

Letters (8 July 2002 Robert L. Swann to the Hon. Verna E. Harrison, and [21 Aug. 2002?] Chalk Point Trustees' reply), re: NRD restoration funding in Calvert County, MD

**CALVERT COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**Robert L. Swann  
County Commissioner**

175 Main Street  
Courthouse  
Prince Frederick, Maryland 20678  
Phone: (410) 535-1600 • (301) 855-1243

July 8, 2002

*rec'd 7/10*  
The Honorable Verna E. Harrison  
Assistant Secretary  
Department of Natural Resources  
580 Taylor Avenue  
Annapolis, MD 21401

Dear Verna,

I am attaching a memo from County staff which describes their contacts with the Oil Spill Trustees.

As you are aware, I am not happy with the treatment Calvert is receiving. The Trustees have treated areas that had no effect from the oil spill much better than their treatment towards Calvert has been. It appears we got the leftovers.

Cordially,

*Bobly*  
Robert L. Swann  
County Commissioner

RLS: tjm  
cc: Honorable Parris N. Glendenning  
Honorable C. Bernard Fowler



DEPARTMENT OF ADMINISTRATION & FINANCE  
INTEROFFICE MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS  
VIA: JAMES J. ALLMAN  
FROM: SHERROD STURROCK<sup>TS</sup> DWIGHT WILLIAMS<sup>DW</sup>  
VIA: TERRY SHANNON/DOUG PARRAN<sup>D</sup>  
SUBJECT: DISTRIBUTION OF OIL SPILL GRANTS  
DATE: JUNE 28, 2002

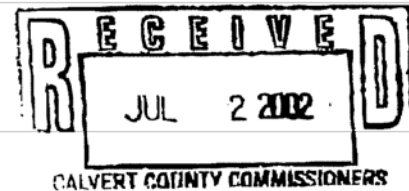
**BACKGROUND:**

We have been asked to describe the process by which King's Landing was selected to receive funding from the oil spill fund.

**DISCUSSION:**

In April of 2001, Eric English of the National Oceanic and Atmospheric Administration (NOAA) contacted me. He explained that he was part of a group charged with distributing money to public recreational sites as part of the oil spill settlement. He said that he needed a list of potential projects in Calvert County that were on public land along the Patuxent River.

I called the Open Space Committee together on April 10, 2001 and we listed every conceivable project we could think of that fit this criteria, including lighting on the riverwalk in Solomons, Nan's Cove canoe launch, and a number of projects at Kings Landing. We did not include Jefferson Patterson Park because we assumed they would submit their own list, nor did we include the Hallowing Point Boat Ramp because it had recently undergone a complete renovation and did not need additional work. This information was forwarded to Eric English.



On May 30, he and three other "trustees" came to see Kings Landing, which they had determined was the only site they were interested in funding. Dwight and I met them and talked about a range of projects, some costing in excess of \$250,000, others less ambitious. We were told that they were looking for something in the \$50,000 range that fit their criteria. We were never given an opportunity to argue for anything more; we were told what money they intended to spend in Calvert County.

Following this meeting, we heard nothing. I contacted Mr. English several times to ask if we needed to submit an application or a project description or a budget. He was very vague and said that no, if they needed anything from us they would let us know. I tried unsuccessfully to find out what the process was, how much money they had and who was deciding on what got funded. There was never any information provided in writing. We were told very little about the scope of the funding, only that recreation mitigation was a relatively small amount and that the rest of it had nothing to do with us.

On October 18, 2001, you received a memorandum from Dwight Williams, followed up by a second memo on October 30<sup>th</sup>; both are attached. We had grown increasingly uncomfortable with the process and the lack of communication and wanted to be sure that you were informed of what was going on. We had not brought it to you earlier because we kept waiting for some sort of formal request, which never came. On November 6, 2001, you approved supporting the request for funding at Kings Landing.

Dwight met with the Trustees again on November 27, 2001 to discuss the details of the project that they decided to focus on. We heard nothing further from them until the public hearing. The information that was provided on the web site was the first written information that we had ever seen concerning this process, except for the email from Eric English that Dwight shared with you in his October 30<sup>th</sup> memo. We have yet to receive anything directly from the Trustees. In fact, Mr. English contacted me three weeks ago and essentially asked what the process should be for distributing the funds -- he clearly had no experience in this area.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SERVICE  
Office of Response and Restoration  
Silver Spring, Maryland 20910

Robert L. Swann  
County Commissioner  
Calvert County Board of County Commissioners  
175 Main Street  
Prince Frederick, MD 20678

AUG 21 2002

Dear Commissioner Swann:

Assistant Secretary Verna Harrison with the Maryland Department of Natural Resources recently forwarded the letter and attached staff memo that you sent on July 8, 2002. This correspondence raises a number of issues and concerns about the Trustees' efforts to restore losses resulting from the April 7, 2000 oil spill at Pepco's Chalk Point facility. We are writing to respond to the letter and staff memo.

The natural resource Trustees began the process of soliciting potential restoration proposals in April 2001. Specific activities included: (1) formally requesting restoration ideas from the Governor's Citizens Advisory Committee (CAC), (2) soliciting projects from nearly 30,000 local residents by mail, and (3) making numerous phone calls to officials from the four counties affected by the spill. On April 24, 2001 and August 9, 2001 the Trustees met with the CAC to review the list of projects received, and to discuss any additional projects that the CAC might want the Trustees to consider. The full list of potential projects was included in Appendices 4 and 5 of the draft Restoration Plan (RP). In summary, the Trustees received ten potential projects located in Calvert County prior to release of the draft RP, as follows:

- Mike Smolek, with the Jefferson Patterson State Park, proposed (1) a boardwalk and foot trail at the Park and (2) an interpretive guidebook for canoeing/ kayaking.
- The Calvert County Soil Conservation District proposed (3) restoring wetlands in Battle Creek.
- Ms. Sherrod Sturrock, on behalf of the Calvert County Open Space Committee, proposed (4) improved lighting on a boardwalk at Solomon's Island, (5) constructing a 2,200-foot boardwalk along shoreline and marsh at King's Landing, (6) reconstructing a 160-foot boardwalk to Cocktown Creek at King's Landing, and the (7) purchasing canoes for a river education project at King's Landing.
- The Patuxent River Commission submitted a project (8) developed by staff of the Chesapeake Biological Laboratory for integrated ecosystem restoration at Sandy Point.

Additional projects proposed by the public included (9) providing beach access on Broomes Island and (10) acquiring a 12-acre property at Buzzard Island.

The June 28, 2002 memo from Sherrod Sturrock and Dwight Williams states that a recommendation to undertake a project at Nan's Cove was made to the Open Space Committee and then forwarded to the Trustees. Unfortunately, none of the Trustees received this documentation. To the best of our knowledge, the Nan's Cove project was first proposed to the Trustees in a letter from the Calvert County Commissioners to the Maryland Department of Natural Resources on June 4, 2002. As you are aware from conversations with both Jim Hoff (NOAA) and Carolyn Watson (MDNR), the Trustees are now working with your staff to develop a design and budget for this project, anticipating that we will include this project in the final RP.

All of the proposed restoration projects have been evaluated by the Trustees based on the criteria provided in the Oil Pollution Act Natural Resource Damage Assessment Regulations (15 CFR 990). While the Trustees sought to spread the projects over the affected area, there was never any attempt to allocate specific amounts to specific counties.

Since the spill, the Trustees have attended over 25 public meetings to discuss efforts to quantify the injuries resulting from the spill and identify appropriate restoration actions. We attended every meeting of the CAC. At each meeting, the Trustees presented updates of our work, and responded to all questions. For example, at the April 24, 2001 CAC meeting, the Trustees provided a full briefing of the Lost Recreational Injury Report, including the total damage amount of \$453,500. The Trustees established a web site specifically dedicated to providing project information, including injury assessment findings, peer reviews, and restoration planning documents, and worked with Pepco to include updates in four newsletters each sent to about 30,000 residents.

The Trustees also made three separate visits to the site of the King's Landing project (May 30, 2001, October 3, 2001 and November 27, 2001). During these visits, the restoration and project selection process was explained to Calvert County officials, including Ms. Sturrock and Mr. Williams. Neither of these individuals contacted us for additional information concerning the restoration project selection process.

In addition to formal communications through the CAC, the Trustees also engaged in informal communication with Ms. Sturrock and Mr. Williams regarding details related to the Kings Landing Restoration Project. Most of this communication is in the form of e-mails with Mr. Eric English (NOAA), which we have retained in our files, and occurred prior to the public meeting on May 15, 2002. A request for a budget and project description was made to Mr. Williams during the site visit of October 3, 2001 and in an e-mail on October 5, 2001. Follow-up questions were sent to Mr. Williams in another e-mail on November 15, 2001. Another e-mail was sent on January 24, 2002, confirming details of the budget and project description for the purpose of drafting of the restoration plan. If either Ms. Sturrock or Mr. Williams desired additional information, they never communicated this to Mr. English or the Trustees.

Mr. English sent Mr. Williams an e-mail last fall (October 5, 2001), which briefly described a mechanism for transferring funds to the county. Recently, Mr. English contacted Ms. Sturrock by phone in an effort to discuss the most efficient way to transfer funds specifically to Calvert County. Similar phone calls were made to officials in the other three affected counties.

Throughout the damage assessment and restoration process, we have attempted to carry out our responsibilities to the public as objectively and efficiently as possible, and to respond to any concerns by those involved. We will continue to work with officials throughout the four counties affected by the Chalk Point spill to assure the success of the natural resource restoration process. Please feel free to contact anyone of us directly should you need to discuss these, or any other, issues related to the Chalk Point oil spill.

Sincerely,

A handwritten signature in black ink that reads "Jim Hoff for". The signature is written in a cursive, somewhat stylized font.

Jim Hoff  
NOAA Damage Assessment Center

Beth McGee  
U.S. Fish and Wildlife Service

Bob Summers  
Maryland Department of the Environment

Carolyn Watson  
Maryland Department of the Natural Resources