
January 28, 2025

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: Letter of Concern – Senate Bill 168 – Environmental Justice Confined Aquatic Disposal Act

Dear Chair Feldman and Committee Members:

The Maryland Port Administration (“MPA”) respectfully offers the following concerns for the Committee’s consideration on Senate Bill 168.

SB 168 would circumvent and undermine the current rigorous evaluation process for the dredged material management option known as Confined Aquatic Disposal (“CAD”) being performed under the statutory framework of the State of Maryland’s Dredged Material Management Program (“State DMMP”) by the Bay Enhancement Working Group’s CAD Subcommittee.

Any alteration to the process for review or approval for CAD prior to the completion of the CAD Subcommittee’s work is premature and erases the valuable input to date by regulatory, scientific, and technical experts, as well as interest groups and citizens representing surrounding communities who have dedicated significant time and resources to this initiative. MPA has currently invested approximately \$95,000 into this effort with plans to expend an additional \$187,000 to complete the ongoing effort. The bill would also bypass the State DMMP process that was established by the Maryland General Assembly in 2001 to 1) create a comprehensive process for evaluating and assessing dredged material management options and 2) identify potential new placement sites. *See* Md. Envir. Code, § 5-1104.2(d).

The CAD Subcommittee, formed under the State DMMP, is comprised of a cross section of interest groups, watermen, members of the scientific community, industry, government regulatory agencies, community groups, and citizens to study CAD. The CAD Subcommittee is currently reviewing and evaluating a wide range of topics related to CAD, including, its technical aspects, environmental impacts and benefits, socioeconomic benefits and effects, community impacts, and financial impacts to the state and is expected to complete its meetings in 2025, at which time a report will be prepared with recommendations to the State DMMP’s Executive Committee.

Confined Aquatic Disposal

CAD is a potential dredged material management option being evaluated by the State DMMP that identifies suitable underwater locations where sandy material can be recovered, dredged and innovatively or beneficially used by the State.

CAD involves three primary stages of activity. First, a depression (or cell) is excavated into the sand layer of the river bottom. Second, the excavated sand is used in a beneficial or innovative manner such as wetland creation or structural fill. Third, the depression is then filled in with dredged material.

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The Creation of the State DMMP's CAD Subcommittee

During the 2024 Legislative Session, Senate Bill 353 was introduced to create a legislative task force to study CAD and make recommendations to the DMMP Executive Committee and the Maryland General Assembly. While this legislation did not pass, the MPA committed to dedicating the necessary resources and funding to implement the study under the existing statutory structure and process of the DMMP. In 2024, the MPA voluntarily established the CAD Subcommittee under the State DMMP. The first meeting was held on September 12, with subsequent meetings on October 10, November 14, December 12, January 16, and upcoming on February 13. All meetings are open to the public.

Concurrently, focused outreach is underway to ensure stakeholders are engaged throughout the process. The MPA is expanding engagement efforts in 2025 to ensure it can reach more people, create opportunities for more dialogue, and incorporate all feedback into the planning process as it continues to consider and evaluate the viability of CAD as an innovative solution to dredged material management. Environmental justice is a top priority for the MPA and through the State DMMP, the MPA continues to pursue outcomes that equitably benefit all Marylanders. The MPA and DMMP prioritize environmental justice by working closely with affected communities and stakeholders to develop and implement strategies that promote fairness and equity. This effort includes the work of the CAD Subcommittee. Consistent updates to the community are also being provided through the DMMP Citizens Advisory Committee and existing stakeholder relationships.

In sum, the MPA firmly believes that review, discussion, feedback, advice, and recommendation on CAD should come from the CAD Subcommittee to the Executive Committee because these committees have the scientific, regulatory, and technical expertise, as well as the diverse stakeholder input needed to address the concerns of citizens regarding CAD. This process is also consistent with the State's DMMP Committee-based decision making created by the General Assembly in 2001 under passage of the Dredged Material Management Act that provides for the DMMP Committees and Workgroups to present advice, input, and recommendations to the Executive Committee and recommend to the Governor long-term strategic plans for dredged material management.

The MPA respectfully requests the Committee consider these concerns when deliberating Senate Bill 168.

Sincerely,

Jonathan Daniels
Executive Director
Maryland Port Administration
410-385-4401

Matt Mickler
Director of Government Affairs
Maryland Department of Transportation
410-865-1090