

MDE Public Informational Hearing: I-95 ETL Modification Request - 2025/01/29 18:21 EST - Transcript

Attendees

Amanda Sigillito -MDE-, Angie Nasuta, Bill Temmink, Brigit Burbank, Deanna Phillips (JMT), Eric, Erin Markel, Gunpowder Riverkeeper, Jennifer Bird -MDE-, Jillian Bar-av, john berry, Julie McCarthy, Kathy Martin, LEE A., Lindsay Crone, Mad About Mud - Patrick, neal, Pamela Martin, Randy & Mary Parsley, Sue Thompson, Tage Sylvan, Tim Wheeler, William Seiger -MDE-, William Seiger -MDE-'s Presentation

Transcript

Amanda Sigillito -MDE-: Good evening. It's 7 pm, so we will go ahead and get started. I would like to welcome everyone to the Maryland Department of the Environment's virtual publicinformational hearing for the proposed permit modification for phase 2 of the I95 Express toll lanes northern section 200 project. My name is Amanda Sigillito and I am the chief of the Nontidal Wetlands Division in the Maryland Department of the Environment. I will be the presiding official for this evening's publicinformational hearing. Also in attendance with me from the department are Jenn Bird, who is the project manager for the Nontidal Wetlands Division, and Bill Seiger, who is chief of the Waterway Construction Division.

Amanda Sigillito -MDE-: I would like to thank everyone for taking the time to participate in the public comment process. It is the responsibility of my office to evaluate applications that propose impacts to non-title wetlands and waterways. The department's authority is found in subtitles five and nine of the environment article. Each application received through our regulatory program has specific and unique issues and impacts that must be considered in relation to weighing the potential benefits and detriments of the project. The Department is neither a proponent nor opponent of any project. The logistics for this evening's hearing are as follows. I will make a few opening remarks about the purpose of the publicinformational hearing and briefly list the project impacts.

Amanda Sigillito -MDE-: I will then call on the Maryland Transportation Authority for the applicant statement regarding their project. After these required presentations, the department will facilitate public statements by first calling on any elected officials or their representatives to make a statement. I will then call on those of you who indicate that you wish to speak. It is not necessary to read a statement to make it part of the official record. Written comments will also be accepted and receive the same consideration as any oral statement. In fact, for accuracy, if you have a letter to read into the record, I suggest you also provide us with a copy of the letter. We do not permit cross-examination of the speakers during their presentations or comments, but you may pose questions as part of your statement for our consideration in our permit evaluation.

Amanda Sigillito -MDE-: Please note that we will not be responding to questions or comments posed this evening. This venue is for the department to hear and record your The public comments will be considered during the department's evaluation of the modification application. The publicinformational hearing is being recorded and the transcript will be used to facilitate the final permit decision. At this time, I would like to acknowledge any elected officials or their representatives who may be present here

this evening. If you are an elected official or representing an elected official, please raise your virtual hand. I don't see any virtual hands raised. So, we will move on.

Amanda Sigillito -MDE-: the department is conducting this evening's publicinformational hearing pursuant to subsection 5-204 of the environment article and code of Maryland regulations 26.23.02.02 and 26.17.04.13. The purpose of this publicinformational hearing is for the applicant to present an analysis of impacts that may be associated with the proposed activity. I would like to emphasize that the purpose of this publicinformational hearing is to consider the application pending before the Department. There may be a number of additional concerns related to issues that are beyond the scope of this particular hearing. I would like to have this hearing remain focused on issues associated with the non-title wetlands and waterways permit application.

Amanda Sigillito -MDE-: This public informationational hearing is for the proposed modification to the non-title wetlands and waterways permit number 19-NT- 0150/201960846 submitted by the Maryland Transportation Authority. The application requests authorization for design changes including the replacement and relocation of the park and ride on I95 northbound at Maryland 152 and installation of a deer fence at the Eckleston middle mitigation site. The permanent impacts resulting from this modification are 97,531 nontidal wetland, 28,31 ft of the 25 foot nontidal wetland buffer, and 389 linear feet of stream.

00:05:00

Amanda Sigillito -MDE-: Additionally, this modification results in a decrease in 16 square feet of permanent impacts to the 100-year nontidal floodplain and a decrease in temporary impacts to 5,587 square ft of nontidal wetlands, 655 square ft of the 25 ft nontidal wetland buffer, 178 linear feet of streams, and 6,936 ft of the 100-year nontidal floodplain. The overall wetland mitigation requirement has increased by 175,025 square ft and the overall stream mitigation requirement has increased by 388 linear feet. The proposed mitigation will be provided offsite at the following Eccleston mitigation site adjacent to Green Spring Valley Road and Park Heights Avenue in Baltimore County.

Amanda Sigillito -MDE-: Carson's Run Mitigation site located along I95 southbound in Harford County and HT3012 stream restoration site in Baltimore County. The project is located on I95 from north of Old Japa Road to Binham Road just south of Maryland 543. I will now ask the representative for the Maryland Transportation Authority for their presentation and if you could start by giving us your name please.

Erin Markel: My name is Aaron Markle and I thank everybody for being here tonight. I'm here to discuss the I95 Express Toll Lanes northbound extension phase 2 proposed modification. I'm a member of the MDTA project team along with Brian Wolf, Dave Greenwood, Michael Rothenber, and Adrien Deoer. And I want to point out the project email on the slide in case anybody would like to contact us. The Maryland Transportation Authority or MDTA is responsible for operating, and improving toll facilities in Maryland. All NDTA projects and services are funded through toll dollars. Next slide.

Erin Markel: Tonight we will discuss an overview very brief of the express toll lane northbound extension phase 2 program as well as the design changes that resulted in the need to modify the phase 2 permit and the total changes to impacts and mitigation. The purpose and need for the project is to provide congestion relief and reduce travel times, improve safety for users, and improve quality of life. Next slide. This is an overview of the overall phase 2 program. It extends from south of the Maryland 152

interchange to Binham Run just south of Maryland 543. It extends north along Maryland 24 to just north of Singer Road.

Erin Markel: Most of the program is either completed construction already or under construction. Next slide. The new impacts that have triggered the modification that we're discussing today are primarily the Maryland 152 park and ride at Old Mountain Road and very small changes to impacts resulting from the installation of deer exclusion fence at the Eckleston mitigation site. Next slide. The Maryland 152 park and ride is proposed to replace the previous park and ride that was previously located just to the north of the off-ramp which had to be relocated due to the express toll lanes. Eight sites were considered in total when choosing the chosen location, including a previously proposed location on Franklinville Road to the north.

Erin Markel: The ultimate location is south of I95 and was chosen based on public input. This location also remains within the county development Throughout the project lifespan, avoidance minimization was an emphasis of the design team. The park and ride has been placed as close to the exit ramp as possible to maximize the use of existing open space on the parcel and to minimize impacts. The open space on the parcel was utilized as efficiently as possible, which you can see in this excerpt of the design plans here.

Erin Markel: Additionally, grading was minimized by mimicking the existing conditions of the ground slope as much as possible and two to one slopes were used as well in the side slopes of the facility. Next slide. Additionally, the storm water management footprints were minimized by using the existing green spaces in the design of the park and ride for small facilities known as microbio retentions where possible. The size of the storm water management facilities outside of wetlands have been maximized wherever possible so that we could minimize the storm water management size within the wetlands. All proposed storm water management facilities are filter practices with no extended storage or wet pools. This avoids thermal impacts to the downstream use three Next slide.

00:10:00

Erin Markel: You can see the overall changes in impacts and mitigation need here. These are the numbers that Amanda shared earlier, but just to reiterate, we are looking at an increase of 389 linear feet of permanent impact stream and approximately 97,500 square ft of wetland and 28,000 square feet of wetland er. As a result, the change in mitigation from the previous modification is 175,000 roughly square feet of wetlands and 388 linear feet of waterway. The additional mitigation requirements are met or can be met at the existing mitigation package sites. And that is all that I have today.

Amanda Sigillito -MDE-: All Thank we've had a few new people join us since I read my opening remarks and asked if there were any elected officials or the representatives with us. So, I'm going to ask again if there are any elected officials or their representatives with us this evening. if you'd raise your virtual hand, All right. I will now call on those of you who would like to make a statement. And if you would please click on the raised hand button on the bottom of the screen. When we unmute, you can start by clearly stating your name and any interest which you may be Speakers representing a group or organization are allotted five minutes to make their remarks and individuals are allotted three minutes for their remarks.

Amanda Sigillito -MDE-: And we will start with Mr. Bill Tamik Tamik. can you want to go ahead with your comments,...

Amanda Sigillito -MDE-: Yes, we can hear you just fine. Thank you.

Bill Temmink: Hello. Can you hear me?

Bill Temmink: Okay. ...

Amanda Sigillito -MDE-: Are you speaking on your own behalf or on for an organization?

Bill Temmink: Japa Development and Heritage Corporation.

Amanda Sigillito -MDE-: Okay, very good. Thank you.

Bill Temmink: Seemingly most of the mitigation you're doing is not related to most of the damage you're doing. there's two big areas that could be fixed in this area below the I95 extension you're doing. The one is Foster Branch below Route 152 and two Japa Farm Road. It's about a mile long. It's got tremendous clay and gravel deposits as a result of recent development both on the banks and in the stream it wasn't caused by you guys but you could mitigate it and frankly after you mitigate it you could use the numbers the cost of those mitigations and bill the people who did the damage which would be D Dr. Horton.

Bill Temmink: The other is Haha Creek tributary of the Bush River which got also destroyed by developers and that area was heavily forested and now it's pretty to a large extent stripped again both in the area both have tremendous damage both have potential to be fixed and I guess that's all the time all I really Sure. Hey

Amanda Sigillito -MDE-: Does that conclude your comment for this evening? All Thank you. All would anyone else like to make a comment? If so, please raise your virtual hand. All right. Gunpowder Riverkeeper. that's how it's being displayed. So, if you could please start by giving us your full name.

00:15:00

Gunpowder Riverkeeper: Hi. thank My name is Theo Lagarder. and...

Amanda Sigillito -MDE-: Thank you.

Gunpowder Riverkeeper: I wanted to thank MDE for holding this hearing. and would like to enter a comment in opposition to the permit. for just a few reasons. with Groundhog Day before us, I was reviewing my 2021 letter to the agency on section 200. And I feel that my statement then still holds true that Maryland Department of Environment is acting as a legislative body instead of a regulatory body and failing to follow state and federal law and anti-degradation statutes and has instead supplanted state law with programmatic processes.

Gunpowder Riverkeeper: one would argue that maybe it's because the project's so big and this brings a lot of efficiency to the process, but currently the organization that supports 488 members in 17 states, of which I'm the executive director and riverkeeper, is very concerned about any degradation along the Branch and Outer Point Creek 2 is one of two remaining tier 2 waterways in Harford County.

Gunpowder Riverkeeper: and so noting that one of the concerns that we have is that the anti degradation should be supported by a socioeconomic justification but within the MDTA packet that's available online for the public to view the SEJ has not been updated to look at the new impact

Gunpowder Riverkeeper: tax and I have not to date been able to find an updated 401 water quality certification for this project. without the tier 2 anti-degradation information being available on the site, I'd like to respectfully ask for an extension to the comment period to allow us to ascertain whether the 401, and the anti-degradation review has been completed on this project. I'd also take issue with the public notice on this modification because it fails to inform the public as to the presence of Chesapeake log perch that are noted at Carson's run in the downstream waterways. This is a state threatened species that is listed to be included on the federal endangered species list. but there's no mention of it within the notice.

Gunpowder Riverkeeper: I think that is problematic because noting sensitive species impacts or potential therefore would actually engage the public meaningfully in discourse on this issue and the other concerns that we have are related to the reliance of off-site mitigation and again off-site mitigation provides no ecological uplift in the area of impact. There is no direct community benefit in having this mitigation banked in a compensatory mitigation program that fixes up water along the Jones falls and ignores waters along Winter's Run and the gunpowder and bush drainage.

Gunpowder Riverkeeper: We're concerned primarily about cumulative impacts to spawning habitat for 26 species of fish that spawn in the bush and title gunpowder basins among them yellow perch herring and white perch. And I'd like to thank the department, for this opportunity for comment, but also mention that for the public to fully benefit from the waterways that are closest to them, something has to give on localized mitigation.

Gunpowder Riverkeeper: And I do feel that at the 8digit watershed level, it is meaningless excepting to maybe fix the bay up to mitigate that far from the area of impact. we have significant subsistence fisheries and they are harmed with this reliance on off-site mitigation as are the communities that rely on these fish and have done so traditionally. the last mention is just towards monitoring and I do believe that there's enough data currently on tire chips that have six PPD and 6 PPDQ that are now relatable and listed within the Toxic Substance Control Act that should be monitored within the infiltration basins downstream of this project area in a long-term sense

00:20:00

Gunpowder Riverkeeper: because they are disruptive to spawning at least with Pacific Northwest salmonids and other fish species. And I think that's an opportunity that I would entreat MDE consider is to put a monitoring requirement on 6 PPD and 6 PBDQ so that we can ascertain toxicity of waterways downstream as it relates to this alignment. Thank you.

Mad About Mud - Patrick: My name is Patrick Gaffne. I'm from Japa, Maryland, and live very close to this site. And all I can really say right now, everything seems to be just hanging in the balance by a thread. There's so much that is really acting against the environment around here. Not only, the endangered species that are previously mentioned, but others that are threatened. on top of that, just the community involvement on the waterfront will be severely affected. the people that are fishing, the people that are crabbing, all the people enjoying swimming and boating and things of that nature will, be impacted by the toxic runoff that we've already seen from, sites like this in the past.

Mad About Mud - Patrick: And just right now this particular area has such a high concentration of neglect from whether it's the construction that's been going on or just the misuse of the way that the land has been I guess sectioned off for different sorts of environmental issues industrial issues and so forth. So, I

would like to oppose this wholeheartedly. And, even if there must be a park and ride, which was already determined this was not the right place for it just a few years ago. So, to backtrack this is almost pointless. But even if one had to go in, why wouldn't you build up rather than out? Instead of having some sprawling parking lot, build a two to three level building with solar panels on the top of it.

Mad About Mud - Patrick: and, make this point a much smaller problem. there's better ways to engineer than just plowing the hell out of some wetlands. So, I speak for Matt About Mud. I speak for all my neighbors and everyone that I know is against this particular construction site. So, thank you for your time. I appreciate it very much. And also real quickly, I would also encourage an extension in order to gather more information and express to other people to speak up as well. Thank you.

Lindsay Crone: Good evening. My name is Lindsey Cone. I'm a resident of Middle River and lead of the local environmental group not about mud along with Oliver Beach Environmental Committee. I am here to strongly support Gunpowder Riverkeepers Mitigation efforts must take place in our region, not miles away. Especially when the bush, bird, and gunpowder rivers have already suffered immense damage from unchecked construction runoff. The pollution has devastated our local ecosystems, harmed our water quality, and has led to ongoing legal action.

Lindsay Crone: Approving off-site mitigation allows the state to walk away while our communities are left to deal with the consequences. This is unacceptable. The people who live, work, and play along these waterways deserve real local solutions that restore and protect our environment, not a rubber stamp for destruction. I urge you to revise these plans to prioritize the health of our watershed and the rights of those who depend on it. Thank you.

Amanda Sigillito -MDE-: Thank John Barry, would you like to make a statement? Mr. Barry, would you like to make a statement?

00:25:00

Amanda Sigillito -MDE-: Please feel free to go ahead.

john berry: I didn't have my mic on.

john berry: Can you hear me?

Amanda Sigillito -MDE-: Hearing just fine. Go ahead, sir.

john berry: John Barry. I'm the president of the Ramsey Island Residents Association. We're the waterfront community of about 600 homes. And has been detailed previously here this evening, we have suffered with muddy water for way too long. things have They seem to have been improved with the hydra seeding of the Horton construction site.

john berry: But now we need to have some dredging from all of the mud that's been deposited in our areas. I have a more basic question, but I want to get some clarification that this hearing, this exercise this evening is just about the park and ride addition to the project. Is that correct?

Amanda Sigillito -MDE-: That includes the park and ride.

john berry: I have two comments. One is that the bare earth areas that pop up during construction really need to be that was the whole problem with the Horton site in the first place. If that was done two years ago, we probably wouldn't be talking today. comment number two is a more basic one. the park and ride has been removed from public participation during this construction process. Is that correct? the old park and ride is no longer available for commuters.

john berry: Is that correct?

Amanda Sigillito -MDE-: Aaron, can you address that question?

Erin Markel: Yes, it no longer exists.

Amanda Sigillito -MDE-: Thank you.

john berry: So, people have managed to go about their commuting without the parking ride. So, my basic question is why do we really need this? Is there overwhelming evidence? Is there public clamor to have this additional park and ride amendment in the first place? what can you tell us about the public desire for this park and ride edition?

Amanda Sigillito -MDE-: Sir, we're not answering questions or responding to comments tonight. We're just listening to your comments. So, I've got that as part of your comment.

john berry: All right.

john berry: That's my comment. I question the need for this additional park and ride facility. And if it's not supported by surveys or questionnaires, whatever, public clamor, then I strongly urge that it be eliminated from this project amendment and then we wouldn't be talking about it anymore.

john berry: That concludes my comment. Yes.

Amanda Sigillito -MDE-: All Does that conclude your comment? Thank you. All Would anyone else like to make a comment tonight? you can certainly send in comments after the hearing. And I did hear the comments requesting an extension of the comment period and I will take that into consideration and any changes to the comment period any extension will be updated on our website on the project website at Maryland MDE's web page under the water administration's web page.

Amanda Sigillito -MDE-: So, if there are no other comments now, the hearing record will remain open for two weeks until 5:00 p.m. on Wednesday, February 12th, 2025, unless they're extenuating circumstances to justify an extension of the time. The department is obligated to deny the permit modification request within 30 days of the close of theformational hearing record, which is Friday, March 14, 2025. The department's decision and accompanying information will be sent to the interested person's list as well as to the applicant.

00:30:00

Amanda Sigillito -MDE-: The department's decision will be a final agency determination and there will be no further opportunity for administrative review. Any person however withstanding who is either the applicant or who participated in the public participation process through the submission of written or oral comments may petition for judicial review in the circuit court. The petition for judicial review must be filed

within 30 days of the publication of the permit decision. The department does appreciate your interest in this project and thanks you for attending the hearing and I thank you all for attending and for your comments. The hearing is now adjourned. Thank you.

Mad About Mud - Patrick: Thank you.

Meeting ended after 00:31:09 🖐️

This editable transcript was computer generated and might contain errors. People can also change the text after it was created.