



COMMENTS RESPONSE

August 22, 2024

Re: **Maryland Transportation Authority (MDTA) Francis Scott Key Bridge Demolition**

Agency Interest Number: 4229

Tracking Number: 202460906

Tidal Authorization Number: 24-WL-0607 & 24-WL-0653

Water Quality Certification Number: 24-WQC-0022

The Maryland Department of the Environment (“MDE” or “the Department”) received your comments regarding MDTA's Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland (“Application”) received on June 11, 2024. The application proposes the demolition of the stable standing structures comprising the remaining Francis Scott Key Bridge in preparation for bridge reconstruction. The demolition will consist of two phases. The first phase, authorized in July 2025 under 24-WL-0607EX as an emergency authorization, allows for the mechanical removal of the remaining parapet, median, deck, and six remaining girders that are over water. The material will be removed by both truck and barge. This first phase of the project includes the placement of up to one hundred 36-diameter temporary piles, three temporary buoys, up to 60 soil borings/geotechnical investigations, and the following temporary investigative in-water tests: 14 test piles, six drill shaft tests, and six static load tests. The second phase, 24-WL-0653, will include the removal of the remaining four protective barrier structures (dolphins) and bridge pier structures, both above and below the water line. This removal will consist of both mechanical means and the use of blasting. Subaqueous blasting and blasting above the water line will be used on the remaining eleven in-water piers (piers 14 – 24) and four dolphins. The existing dolphins and piers will be removed to two feet below the mud line. The material will be removed via barge with both clamshell and excavators and will include the removal of buried pier segments and associated structures. The project will result in 8.29 acres of temporary impacts to the Patapsco River.

Comments were received during the Public Notice period which ended on August 15, 2024. Comments were grouped according to relevance. Those comments received specific to the subject applications are outlined below with the Department response.

1) **Hearing Notice Process. Comments included requests for better communication with the public about the hearing.**

Department Response: The Department conformed to regulatory and statutory requirements by placing the notification of the hearing in the Maryland Register on June 14, 2024, [dsd.maryland.gov/MDRIssues/5112/Assembled.aspx#_Toc168923490]. Notification of the Tidal Wetland License public hearing and the public comment period were also placed in the Baltimore Sun, Capitol Gazette, and Dundalk Eagle in the third week of July. In addition, the Department

placed the notice on MDE's website in the public notice section and in a new page dedicated to the project:

<https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/FrancisScottKeyBridge.aspx>

Elected officials and riparian property owners within 0.5 miles from the project site were notified by direct mail. The Department's Office of Communications also responded to press inquiries about the hearing and posted hearing information on social media.

MDTA Response: MDTA posted notification of the MDE Hearing, and live stream access on the Key Bridge Rebuild website: [Equity & Environment \(keybridgerebuild.com\)](https://www.keybridgerebuild.com).

MDTA participated in various community events where the hearing was publicized. MDTA will expand their notification efforts for the next MDE Public Hearing for the Water Quality Certification and Tidal Wetland License for construction of a new bridge to replace the Francis Scott Key Bridge to be held on September 17th at the Community College of Baltimore County, Dundalk Campus, 7200 Sollers Point Road, Baltimore, MD 21222. MDE's notification of this meeting was posted on the Maryland Register on July 25, 2024

[\[dsd.maryland.gov/MDRIssues/5115/Assembled.aspx#_Toc172634600\]](https://dsd.maryland.gov/MDRIssues/5115/Assembled.aspx#_Toc172634600). Newspaper notices for this hearing are scheduled the end of August or the first week in September in addition to elected officials' notifications, social media posts, and an email to the project's interested parties list. Notification letters will also be sent to riparian property owners within three miles of the Key Bridge Rebuild per MDE's requirements.

Notification of the hearing is also included on MDE's Key Bridge Rebuild project website <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/FrancisScottKeyBridge.aspx> and MDTA's Key Bridge Rebuild website <https://www.keybridgerebuild.com/equity-and-environment>.

2) Explosives. Comments included concerns about use of explosives and the potential impacts to nearby homes.

MDTA Response: Explosive demolition is the fastest and safest way to remove the existing structure and allow construction of the replacement bridge to begin. MDTA will require the Contractor to perform pre-demolition surveys of existing structures nearest to the project site and will perform vibration monitoring during blasting events. The contractor will determine the zone of potential influence from the blasting event and develop the monitoring program accordingly. The blasting event will be designed so that homes and other private structures are not within the zone of influence.

3) Trucks and Equipment. Concerns were raised about construction truck traffic in neighborhoods and noise impacts during construction.

MDTA Response: The contractor will be required to submit to MDTA a traffic control plan showing all access and haul routes for review and approval. To the maximum extent practicable, MDTA will restrict construction truck traffic in neighborhoods. MDTA will coordinate with potentially affected neighbors regarding expectation for noise impacts during construction.

4) Community Coordination. Commentors expressed a desire to be included in the rebuild process.

MDTA Response: Throughout each phase of the Key Bridge Rebuild project, MDTA will conduct engagement activities to keep the public and stakeholders informed and to facilitate the exchange

of information on key project considerations. Once the Progressive Design Build (PDB) team is selected and the contract commences, MDTA will support the PDB's outreach plan and activities. As part of the ongoing stakeholder and public engagement, the MDTA will:

- *Establish and maintain collaborative relationships with stakeholder groups. The MDTA will communicate with communities to respond to questions brought by stakeholders and the public.*
- *Provide online information. All information provided during in-person engagement will also be available online. Additionally, surveys or comment forms will be available through the project website to collect insights. Social media posts will help drive project awareness and direct people to more information or engagement opportunities.*
- *Conduct pop-up events and on-street engagement. The MDTA will conduct small-scale engagement activities that provide opportunities to inform the public and exchange information, including through surveys, while people are at places of employment, shopping, or attending community events. These activities will be conducted across the project area, and additional locations will be guided by the ongoing monitoring of participation rates.*
- *Participate in community meetings. Project Team (MDTA & PDB) will attend community meetings across the project area to provide updates on the project, share information about upcoming engagement opportunities, and collect input on key considerations and project milestones. Hold stakeholder conversations. The MDTA will participate in stakeholder conversations to accept guidance on the public engagement approach and gather input on specific aspects of the project relevant to each individual stakeholder organization.*

5) Complete Removal of Existing Structures. Comments included questions asking why the existing structures could not be reused.

MDTA Response: MDTA has determined that the existing structures cannot be reused to rebuild the new bridge. At its highest point, the new bridge will be approximately 45 feet higher than the existing bridge and the new bridge will also be wider than the existing bridge to accommodate full outside shoulders. The existing bridge foundations are not designed to safely accommodate the taller and wider bridge.

6) Project Schedule/Timeline. Comments included questions relating to when the project will start and how long it will take.

MDTA Response: Demolition activities will be initiated shortly after a progressive design builder is identified and all permits and approvals have been secured in the fall/winter of 2024. Demolition activities could take up to a year to complete. A more detailed demolition schedule and project activity timeline will be developed by the progressive design builder.

7) Protection of Existing Utilities. Comments included concerns about impacts to existing utilities.

MDTA Response: The contractor will be required to accurately locate all utilities prior to construction and will be responsible for protecting the utilities in place. The contractor will submit a plan to MDTA demonstrating how the utilities will be protected. MDTA anticipates that

vibration monitoring will be included in the protection plan similar to protection during BGE Transmission Line construction. The plan will be provided to the utility owner for review and additional input/requirements to ensure the utility is adequately protected.

- 8) **Floating Swing Bridge.** One commenter suggested that a floating swing bridge could provide a cost effective and efficient replacement solution that would avoid full demolition of the existing structures since the pier bases could be reused as anchor points for the floating bridge structure and pivot points for the swing section of the bridge. The commenter indicated that the road would be closed to traffic for one hour twice a day to swing the bridge open and allow shipping movement in and out of Baltimore.

MDTA Response: This solution does not meet the needs of either roadway users or marine traffic. Two hour-long closures of I-695 would cause unacceptable delays for roadway users. The volume of marine traffic (commercial and recreational) in and out of Baltimore could not be safely passed through the swing bridge in just two hours a day and this limitation would significantly disrupt commercial operations in the Port of Baltimore. A floating swing bridge is not an acceptable solution because of the disruptions to roadway and marine traffic.

- 9) **Legacy Contamination.** Comments relating to the potential presence of legacy contamination and the potential for resuspension of that material. This included requests to conduct sediment testing around the remaining bridge supports and protective barriers to assess legacy contamination; and use turbidity curtains.

Department Response: Regarding sediment testing, the Board of Public Works provided an authorization to Maryland Port Administration (MPA) to conduct sampling at the site of the Francis Scott Key Bridge in April 2024. The results of this sampling showed no hazardous material or elevated legacy contamination; and that the material tested was consistent with material found throughout the Patapsco. The Department has been coordinating with Department of Natural Resources (DNR) and National Marine Fisheries Service (NMFS) and will require turbidity curtains based on the recommendation of these agencies. Special Condition L in the attached Report and Recommendation (R&R) for 24-WL-0653 references a BMP document that has been collaboratively created by DNR and NMFS. This document also is referenced in Special Condition I in the attached R&R for the 24-WL-0607. The Department has further coordinated with DNR on the potential impact to SAV, which is a resource of concern. It was determined that there are no SAV beds in the vicinity of the FSK Bridge. The locations of the nearest observed SAV beds in relation to the FSK Bridge location makes the proposed demolition activities less likely to affect these beds, due to both proximity and their location in relatively protected coves and upstream locations.

- 10) **Sediment and Erosion Control.** Comments concern relating to sediment and erosion control.

Department Response: The Department recommends to BPW that the Licensee is required to strictly manage and maintain all above water erosion control BMPs during demolition and to all in-water BMPs, including the placement of shielding barges to prevent runoff and debris from entering surface waters and protect stream resources, to the extent possible. These appear as Special Conditions F and G in the attached R&R for 24-WL-0607. The Department recommends to BPW that the Licensee is required to strictly manage and maintain all in-water BMPs to prevent sedimentation during blasting activities. This appears as Special Condition G in the attached R&R for 24-WL-0653; MDE Sediment & Stormwater Plan Review Division also issued a permit relating to removal activities; which also contains conditions to control sediment and erosion.

11) **Protection of Marine Life.** *Comments included concerns for both marine mammals and migratory fish and include request to enact appropriate time of year restrictions.*

Department Response: The Department coordinated with resource agencies including Department of Natural Resources (NDR) and National Marine Fisheries Service (NMFS). Due to this coordination, the Licenses will include conditions to protect marine life. In the attached R&R for 24-WL-0607 Special Condition H requires coordination for DNR if pile driving activity during the February 15 through June 15 time of year restriction. Special Conditions I through M all address BMPs, hold points, compensation and other requirements to protect marine lift. In the attached R&R for 24-WL-0653, Special Condition J requires 1mm mesh screens for intake, and Special Conditions E and L through O all address BMPs, compensation and other requirements to protect marine life..

12) **Recycling of Bridge Materials.** *Comments received included information about recycling concrete materials into reefs.*

Department Response: While the Department does not require specific disposal locations, such as reefs, Department staff will encourage coordination between MDTA, the design-build team, and DNR on potential reefing locations for the existing concrete that will be removed.

After reviewing the proposed activities, the Department determined that MDTA is within its riparian rights to demolish the stable standing structures comprising the remaining Francis Scott Key Bridge. The Department determined that the demolition activities outlined in the two phases of the project are consistent with State law and regulations and are a reasonable exercise of the Licensee's riparian rights. The applicant has demonstrated that alternatives to the proposed demolition are not feasible, and they have committed to conducting the demolition activities using best management practices that protect both the Citizens of the State of Maryland and the marine life of the Chesapeake Bay. They have further committed to robust community engagement to address concerns of community stakeholders throughout the process. The Department has decided to send a favorable report recommending the authorization for the proposed activities to the Maryland Board of Public Works (BPW). Please be aware that this report is only a recommendation to BPW for the issuance of a Wetlands License. The BPW will make the final State decision to issue or deny the Applicant's Wetlands License. If you would like to submit comments to the BPW, please contact the Wetlands Administrator, Bill Morgante, at 410-260-7791 or bill.morgante@maryland.gov. Thank you again for your comments. If you have any questions or if I can assist you in any way, please do not hesitate to contact Matt Wallach at matthew.wallach@maryland.gov or 410-207-0893 with any questions. A copy of the signed Report and Recommendation can be found on the following website:

mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/FrancisScottKeyBridge.aspx

Sincerely,

Matthew Wallach

Matthew Wallach
Tidal Wetlands Division
Maryland Department of the Environment

Cc: Bill Morgante, BPW