

County Executive John R. Leopold
P.O. Box 2700, Annapolis, MD 21404

July 24, 2007

Mr. Paul Rensted
Ms. Kathy Gramp
Advocates for Herring Bay
404 Arundel Road
Tracys Landing, MD 20779

Dear Mr. Rensted & Ms. Gramp:

This letter is in reference to progress made concerning the use of the Town Point Dredge Material Placement (DMP) site for programmed and future dredging projects in Anne Arundel County. The Department of Public Works has informed me that significant progress has been made toward achieving mutual agreement and protection of current and future interests for both the County's long-term dredging program's viability and your interests to preserve the rural character and ecological health of your communities. We understand that while a framework is in place to discuss and develop long-term solutions that include a matrix of alternatives to reduce and/or eliminate the need for trucking material from the DMP, unique permitting circumstances require that we reach some level of agreement now. Such agreement would not preclude our commitment to work together to develop viable long-term solutions to accommodate our dredging program but would provide you the necessary assurance from the County that protects your interests and allows us to move forward with improvements to the Town Point DMP.

The County recognizes your interest to eliminate the need for removing material out of Town Point DMP and commits to limiting its use to provide capacity exclusively for the Town Point Cove, Broadwater Creek and Carrs Creek projects for up to 80,000 cubic yards capacity. As such, the County agrees to complete the three projects and their use of the DMP by June 30, 2011 and not pursue further use of the DMP. The County will make every reasonable effort to coordinate with the property owner to close the facility by capping it, vegetating it with native materials and returning it to passive use. Meanwhile, the County will pursue all reasonable efforts to purchase the property and place a conservation easement on it. Funding would be provided via the Waterway Improvement Grant Program, or other similar sources.


It is further recognized that the capacity necessary to accommodate the projected volume of materials from the three projects is projected to exceed 80,000 cubic yards during the dredging process due to bulking factors. As noted above, every attempt will be pursued to provide alternative means of capacity to handle any surplus. We will examine all possible alternatives to trucking, including but not limited to developing temporary storage capability on or near the site; using commercial or other alternative DMPs; removing materials by barge; using spoils for

beneficial purposes; or some combination thereof. Should those options prove insufficient to handle the spoils from the three projects, conditional and limited use of removing material out of the site may need to be considered. However, I am committed to pursuing a solution that is socially and environmentally responsible as well as fiscally viable and sound.

If the proposed approach involves trucking, a report, prepared in consultation with the Citizen Advisory Committee documenting the alternatives and their impacts to this resource conservation area and the health and safety of the surrounding community, will be presented to me and then the County Council. Any initiative to accommodate material from the Carrs Creek dredging project, including any limited trucking of material from Town Point DMP, will require County Council appropriation. In addition, the approach for managing materials for Carrs Creek will be reviewed as part of the Maryland Department of the Environment's review of the dredging permit for Carrs Creek. Therefore, your concerns about the method to accommodate the Carrs Creek dredged material will be closely scrutinized through the legislative, budget, and permitting process and will afford opportunity for public comment. In the event such a report is prepared, you shall receive a copy no later than April 1, 2008.

I am confident that we can meet the immediate needs of your local community's concerns and allow the County to move forward with infrastructure improvements to accommodate the overdue dredging needs of Broadwater and Carrs Creeks. I hope that this provides you the necessary assurance from the highest level of County government that we will limit the use of Town Point DMP exclusively to the Town Point Cove, Broadwater and Carrs Creeks projects.

Sincerely,



JOHN R. LEOPOLD
County Executive

cc: Robert Cuthbertson, Maryland Dept. Environment
Lisa Hoerger, Critical Area Commission
Edward Reilly, Council Chairman
Ronald Bowen, P.E., Director, Public Works
Christopher J. Phipps, P.E., Deputy Director, Engineering
Kenneth Fleming, P.E., Assistant Chief, Engineering