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RE: SB 168

From: David Copley, Resident/Owner living in Water Oak Cove Community, Pasadena

Re: Support of Senator Simonaire's bill (SB 168) regarding CAD operations in the Patapsco

The State and AA County have spent millions on the award-winning Fort Smallwood Park (located at the mouth of the Patapsco) protecting the waterfront, reducing erosion impacts, creating boating launch ramps, a fishing pier, and swimming facilities. Maryland Port Administration (MPA) has proposed undertaking a dredging procedure described as Confined Aquatic Disposal (CAD). Besides impacting the public's use of Fort Smallwood Park, CAD will affect this portion of the bay waters, negating the positive impacts of the Critical Area Legislation established with the expressed purpose of improving the health of the bay waters.

Thanks to a recent article in *The Baltimore Sun*, December 12 by Natalie Jones) some light has been focused on the MPA proposed first step of digging a 20-acre hole (equivalent to 15 football fields) up to 90 feet deep into the relatively shallow river bottom (15') and dumping channel dredged material into the hole some 1.5 miles away from the park. This operation may be repeated for years, each moving closer to the park as the full area described is for 220 acres. Some material removed to make the hole will be placed in existing diked containment facility designed to protect the environment from the contamination. Conceptually MPA hopes much of the removed material is sand and aggregate suitable for subsequent use in construction activities. The initial dredging to create the hole and subsequent dropping of the channel dredged material thru the water column will result in substantial release of fines and any potential contaminants into the river where tidal and wave action will likely disperse the material over a substantial distance.

MPA's own consultants admit there are substantial biologic populations in the soft surface layer of the riverbed to be removed to reach the sand and gravel layers. This 20-acre surface layer is to be placed in the existing Cox Creek containment facility supplanting available space intended for channel dredged material. The dredging to create the hole and subsequent filling operation may take place over two seasons within a year. Some of the MPA consultants claim the disturbance and impact is temporary. I maintain the removal of layers containing biologics and the disturbance to 20 acres of river bottom and decreased water clarity is more long lasting and impactful. Repetition of this operation over 10 or more years will likely prevent any substantial recovery of grasses, oysters and other biologics in the river disturbed or displaced by this operation. For perspective, I ask how is one's health impacted by one year of smoking vs ten or more years?

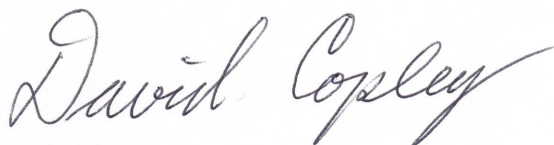
I am a long-term resident of Anne Arundel County and as an Architect, I can speak to the efforts the State and Local jurisdictions have enacted to protect and improve the bay water quality. These requirements have impacted thousands of Anne Arundel County residents with greater costs and limitations applied to their properties within the "Critical Area" with even more restrictions applied to waterfront lots which have included very stringent limitations on work within 100 feet of the water's edge. One could argue that ALL construction related required sediment and erosion control measures are temporary and will cease after construction is completed similar to MPA's position that impact of dumping dredged material into the hole is temporary. So, the public's reaction will likely be: Why is the government allowing MPA to purposely and significantly expand operations beyond maintenance channel dredging, impact otherwise undisturbed river bottom, and prolong the time line of dredging operations while making the public live with substantial restrictions which were intended to reduce turbidity and improve water quality and health of biologics in the bay? Those that live and recreate here want to see improvements to the river and not something that is going to do the opposite and possibly effect the long-term health of our beloved and living resource.

It is inconceivable to me that all these environmental improvement efforts imposed on the general public can be effectively negated by allowing the MPA to purposely dig a big hole in an area south of the shipping channel and dump the channel dredged material in the area when proven and long used containment areas could be used.

The MPA proposes to designate the operation as CAD (Confined Aquatic Disposal) with no cap layer envisioned. This will result in the dumped channel dredged material being continuously disturbed by tidal flows, storms and boat/shipping traffic and may result in the deposited fines and any chemicals being redispersed in the active water column to spread and pollute other areas outside this defined CAD site. In my opinion the "Confined" component of the CAD proposal is a misnomer. In public meetings they cannot even clearly define "CAD", "Open Dumping" (prohibited in the Maryland portions of the Chesapeake Bay and its tributaries), nor "Confined".

Is this action consistent with what we have been working toward for the health of the Chesapeake Bay for so long? A group of concerned residents, scientists and individuals actively involved in bay and wildlife restoration have been following this proposal and analyzing the likely outcomes. It is not a pretty picture. We have developed a source of detailed information and generated a survey of public opinion which is nearly unanimous in disagreeing with this approach to dealing with shipping channel maintenance dredging.

I support SB 168 and its intent to severely limit CAD.



Sincerely,
David Copley, AIA ret