

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 731 (Delegate Boutin. *et al.*)

Environmental Matters

**Task Force to Study the Utilization of Lower Eastern Neck Island or Parsons Island
as a Depository for Dredge Spoil**

This bill establishes a 13-member Task Force to Study the Utilization of Lower Eastern Neck Island or Parsons Island as a Depository for Dredge Spoil. The task force must: (1) review the feasibility of utilizing either area as a depository for dredge spoil from upper bay dredging; (2) study the issue of reclaiming either area as a wetland area; (3) study the environmental and cost implications of using dredge spoil from upper bay dredging operations to restore wetland areas at Lower Eastern Neck Island or Parsons Island; and (4) make recommendations for the use of either area. The task force must submit a final report of its findings to the Governor and the General Assembly by December 15, 2001. The Maryland Department of the Environment (MDE) will coordinate with other State agencies to provide staffing for the task force.

The bill sunsets on December 31, 2001.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for MDE are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: None applicable.

Background: Dredged material is collected as a result of the need to periodically dredge the bottom of the major approach channels to the Port of Baltimore, as well as the port itself, to ensure that these waterways are deep enough to allow ships to enter and exit the port without scraping the bottom. According to the Port Administration, about four to five million cubic yards (mcy) of material has to be dredged from the Chesapeake Bay annually to maintain shipping channels to Baltimore. Over time, the amount of dredged material is expected to increase to accommodate the increasing size of new ships.

Currently, most of the material dredged from the upper bay and Baltimore Harbor is placed at the Hart-Miller-Pleasure Island Dredged Material Containment Facility, located off the coast of Baltimore County. A small amount of dredged material is currently placed at an open water site called Pooles Island. Another containment facility is under construction on Poplar Island. In order to get the maximum use and life expectancy out of both the Hart-Miller Island and Poplar Island facilities, the Port Administration advises that another facility is needed as the amount of material that needs to be dredged exceeds the planned dredging and redeposit schedule.

A 1996 task force examined long-term options for handling the roughly 108 mcy of material expected to be dredged over the next 20 years. The Governor's Action Plan for Dredged Material Management recommended that a combination of six sites, including an unspecified open water site, be used to dispose of clean dredge spoil. The Port Administration has recommended one open water site, known as "Site 104," as a short-term placement option that would hold up to 18 mcy of clean dredged material from the upper bay. Site 104, located about a half-mile north of the Bay Bridge and a mile west of Kent Island, was used as a disposal site from 1924 until 1974; however, new permitting is required to re-open the site.

Should use of Site 104 be permitted, the U.S. Army Corps of Engineers (the Corps) would be in charge of the dredging operation. In February 1999, the Corps completed a draft Environmental Impact Statement (dEIS) that concluded that the use of Site 104 as a disposal site would not pose significant environmental damage. The Chesapeake Bay Foundation, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Environmental Protection Agency publicly criticized the Corps' evaluation of the project. After review and analysis of public concerns and consultation with those agencies, the Corps announced in early August that it would formally revise the dEIS. According to the Port Administration, a revised dEIS is not expected until June 2000, which will delay the use of Site 104 as a disposal site until October 2001, at the earliest.

Congress recently addressed the proposal to place dredged material at Site 104 with the

enactment of the Energy and Water Development Appropriations Act (Public Law 106-60). In the conference committee report for H.R. 2605 (House Report 106-336), the conferees expressed their concerns about the potential approval of the site and imposed upon the Corps an obligation to thoroughly analyze and review all practicable alternatives.

State Fiscal Effect: MDE reports that it would need to hire a contractual employee in fiscal 2001 and part of fiscal 2002 to staff the task force, perform studies, and submit the required report. Legislative Services advises, however, that because MDE already reviews dredging projects for environmental suitability whenever such projects are proposed, that it could meet the requirements of the bill with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Maryland Department of Transportation (Port Administration), Department of Natural Resources, Department of Legislative Services

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