural resource beneficial use projects including marshlands, oyster bars, aquatic reefs, etc., upland or marine containment sites and open water placement may be considered.

IN CONCLUSION, we affirm our support for the State of Maryland's effort to establish a long-term environmentally sound dredged material placement plan. We recognize the value of working together to identify sites which meet environmental and other regulatory requirements. We commit to work in partnership with the public to assure full opportunity for review of each proposed site without pre-judgment and in compliance with applicable laws and regulations. And we agree to work together to facilitate the expeditious review and evaluation of these sites.

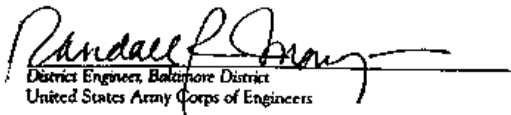
DATE: September 5, 1996

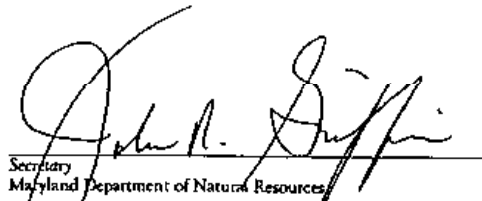
  
Director, Northeast Region  
United States Fish and Wildlife Service  
Department of the Interior

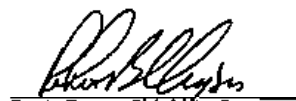
  
Administrator, Region III  
United States Environmental Protection Agency

  
Administrator, Northeast Region  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
United States Department of Commerce

  
Secretary  
Maryland Department of the Environment

  
District Engineer, Baltimore District  
United States Army Corps of Engineers

  
Secretary  
Maryland Department of Natural Resources

  
District Engineer, Philadelphia District  
United States Army Corps of Engineers

  
Secretary  
Maryland Department of Transportation

APPENDIX  
PRIMARY FEDERAL STATUTES GOVERNING DREDGING  
IN THE MARYLAND PORTION OF THE CHESAPEAKE BAY

*Clean Water Act*

*Coastal Zone Management Act*

*Endangered Species Act*

*Fish and Wildlife Coordination Act*

*Merchant Marine Act of 1920*

*National Environmental Policy Act*

*Rivers and Harbors Act 1899*

*Water Resources Development Acts*

---