

DELAWARE GENERAL ASSEMBLY



FINAL REPORT OF THE
PORT OF WILMINGTON EXPANSION TASK FORCE
ESTABLISHED PURSUANT TO HOUSE CONCURRENT RESOLUTION 38
WITH HOUSE AMENDMENTS 1 AND 2
OF THE 148TH GENERAL ASSEMBLY
PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 23, 2015
AND BY THE SENATE ON JUNE 24, 2015



Photo Credit: Atlantic Regional Center for Foreign Investment (ARCFI)

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INTRODUCTION

May 31, 2016

The Port of Wilmington Expansion Task Force was established by the 148th General Assembly via House Concurrent Resolution 38. In authorizing the Task Force, the General Assembly recognized that the Port of Wilmington is the primary national terminal for importing several products, including fresh fruits and juice. The expansion of the Panama Canal will effectively double the canal's capacity, which may in turn provide an opportunity for the expansion of the Port of Wilmington.

The Port of Wilmington Expansion Task Force was established to study the feasibility of expanding the Port's operations and making recommendations to the General Assembly.

This report summarizes the work of the Task Force, which was comprised of members of the General Assembly; cabinet-level members of Governor Markell's Administration; representatives from various International Longshoreman's Associations, representatives from the Diamond State Port Corporation, and members of the public.

The Task Force members discharged their duties over the course of six meetings and worked diligently in good faith to determine if the Port has the capacity to accommodate such an expansion.

In the pages that follow, the key findings and recommendations of the Task Force are set forth, as are summaries of Task Force presentations and supporting documents. Formal meeting minutes of each meeting are also provided.

If you wish to review all of the Port of Wilmington Expansion Task Force materials online, please press the "Control" key and click <http://legis.delaware.gov/legislature.nsf/FSMain?OpenFrameset&Frame=right&src=/LIS/TaskForces.nsf/30f3508329a2594785257e0e005b1fe8/a9ab822ba573fad785257e6e0063239d?OpenDocument>

to be connected directly to the Delaware legislative website. To view all materials, please use the bar at the bottom to scroll to the right.

The Task Force co-chairs thank each and every member of the Task Force for their service, commitment and participation in the course of the Task Force's work. They also thank the members of the public for their interest and participation.



Representative Charles Potter, Jr., Co-Chair



Senator Margaret Rose Henry, Co-Chair



SPONSOR: Rep. Potter & Rep. J. Johnson & Rep. Bolden & Sen. Henry
Reps. Baumbach, Briggs King, Carson, Keeley, Kowalko, B.
Short, K. Williams, Wilson

HOUSE OF REPRESENTATIVES

148th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 38
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

ESTABLISHING A PORT OF WILMINGTON EXPANSION TASK FORCE TO STUDY FEASIBILITY.

WHEREAS, the mission of the Port of Wilmington states that it strives “to contribute to Delaware’s economic vitality by sustaining and promoting the Port of Wilmington as a competitive and viable full service, multi-modal operation by providing for the efficient, economical, and safe handling of cargo;” and

WHEREAS, the Port of Wilmington successfully handles more than 400 vessels and 5 million tons of cargo annually; and

WHEREAS, the Port of Wilmington is the primary national terminal for importing several products including fresh fruits and juice; and

WHEREAS, the expansion of the Panama Canal scheduled to be completed by December 2015 will effectively double the canal's capacity, which may in turn provide an opportunity for the expansion of the Port of Wilmington, given its strategic location; and

WHEREAS, expanding the export operations at the Port would require a detailed analysis to determine if the Port has the capacity to accommodate such an expansion; and

WHEREAS, it is the desire of the Delaware General Assembly to establish a Port of Wilmington Expansion Task Force with the special duty of studying the feasibility of expanding the Port’s operations and making recommendations to the General Assembly;

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 148th General Assembly of the State of Delaware, the Senate concurring therein, that a Port of Wilmington Expansion Task Force (hereinafter referred to as "Task Force") is hereby established, consisting of the following members:

1. A member of the House Majority Caucus, appointed by the Speaker of the House;
2. A member of the House Minority Caucus, appointed by the House Minority Leader;
3. A member of the Senate Majority Caucus, appointed by the President Pro Tempore;
4. A member of the Senate Minority Caucus, appointed by the Senate Minority Leader;
5. The Secretary of State or a designee appointed by the Secretary;
6. The Secretary of the Department of Agriculture or a designee appointed by the Secretary;
7. The Secretary of the Department of Labor or a designee appointed by the Secretary;
8. The Secretary of Department of Transportation or a designee appointed by the Secretary;
9. The Secretary of Department of Finance or a designee appointed by the Secretary;
10. The Director of the Economic Development Office or designee appointed by the Director;
11. The Secretary of the Department of Natural Resources and Environmental Control (DNREC) or a designee appointed by the Secretary;
12. A representative of the State Chamber of Commerce;
13. A member of the public appointed by the Governor; and
14. A member of the public appointed by the Mayor of the City of Wilmington.

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives shall appoint a co-chairperson and the President Pro Tempore of the Senate shall appoint a co-chairperson.

BE IT FURTHER RESOLVED that the chairpersons shall set the date, time, and place for the initial meeting and ask the leadership of each of the following organizations to designate a representative from each organization to serve on the Task Force:

1. International Longshoreman's Association 1694;
2. International Longshoreman's Association Local 1694-1;
3. Longshoremen's Association Local 1883 - Clerks and Checkers;
4. Longshoremen's Association Local 1884;
5. The Diamond State Port Corporation's advisory board, with the representative experienced in stevedoring;
6. The Diamond State Port Corporation's advisory board, with the representative experienced in warehousing;
7. Teamsters Local Union 326 at Diamond State Port Corporation; and
8. Diamond State Port Corporation.

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BE IT FURTHER RESOLVED that the staff of the chairpersons shall assist the Task Force.

BE IT FURTHER RESOLVED that the Task Force shall issue a report examining the feasibility of increasing the Port's capacity for expansion, including the potential for new clients, increased jobs, agricultural products for exports, and other recommendations. This report should include potential beneficial economic impacts of the identified expansion opportunities, time needed for implementation, and any anticipated action the General Assembly may need to take. This report shall be submitted to the Speaker of the House of Representatives, the President ProTempore of the Senate no later than January 15, 2016, with a copy to the Governor and to the Director of the Division of Research of Legislative Council and to the Delaware Public Archives.



SPONSOR: Rep. Potter & Sen. Henry

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 48

EXTENDING THE WORK AND FINAL REPORT OF THE PORT OF WILMINGTON EXPANSION TASK FORCE.

1 WHEREAS, House Concurrent Resolution No. 38, as amended by House Amendments 1 and 2, was passed by the
2 General Assembly during the first half of the 148th General Assembly, authorizing the formation of a Port of Wilmington
3 Expansion Task Force to study the feasibility of expanding the Port's operations and making recommendations to the
4 General Assembly; and

5 WHEREAS, HCR No. 38 requires the Task Force to issue a report to the Legislature, Governor, and Division of
6 Research no later than January 15, 2016; and

7 WHEREAS, the Task Force met numerous times in the fall of 2015; and

8 WHEREAS, it has been reported to the Task Force that the engagement of various consultants to assist the
9 Diamond State Port Corporation in strategic planning for the Port's future, including potential expansion, is underway, but
10 that several months are required for results to be compiled and usable; and

11 WHEREAS, the Task Force members will be better able to provide recommendations to the General Assembly if
12 their work is informed by data from the Port Corporation's strategic planning process, as well as information gathered by
13 any additional studies commissioned by New Castle County or the City of Wilmington;

14 NOW, THEREFORE:

15 BE IT RESOLVED by the House of Representatives of the 148th General Assembly of the State of Delaware, the
16 Senate concurring therein, that the Port of Wilmington Expansion Task Force shall continue its work and shall make its
17 report to the General Assembly, as outlined in HCR 38, no later than April 15, 2016.

SYNOPSIS

This House Concurrent Resolution moves the date of the required report of the Port of Wilmington Expansion Task Force from January 15, 2016, to April 15, 2016, to allow sufficient time to examine the data and findings of various studies that will not be completed prior to the January 15 deadline.



SPONSOR: Rep. Potter & Sen. Henry

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 65

EXTENDING THE WORK AND FINAL REPORT OF THE PORT OF WILMINGTON EXPANSION TASK FORCE.

1 WHEREAS, House Concurrent Resolution No. 38, as amended by House Amendments 1 and 2, was passed by the
2 General Assembly during the first half of the 148th General Assembly, authorizing the formation of a Port of Wilmington
3 Expansion Task Force to study the feasibility of expanding the Port's operations and making recommendations to the
4 General Assembly; and

5 WHEREAS, House Concurrent Resolution No. 48 was passed by the House of Representatives and the Senate on
6 January 13, 2016, and extended the work and final report of the Task Force to April 15, 2016; and

7 WHEREAS, the Task Force held a meeting on March 29, 2016, and received updates from both the Port of
8 Wilmington and consultants working on the RiverEdge Container Terminal Project; and

9 WHEREAS, the Diamond State Port Corporation's Strategic Master Plan is scheduled to provide a complete cost-
10 benefit analysis of each expansion alternative by April 30, 2016; and

11 WHEREAS, consultants on the RiverEdge project report positive progress but are themselves awaiting completion
12 of the DSPC Strategic Master Plan; and

13 WHEREAS, the Task Force members will be better able to provide recommendations to the General Assembly if
14 their work is informed by final results from the DSPC and corresponding recommendations from other consultants;

15 NOW, THEREFORE:

16 BE IT RESOLVED by the House of Representatives of the 148th General Assembly of the State of Delaware, the
17 Senate concurring therein, that the Port of Wilmington Expansion Task Force shall continue its work and shall make its
18 report to the General Assembly, Governor, and Division of Research, as outlined in House Concurrent Resolution No. 38
19 and extended by House Concurrent Resolution No. 48, no later than May 31, 2016.

SYNOPSIS

This House Concurrent Resolution extends the work of the Port of Wilmington Expansion Task Force and calls for its final report to the Governor, General Assembly, and Division of Research by May 31, 2016.

Members of the Port of Wilmington Expansion Task Force As Appointed

<u>Appointee:</u> <u>Date:</u>	<u>Appointed By:</u>	<u>Appointment</u>
Representative Charles Potter, Jr Co-Chair	Speaker of the House	8/5/2015
Senator Margaret Rose Henry Co-Chair	President Pro Tempore	8/6/2015
Representative Kevin Hensley	House Majority Leader	8/31/2015
Senator Catherine Cloutier	Senate Minority Leader	8/31/2015
Secretary Jeffrey Bullock	Department of State	8/31/2015
Secretary Edwin Kee	Department of Agriculture	8/31/2015
Secretary Patrice Gilliam-Johnson	Department of Labor	March 2016
*Secretary John McMahon	Department of Labor	8/31/2015
Secretary Jennifer Cohan	Department of Transportation	8/31/2015
Secretary Thomas Cook	Department of Finance	8/31/2015
Director Bernice Whaley	Department of Economic Development	8/31/201
Secretary David Small	Department of Natural Resources & Environment Control	9/5/2015
Rick Ryan	State Chamber of Commerce	9/3/2015
Peter Hartranft	Public, Governor Markell	8/31/2015
Trevor Knight	Mayor, City of Wilmington	8/31/2015
William Ashe	International Longshoreman's Association #1694	8/31/2015

Paul Cutler	International Longshoreman's Association #1694-1	8/31/2015
Kimoko Harris	Longshoreman's Association Local #1883	9/22/2015
Jose Gonzales	Longshoreman's Association #1884	8/31/2015
John Coulahan	Diamond State Port Corp. Advisory Board, Stevedoring	9/3/2015
Mike Evanko	Diamond State Port Corp. Advisory Board, Warehousing	9/3/2015
Paul Thornburg	Teamsters Local Union 326 Diamond State Port Corp.	8/31/2015
Gene Bailey	Diamond State Port Corp.	9/5/2015

*Secretary McMahon served as a Task Force Member until January, 2016

Port of Wilmington Expansion Task Force Support Staff

Rylene M. Harper, Legislative Assistant for the Delaware House of Representatives Majority Caucus and Task Force Staffer: planned and coordinated the work of the Task Force and its members, served as a liaison between the Task Force and the public, staffed Task Force meetings, coordinated Reports and Presentation Materials, drafted and reviewed Task Force Meeting Minutes and the Task Force Final Report.

Geoff Heath, Special Projects and Data Manager for the Delaware House of Representatives Majority Caucus: staffed Task Force meetings, drafted the Task Force Meeting Minutes and provided assistance with the Presentation Materials and the Task Force Final Report.

LaNisha Harris, Legislative Assistant for the Delaware State Senate Majority Caucus: provided staffing assistance at the Task Force meetings.

Andrew Volturo, Communications Director for the Delaware House of Representatives Majority Caucus: provided photography services during the Task Force meetings.

Port of Wilmington Expansion Task Force Key Findings



The Port of Wilmington Expansion Task Force Meeting on September 30, 2015.

The Port of Wilmington is the national leader in key import/export commodities. It is the busiest terminal on the Delaware River. It primarily serves as an import destination, with exports growing at a faster rate than imports. The Port of Wilmington will soon be near capacity.

The economic impact of the Port of Wilmington is vast, with 5,600 family sustaining regional jobs, \$417 million annual business revenue, \$391 million annual personal income and \$39 million regional annual tax revenue in 2015.

Port expansion possibilities and evaluations were examined by the Task Force members, and were narrowed to four options:

- Optimize existing port footprint
- Wilmington Harbor South
- The RiverEdge Container Terminal Project

- The Edgemoor site

A Diamond State Port Corporation Strategic Master Plan was prepared by AECOM, R.K. Johns & Associates, Remline, Duffield Associates, and Paul F. Richardson Associates, which examined the four possible expansion sites. The Strategic Master Plan was presented to the Diamond State Port Corporation and to the Task Force Members.

The results revealed:

- The current port configuration has capacity restraints and there is a need to consider alternative new sites along the Delaware River.
- The economic benefits are similar for each of the sites.
- The RiverEdge Container Terminal Project has a 1.5 million Twenty-Foot Equivalent Unit (TEU) capacity, and is about 4 times larger in volume than the current Port.
- The State of Delaware and stakeholders are likely to have to partner with private investors in order to expand.
- The RiverEdge site creates long-term investor opportunities.
- The RiverEdge Container Terminal Project site is proposed for a privately owned vacant parcel of land located immediately south of the Delaware Memorial Bridge, which could serve as a “clean canvas,” and would be highly desired by the private investor because it creates its own set of design and operations options.
- An important component to The RiverEdge Container Terminal Project is that the ability to readily interface with the GM Boxwood Facility makes it ideally situated to capitalize on current and future freight movements. The GM Boxwood Facility is also envisioned as a future “Logistics Park” and could work with both the RiverEdge facility and existing Port of Wilmington.
- An alternative site is needed for the Dredge Management Material Plan (DMMP) which currently takes place at Wilmington Harbor South.

Task Force Recommendations



Representative Charles Potter, Jr., and Senator Margaret Rose Henry at the September 30th, 2015 meeting.

In order to provide growth opportunities to Delaware’s maritime shipping economy, the Port of Wilmington Expansion Task Force recommended the following:

- Members of the Port of Wilmington Expansion Task Force voted to approve expansion plans at the RiverEdge Container Terminal Project site.
- Members of the Port of Wilmington Expansion Task Force urged that a speed-to-market determination is essential, as competitive projects are underway on the Delaware Bay.
- Members of the Port of Wilmington Expansion Task Force urged legislative action for the federalization of the channel, as well as a National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) for federal (USACE) permit issuance.

Port of Wilmington Expansion Task Force: Presentations & Supporting Documents

September 30th, 2015 – Diamond State Port Corporation Presentation: Gene Bailey, Director of the Diamond State Port Corporation, presented an overview of the Port of Wilmington’s operations and economic impact. [Click here to view the presentation.](#)

September 30th, 2015 – Paul F. Richardson Associates, Inc.: Brad Winfree, Principal for the Paul F. Richardson Associates, Inc. and representative of the RiversEdge Container Terminal Project, provided an overview of the firms’ scope of work as it pertains to the RiversEdge site. [Click here to view the presentation.](#)

September 30th, 2015 – Delaware Department of Natural Resources and Environmental Control (DNREC): David Small, Secretary of DNREC, provided an overview of the environmental and permitting process as it pertains to several facilities and locations in Delaware. [Click here to view the presentation.](#)

September 30th, 2015 – Request for Qualifications (RFQ): Thomas Cook, Secretary of the Delaware Department of Finance, discussed the Request for Qualifications (RFQ) process and the purpose of the strategic master plan. [Click here to view the presentation.](#)

October 14th, 2015 – Baltimore Marine Terminal Fact Sheet: A fact sheet was presented to the Port of Wilmington Expansion Task Force outlining Port projects and terminals in the region. [Click here to view the fact sheet.](#)

October 14th, 2015 – Philadelphia Port News Article: A news article was presented to the Port of Wilmington Expansion Task Force discussing the Philadelphia Regional Port Authority’s decision to seek private developers. [Click here to view the news article.](#)

October 14th, 2015 – Build America Transportation Investment Center (BATIC): A booklet was provided to Port of Wilmington Expansion Task Force members that outlined the United States Department of Transportation BATIC program. [Click here to view the online version of the booklet.](#)

October 14th, 2015 – U.S. Department of Transportation Maritime Administration: The U.S. Department of Transportation’s Maritime Administration presented a pamphlet on StrongPorts, which is designed to deliver assistance to all U.S. ports and their communities. [Click here to view the online version of the pamphlet.](#)

October 14th, 2015 – Port Planning and Investment Toolkit: The U.S. Department of Transportation Maritime Administration presented a funding strategy module for the consideration of U.S. ports. [Click here to view the toolkit.](#)

October 14th, 2015 – Highway Public-Private Partnerships: The U.S. Department of Transportation presented a presentation with select excerpts outlining highway public-private partnerships. [Click here to view the presentation.](#)

March 29th, 2016 – Paul F. Richardson Associates, Inc.: Edward Zimny of Paul F. Richardson Associates, Inc., briefed the Port of Wilmington Expansion Task Force on the RiversEdge Container Terminal Project. [Click here to view the presentation.](#)

March 29th, 2016 – Port of Wilmington: Gene Bailey, Executive Director of the Diamond State Port Corporation, provided a brief update regarding capital improvements for the Port of Wilmington. [Click here to view the presentation.](#)

March 29th, 2016 – AECOM: Tim Gunner, Consultant for AECOM, presented an update on the Strategic Master Plan for the Diamond State Port Corporation. [Click here to view the presentation.](#)

May 23rd, 2016 – Paul F. Richardson Associates, Inc.: Edward Zimny of Paul F. Richardson Associates, Inc., briefed the Port of Wilmington Expansion Task Force on the RiversEdge Container Terminal Project. [Click here to view the presentation.](#)

May 23rd, 2016 – AECOM: Tim Gunner, Consultant for AECOM, presented an update on the Strategic Master Plan for the Diamond State Port Corporation. [Click here to view the presentation.](#)

Port of Wilmington Expansion Task Force

Wednesday, September 9, 2015
10:00 a.m. – 12:00 p.m.
3rd Floor Conference Room
Carvel State Building
Wilmington, Delaware

Meeting Attendees:

Task Force Members:

Present:

Representative Charles Potter, Jr.
Senator Margaret Rose Henry
State Representative Kevin Hensley
State Senator Catherine Cloutier
Secretary Jeffrey Bullock
Secretary Edwin Kee
Secretary John McMahon
Secretary Thomas J. Cook
Director Bernice Whaley
Secretary David Small
Rick Ryan
Peter Hartranft
William Ashe
Kimoko Harris
John Coulahan
Mike Evanko
Paul Thornburg
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Absent:

Secretary Jennifer Cohan
Trevor Knight
Paul Cutler
Jose Gonzales

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Staff:

Rylene Harper
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Public:

Attendees:

Richard Smith
Katrina Cowart
Kim Gomes
Darrell Baker
Martha Denison
Nick DiBuo
John Flaherty
John Goodridge
Bill Cook
Rob Keesler
Randall Chase
Michael Barnes
Jim Poling
Joseph Durham
Tom Gordon
Steven Burg
Angela Harris
Mohammad Salaam
Representative Bryon Short
Senator Robert Marshall

Organization:

NAACP
Delaware State Senate
Byrd Group
Merchant Marine Services
AFSCME Executive Local 81
Senior Advisor/Representative Potter
Public
Local 1694-1
Delaware State Senate
Legislative Assistant/Senator Cloutier
Associated Press

DNREC
DBBR Representative
New Castle County Executive
New Castle County
New Castle County
Community Person
Delaware House of Representatives
Delaware State Senate

Introductions

State Representative Charles Potter, Jr., co-chair, introduced Senator Henry and himself, and said he was happy to be a co-chair on House Concurrent Resolution 38, as amended by House Amendments #1 and #2. He offered the floor to Senator Henry.

Senator Henry, co-chair, welcomed the group and thanked co-chair Potter for his resolution which established the task force and said that she was honored to serve with him in this capacity. Senator Henry joked that she told Representative Potter that they have most of the cabinet secretaries in state government serving on the task force, so they should be able to solve all of the issues of the state. (group laughter)

Representative Potter agreed.

Senator Henry stated that they were looking forward to a productive meeting and they were trying to do something about the heat - not that there was hot air in the room (laughter), but they wanted to have all of the brain power in the room to be able to work on the issue.

Representative Potter urged the members to feel free to remove their jackets, due to the warm room, and joked that he knew the budget is tight and Secretary Cook was there (general laughter). He asked members to introduce themselves.

The Task Force members introduced themselves:

Peter Hartranft: a DuPont retiree, after 36 years of working in Wilmington

Secretary Tom Cook: Secretary of Finance, and Budget Chair of the Port of Wilmington

Secretary Jeffrey Bullock: Secretary of State and Chairman of the Port Board

Secretary John McMahon: Department of Labor

Secretary Edwin Kee: Department of Agriculture

Senator Catherine Cloutier: State Senate

Paul Thornburg: With the Teamsters

Representative Kevin Hensley: State Representative

Mike Evanko: Chairman of the Advisory Board at the Port of Wilmington, as well as President of the Port Contractors

Rick Ryan: Intercontinental Services

John Coulahan: President of Work Relief Services on the stevedore port. Also a member of the Advisory Board

Gene Bailey: Executive Director at the Port of Wilmington

William Ashe: International Vice President of the ILA, also president of 1694, and also a member of the Advisory Board

Secretary David Small: Department of Natural Resources

Director Bernice Whaley: Delaware Economic Development Office

Kimoko Harris: Local 1883, Port of Wilmington

Representative Potter asked the members of the public to introduce themselves.

The members of the public introduced themselves:

Joe Durham: A retired representative of the carpenters union

Michael Barnes: The Executive Board, 1694-1

Jim Poling: Brownfields Coordinator with DNREC.

Richard Smith: State NAACP president

Katrina Cowart: Delaware State Senate

Kim Gomes: With the Byrd Group contract lobbyists and on behalf of some outside of the gate interests

Darrell Baker: one of the attorneys and lobbyists for Merchant Marine Services

Nick DiBuo: Senior Advisor for Representative Potter

John Flaherty: Member of the public

John Goodridge: 1694-1

Bill Cook: Delaware State Senate

Rob Keesler: Legislative Assistant to Senator Cathy Cloutier

Randall Chase: Associated Press

Background of House Concurrent Resolution 38

Representative Potter welcomed everyone, and then asked LaNisha Harris to read a portion of House Concurrent Resolution 38, but first asked the three attendees who had just entered the room to introduce themselves.

Tom Gordon: Tom Gordon

Steven Burg: Steve Burg

Angela Harris: Angela Harris

LaNisha Harris then read a portion of House Concurrent Resolution 38, as amended by House Amendment Numbers 1 & 2.

Representative Potter thanked Ms. Harris.

Representative Potter explained the role of the task force and remarked that since the report is due no later than January 15, 2016, the timetable is short and he would like to discuss having additional meetings with the task force members.

Senator Henry and Representative Potter mentioned that someone from the Brownfields division, as well as Secretary Small, was in attendance. Secretary Small joked that his department was part of the amendment to the bill (laughter)

Review of Task Force Timetable

Senator Henry advised Mr. Harris that there was space on the front row, and invited him to take his rightful place there, as a member of the task force. Mr. Harris agreed. Senator Henry further stated that the work that the task force would do was extremely important to the well-being of the state, the economy and the nation, and suggested that if additional time was needed, they could ask the General Assembly for an extension of time in order to do a very thorough job. She then welcomed her colleague as Representative Robert Marshall and then joked that she changed his title – from Senator. (general laughter)

Representative Potter suggested that the task force meet twice per month, and opened it to the members for comments.

Secretary McMahon stated that he didn't think that meeting once per month would allow the members to get done what was necessary and recommended meeting twice per month.

Mr. Ashe agreed and mentioned that he thought that the January deadline may be too long, since the potential exists for other people to move quickly, so the faster this gets done, the better Delaware will be.

Representative Potter asked for other comments, and then asked if the members would like to put a motion on the floor. Mr. Ashe made the motion and Mr. Harris seconded the motion to have the task force meetings twice per month. The task force members all agreed, with none opposed.

Representative Potter said he and the co-chair would look at a schedule and give it to the members, and Senator Henry commented that is why she has a great co-chair.

Senator Henry asked the members if the current meeting location was good for them, and that the port is located in the City and that they wished to be mindful of what business is about. She further stated that she was aware that some of the members have traveled throughout the state. She asked if they were willing to travel twice a month in order for them to have their meetings.

Secretary Kee agreed, and Senator Henry thanked him.

Senator Cloutier asked to set the next meeting date that day, because some members might need to make changes on their calendars.

Representative Potter suggested remaining with the schedule of meeting on Wednesdays at 10:00 a.m. for about two hours. He then set the next meeting date for Wednesday, September 30, 2015. He said a meeting calendar would be given to the task force members for the remaining meeting dates. Senator Henry thanked him.

Overview of Issues/Open Discussion by Task Force

Representative Potter opened the discussion by naming the three sites have been brought to his attention, which are the Riveredge site, the current site of the Port of Wilmington and the Claymont site. He also mentioned the Hay Road site (where the Dupont site is located), as a fourth location. He said there had been discussion about starting with one, and phasing others in, and he'd like to narrow it down to what is possible, keeping in mind that time is of the essence. He opened the topic up for general discussion.

Mr. William Ash, Jr. identified himself as the President of ILA Local 1694, International Vice-President, and stated that the Riveredge project should be looked at as the number one site because with the addition of one other customer, the Port of Wilmington will be at its full capacity. He said that the site is potentially a greenfield, is shovel ready, and they could have the project up and running within 18 months to two years, at maximum.

Senator Henry asked Mr. Ashe for an exact location of the site.

Mr. Ashe explained that the site is located south of the Delaware Memorial Bridge, and stated that his understanding is that the corp is already dredging on the Delaware, that the water has already been tested, and DNREC has already given permits to the chemical plant located next to it, so it is the same land and the same field, which should make the process faster and easier.

Senator Henry clarified that a chemical plant is located next door to the site.

Mr. Ashe agreed and said the chemical plan is located at the base of the Delaware Memorial Bridge and he understands that they just received permitting for certain projects, so it should not be a hard task for DNREC to get this approved on a fast track, since it is the same land.

Martha Denison began to state that she wanted to see success, jobs and a center that would grow as needed.

Discussion occurred between Representative Potter, Senator Henry and Ms. Denison about her role on the task force, and Ms. Denison identified herself as an executive board officer for AFSCME Local 81.

Representative Potter stated that he would like to have the task force members speak first and then the co-chairs would open comments to the public. Ms. Denison agreed.

Mr. Peter Hartranft recommended that the task force look at three or four of the candidate sites and consider the key factors of acreage, dredging, rail infrastructure and other aspects, in order to determine a preferred location. He further suggested looking at potential volume, and then start with the more aggressive project proposal and flush out what that would look like. Mr. Hartranft surmised that it is not just about acreage, but that river dredging, the actual location on the river and rail infrastructure will be a very key part of it.

Representative Potter asked if there were any other options that the task force member wished to consider. He offered that it was his understanding that the Claymont site would take five to ten years; however, he did not know the timetable on any other sites. Representative Potter agreed with Mr. Ashe and Mr. Hartranft that Delaware needed to move really quickly, due to both the movement of the competitors in New Jersey and Pennsylvania, and also because of the impact it would mean to the state, regarding jobs and stabilization of the current port, as well as stabilizing businesses for the state.

Mr. Coulahan agreed. He stated that Representative Potter brought out a good point that besides expansion, saving the current port is just as important for this project because, as previously mentioned, the port is close to, if not at capacity, with the addition of one or two customers, and once they start telling the public that they could not take any more work, they are going to go on a downward spiral.

Representative Potter said he knew it was mentioned that there was opportunity at the current port for a container port on site, yet has also heard that the port is at capacity. He wanted to make sure there was no confusion, and asked for clarification.

Mr. Coulahan clarified that they could handle specific container accounts, a small account on the existing property, but within the current boundaries they could not go out and look for a major customer or become a major container operation, as is.

Mr. Ashe specified that while Mr. Coulahan mentioned a major carrier, Mr. Ashe is looking at a Merse, Sea Star, that handles anywhere from 1.5 million to 1.8 million, possibly even 2 million containers. He said the Port of Wilmington currently handles roughly 300,000, at maximum, so there is no way that a major carrier would look at the existing port. He further offered that the current port has two cranes, while most major carriers want three to five cranes, in order to make money and not have their ships sitting at dockside.

Mr. Ronald “Kimoko” Harris agreed with his colleague, Mr. Ash, and emphasized that they are both in agreement regarding the volume of cargo and volume of containers, which is probably about 4 ½ to 5 times what they currently get. He said that capacity exists at the Riveredge parcel.

Mr. Gene Bailey asked Representative Potter for clarification of the question, of “is there capacity to expand at the port?” Representative Potter confirmed yes.

Mr. Bailey responded that there is a preliminary design for expanding at the port, and that they have, and will continue to look at that, but it is a process that requires permits and designs, as part of the entire process.

Senator Henry asked Mr. Bailey if the board has undertaken, or started a process of looking at expansion of the existing port.

Mr. Bailey responded that they currently have a request for qualification (RFQ) for a long-term master plan, that could not only assume the port, but they have also requested to expand that to include the Riveredge and Claymont sites. He stated that they are asking responsive companies to come back to them with a plan of how to address this, and that responses are due by September 23rd. They will then begin the process of review of the respondents, move forward with the selection committee and decide what respondents they believe are capable of performing services. Next, they will vote to award that contract, give a period of time, and wait for the results.

Senator Henry confirmed with Mr. Bailey that the Riveredge site is one of the places that is part of the study. Mr. Bailey agreed.

Senator Henry asked for the timetable for the preliminary study. Mr. Bailey responded that they have projected a due date of March/April 2016.

Senator Henry asked if there was any way to speed up that process and joked about Mr. Ashe’s reaction. (general laughter). Mr. Bailey responded that it may be sped up if the work load was reduced, and that it was an all-encompassing study.

Mr. Bailey further stated that it was an internal process to begin the evaluation of the respondents, and that RFQ (request for qualification) responses were due back September 23rd, and that he would forward a copy of the RFQ’s to both Senator Henry and Representative Potter.

Representative Potter asked Mr. Bailey to define the respondents. Mr. Bailey explained that they were looking for something that would, first, maximize the existing facility and secondly, concurrent with that, look at the possibility of expansion at the current port or Riveredge or Claymont. He further offered they were looking for a five, ten or fifteen year projection, and they direction in which they should be headed.

These projects would be prepared by individual consultants, such as one for the environment, one for economic impact, one who may look at it just as a facility design group. Mr. Bailey further stated that those individuals would meet with existing customers, receive input from multiple sources and put together a blueprint for the future.

Representative Potter asked about the 5 to 10 year window, previously mentioned by Mr. Bailey, and Mr. Bailey specified that he is looking for the future and what it would do in 5 to 10 years, and include taking into consideration factors such as the Panama Canal.

Mr. Bailey expressed that they have to look at the entire package and the direction they need to go in, in order to maximize and improve the economic impact with the state.

Mr. Ashe expressed that it shouldn't take until March to get a study that should take no longer than 90 days, and pointed out that Delaware is on a timeline to try to beat some of its competitors across the river. He pointed out that DNREC was able to grant a response within weeks, and questioned why the Riveredge project could not also be given a response in a similar amount of time.

Secretary Tom Cook stated that he wished to clarify what Mr. Bailey said previously. He stated that the responses are due back by September 23rd and there could be an unknown number of responses. They would not know the number of responses until September 23rd and would provide an update at the next task force meeting held on September 30, 2015. He suggested that each entity who wished to be examined have a presentation at the next meeting.

Representative Potter confirmed that each entity should make a 20 minute presentation at the task force meeting on September 30th.

Senator Cloutier asked to receive the presentations ahead of time, via email.

Mr. Harris questioned the various entities that Secretary Cook previously mentioned, since he was aware of two entities only involved. He further expressed that Philadelphia has five terminals and that expansion is important because the volume of shipping exists. Mr. Harris added that Riveredge is the closest site to put on the market right now.

Secretary Cook clarified that the three sites that he has heard in discussions have been the Port of Wilmington, Riveredge and Claymont.

Secretary Jeffrey Bullock specified that in the spring, the Port Board was asked about moving forward with the strategic plan. He, and some of the members were not happy with the scope of the original proposal and asked for it to be broadened out. This occurred before he was Chairman of the Board.

Secretary Bullock further stated that in July, the Port Board voted and approved an expanded strategic plan to include going out on the river and to also include the New Castle site in their study. They also agreed to finance it.

Representative Potter and Secretary Bullock discussed the specifics of how the study would be financed. Representative Potter pointed out that he allocated \$200,000.00 in the Bond Bill for an overall study. Secretary Bullock agreed to coordinate that with Representative Potter and stated that Senator Henry, Senator McDowell and others have urged that they spend what is necessary to provide a comprehensive look at all the options.

Secretary Bullock further stated that the Port Board does not have a preference of any facility. He said that they want to look for the best options in Delaware and that any investors are going to look at the overall operation of the port, including the existing facility and the bulk of business there. He emphasized to look not only at the long-term, but also at the here and now. Secretary Bullock further stressed that they need to be very focused on the health and vitality of the existing facility because if that were to weaken, they could lose major customers

Senator Henry asked, and Secretary Bullock confirmed that the Riveredge project would be included in a port board study.

Secretary Bullock mentioned the issues of timing and urgency, but stressed the importance of doing a really good job, and having done the technical, environmental and legal studies and analysis that are required.

Senator Henry stated that she was happy that Secretary Small was part of the discussion and planning.

Representative Potter introduced Mr. Jim Poling, Brownfields Coordinator with DNREC. He said that he met with Mr. Poling previously to discuss opportunities for obtaining money through DNREC.

Secretary Bullock joked that he always liked to use DNREC's money. (group chuckles)

Mr. Poling discussed the Brownfields Program and stressed that no applications have come in.

Mr. Harris asked for a definition of a brownfield because Riveredge has been considered a greenfield. Mr. Poling defined a brownfield as a vacant, abandoned, underutilized real property whose redevelopment (a port) is hindered by the reasonably held belief of contamination, and that contamination must be proved. He further stated that the property in question, by the bridge, would probably qualify easily. He said that the Port is clearly a brownfield site if it was willing to sell off a piece of it to another private party, in order to qualify as a brownfield site.

Representative Potter asked Mr. Poling about the effect on the coastal zone. Mr. Poling clarified that he is not associated with the coastal zone in any way and then stated that a container enterprise on the coastal zone would not be prohibited, although it may require a permit. He advised Representative Potter to talk to their attorneys for questions.

Ms. Denison discussed the issue of having possibly poisonous dust emit from trucks into the community in the Riveredge area and asked that concerns such as this are made a priority from the beginning. Mr. Poling stated that in order to go through the program, the same procedures would have to be followed as it would for any other normal business operation, including dusting and zoning permits.

Senator Henry advised that public meetings are held before permits are issued and that the public and community would be informed, and would have an opportunity to be involved.

Mr. Harris stated that the U.S. Department of Transportation sent a team to Delaware and they went to the present site, as well as the Riveredge site. He said the team was very impressed and said it was the type of project they were looking for and one of the best sites they'd seen in terms of port development and new port structures.

Mr. Ashe agreed, and added that the team communicated with them for a period of time, but communication discontinued when the state seem disinterested. He said the team visited the existing port in February 2015, and marveled at the congestion there and asked how they did it, and then offered to fast track anything they needed to get done, after visiting the Riveredge site.

Mr. Harris stated possibly 10,000 jobs could be created in Delaware, directly and indirectly and that is why he is so passionate about this.

Representative Potter called on Senator Robert Marshall.

Senator Marshall joked that he felt empowered, and as if he had two votes - one in the Senate and one in the House (laughter). Senator Marshall directed his next statement to Mr. Bailey and Secretary Bullock. He asked if the Legislature and Governor supported and immediately added refrigerated warehousing in the area of the ports that we own, and increased jobs quickly, would they be prepared to support them.

Representative Potter applauded Senator Marshall's option as great, and mentioned that multi-tasking had been discussed before Senator Marshall arrived.

Secretary Bullock responded that they were currently engaged with a very active group in attracting new businesses to the port that would create new jobs. He appreciated Senator Marshall's moral support, as well as Representative Potter's support as a member of the Bond Bill Committee.

Secretary Bullock further stated that it was going to cost a lot of money because there will be improvements in the existing facility which are necessary in order to draw new business, as well as to retain their existing business. He mentioned the importance of multi-tasking. Secretary Bullock added that he had already told the Governor what he would need from him next year and that it was a fairly significant number.

Senator Henry welcomed Representative Bryon Short and joked that she wasn't going to call him Senator because she'd already made that mistake today. (laughter)

Mr. Bailey complimented the great reputation and hard-working efforts of the labor at the port, in the warehouses and on the ships. He said that often many people get credit that they don't deserve, but he would like to go on record saying they deserve the credit for keeping businesses here.

Mr. Coulahan stated that it's very important to look at both the business they are doing now and also towards the future, because in the past, specific projects were looked at singularly and future impact was not considered. He stressed that it is very important to look at expansion, regardless of the location, because one will affect the other.

Mr. Hartranft suggested that there's an opportunity to create a Port of Delaware and that it is important to get those intentions out there because the competitive advantages of Delaware in location, infrastructure and labor beats Philadelphia, New Jersey and other congested gateways.

Representative Potter agreed and compared it to IBM, which waited and Apple, who moved past them.

Mr. Harris offered that there should be a Delaware Port Authority or a Diamond State Port Authority that entails any shipping anywhere in the state.

Representative Potter agreed.

Senator Henry suggested that changing the focus from just the Port of Wilmington to the Diamond State, or Delaware Port Authority might be one of the major recommendations coming from the task force.

Representative Potter joked that Senator Henry was already giving Secretary Bullock a promotion, and he had just arrived (general laughter).

Public Comment

Ms. Denison reiterated that her concern that if the community is kept involved from the beginning, there would be a greater chance of success and putting more people to work safely.

Mohammad Salaam identified himself as a community person and former city employee of 30 years. He reflected that the City once owned the Port and he hoped the State would remember that and offer some dignity back to the community.

Nick DiBuo shared that the Riveredge site has a direct railway line to the GM Boxwood Road Plant. Mr. DiBuo pointed out that the plant could be used for warehousing, without eminent domain or land traffic concerns, so that may make the Riveredge site worth exploring.

Closing

Senator Henry explained that the current location was unavailable for the next meeting, but confirmed that the next meeting would be held on Wednesday, September 30, 2015, from 1:00 p.m. to 3:00 p.m. in the Auditorium, located on the Mezzanine level of the Carvel State Building. She additionally stated that Wednesdays at 10:00 a.m. seemed to be a good time for future task force meetings especially since, she joked, the task force members were in attendance (group chuckles).

Representative Potter said a meeting date schedule would be given.

Mr. Evanko asked what the presenters might share at the next meeting. Representative Potter invited him to share his suggestions. Mr. Evanko suggested the presenters present specific items at the next meeting. Representative Potter assured Mr. Evanko that he would have an opportunity to ask questions of the presenters.

Senator Henry asked Secretary Bullock if he could have the questions that were brought up at the meeting addressed as part of the RAP's.

Secretary Bullock stated that some of the deeper analysis, environmental issues for example, are huge and will not be answered in two weeks. He further cautioned that the study takes time and he would bring consultants in at a future meeting. He said that he believed that Secretary Cook volunteered to lead that effort.

Ms. Denison asked to have a map at the next meeting, with the possible sites highlighted.

Representative Potter asked any task force members who wished to make a presentation at the next meeting to send their presentations in a PowerPoint format, via email, to him at his email address. He asked Rylene Harper to give his email address to the task force members.

Ms. Harper read Representative Potter's email address to the members.

Senator Henry thanked the task force members for a very productive meeting and appreciated their service and their willingness to serve.

Representative Potter thanked everyone for attending and said he looks forward to the next meeting.

The Port of Wilmington Expansion Task Force meeting was adjourned.

Minutes prepared by Rylene M. Harper, Legislative Assistant & Task Force Staffer

Port of Wilmington Expansion Task Force

Wednesday, September 30, 2015
1:00 p.m. – 3:00 p.m.
Auditorium, Second Floor
Carvel State Building
Wilmington, Delaware

Meeting Attendees:

Task Force Members:

Present:

Representative Charles Potter, Jr.
Senator Margaret Rose Henry
State Representative Kevin Hensley
State Senator Catherine Cloutier
Secretary Edwin Kee
Secretary John McMahon
Secretary Thomas J. Cook
Director Bernice Whaley
Secretary David Small
Rick Ryan
Peter Hartranft
William Ashe
Kimoko Harris
John Coulahan
Paul Thornburg
Gene Bailey
Jose Gonzales
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Absent:

Secretary Jennifer Cohan
Secretary Jeffrey Bullock
Mike Evanko

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Public:

Attendees:

Mike Begatto
Peggy Schultz
John Goodridge
Michael Barnes
Jim Poling
Nick DiBuo
Toby Lamb
Brad Winfree
Gwinn Kaminsky
Ed Scrivens
Mark Jenkins
P. Cooke
Stephanie Mantegna
Bob Byrd
Mohammad Salaam
Martha Denison
Stephen Crockett
Randall Chase
Rob Keesler
Ciro Poppiti
John Flaherty
Katrina Cowart
Joseph Durham
Councilman Penrose Hollins
David Sophrin
Drew Serres
Angela Harris
Karen Hartley-Nagle
Senator Bryan Townsend
Councilman Justen Wright
Representative J.J. Johnson
Sandra Smithers
Dwight Davis

Organization:

AFSCME/DSPC
LWVDE
Local 1694-1
Local 1694-1
DNREC
Senior Advisor/Representative Potter
Local 199
PFRA
City of Wilmington
Consultant
Consultant
ILA
Delaware House of Representatives
Byrd Group
Community Person
AFSCME Executive Local 81
Delaware State Senate
Associated Press
Legislative Assistant/Senator Cloutier
New Castle County Register of Wills
Public
Delaware State Senate
DBBR Representative
New Castle County
City of Wilmington
Americans for Democratic Action
New Castle County
Self
Delaware State Senate
City of Wilmington
Delaware House of Representatives
Dunleith Community
MCI

State Representative Charles Potter, Jr., co-chair, called the meeting to order at 1:04 p.m. He thanked the task force members and the public for attending the second meeting of the Port of Wilmington Expansion Task Force. He recognized the staff that organized and compiled the minutes from the first official meeting and offered the floor to Senator Margaret Rose Henry, co-chair of the task force.

Senator Henry welcomed members of the public and acknowledged the importance of the task force, in the hopes that the Port of Wilmington can be expanded. She stated that there was a conflicting meeting that required the attendance of several cabinet secretaries in state government.

Senator Henry asked if the task force members approved the meeting minutes as received on September 30th. The meeting minutes were unanimously approved by a voice vote and are officially on public record.

Representative Potter discussed the potential meeting dates for future Port of Wilmington Task Force meetings. He stated that the next potential meeting date would be Wednesday, October 14th, from 10:00 a.m. – 12:00 p.m. The next meeting would be delayed until Wednesday, November 4th, due to the Senate being in session on Wednesday, October 28th. The following meetings would occur every two weeks on November 18th, December 2nd, and December 16th, from 10:00 a.m. – 12:00 p.m., unless otherwise altered by the task force members.

Presentations

Representative Potter stated that there were several presentations scheduled for the meeting. He recognized Secretary David Small of the Department of Natural Resources and Environmental Control (DNREC) and asked if he could provide a preliminary overview of the environmental issues for the Port of Wilmington and the related expansion projects.

Secretary David Small discussed the importance of providing an overview of the preliminary environmental and permitting processes and issues for the Port of Wilmington. He stated that the focus during the presentation would be on three sites: the Lukens Drive Site, the Claymont properties, and the Port of Wilmington.

Secretary Small highlighted the areas of review by DNREC, including environmental statutes and regulatory policies pertaining to wetlands and subaqueous lands. He also discussed the overview provided by Jim Poling of DNREC at the last task force meeting surrounding brownfield and site contamination and cleanup efforts. The final portion of the overview relates to the Coastal Zone Act and its impact on the Port of Wilmington expansion project. He also stated that there is a federal Coastal Management Act, and DNREC must ensure that all applicable rules and statutes are consistent with federal regulations. Furthermore, any retail site and port project would be subject to storm water reviews.

Secretary Small stated that the agency list provided is not inclusive for the oversight of the three locations. He highlighted the Corps of Engineers and Environmental Protection Agency (EPA) for having regulatory jurisdiction over matters pertaining to the Clean Water Act and wetlands and subaqueous lands. He stated that the U.S. Fish and Wildlife Service have oversight pertaining to fisheries, which may include the Port of Wilmington.

Secretary Small continued to state that the Coast Guard would have oversight for navigational purposes. Furthermore, the National Oceanographic and Atmospheric Administration's National Marine Fisheries Service often comments on projects of this nature as it proceeds with regulatory

processes. He stated that the State Historic Preservation Office would focus on historical aspects of the area and how it could be impacted by future development. Secretary Small continued by highlighting the Department of Transportation and their involvement with transit, rail, and maritime projects in Delaware.

Secretary Small discussed the Lukens Drive Site, located near the RiverEdge Site, I-295, and the Delaware Memorial Bridge. The graphic highlighted in the presentation was drawn to show the existing shipping channel at the site to provide an accurate sense of scale. He stated that there is minimal wetland acreage on the site that is subject to federal or state jurisdiction. He continued by highlighting that, in Delaware, the state has given authority to DNREC to manage and regulate tidal wetlands impacted by tidal exchange. The non-tidal wetlands, often considered 404 wetlands, would fall under the jurisdiction of the Corps of Engineers through its relationship with the EPA under the Federal Clean Water Act.

Secretary Small stated that the subaqueous lands, or underwater lands, would require a lease for the construction of structures that impact the lands for use, including piling, piers, and shoreline stabilization. The lease includes a permit for construction and there would need to be access from the main channel to the shoreline. Of the three sites, the distance at the Lukens Drive site is the greatest and also covers shallow waters near the shoreline and main channel. He emphasized that the subaqueous lease would likely cover dredging impacts from the shore to the main channel of the Lukens Drive Site.

Secretary Small discussed the permitting process for the site, which would include an application, public notice, and public hearings. The comments from the public hearings would be considered and a recommendation would be sent forth to the Secretary from the Hearing Officer, who would preside over the meeting.

Secretary Small stated that the brownfields and site cleanup would require a rigorous due diligence process. He continued by stating that Phase I of the process would require a paper review of historical records of activities that have occurred on the property and Phase II would be a selective characterization of the sites through examination to determine any potential contamination and risk to the environment. If risk is identified and property meets definition of Brownfield, then the port developer would enter an agreement with DNREC prior to taking title. Through the agreement, the developer would be relieved of any past liabilities that could exist prior to taking title. He stated that there would be further characterization through a Brownfield investigation to evaluate the condition and then DNREC would issue a proposed or final plan for cleanup and comment. Once the cleanup is complete, a certification is issued. If a developer is a not-for-profit entity, then they may be eligible for \$625,000 for the brownfields program. A for profit entity could receive up to \$200,000. He concluded by stating that DNREC has no documentation of contamination on site.

Senator Henry asked how long the process would take for the site.

Secretary Small responded that the duration of the process would vary depending on the infrastructure being proposed and contamination levels. If the project is minimal and there is no contamination, then due diligence could proceed with samples of the property. The wetlands

process would depend on the level of infrastructure being proposed and the amount of information provided to DNREC. He stated that he is hesitant to provide a concrete timeline of the project due to the varying factors, as public hearings may provide unanticipated information that may need further review. The process may only require five or six months or longer, but that may vary depending on the amount of work completed in the initial proceedings.

Senator Henry asked if the process could be completed in less time.

Secretary Small responded that the process could be completed in less time, but that varies depending on the initial steps and effort.

Secretary Small continued his presentation by highlighting the potential efforts at the Claymont properties, noting that the amount of dredging required at this site may be less than the other two projects. He stated that the attention of the project has shifted toward the north of the property, which may require further detail from the developers. There are no state jurisdictional wetlands identified at the Claymont properties, and the subaqueous lands would require a similar process to the Lukens Drive Site, which entails a lease for construction of structures that would impact subaqueous lands. He detailed that the state and federal permits would also require dredging access to the Port from the main channel, which still may need dredging of areas. The permitting process is also similar to the Lukens Drive Site, and incorporates an application, public notice, and public hearing.

Secretary Small specified that the Claymont properties have entered into a voluntary cleanup program agreement, but the investigation in the area adjacent to the river has not yet started. He continued to state that, once the investigation is completed, the cleanup plan is noticed for public comment. After the comments from the public are addressed, the developer will complete the cleanup and DNREC will issue the certification of remedy.

Representative Potter asked which program the developers entered.

Secretary Small responded that the developer would be for-profit and would not be eligible for state funds and would be subject to the voluntary program.

Jim Poling of DNREC clarified that the investigation is being completed in phases and the current developers are subject to the voluntary program.

Secretary Small stated that some of the wetlands near the Port of Wilmington area associated with dredging disposal areas that are managed primarily by the Corps of Engineers. He discussed the subaqueous land leases that are required for the construction of structures that impact lands and for use. He emphasized that state and federal permits will be required for dredging access to the Port of Wilmington from the main channel. He believes that the site adjacent to the main channel would have minimal impact. Furthermore, Secretary Small stated that the permitting process is similar to the other two sites, and requires an application, public notice, and public hearing.

In regards to the brownfield and site cleanup, Secretary Small stated that the Pigeon Point expansion – property the Port of Wilmington has never owned or operated – would require Phase I and Phase II assessments to evaluate whether contamination exists and poses any health or environmental risk. He emphasized that Phase II would be different because of the existing closed landfill, which has already undergone a rigorous process, which could lead to future expedited steps. If a risk is identified and property meets the definition of a brownfield, then the Port developer enters agreement with DNREC prior to taking title. He continued to state that the brownfield investigation would be conducted to further evaluate the condition depending on the nature of the site development. DNREC would issue the proposed and final plan for cleanup and public comment and, once completed, would issue the certification of remedy. He concluded by stating that the Port is eligible as a non-for-profit to receive up to \$625,000.

Secretary Small detailed the specifics pertaining to the Coastal Zone Act applicability to the Port of Wilmington. He stated that the Coastal Zone act bans new heavy industry and bulk product transfer facilities from within the coastal zone. The only reference to the Port of Wilmington in the Act is contained in the definitions, wherein the term “bulk product transfer facility” is defined as products otherwise not contained, such as oil, gas and coal.

Secretary Small continued to state that further refinement came in 1999 from the Coastal Zone Industrial Control Board, which discussed issues of bulk product, and defined it as loose masses of cargo, which are typically stored in the hold of a vessel. He stated that cargoes such as automobiles, machinery, and bags of salt, and palletized items that are individually packaged or contained are not considered bulk products in the application of this definition. Secretary Small explained that the Coastal Zone Industrial Board identified existing footprints of non-conforming uses and the Port of Wilmington. The non-conforming uses were heavy use sites, with the Port of Wilmington serving as an exception. He stated that for regulatory purposes, the footprint includes the Pigeon Point area.

Secretary Small highlighted additional regulatory provisions of uses not regulated, which includes bulk product transfer operations at dock facilities owned by the Diamond State Port Corporation, or acquired by the Corporation at any time in the future, and which are located within the Port of Wilmington. He also discussed the docking facilities used, as bulk product transfer facilities located on privately owned lands within the Port of Wilmington, which have been granted an exemption prior to the effective date of regulations. Furthermore, Secretary Small identified docking facilities, which are not used as bulk product transfer facilities, as an additional regulatory provision.

Secretary Small concluded his presentation by discussing additional guidance from the Coastal Zone Advisory Board concerning the Port of Wilmington. He specified that all proposed manufacturing uses within the footprint of the Port of Wilmington are not in any way exempted from permitting requirements and must apply for and be issued a Coastal Zone Act permit if otherwise applicable. He continued to state that proposed uses within the Port of Wilmington that constitute heavy industry uses are also prohibited. Furthermore, he explained that the regulations do not prohibit or restrict activities involving containerized, palletized, or otherwise confined materials at any location within the Diamond State Port Corporation.

Representative Potter recognized several elected officials in attendance, including New Castle County Councilman Penrose Collins, Wilmington City Councilman Justen Wright, and State Senator Bryan Townsend. He explained that task force members would have the initial opportunity to ask questions, followed by members of the public.

William Ashe, International Vice President of the ILA, asked if CRODA was the same land as identified as the RiverEdge project.

Secretary Small stated that CRODA is located on the south side of the bridge.

William Ashe asked if there were any issues with permitting regarding brownfields.

Secretary Small replied that brownfields were not an issue for CRODA, as they were not changing use of that facility. He elaborated that the issues for CRODA were relating to air emissions and because they were changing some of the processing units, they applied for and received a coastal zone permit.

William Ashe asked if the land tested was quoted.

Secretary Small responded that the lands did not require a quote for their uses, but is willing to verify that information.

William Ashe asked what the differences would be in regards to maintenance dredging from previous projects and who funds these projects, since the Corps of Engineers complete these projects annually.

Secretary Small replied that Gene Bailey, Director of the Diamond State Port Corporation, might be better suited to respond to the question. Secretary Small stated that there is generally a local cost for the Port of Wilmington.

William Ashe stated his concerns with the dredging levels for the area.

Secretary Small stated that he was not able to obtain depth data for the RiverEdge site. He continued to state that there are shallow areas that may require maintenance dredging near the Christina River. He also detailed the flaps that would have to be built up in the area due to the issues with sediments over time, and there may be regular maintenance required.

William Ashe alluded to the needs for future maintenance dredging projects, so as to ensure that the waterways remain open.

Secretary Small stated that the Ports have the responsibility to maintain dredging. He emphasized that this process is preliminary and there are no costs associated at this time.

State Senator Catherine Cloutier asked if the current levels are at 38 feet and if the dredging would cause the levels to go to 45 feet. She also asked if the Port of Wilmington competes with other regional shipping businesses.

Secretary Small replied that the current levels would increase to 45 feet. He also responded that the shipping business question may be best answered by another representative, but understands that there is competition amongst east coast businesses and ports.

Kimoko Harris, Business Agent for the Longshoremen's Association Local 1883, asked if Pigeon Point's landfills is capped at 2 feet of clay and why this may be the current process.

Secretary Small replied that this is the current process so to ensure that contamination does not migrate off site and to provide structural integrity to the site.

Kimoko Harris stated that there have been discussions to dig into the landfill and to cut the cap to proceed with a building project.

Secretary Small replied that he was unaware of such discussions.

Representative Potter stated that discussions pertaining to the Pigeon Point site will occur, and asked if other task force members or members of the public had any questions.

Paul Thornburg, Secretary-Treasurer of the General Teamsters Local Union 326 at the Diamond State Port Corporation, asked if the acreage for the projects was available.

Secretary Small stated that the acreage for the projects is not available.

Martha Denison of AFSCME Executive Local 81 expressed concerns over issues with protecting the wetlands and the needs to address potential flooding patterns.

Secretary Small stated that a minimal impact would occur following a preliminary assessment. The wetlands identified with the port exist on or near the dredging spoil locations, which are well characterized. He stated that the issues would more evolve around subaqueous structures and how they may be mitigated. He continued to state that DNREC shares concerns with storm water issues for the entire state, and believes that there are rigorous regulatory provisions in place to minimize potential impacts.

Representative Potter thanked Secretary Small for presenting before the task force. He emphasized the importance of understanding potential environmental impacts from these projects, while also recognizing the need for a quick process to remain competitive in the Greater Philadelphia region.

Brad Winfree, Principal for the Paul F. Richardson Associates, Inc. and representative of the RiverEdge project, discussed his personal and professional history with merchant and maritime experiences. He stated that the International Longshoremen's Association (ILA) retained the transportation advisory firm of Paul F. Richardson Associates, Inc. (PFRA) in June 2014, to review the potential that exists for developing a container facility at the RiverEdge property. He highlighted the importance of identifying the market and examining the supply chain to align stakeholders to serve as the driver for the scope of work developed.

Brad Winfree recognized that from the onset of the project, PFRA recognized that any effort associated with the RiverEdge Container Terminal Project be viewed as a collective offering of maritime assets in the State of Delaware. He stated that the state is controlling each element of the port process and it is important to recognize the property, although developed by private industry, is owned by the state, which provides several advantages including funding and expediting the development process.

Brad Winfree discussed the stakeholders identified in PFRA's preliminary basis. He stated that terminal operators are concerned with profitability and return on investment, and recognized that larger corporations are acquiring them. He continued to state that ocean carriers are cost-cutting engines and logistical supply chain firms are focused on the issue of a labor shortage. He stated that elected officials serve as a key stakeholder, as everyone must work together to ensure that the project can proceed. He continued to highlight port users focused on expansion opportunities for growth and efficiency, federal regulatory agencies interested in projects in need, intermodal providers focused on solutions, and the general citizenry, which serves as a good opportunity to grow, train, and educate at every level.

Brad Winfree presented several images of the available land for the RiverEdge project, as well as the different aspects of the land. He stated the site is just south of the Delaware Memorial Bridge, which is important because of air drafts and the need for large ships to eventually enter the Port.

Brad Winfree discussed the three legs of the stool for the project, including access to water, the rail lines toward the General Motors plant, and the on-dock rail, all of which present the potential for increase access.

Brad Winfree illustrated the preliminary designs for the modern containment terminal. PFRA considered designing the terminal so it was closer to the channel to reduce the dredging requirement and then expand behind the facility. He highlighted the "safe zone" area for the containers to come off of the ships and the cranes associated with the process, each of which would require 16 to 20 employees to operate the machinery. He discussed the separation of operations, which is safe and productive for the site. In addition, he mentioned that there is an opportunity to expand at the site and serve as a leader in the region. He specified that the solution is all electric, and that a cold ironing plant would be in place, which allows the ship to plug into the shore power and turn the ship off to limit potential pollution.

Brad Winfree highlighted that the citizenry is important to accomplish the RiverEdge project. He stated that there would be a variety of jobs available, ranging from information technology fields to professional drivers. He presented a graphic that would highlight potential port scenarios as they relate to employment, and stated that the Port of Savannah serves as a model for the Port of Wilmington. Due to the full support of the state, the Port of Savannah has a comprehensive plan that allows for record-level rail movements in the region. He stated that the Port of New York is not connected to the community and continues to address logistical issues.

Brad Winfree discussed the next steps to proceed with the project. He specified that the land is currently privately owned, and there is a need for the landowner and private developer to come

to a commercial agreement. Following the commercial agreement, the land would have to be ceded to a public agency and the developer would be granted concession for a long-term period. He highlighted the importance of local, regional, state, and federal agencies to work together to ensure a succinct regulatory and permitting process, where the state serves as the primary leader in these efforts. Furthermore, the state of Delaware will want a return on investment, and this aspect of the project would have to be discussed in the future.

Brad Winfree concluded by stating the importance of engaging environmental feasibility of the RiverEdge site and proves to the investors that the process could be completed in a timely manner. He stated that PFRA is in the process of preparing a scope of work to accomplish the project.

Senator Henry opened the floor for comment from the task force members and members of the public.

Peter Hartranft, task force member appointed by the Governor, asked if the Port of New York had the ability to grow in volume.

Brad Winfree replied that the Port of New York has ability to expand capacity, but has resorted to older techniques to do so.

Peter Hartranft asked if PFRA has contacted carrier firms regarding the RiverEdge site.

Brad Winfree responded that PFRA has been in discussions with several major carriers firms, all of which have been interested in the idea of expanding operations.

Secretary Thomas Cook of the Department of Finance asked what the next steps would be for expansions discussed in the presentation, specifically building outward toward the shipping channel, knowing the Port of Wilmington has worked with the ILA and have ordered cranes.

Brad Winfree responded that further studies would have to be conducted to provide details; however, it is important for the environmental issues to be addressed. The cranes serve as the longest lead-time in most maritime projects, and could be complicated if the environmental aspects are delayed.

Senator Henry recognized State Representative J.J. Johnson, who was in attendance.

Rick Ryan, Task Force member and CEO of the Intercontinental Services of Delaware, LLC, stated that the project of this magnitude would require input from the Corps of Engineers and asked if PLFA had been in contact with them in order to proceed.

Brad Winfree responded that he has not received any information about input from the Corps of Engineers, but is willing to respond in the near future.

Rick Ryan asked if the landowner or anyone else has offered to start the funding for the project.

Brad Winfree replied that he does not have a specific answer, but will provide additional information when it is readily available. He continued by stating that PLFA have introduced these matters to the investment community, who has expressed interest.

Senator Henry reiterated the importance of the environmental impact study in order to continue with additional portions of the project. She stated that the City of Wilmington and State of Delaware are working to have the environmental impact study completed to ensure other processes can continue.

Brad Winfree explained that he could not speak on behalf of the ILA, but his understanding is that they would like to move the project forward.

William Ashe explained that the ILA has committed to putting \$100,000 for the project, and hopes the state will remain involved so that it can become a diamond state initiative.

Dwight Davis, member of the public, explained that the readability test would be over because most of the public dislikes the project. He explained that there is a continued discussion pertaining to maritime law and oversight issues, and has heard state regulators discuss the relevant statutes. He asked if anyone from the federal government that is a part of the task force could provide clarification on the current statutes. Concurrently, he asked for clarification on background checks and identification cards for employment opportunities. He would like a representative from the federal government to be involved in educational outreach to the public regarding this project and its details.

Senator Henry explained that Brad Winfree is not present to represent the federal government, but can refer the questions to Delaware's congressional delegation.

Brad Winfree reiterated that President Obama's Build in America Program fits well into the proposed RiverEdge project. Concurrently, he stated that a recent Journal of Commerce Study recognized the shortage of employment in the logistics industry, and that there is a need for labor and employment opportunities in the region. He highlighted the potential employment opportunities for drivers and starting salaries that could be beneficial to the workforce.

John Flaherty, member of the public, asked what would be envisioned for the General Motors Plant, as it related to the Port of Savannah expansion projects.

Brad Winfree stated that the proposed project could not be comparable in scale; however, there are goals to increase expansion and increasing rail car transportation.

Martha Denison asked what type of infrastructure would be built, and whether it would require new rail lines in the Port of Wilmington.

Brad Winfree explained that the current infrastructure would be suitable, but it is an element of the project worth examining.

Representative Potter asked how many burrs are proposed for the RiverEdge project.

Brad Winfree stated that there is room to build a third burr at the project site, and each is 1000 feet.

Senator Henry explained that the task force must hear from other presenters, and thanked Brad Winfree for providing insight on the proposed project at the RiverEdge site.

Gene Bailey, Director of the Diamond State Port Corporation, explained that the Diamond State Port Corporation is a private company. He thanked the many elected officials who continue to support the Port of Wilmington, even in years when capital has been limited.

Gene Bailey discussed the Board of Directors, which is comprised of eight ex-officio members: including the Secretaries of Transportation, Finance, State, Homeland Security, and the Director of the Delaware Economic Development Office, as well as the Controller General and Co-Chairs of the Joint Bond Committee of the Delaware State Legislature. He continued by mentioning that seven other members of the Board of Directors were appointed by the Governor, each having business or labor experience.

Gene Bailey highlighted the business metrics and economic impact of the Port of Wilmington, including the 435 vessels and 6.6 million tons of cargo that were handled in fiscal year 2015. The Port continues to serve as a national leader in key import and export commodities, and has had a notable economic impact, including 5,600 family sustaining regional jobs, \$417 million annual business revenue, \$391 million annual personal income, and \$39 million regional annual tax revenue.

Gene Bailey explained that the Port of Wilmington is the first major port on the Delaware River, and has 308 acres at the confluence of the Christina and Delaware Rivers. He stated that there are two additional multipurpose gantry cranes on order and will be delivered in 2016, which will support the two existing multipurpose gantry cranes.

In addition, Gene Bailey discussed the cargo portfolio at the Port of Wilmington, which includes fresh tropical and deciduous fruit, containerized cargo, juice concentrate, vehicles and roll-on-roll-off, dry and liquid bulk, break bulk, project cargo, wind turbine components, and livestock. Specifically, he highlighted the cargo portfolio of fresh fruit, with the Port of Wilmington serving as the top banana port in North America and importer of fresh fruits in the United States, respectively. Concurrently, the Port of Wilmington serves as the top United States discharge port for juice concentrate. In regards to vehicles and roll-on-roll-off components, the Port of Wilmington has 100 vessel calls per year, and is the hub for General Motor and Chrysler exports, as well as military shipments. He highlighted that, in regards to dry and liquid bulk, the salt storage is completely gone after several poor seasons of winter weather. He continued to highlight the relationship with steel imports and exports and project cargo, including Victory Brewing Company's brewing tanks imported from overseas, with the potential for a local brewing industry to start importing products shortly.

Gene Bailey discussed the tonnage by commodity groups, noting that container business and bulk cargo is increasing; however, automobile tonnage has steadily declined. He mentioned the

possibility of automobile tonnage increasing with the Port of Wilmington's relationship with Chrysler.

Gene Bailey highlighted several competitive advantages pertaining to supply chain logistics, including the central Mid-Atlantic location; the overnight access to 1/3 of United States and Canadian consumers; six-hour round voyage savings compared to Philadelphia and Camden; multiple berths with no congestion; one-quarter mile distance to I-495; and on-dock rail service with shared access. Despite the competitive advantages, Gene Bailey recognized the various competing marine terminals in the area. He highlighted the Paulsboro Port, which has been under construction, as well as the Port of Philadelphia's aggressive pursuit for a southern port.

Gene Bailey concluded his presentation by highlighting several expansion opportunities for the Port of Wilmington. He stated that new development has the potential to add 170 acres to the existing site, and he has already had the opportunity to meet and discuss this potential with the joint processing group. He discussed the issue of financing expansion opportunities, noting that in 2008, there was discussion of \$600 to \$800 million for funding. He explained that he has not had any discussions about stripping off the landfill at Pigeon Point, but has discussed opportunities for using it for storage. He concluded his presentation by expressing his concern for the people of Delaware, and is hoping that expansion opportunities can occur in the near future.

Senator Henry asked Secretary Thomas Cook of the Department of Finance to update the task force about the Request for Qualifications (RFQ) process.

Secretary Cook detailed the purpose of the RFQ and the master plan, which is to include detailed studies and analysis of each of the multiple locations that could be developed on the Delaware River, including technical, environmental, and legal aspects of each, individually and comparatively, to determine the desirability for investment and successful Port expansion. He highlighted the various RFQ Evaluation Committee members, including himself, Secretary Jennifer Cohan, Peaches Whalen, Michael Evanko, Gene Bailey, and Parul Shukla.

Secretary Cook stated that the RFQ Evaluation Committee has received four responses from highly qualified candidates, including AECOM, Duffield Associates, Tetra Tech, Inc., and WSP Parsons Brinkerhoff. The evaluation committee will interview the respondents and the recommendation to the Port of Wilmington Board of Directors will be presented the week of October 12th. The Port of Wilmington Board of Directors is scheduled to discuss the recommendation the week of October 19th, and finalize the contract and begin work the week of November 2nd. He stated that the RFQ Evaluation Committee understands that the project is time sensitive, and has expedited the timeline 45 days.

Representative Potter acknowledged the details brought forth by Secretary Cook, and reiterated the importance of timeliness as the task force addresses environmental, regional, and competitive issues. He stated that the environmental issues serve as the main priority and other tasks can be addressed simultaneously.

Martha Denison asked if the committee would examine the sites discussed at the third task force meeting.

Secretary Cook replied that the sites would be examined and the strategic plan will be important, so as to continue to move the process forward.

Senator Henry asked when the Board of Directors would receive the recommendation from the RFQ Evaluation Committee.

Secretary Cook answered that the evaluation committee will meet the week of October 12^h and to present and discuss the recommendation. The Board of Directors will then meet on October 20th to evaluate, improve, and proceed with the process. He explained that the contract would be signed by November 2nd.

Senator Henry responded by recognizing the importance of the process and that the task force looks forward to receiving an update on the process.

Secretary Cook replied that he could provide an update at the October 14th meeting after interviews have been conducted.

John Flaherty thanked the task force members for their thorough, complete and transparent presentations, and looks forward to attending future meetings.

Bob Byrd, representing the Commercial Development Company who has purchased the Claymont Steel Site, stated that they are in the process of cleaning up the site. He stated that the first objective should be to conduct a thorough environmental analysis, since there is a deeded 100 acreage that is currently underwater. He thanked the task force for their efforts, and will update them with any proceedings.

Representative Potter discussed the importance of proceeding with the current project and acknowledged the importance of the current Claymont site.

Bob Byrd replied that an institutional market study is being conducted, and that the Commercial Development Company is a private entity and would not receive any state funding. He emphasized that as part of the project, the company has dedicated 12 acres to build a new train station in Claymont.

Closing

Senator Henry thanked the task force members and members of the public for their attention and questions, and looks forward to receiving updates at the next meeting on October 14th.

Representative Potter adjourned the Port of Wilmington Expansion Task Force meeting at 3:08 p.m.

Port of Wilmington Expansion Task Force

Wednesday, October 14, 2015
10:00 a.m. – 12:00 p.m.
3rd Floor Conference Room
Carvel State Building
820 N. French Street
Wilmington, Delaware 19801

Meeting Attendees:

Task Force Members:

Present:

Representative Charles Potter, Jr.
State Senator Catherine Cloutier
William Ashe
Secretary Jennifer Cohan
Paul Cutler
Secretary John McMahon
Rick Ryan
Mike Evanko
Secretary Thomas J. Cook
Gene Bailey
Paul Thornburg
John Coulahan
Kimoko Harris
Peter Hartranft
Trevor Knight
Director Bernice Whaley
Secretary Jeffrey Bullock
Secretary David Small

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Absent:

Senator Margaret Rose Henry
State Representative Kevin Hensley
Jose Gonzales
Secretary Edwin Kee

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Public:

Attendees:

Michael Barnes
P. Cooke
Jim Poling
Roger Bohnert
Katrina Cowart
State Representative Bryon Short
State Representative Paul Baumbach
Jane Dilley
Erika Furlong
Darrell Balbon
Gary Warren
Bill Powers
Angela Harris
Umar Hassan El
Randall Chase
Travis Black
John Kennedy
John Flaherty
Stephen Crockett
Ruth Baker
Peggy Schultz
Martha Denison
Kim Gomes
Albert Shields
Toby Lamb
John Goodridge
Rob Keesler
Joseph Durham
Dinah Russ
Matthew Meyer

Organization:

Local 1694-1
ILA
DNREC
USDOT
Delaware State Senate
Delaware House of Representatives
Delaware House of Representatives
LWVDE
Delaware Nature Society
Public
Farmer
Farmer
New Castle County Government
Muslim Center of Wilmington
Associated Press
MARAD
MARAD
Public
Delaware State Senate
LAPA
LWVDE
Public
Byrd Group
U.S. Representative John Carney
Local 199
Local 1694-1
Legislative Assistant/Senator Cloutier
DBBR Representative
AFSCME 1102
Potomac Law

Opening

State Representative Charles Potter, Jr., co-chair, called the meeting to order at 10:07 a.m. He thanked the task force members and the public for attending the meeting of the Port of Wilmington Expansion Task Force.

Representative Potter asked if there were any alterations to the meeting minutes presented to the task force members. The meeting minutes were unanimously approved by a voice vote and are officially on public record.

Rylene Harper, Legislative Assistant to State Representative Charles Potter, Jr., provided a procedural announcement regarding the minutes for task force meetings. She explained that the

draft copy is presented to the co-chairs and the task force members for review, and then required a vote of approval at the following meeting. After approval, the meeting minutes are posted to the Delaware General Assembly website, via www.delaware.gov.

Representative Potter emphasized the importance of transparency in the procedures of the task force, and explained that the meeting minutes and other task force materials from each meeting are available for the public. He invited Secretary of Finance, Thomas Cook, to provide an update to the task force members.

Secretary Cook thanked Representative Potter and the task force members for their attendance. He stated that the Request For Qualifications (RFQ) Evaluation Committee has received four responses from highly qualified candidates, including AECOM, Duffield Associates, Tetra Tech, Inc., and WSP Parsons Brinkerhoff. The evaluation committee interviewed the respondents on Monday, October 12th. He detailed that the four respondents presented various approaches for putting forth the strategic plan for potential expansion projects, which included the entire Delaware River and not just the Port of Wilmington. He clarified that the committee has not made a decision on the candidates, but they are in the process of verifying references provided. He concluded by stating that there may be discussion at the October 20th Port of Wilmington Board of Directors meeting to make a recommendation for the path forward.

Representative Potter asked if he could reiterate the four candidates under review by the RFQ Evaluation Committee.

Secretary Cook clarified that the four respondents included AECOM, Duffield Associates, Tetra Tech, Inc., and WSP Parsons Brinkerhoff.

Paul Cutler, Vice President of International Longshoreman's Association Local 1694-1, asked if the Port of Wilmington Board meetings are open to the public.

Secretary Cook responded that the meetings are open to the public, but the Port of Wilmington Board has the ability to enter an executive session for contractual discussions. He stated that he could provide further clarification on the matter.

Martha Denison of the public asked if the companies discussed plans to complete the work at the Port of Wilmington.

Secretary Cook clarified that the companies under review by the RFQ evaluation committee plan to produce a strategic plan for the Delaware River projects, but do not plan to complete the work themselves.

Martha Denison asked what specific board is being discussed in the RFQ Evaluation Committee update.

Secretary Cook clarified that it is the Port of Wilmington Board that is reviewing the potential candidates.

Representative Potter thanked Secretary Cook for his update. He informed the task force members and public that Secretary Margaret Rose Henry was unable to attend the meeting.

Funding Discussion

Representative Potter asked if representatives from the U.S. Department of Transportation's Maritime Administration could provide information regarding public-private partnerships, funding, and other information for port projects.

Roger Bohnert, formerly with the U.S. Department of Transportation's Maritime Administration (MARAD) and presently with the Build America Transportation Investment Center (BATIC), explained that BATIC is an entity under supervision of U.S. Department of Transportation Secretary, Anthony Foxx. He introduced John Kennedy, the Maritime Administration's Gateway Officer for the region, and Travis Black, Community Planner at the Maritime Administration's Headquarters.

He started his discussion by introducing MARAD's StrongPorts program, which is designed to deliver assistance to all U.S. ports and their communities. The StrongPorts framework provides initiatives and activities aligned with the three phases of project development: planning and engagement, finance, and project support. He clarified that the Port of Wilmington is currently in the planning and engagement phase of the project, which requires involvement of the state, metropolitan planning organizations, and other stakeholders. He stated that a majority of BATIC's efforts focus on the planning and engagement and finance phases, as this is the area where a majority of U.S. ports require assistance.

He also discussed the Port Planning and Investment Toolkit, which were developed by MARAD and the American Association of Port Authorities. The toolkit details project funding strategies that are available so that successful port infrastructure projects have the investment-grade plans supported by both public and private stakeholders. He emphasized that the toolkit was designed after considerable input from 55 volunteer stakeholders. He discussed the various aspects of the Port Planning and Investment Toolkit, which include public-private partnerships, the continuum of that partnership, and scheduled steps for the partnership, all of which are available to the public.

He reiterated the StrongPorts program and the financial aspects of the partnerships, which include TIGER Grants, which the Port of Wilmington received in 2013. He stated that BATIC obtained access to two loan programs which may be of interest to the Port of Wilmington: The Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation and Improvement Financing (RRIF). TIFIA and RRIF can be bundled together, depending on the aspects of the projects.

He highlighted project support that includes various construction phases, which is conducted on a limited basis. While the Maritime Administration is available to assist with improvements of port facilities at this phase, BATIC is not as involved as they would be in the previous two phases.

Secretary Cook asked if StrongPorts program has been implemented at other port locations.

Roger Bohnert responded that the StrongPorts program is assisting several ports in the areas of planning and engagement, which is focused on people, products, and services.

Secretary Cook asked if the ports received services from planning and engagement through project support.

Roger Bohnert explained that the process is a continuum and StrongPorts serves the areas most needed for the project. He stated that the TIGER Grant program is currently assisting 42 different ports, and has helped increase engagement, despite only being in existence for shortly over a year.

Secretary of State Jeff Bullock asked if the year duration explained in the toolkit is solely for the financing element of the public-private partnerships (P3).

Roger Bohnert explained that the year described is to formalize the relationship with the private partner and becomes more complex later on.

Secretary Bullock highlighted that the task force is interested in the most effective model, while also being time sensitive and recognizing the need to expedite certain processes.

Roger Bohnert mentioned that he is aware of the quick timeline for the Delaware River projects. He emphasized that every project is different and without federal involvement, the project timeline could be increased. If federal support is sought after, then there will be increased regulations that may increase the length of the timeline; however, there will be added benefits.

Representative Potter asked what the scenario would be if the Port of Wilmington came to the federal government for the loan, but faced impediments.

Roger Bohnert discussed the TIFIA loan program, which can fund projects inside the port that help intermodal transport frigs, which operate under the U.S. Federal Highway Administration. The Port of Newark in New Jersey has filed a letter of interest, which begins a formal request for the TIFIA loan. The Port of Newark will focus on a variety of elements that are evaluated on a case-by-case basis. He stated that once a letter of interest is filed, the application will be reviewed for accreditation and there will not be formal proceedings if there was not a high chance of closing. The project sponsor would have to pay \$100,000 to hire external financial counseling, and the program would not want to proceed if the deal would not be closed. Henceforth, the project would receive notice within 30 – 60 days. He clarified that the letter of interest is vital and there has to be proof of a valid revenue stream, similar to a mortgage.

Representative Potter inquired about the interest rate for a TIFIA loan.

Roger Bohnert responded that, as of October 13th, 2015, the TIFIA interest loan rate was 2.88 percent.

John Kennedy, the Maritime Administration's Gateway Officer for the region, clarified that the TIFIA loans can be a 35-year payment plan and the payback does not have to be until 7 years until after the project is complete.

Secretary of Transportation Jennifer Cohen stated that as a recent recipient of a TIFIA loan for the Route 301 project, proving credit worthiness may be an issue and can cause financial and time restraints, as the loan took two years to process.

Roger Bohnert stated that two years is longer than the normal process for a TIFIA loan; however, he understands the time restraints for the Delaware River projects, and is worth considering. He emphasized the importance of the verifiable revenue stream, and also that an advantage to the public-private partnerships is the due diligence process and understanding that this project is a good investment.

William Ashe, President of the International Longshoreman's Association 1694, asked if the federal government has the ability to fast track an environmental assessment for the project.

Roger Bohnert mentioned that the National Environmental Protection Act (NEPA) requires a review when major federal action occurs for a project. He detailed that the process for a NEPA review can take 12 – 18 months depending on the complexities of the project, which includes public hearings to ensure transparency. Under BATIC, there is an environmental permitting dashboard that increases transparency and review. He stated that federal credit programs triggers the NEPA review, which is something worth considering.

Mike Evanko, President of the Port Contractors, Inc., asked if the NEPA review and due diligence process can be in concurrence of one another.

Roger Bohnert stated that the project would want the NEPA review to be well along in the process before entering further financial obligations with the due diligence process, so to ensure the success of the project. He stated that TIFIA can finance up to 49 percent of the financing for eligible costs; however, the U.S. Department of Transportation has only ever financed up to 33 percent of a project.

Ruth Baker of LAPA asked what the likelihood would be of BATIC funding all projects if they were from the same region, such as port projects in Pennsylvania and New Jersey.

Roger Bohnert stated that this has not been an issue as of yet; however, each application would be considered on its merit. The important aspect of the review would be the credit worthiness of each project, as it pertains to loan financing.

Ruth Baker asked if the project could be completed in a series of events.

Roger Bohnert stated that there is an advantage of being early in the process, but a disadvantage is the timeline of doing the project in a series of events. As long as the project complies with the rules and regulations, then it could be completed in a series and TIFIA could finance portions of these projects.

John Kennedy reiterated that the comprehensive plan for the record is an advantage and could be included in these efforts.

Martha Denison asked if the strategic plan would address potential pollution issues with the projects, such as dredging and spoils.

Roger Bohnert explained that he could not speak to the strategic plan.

Martha Denison asked if NEFA review would address potential pollution issues from these projects.

Roger Bohnert detailed that the NEFA review is thorough and comprehensive and would examine mitigation and brownfields. He also explained that there are federal regulations for hiring construction that are fairly restrictive.

Representative Potter asked for additional information on minority hiring in this regard.

Roger Bohnert stated that there is an aspect of TIFIA and RRIF that includes percentage values for minority hiring that is complex. In addition, he explained that the project could be completed in various steps and still be applicable to TIFIA loans. He explained that the Port of New York project has undergone several aspects of the project and is complex, but remains eligible for loans.

Representative Potter asked what the maximum amount of funding is available for project financing.

Roger Bohnert responded that the total loan money available for projects is \$50 billion, which is appropriated every 2 to 3 years, and is not aware of any project being capped. He also stated that RRIF is underutilized and may be of interest.

Kimoko Harris, Business Agent for the Longshoremen's Association Local, asked if there are existing interrelationships with projects.

Roger Bohnert explained that their agency works with several others for permitting processes and projects, including the U.S. Army Corps of Engineers.

Roger Bohnert transitioned into the discussion of the Build America Transportation Investment Center, which President Obama instituted in July 2014. BATIC serves as the U.S. Department of Transportation's entity focused on increasing the use of public-private partnerships and to increase the access to federal credit programs. Secretary Foxx established the BATIC staff to coordinate with various entities, and John Kennedy is the contact for the Delaware River projects.

Representative Potter clarified that the task force has moved forward with certain issues and the Port of Wilmington is already in discussions regarding funding and project development.

Roger Bohnert stated that he would be available to discuss proceedings for the various project steps.

Representative Potter asked if a flow chart could be provided to discuss a step-by-step basis.

John Kennedy discussed his background pertaining to port projects and TIGER Grants. He explained that a \$10 million grant was awarded to the Port of Wilmington in 2013 to rehabilitate areas and the project is still underway. He mentioned the competitiveness of TIGER grants, in which only \$500 million is rewarded for the country annually. He stated that the port projects do well because the economics make sense with the various intermodal connections and the leveraging of available resources and relationships.

Travis Black, Community Planner for MARAD, stated that he has had 15 years of experience at the local and county level and is available to support gateway directors with project development needs.

Roger Bohnert explained that the Port of Richmond Metropolitan Planning Organization (MPO) was able to fund cargo cranes and other equipment, and may be willing to help fund port projects in the region.

Secretary Bullock explained that the Port of Wilmington does not deal with the Metropolitan Planning Organization in the region.

Kimoko Harris asked for insight on east coast ports in the near future, given the expansion of the Panama and Suez Canal.

Roger Bohnert stated that post-Panama Canal, ships are entering more than in the past. When the Panama Canal opens, he anticipates increased competition between the Panama Canal authority and the price charged and the transcontinental railroads. If there is a higher rate for the Panama Canal, then more ships will enter through the West Coast. If the Panama Canal is better, then more ships may enter through the east coast. He stated that in the next 30 years, freight transportation will increase by 45 percent and will increase by 100 million people.

Representative Potter asked what the capacity would be for Delaware.

Roger Bohnert stated that there are a variety of large metropolitan areas and there will be increased freight in the region, whether at Delaware ports or elsewhere. He reiterated that freight transportation is cheaper than other modes, and it is a great approach to have four organizations come forward with strategic plan presentations.

John Kennedy stated that Philadelphia is also worried about similar issues pertaining to capacity.

Peter Hartranft of the task force stated his support for an additional gateway container port, since the country and region is facing a serious congestion problem.

Roger Bohnert stated that regional competition is increasing and the port could have an impact on local jobs and other industries in the area.

Gary Warren stated that ports in the region must address the ability to handle commodities, and that farmers in the region continue to grow more products than they can transport.

Roger Bohnert stated that the organization chosen for the strategic plan should examine the macro and microeconomics relating to trade routes.

Roger Bohnert mentioned the importance of public-private partnerships available, why they should be considered, and the advantages and disadvantages of these decisions. He highlighted the various advantages to public-private partnerships, including: private financing and investor management and project supervision; task bundling and integration and the life-cycle cost and technological innovation and competition in design; and that risk transfers to the entity are considered the best position to manage.

Mr. Bohnert also highlighted several challenges that arise from public-private partnerships, including: public acceptance; enabling legislation; and organizational capacity resulting from knowledge gaps and different oversight and contract management approaches; revenue constraints pertaining to federal and state toll restrictions and revenue shortfalls; difficulties in predicting traffic and revenue; difficulty in identifying and pricing risk and proper risk allocation; and the long-term nature of public-private agreements.

He also discussed the range of project delivery options, stating that the risk transfer is primarily associated with the public entity. He also illustrated the various differences between conventional and public-private partnerships, which may be useful to review before proceeding.

In closing, Mr. Bohnert thanked Representative Potter, the task force, and the public for listening to his presentation.

Representative Potter thanked Roger Bohnert for discussing BATIC and public-private partnerships. He opened the floor for discussion.

Discussion by Task Force Members

William Ashe motioned to conduct an environmental assessment of the RiverEdge project.

Representative Potter explained that a discussion is needed to proceed and asked him to elaborate on the motion.

William Ashe explained the environmental aspect could proceed, while the state is considering the strategic plan. He understands that the process would not be fast tracked, but it could be started.

Kimoko Harris seconded the motion on the floor.

Representative Potter opened the floor for discussion of the motion to proceed with an environmental assessment.

Secretary Cook stated that the environmental assessment would have financial implications and asked if an application would be put forth to the federal government.

William Ashe responded that the study would not be conducted by the federal government, but would utilize funds set aside and could be conducted by the House of Representatives, State Senate, or the Diamond State Board.

Kimoko Harris mentioned that the RiverEdge project has already been evaluated regarding feasibility and would not be starting from the beginning. He stated that the environmental assessment could make the process faster and lead to development.

Representative Potter stated that at the last meeting, the task force examined the timeline and potential for the port. He reiterated that the City of Wilmington and New Castle County government have promised to allocate funds. He understands that there is regional competition and asked task force members to provide input on the motion.

Mike Evanko stated that a strategic plan should be in place prior to execution. He stated that there might be entirely different environmental assessment and activities at the federal, state and private levels, and is unsure as to what level of assessment is being proposed.

Secretary Bullock clarified that the Port of Wilmington Board of Directors is hiring a consultant to provide a strategic plan, which would include an environmental survey that will address certain environmental questions. He does not want the Port of Wilmington Board of Directors to become disorderly with their proceedings, as they have already expedited the process.

Representative Potter explained that the task force and public must come together to move the state forward with port expansion, despite a differing of opinion.

William Ashe stated that more than one aspect of the project could be completed simultaneously. He stated that federal funding can be an option in the future, but the environmental aspect should be addressed immediately.

Secretary Bullock responded that the Port of Wilmington Board of Directors has decided on their current action, and plans to receive the strategic plan soon.

William Ashe emphasized that the RiverEdge project impacts regional port competition, as well as jobs available to Delawareans.

Representative Potter stated that he understands the importance of conducting an environmental assessment. He questioned if the task force could vote to have the state allocate funds toward an environmental assessment for the RiverEdge site.

Secretary John McMahon of the Department of Labor asked if the RiverEdge site is private property. He assumed that the property is private and is unsure if the utilization of state funds is appropriate in this scenario, and may require a legal interpretation of state financing.

Representative Potter acknowledged the importance of legality and thanked Secretary McMahon for his input.

Kimoko Harris argued that the state has funded past projects and provided funding to private entities and organizations, and should consider doing so for the RiverEdge site.

Secretary Cook asked if the task force has the ability to appropriate funds, and would like to have the question of legality addressed.

Representative Potter stated that he understands the motion on the floor, and acknowledged the need to have a legal opinion.

A motion was made by William Ashe and seconded by Kimoko Harris to proceed with an environmental analysis for the RiverEdge site. Motion failed. Yes – (William Ashe and Kimoko Harris); No – (Peter Hartranft and John Coulahan); Abstain – (Representative Potter, Senator Cloutier, Secretary Bullock, Secretary McMahon, Secretary Cook, Director Whaley, Secretary Small, Rick Ryan, Trevor Knight, Paul Cutler, Mike Evanko, Paul Thornburg, and Gene Bailey); Absent – (Senator Margaret Rose Henry, Representative Hensley, Secretary Kee, Secretary Cohan, and Jose Gonzales).

A motion was made by Representative Potter to table the environmental analysis proposal. Motion carried. Yes – (Representative Potter, Rick Ryan, and Secretary Bullock). No – (William Ashe and Kimoko Harris); Abstain – (Senator Cloutier, Peter Hartranft, John Coulahan, Secretary McMahon, Secretary Cook, Director Whaley, Secretary Small, Trevor Knight, Paul Cutler, Mike Evanko, Paul Thornburg, and Gene Bailey); Absent – (Senator Margaret Rose Henry, Representative Hensley, Secretary Kee, Secretary Cohan, and Jose Gonzales). The proposal to proceed with an environmental analysis at the RiverEdge site was tabled.

Representative Potter stated that he would seek a legal opinion about the environmental assessment as it pertains to private lands, and would also ask for additional information regarding simultaneous projects being conducted.

Roger Bohnert clarified that it is important for a scope of work to be completed prior to an environmental review, and there may be need for additional discussions before any form of NEPA review.

Ruth Baker asked if discussions of environmental assessments should occur while federal representatives are present.

Representative Potter clarified that all proceedings of the task force are open to the public.

Martha Denison echoed the concerns of William Ashe and acknowledged the concerns of various civic associations, as it pertains to environmental impacts at the RiverEdge site. She asked that DNREC examine current information about the sites prior to any proceedings.

Closing

Representative Potter adjourned the Port of Wilmington Expansion Task Force meeting at 11:38 p.m.

Minutes prepared by Geoff Heath – Legislative Assistant
Minutes reviewed by Rylene M. Harper – Legislative Assistant and Task Force Staffer

Port of Wilmington Expansion Task Force

Wednesday, November 4, 2015
10:00 a.m. – 12:00 p.m.
3rd Floor Conference Room
Carvel State Building
820 N. French Street
Wilmington, Delaware 19801

Meeting Attendees:

Task Force Members:

Present:

State Representative Charles Potter, Jr.
State Senator Margaret Rose Henry
State Representative Kevin Hensley
State Senator Catherine Cloutier
Secretary Jeffrey Bullock
Secretary John McMahon
Secretary Thomas J. Cook
Director Bernice Whaley
Secretary David Small
Rick Ryan
Peter Hartranft
William Ashe
Paul Cutler
Mike Evanko
Gene Bailey
John Coulahan
Kimoko Harris

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kimokoh@yahoo.com

Absent:

Secretary Edwin Kee
Secretary Jennifer Cohan
Trevor Knight
Jose Gonzales
Paul Thornburg

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Public:

Attendees:

State Representative Bryon Short
State Representative James Johnson
Karen Lantz
State Senator Bryan Townsend
Rob Keesler
Councilman Penrose Hollins
Rosemary Carroll
Billy Carroll
Nick DiBuo
Joseph Durham
Erika Furlong
William Majett, Jr.
Peggy Schultz
Jane Dilley
John Goodridge
Michael Barnes
Lugenia Anthony
Martha Denison
Kim Gomes
Darrell Baker
Ruth Baker

Organization:

Delaware House of Representatives
Delaware House of Representatives
Delaware House of Representatives
Delaware State Senate
Delaware State Senate
New Castle County Council
Delaware Maritime Education Task Force
Delaware Maritime Education Task Force
Senior Advisor/Representative Potter
DBBR Representative
Delaware Nature Society
City of Wilmington Resident
League of Women Voters of Delaware
League of Women Voters
Local 1694-1
Local 1694-1
Local 1694-1
Executive Board Officer/RC Local 81
The Byrd Group, LLC
Merchant Marine Services
Public

State Senator Margaret Rose Henry co-chair, called the meeting to order at 10:08 a.m. She thanked the task force members and the public for attending the meeting of the Port of Wilmington Expansion Task Force.

Senator Henry asked if there were any alterations to the meeting minutes presented to the task force members. The meeting minutes were unanimously approved by a voice vote and are officially on public record.

Senator Henry recognized House of Representatives Attorney Karen Lantz, who was present to provide a review of the legal opinion of the RiverEdge Container Terminal Project environmental study request.

Representative Potter acknowledged the importance of economic development projects in the state, notably the recently announced JP Morgan expansions to occur in the near future.

Karen Lantz, Legislative Attorney for the House of Representatives, stated that the Port of Wilmington Expansion Task Force is an advisory body that can provide recommendations; however, a vote to allocate funds for an environmental assessment would not obligate the state to move forward with funding. She explained that the bond bill specifically states that \$200,000 has been set aside for the formulation of a strategic plan and can be spent with the approval of the

Port of Wilmington Board of Directors. The Port of Wilmington Expansion Task Force has the ability to provide recommendations, which can then be considered for other purposes.

Senator Henry thanked Karen Lantz for providing a legal perspective regarding the task forces' questions. She discussed the October 27th New Castle County Government meeting, in which \$150,000 was allocated for RiverEdge expansion opportunities. She also stated that representatives from the New Castle County government met with City of Wilmington officials to solidify their financial commitment toward expansion opportunities, which could total \$300,000. She asked Secretary Bullock if the Port of Wilmington Board of Directors would accept the funds, if they were allocated for future use.

Representative Potter reiterated that recent meetings have occurred and asked Secretary Bullock to address these meetings. He emphasized that the funds in the bond bill were earmarked for Port of Wilmington expansion opportunities.

Secretary of State Jeff Bullock stated that, at the last task force meeting, Secretary of Finance Tom Cook discussed the hiring of consultants for the strategic plan. He stated that the process was not focused exclusively on container ports, but also emphasized concerns with existing port facilities and ensuring viability for the future, as well as expanding opportunities for thousands of Delaware families relying on port jobs. He also highlighted the importance of improving the use of existing facilities and footprints and identifying other Delaware River expansion opportunities.

Secretary Bullock stated the Port of Wilmington Board of Directors has authorized the hiring of consultants for the strategic plan, which will be led by AECOM, who had assisted with the recent I-495 repairs. He continued to state that local participation will occur from Duffield Associates and Richardson, which will provide a national and local perspective and help finalize the scope of work needed for the area. As part of the state's work for the master plan, the state will include aspects of the RiverEdge project that is consistent with the broad strategic plan.

In regards to Senator Henry's question, Secretary Bullock stated that the money provided from other governments is welcome; however, there is a question about how the Port of Wilmington could expend it without entering another bidding process. Secretary Bullock recommended that the state complete a portion of the scope of work and the other governments can do separate but tandem efforts to help expedite the process.

Senator Henry recognized several dignitaries present, including State Senator Bryan Townsend, State Representative Bryon Short, and State Representative James Johnson. Senator Henry asked if the two governmental entities could allocate money to the Port of Wilmington.

Secretary Bullock responded that it would be best to not allocate funds to the port directly, as it is a state entity and would undergo review of state laws.

Secretary Cook stated that Secretary Bullock has outlined a process that could be expedited and the funds appropriated could be spent on an environmental assessment without allocating the

funds to the Port of Wilmington. Concurrently, the state can analyze the environmental aspect of the projects and the processes can converge together to produce a bankable document.

William Ashe, President of the International Longshoreman's Association 1694, agreed with Secretary Cook and Secretary Bullock on simultaneously proceeding between governments, so as to not hinder opportunities.

Secretary Bullock reiterated that the goal is to expedite the process and to be efficient, while also being careful and transparent with any proceedings. He recognized the importance of addressing any issues with investors and appropriators of funding, and that processes must align in the best interest of the state.

Senator Henry stated that legal issues may need to be addressed, so that city and county governments can allocate the funds appropriately.

William Ashe stated that the city and county governments would put the money forth into a grant and the funds would not go to a single private entity.

Kimoko Harris, Business Agent for the Longshoreman's Association Local 1883, stated that there was a meeting on November 4th to discuss any issues and the legal parameters of the grant process.

Senator Henry emphasized the importance of avoiding any harmful procedures. She stated that establishing a grant opportunity may be the best process.

Kimoko Harris discussed the importance of reacting to the needs of the market, due to the competitiveness of the industry. He stated that the RiverEdge site is advanced in the process because of feasibility studies and other documentation in existence. He emphasized the importance of having three terminals in Delaware at New Castle, Wilmington, and Claymont, with the Delaware State Port Authority overseeing projects and jurisdiction, similar to regional states.

Representative Potter was encouraged with the previous meetings between different stakeholders to ensure expansion opportunities remain intact. He asked Karen Lantz to examine the legal perspectives of the city and county governments' decision, to ensure all aspects of the future plans are analyzed appropriately.

Senator Henry reiterated the importance of ensuring all future proceedings remain legal. She opened the floor to task force members and for public comment. No task force members presented further comment, as they were in agreement with the current process.

Senator Henry asked Gene Bailey, Director of the Diamond State Port Corporation, if he had any issues with the outlined proceedings.

Gene Bailey stated that he has no concerns with the process being proposed by the task force.

Senator Henry opened the floor for public comment to discuss the conducting of a feasibility study and concurrently using city and county funds for grant opportunities to hire consultants to conduct an environmental assessment for the RiverEdge site.

Martha Denison, Executive Board Officer of RC Local 81, encouraged the task force to seek comment from the City of New Castle, so as to ensure all aspects of the project are reviewed appropriately.

William Ashe explained that he has met with the Mayor, City Planner, and City Solicitor of the City of New Castle. He stated that they were in support of potential projects, but that he could not speak on behalf of them entirely.

Representative Potter asked if the City of New Castle officials expressed any concerns with the expansion projects.

William Ashe responded that there were no initial concerns, but they had questions about the operation of cranes and whether they would be diesel or electric.

Representative James Johnson, who represents the City of New Castle, stated that those in authority have been positive about the project. He also emphasized the importance of the City of New Castle location and river access, as well as the pier project currently underway for recreational boating.

Senator Henry thanked Representative Johnson for providing input on the City of New Castle, and asked Secretary Bullock to discuss the path forward.

Secretary Bullock stated that if proceedings continue as planned, then a contract should be signed and the legal aspects can be finalized. He emphasized that certain elements of the project will be faster than others, including the RiverEdge site. Over the course of the next month, the consultants will interview stakeholders and conduct work toward the study. He detailed that there is a 20-week timeline in place, and there will be interim updates provided to the task force.

Representative Potter asked if the Port of Wilmington is planning to build a new warehouse.

Secretary Bullock stated that a new warehouse is not being built.

Gene Bailey stated that Berth's 5 and 6 are being replaced.

Representative Potter acknowledged New Castle County Councilman, Penrose Hollins.

Senator Henry asked if Councilman Penrose Hollins could provide any updates on the county's progress.

Councilman Penrose Hollins highlighted that the New Castle County Council passed an ordinance for \$150,000 to be provided for an assessment of the RiverEdge site, and hopes the

City of Wilmington will allocate another \$150,000. He expressed his support for the potential of the projects and an environmental assessment.

Senator Henry informed Councilman Penrose Hollins of the previous discussions regarding the financial processes, stating that it may be most suitable to continue with a grant system that is paid separately, rather than providing the money directly to the port.

Councilman Hollins stated that one of his colleagues amended the legislation, so that the funds were to be used specifically for the RiverEdge location.

Senator Henry stated the importance of having the funds go toward a grant process rather than directly to the port board.

Secretary Cook stated that holding multiple meetings in the near future may not be necessary, given the work that must be conducted for the strategic plan.

Representative Potter stated that there can be a draft of preliminary accomplishments and a path forward for the task force in place to provide updates to the members and the public.

Senator Henry stated that it may be necessary to stop meeting until more progress is reported from the various stakeholders. She explained that additional updates to the task force timeframe may occur, which may require amending legislation when the Delaware General Assembly returns in January.

William Ashe motioned to meet in January rather than December, so as to provide additional time to conduct and analyze findings. The motion was seconded by Mike Evanko. The motion was unanimously approved by a voice vote.

Senator Henry explained that the motion was necessary for further proceedings; however, the co-chairs may contact the task force members and public for a future meeting if any issues arise. She stated that she will work with Representative Potter to meet and discuss the grant process with the City of Wilmington and New Castle County governments, as well as advise the attorneys to continue analyzing any legal aspects of the projects and task force proceedings.

Ruth Baker of the public highlighted the importance of the public's attendance and involvement in future city and county meetings.

Senator Henry reiterated Ms. Baker's sentiments and emphasized the need for community support and involvement in the process to ensure future progress. She thanked the community for their involvement in the task force proceedings thus far.

Rosemary Carroll of the Delaware Maritime Education Task Force emphasized the need to improve the quality of maritime education for the younger workforce, as the average mariner is over the age of 50. She stated that there is a need for maritime training in high schools and community colleges, as well as potential internships and apprenticeships in the region. She

highlighted the importance of the maritime industry and stated that Delaware needs to be at the forefront with the large regional impact of the industry.

Senator Henry supported Ms. Carroll's comments and shared information about Delaware Technical and Community College's programs to support industry and training future work forces.

Rosemary Carroll discussed the critical need for training and educational programs, and asked for the task force to examine any opportunities for growth.

Senator Henry highlighted the economic development opportunities for the young workforce, if they are able to obtain employment in the maritime industry. She also highlighted the importance of working with the Port of Wilmington, City of Wilmington, and New Castle County Government to move forward, while also expediting efforts at the RiverEdge site.

Senator Henry adjourned the Port of Wilmington Expansion Task Force meeting at 10:52 a.m.

Port of Wilmington Expansion Task Force

Tuesday, March 29, 2016
10:00 a.m. – 12:00 p.m.
3rd Floor Conference Room
Carvel State Building
820 N. French Street
Wilmington, Delaware 19801

Meeting Attendees:

Task Force Members:

Present:

Representative Charles Potter, Jr.
State Senator Margaret Rose Henry
State Senator Catherine Cloutier
Secretary Jeffrey Bullock
Secretary Edwin Kee
Secretary Gilliam-Johnson
Secretary Jennifer Cohan
Director Bernice Whaley
Secretary David Small
Peter Hartranft
William Ashe
Paul Cutler
Kimono Harris
John Coulahan
Mike Evanko
Gene Bailey

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mevanko@portcontractors.com
gbailey@port.state.de.us

Absent:

State Representative Kevin Hensley
Secretary Thomas J. Cook
Rick Ryan
Trevor Knight
Jose Gonzales
Paul Thornburg

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Public:

Attendees:

State Senator Colin Bonini
Rob Keesler
Patrick Jackson
Councilman Darius Brown
Councilman Penrose Hollins
Albert Shields
Peggy Schultz
Ruth Baker
John Goodridge
Michael Barnes
Pat Cooke
John Kennedy
Sandra Smithers
John Flaherty
Tim Gunner
Darrell Baker
Guy Marcozzi
Raymond Camardi
Len McCartney
Matt Meyer
Caren Turn
Karen Hartley-Nagle
Stephen Adu
Raymond Heinzelmann
Muhammad Salaam
Melvin Phillips
Pamela Stigars Thomas
Brandi Waters

Organization:

Delaware State Senate
Legislative Assistant/Senator Cloutier
Legislative Assistant/Senator Marshall
Wilmington City Council
New Castle County Council
U.S. Representative John Carney
League of Women Voters of Delaware
LAPA
ILA Local 1694-1
ILA Local 1694-1
ILA
USDOT/MARAD
Route 9 Blueprint Commission
DE Coalition for Open Government
AECOM
Attorney
Duffield Associates
Paul F Richardson Associates, Inc.
Teamsters Local 326
Public
Public
Public
Diamond State Port Corporation
Gahagan & Bryant Associates, Inc.
Community Intervention Task Force
Coalition of Black Trade Unionists (CBTU)
Institute of Hair Design
Institute of Hair Design

Co-Chair of the Port of Wilmington Expansion Task Force, State Representative Charles Potter, Jr., called the meeting to order at 10:06 a.m. He thanked the task force members and the public for attending the meeting, and asked each individual present to provide a brief introduction with their name, title, and organization.

Representative Potter asked if there were any alterations to the meeting minutes presented to the task force members. Co-Chair of the Port of Wilmington Expansion Task Force, State Senator Margaret Rose Henry, motioned to approve the meeting minutes from the November 4, 2015 meeting. The meeting minutes were unanimously approved by a voice vote and are officially on public record.

Representative Potter asked Gene Bailey, Executive Director of the Diamond State Port Corporation, to provide a Port of Wilmington capital improvements update.

Gene Bailey stated that Berth's 5 and 5.5 are currently under construction, and should be complete by the middle of the summer. Furthermore, he stated Berth 6 will be completed shortly after the current phase. He expressed his appreciation for receiving funding for the projects, with \$10 million coming from the TIGER Grant Program and additional funding from the infrastructure fund.

In addition to the current berth projects, Gene Bailey mentioned that two container cranes are projected to arrive in December 2016. Furthermore, Berths 1, 2, and 3 are undergoing a re-decking operation, which adds a new face to the berths, as well as pile repairs on the berths. Concurrent with these projects, the Port of Wilmington is creating new tie downs for additional support underneath the cranes.

Gene Bailey explained that the remediation of LaFarge stockpile is underway, as is an upgrade to the sprinkling system in all of the warehouses. The first warehouse project will take place at the paper warehouse, which will be a 6-month project over the summer.

Gene Bailey expressed his thanks to the State of Delaware for their financial assistance to the Port of Wilmington. In Governor Markell's budget, the Port of Wilmington will receive \$15.8 million, which they will allocate toward tenant improvements, new cranes, flood abatement, roof replacements, sprinkler system upgrades, and new facility improvement projects for existing tenants.

Representative Potter asked when the cranes will be arriving and operational at the Port of Wilmington.

Gene Bailey responded that the new cranes are scheduled to arrive in September and October of this year and will arrive in parts, and then constructed onsite. The Port of Wilmington has been ensured by the contractor that they will be ready on the rails by December and will then be activated by December 2016 or January 2017.

Senator Henry asked if the renovations have caused the Port of Wilmington to adjust their schedule.

Gene Bailey stated that the Port of Wilmington has been able to accommodate various entities; however, there have been difficulties to accommodate all of the vessels.

Representative Potter recognized the new Secretary of Labor, Patrice Gilliam-Johnson, who was in attendance. He also acknowledged the ongoing efforts of the City of Wilmington, New Castle County and the State of Delaware for appropriating funds for the various studies. He introduced Tim Gunner, Project Delivery Leader for AECOM, to provide an update on the strategic master plan.

Tim Gunner stated that the efforts of AECOM began in November 2015 with an aggressive schedule and timeline to complete the master plan at the end of April 2016. He was pleased to report that the AECOM team is on target to complete the strategic master plan.

Initially, the AECOM team met with existing tenants, customers and stakeholders to determine the operational requirements and constraints of the existing facility. He stated that there were various areas that could be utilized better, including Berths 1 through 3 where a majority of activity takes place (Dole, Chiquita, bulk, and other refrigerated cargo).

He stated that with the two new cranes, the Port of Wilmington can accommodate an additional container user and new calls by Dole and Chiquita; however, it will be difficult to handle further organic growth after this process. He explained that the backland is operating at-capacity for existing users, especially Dole and Chiquita. AECOM is currently examining whether the crane rails can be extended or if utilization can improve along the Christina and Delaware Rivers.

Tim Gunner presented a market demand forecast to see examine the demand for various commodities moving through the Port of Wilmington. He stated that there is a positive outlook for the next five years with volume gains in the 4 percent to 8 percent range, annually. The keys to upbeat short term performance are the diversity of cargoes being handled and the opportunity to serve expanded trades with a new container service. He concluded his discussion of the market demand forecast by stating the longer term volume gains will be modest and limited to 2 percent yearly, due to the changing demographics and consumer behaviors.

In addition to the market demand forecast, Tim Gunner stated that AECOM has been analyzing potential expansion sites, which include the existing Port of Wilmington and Wilmington Harbor South. He explained that there is the potential to add and relocate berths, as well as the potential to alter current operations, gate capacities, and the Wilmington Harbor dredge disposal site. Concurrently, additional potential expansion sites may include the First State Crossing in Claymont, the RiverEdge site, and the former Chemours plant location in Edgemoor, which was recently put on the market.

Tim Gunner stated that the team at AECOM is conducting a cost/benefit evaluation of the various expansion alternatives, which includes the cost to maintain the existing Port of Wilmington in a state of good repair; the cost for expansion site land, development, construction, permitting, and mitigation; the capacity improvements and benefits for the berths and backland; and the economic benefits from the expansion alternatives – jobs, revenue, and timeframe.

Between the meeting and April 30th, Tim Gunner revealed that AECOM is scheduled to complete the cost/benefit analysis of each expansion alternative, present the key findings and analysis, develop a 5-year capital improvement plan to support the strategic development of the Port of Wilmington, and complete the 20-year strategic master plan.

Representative Potter asked if Delaware and the Port of Wilmington have a competitive advantage and shorter timetable over New Jersey and Pennsylvania ports.

Tim Gunner stated that AECOM is examining the competitive nature of the rivers and the timeframes and is aware of the pressure and urgency to complete the projects.

Senator Henry reiterated that the Port of Wilmington Expansion Task Force should plan to schedule another meeting after the completion of the strategic plan to examine the findings and discuss potential solutions.

Representative Potter asked if the International Longshoreman's Association (ILA) has been involved in the stakeholder meetings.

Tim Gunner responded that the ILA was involved with prior stakeholder meetings to understand and discuss any issues or concerns they may have with expansion efforts.

State Senator Catherine Cloutier stated that the announcement of the Claymont Train Station being moved may cause an issue with potential plans and asked Tim Gunner to provide insight as to whether the strategic plan will be impacted.

Tim Gunner clarified that AECOM will take the recent announcement of the Claymont Train Station's plan into consideration and will examine the sites advantages and disadvantages prior to providing further details.

Senator Cloutier clarified that the residential growth near the Claymont area may not be conducive to the strategic plan and asked Tim Gunner to take this into consideration.

Wilmington City Councilman, Darius Brown, asked if there was a preliminary recommendation for Port growth as it pertains to the Christina and Delaware Rivers.

Tim Gunner stated that there are different types of growth for both locations; however, most commodities do not require deep water. If improvements are made at the Christina River, then there is the potential for growth and progress. He clarified that AECOM is examining the scenarios at both of the rivers, as well as the berth capacities.

William Ashe, President of the International Longshoreman's Association 1694, asked about the status of the Port of Wilmington capacity if it obtained the small container vessel line.

Tim Gunner stated that the growth would be near end and at full capacity.

William Ashe responded by stating that this would tell the shipping industry that the Port's capacity wouldn't allow for additional cargo.

Tim Gunner reiterated that it would mean full capacity; however, there is the possibility for an incremental increase in railroad capacity.

William Ashe asked if the railroad tracks at the Edgemoor site would be on the wrong side for future expansion opportunities. He cited a recent visit with Kimoko Harris, a member of the task force, where they realized that the railroad tracks would be on the wrong side for shipments.

Tim Gunner stated that William Ashe is correct that it would be on the wrong side of the Amtrak lines, as are all of the locations along the Delaware River. He emphasized that the objective would be to get to the CSX tracks or Boxwood to see how to connect to any of the sites.

William Ashe stated that the tracks are not on the wrong side at the RiverEdge site, as Norfolk Southern and CSX pass through the area daily because there is no Amtrak train going through the location.

Tim Gunner stated that there would still be the need to go under the northeast corridor to get to a site like Boxwood and to the CSX line.

William Ashe clarified that he would like to see every option possible; however, the day he examined the site, he noticed that the Amtrak train may be a serious barrier.

Pat Cooke asked if there was a cost factor associated with correcting the issue in Edgemoor.

Tim Gunner stated that AECOM is examining the cost factor associated with connecting to the other side of the tracks at the Boxwood facility now.

Pat Cooke responded that it is important to understand the cost associated to weigh the financial benefit and eliminate decisions.

Tim Gunner reiterated that AECOM is examining each site and producing a cost/benefit analysis.

Representative Potter reminded attendees that the strategic plan would be complete by the end of April so that a complete analysis can be discussed.

Ruth Baker of LAPA explained that she understands the issue of cost factors; however, stated that the economic benefits are needed for long-term improvements. She emphasized the issues going on in the community that are detrimental to Delaware and is troubled by the continuing delay of potential jobs at the RiverEdge site. She discussed her concerns with potential political motives associated with the decision making process, and asks all involved to strongly consider the potential of jobs when evaluating the study.

Representative Potter responded that the Port of Wilmington expansion is the largest economic development opportunity that could bring jobs to Delaware, and the task force and all involved will move quickly to consider all potential solutions. He asked Tim Gunner if the strategic plan is associated with the environmental assessment being conducted.

Tim Gunner stated that the strategic plan will consider environmental implications of the expansion opportunities, including issues like mitigation and the footprint.

Representative Potter emphasized the importance of protecting Delaware's competitive edge and ensuring that this process doesn't take longer than needed.

Senator Henry reminded attendees that the Paul F. Richardson Associates, Inc. (PFRA) presentation will highlight the RiverEdge Container Terminal Project to have a comprehensive overview of potential solutions.

Representative Potter asked DNREC Secretary David Small to discuss the implications of the expansion opportunities as it pertains to the Delaware Coastal Zone Act following the PFRA presentation. Representative Potter also recognized State Senator Colin Bonini and New Castle County Councilman Penrose Hollins, who were in attendance.

Edward Zimny, Maritime Consultant for Paul F. Richardson Associates, Inc. (PFRA), stated that the RiverEdge Container Terminal Project is running parallel to the study being conducted by AECOM; however, is still separate.

He stated that over the last several months, PFRA and a team of professionals have been engaged in moving the RiverEdge Container Terminal Project forward and is under review as part of the Diamond State Port Corporation's strategic master plan. He explained that PFRA and a designated team of professionals have been engaged by the City of Wilmington and New Castle County to conduct an environmental assessment and project prospectus to be used primarily with private investors interested in the project.

He highlighted that the RiverEdge Container Terminal Project is proposed for a privately owned vacant parcel of land immediately south of the Delaware Memorial Bridge. He stated that an important component to the project is the ability to readily interface with the GM Boxwood Facility, which is envisioned as a future "Logistics Park" and could work with both the RiverEdge facility and existing Port of Wilmington.

He explained that the RiverEdge Container Terminal Project is a state-of-the-art container facility and is about 4 times larger in volume than the current Port. The RiverEdge site is a "clean canvas" that is sought after by investors and is designed as an alternative gateway. Concurrently, he stated that the investors will be attracted to the area because the GM Boxwood and the RiverEdge site are ideally situated to capitalize on current and future freight movements.

He stated that PFRA has engaged in dialogue with the investor community regarding potential opportunities over the last several weeks and is commencing with certain interested parties in a "formal due diligence" exercise regarding the RiverEdge and GM Boxwood sites. While there are no guarantees, he said that this can be viewed as a positive step and an endorsement of the overall concept. He clarified that the endorsement comes from Tier 1 investors, which is a strong sign.

He continued to state that the plan for the public/private partnership (P3) would include private developers funding the development, construction and subsequent operation of the facility. Furthermore, the land portion would eventually be ceded to a public agency so that the project can gain federal recognition, with assistance from the Army Corps of Engineers. Lastly, a long-term concession agreement would be granted.

He stated that investment capital for the project is not an issue, as the ILA has committed to reviewing the mechanism by which they can invest upwards of \$100 million of their funds toward project funding. He clarified that such discussions have been underway for several weeks and will be incorporated into the due diligence process and that such an investment would allow for a competitive advantage with the support of a labor organization.

He emphasized the importance of full stakeholder alignment and speed-to-market for the private investor, with the required regulatory and permitting process at the center of the decision. The regulatory and permitting process is followed by a determination of how the private enterprise will interface with public organizations and assets which may be in Delaware now and in the near future.

He continued by emphasizing the importance of related space in Delaware, with the top priority being roads and infrastructure. He discussed examples of New Jersey and New York making the necessary investments to improve the interface and establish the public's obligation to private enterprise.

He concluded by highlighting the importance of a timely discussion and manner in which a decision is reached, with many stakeholders awaiting the findings of the strategic master plan. He explained that the plan will serve as a baseline assessment for potential investors and will impact the course of the RiverEdge Container Terminal Project. Furthermore, the next steps for the RiverEdge site will be to advance with private investors to determine the speed to market, competitive landscape, the public obligations associated with a P3, and other stakeholder relationships integral to a successful enterprise. He finalized his statements by saying that the timing and willingness of stakeholder parties will determine the economic impact of the region.

Senator Henry thanked Edward Zimny for discussing the RiverEdge project and mentioned the importance of hearing all potential opportunities. She stated that she looks forward to cooperating with all entities involved, highlighting the importance of having so many state agencies represented on the task force.

Representative Potter reiterated that the task force should be voting at the next meeting on the next steps for the Port of Wilmington.

Senator Henry added that the task force is not discussing about expanding solely at the Port of Wilmington, but is considering all expansion opportunities.

Representative Potter asked Edward Zimny about the basis of the clean envelope discussed for the RiverEdge site.

Edward Zimny clarified that the clean envelope is strictly from an operational standpoint and offers a clean slate. He stated that an important requirement is where the site is relative to the shoreline and that the dredging requirements for the project and existing Port is complimentary, and these measurements are being conducted now. The cleanliness is operational and appeals to the investors of the project.

Mike Evanko, President of the Port Contractors, Inc., asked what the expected return on investment would be for the \$650 million RiverEdge project.

Edward Zimny stated that the project is aligned with infrastructure investors and that certain private equity firms may want a 5 to 7 year return, while another organization with a pension fund may want a rate of return of 30 years.

Mike Evanko asked if the rate of return would be anywhere from 6 to 7 percent.

Edward Zimny responded that the rate of return would be lower.

Representative Potter asked how Delaware's timeline compares to that of competitive states in the region.

Edward Zimny stated that Pennsylvania is running into issues. With Delaware's location being centralized, there is the chance that the state could double capacity if New Jersey or New York ports lose investors or business.

Representative Potter asked what would be the case if New Jersey and New York were hypothetically ahead next year and Delaware didn't make improvements.

Edward Zimny stated that Delaware would be behind and it wouldn't be an easy process to fix with surrounding competitors. He clarified that Delaware's position is on the right side of the bridge and has the lowest labor cost on the East Coast.

William Ashe argued that Delaware's economy would be harshly impacted without action in the next year. He stated that it is time for Delaware to invest in new technologies and continue to move forward.

DNREC Secretary David Small stated that several meetings ago, the Federal Highway Administration discussed P3 opportunities. He asked if the framework would still include federal money.

Edward Zimny stated that the regulatory process includes the federal government, but the capital investments would be private funds.

Ruth Baker thanked Senator Henry for her report and emphasized the importance of total collaboration with the community.

John Kennedy of the Maritime Administration stated that MARAD looks forward to working with the Port of Wilmington with permitting, streamlining and financing efforts, if needed.

Secretary David Small of DNREC stated that the Port of Wilmington is currently exempt to the Coastal Zone Act by law. Furthermore, there was an amendment that added the definition of bulk product transfer. He stated that an argument could be made that a container port that doesn't handle bulk products may be exempt, but is a legal question worth further examination. He stated

that the regulations included in the 1990's also included maps of the footprints of the non-conforming pre-existing uses that were in operation in 1972 when the Coastal Zone Act was adopted. The footprint includes the Pigeon Point area, which has been discussed in the past for potential expansion. He emphasized that the challenge may be bulk products and there may be an exemption under the act.

Representative Potter asked Secretary Small to obtain a legal opinion in regards to potential exemptions under the Coastal Zone Act.

Secretary Small stated that he would have to contact the Department of Justice to obtain a formal opinion.

Senator Henry stated that there has been significant progress over the past several months and is encouraged by the reports.

Representative Potter reiterated that all task force members understand the importance of economic opportunity and job growth in Delaware and should continue to strive for further opportunities.

Peggy Schultz of the League of Women Voters of Delaware asked if there were any federal issues in regards to the environment.

Secretary Small stated that there may be questions in regards to dredge spoil material and where it goes. He stated that the Army Corps is in the permitting position for dredging and the disposition of spoil. He also highlighted the potential for mitigation to offset impacts in subaqueous lands or wetlands as part of the proposal.

Representative Potter discussed the importance of protecting the environment while also ensuring that future job opportunities are available for Delawareans.

Patrick Jackson, Legislative Assistant for Senator Robert Marshall, asked if the environmental issues pertain to the Army Corps over the Environmental Protection Agency (EPA).

Secretary Small stated that there have been previous discussions in regards to onshore potential contamination. There is currently working going on at the Claymont site. DNREC would work with the potential developer in regards to due diligence and contamination at the site. He stated that he is not aware of contamination at the RiverEdge site; however, there will need to be more sampling at the site to confirm his statement. He also stated that the issues are more state than federal in regards to EPA involvement.

John Kennedy of the Maritime Administration stated that various agencies are available to help with the processes at hand.

Kimoko Harris, Business Agent for the Longshoremen's Association Local 1883 – Clerks and Checkers, argued that action must occur to help the thousands of Delawareans who have lost their jobs and have had their homes foreclosed.

Representative Potter stated that he understands the concerns expressed by all task force members and the public and thanked everyone for attending the task force meeting.

Representative Potter adjourned the Port of Wilmington Expansion Task Force meeting at 11:38 a.m.

Minutes prepared by Geoff Heath – Legislative Assistant
Minutes reviewed by Rylene M. Harper – Legislative Assistant & Task Force Staffer

Port of Wilmington Expansion Task Force

Monday, May 23, 2016
10:00 a.m. – 12:00 p.m.
Auditorium, Mezzanine Level
Carvel State Building
820 N. French Street
Wilmington, Delaware 19801

Meeting Attendees:

Task Force Members:

Present:

Representative Charles Potter, Jr.
State Senator Margaret Rose Henry
Secretary Jeffrey Bullock
Secretary Thomas J. Cook
Rick Ryan
Trevor Knight
Jose Gonzales
John Coulahan
Kimoko Harris
Gene Bailey
Paul Thornburg

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Absent:

State Senator Catherine Cloutier
State Representative Kevin Hensley
Secretary Edwin Kee
Secretary Gilliam-Johnson
Secretary Jennifer Cohan
Director Bernice Whaley
Secretary David Small
Mike Evanko
William Ashe
Paul Cutler
Peter Hartranft

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Public:

Attendees:

County Executive Thomas Gordon
State Representative Paul Baumbach
Councilman Penrose Hollins
Council President Theopalis Gregory
Councilman Darius Brown
Councilwoman Sherry Dorsey Walker
Councilwoman Hanifa Shabazz
Albert Shields
Drew Volturo
Sam Lukoff
Guy Marcozzi
Kim Gomes
Bobby Byrd
Tim Gunner
Vijay Agrawal
Raymond Camardi
Nick DiBuo
Raymond Heinzelmann
Samuel Guy
John Flaherty
Peggy Schultz
Xerxes Wilson
Lamar Gunn
Stephen Adu
Cpt. Delwar Hossain
Dwight Davis
Muhammad Salaam
Sandra Smithers
John Reese
James Maravelias
Faith Morris
John Blyde
R. DiClementi
Mel Phillips
Bobby Fassett
Lenny Church
Dinah Russ
P. Robb
Ronna Riley
Nina Taylor
Benjamin King
David Johnson
Shakeena Rodriguez
Tanya Williamson
Rayschel Dorsey

Organization:

New Castle County Government
Delaware House of Representatives
New Castle County Council
Wilmington City Council
Wilmington City Council
Wilmington City Council
Wilmington City Council
U.S. Representative John Carney
Delaware House of Representatives
City of Wilmington
Duffield Associates
The Byrd Group
The Byrd Group
AECOM
AECOM
Paul F Richardson Associates, Inc.
State Representative Charles Potter, Jr.
Gahagan & Bryant Associates, Inc.
New Castle County Government
DE Coalition for Open Government
League of Women Voters of Delaware
The News Journal
NAACP
Diamond State Port Corporation
CSL/AWMI Group
Motivational Center, Inc.
Community Intervention Task Force
Route 9 Blueprint Commission
PCI
AFL-CIO
AFSCME/AFL-CIO
Local 55
LEROF
CBTU/UAW
UAW
CBTU/LAPA
AFSCME 1102
ILA Local 1694-1
TABS LLC
TABS LLC

Brad Barrie	LU 199
Ruth Baker	LAPA
Mike Purzycki	Public
Sean Hammond	Public
Velda Jones-Potter	Public
Mark Williams	Public
Waynna Dobson	Public
Matt Meyer	Public
James Toppin	Public
Mo Page	Public
Tom Evans	Public
Sean Barney	Public
M. Booker	Public
Nate Hoke	Public
Karen Hartley-Nagle	Public
Kathy McGuiness	Public
Angela Harris	Public
J. Cephas	Public
Larry Smiter	Public

Co-Chair of the Port of Wilmington Expansion Task Force, State Representative Charles Potter, Jr., called the meeting to order at 10:11 a.m. He thanked the task force members and the public for attending the meeting, and took the roll for those in attendance.

Representative Potter acknowledged several individuals in attendance, including County Executive Tom Gordon, City Council President Theo Gregory, City Councilwoman Sherry Dorsey Walker, State Representative Paul Baumbach, and Velda Jones-Potter.

Representative Potter asked if there were any alterations to the meeting minutes presented to the task force members. Co-Chair of the Port of Wilmington Expansion Task Force, State Senator Margaret Rose Henry, asked for a motion to approve the meeting minutes from the March 29, 2016 meeting. Secretary of State, Jeffrey Bullock, motioned to approve the minutes. The motion was seconded by Secretary of Finance, Thomas Cook. The meeting minutes were unanimously approved by a voice vote and are officially on public record.

Representative Potter asked Tim Gunner, Project Delivery Leader for AECOM, to provide an update on the strategic master plan.

Tim Gunner stated that the efforts of AECOM began in November 2015 with an aggressive schedule and that the presentation he was outlining was the same given recently to the Diamond State Port Corporation. The Strategic Master Plan presented to the Diamond State Port Corporation was prepared by AECOM, R.K. Johns & Associates, Remline, Duffield Associates, and Paul F. Richardson Associates.

Tim Gunner discussed two different objectives for the strategic master plan to guide the Diamond State Port Corporation to its desired pattern of growth and development. The first scenario outlined the optimization of the existing Port footprint, sustain and grow existing cargo, and focus on the use of the Pigeon Point Site. The second scenario outlined by AECOM examined alternative sites along the Delaware River and what each site offered.

Tim Gunner highlighted the history and background of the Port of Wilmington, and mentioned that the current port infrastructure houses seven ship berths for general cargo, one petroleum berth, one floating berth for bulk juice and one multipurpose Auto berth. He stated that there is 800,000 square feet of cold storage in 6 warehouses and 250,000 square dry warehouse spaces with covered rail service on 308 acres at the confluence of the Christina and Delaware Rivers.

In Fiscal Year 2015, the Port of Wilmington handled 435 vessels and 6.8 million tons of cargo, serving as a national leader in key import and export commodities, according to their information. Tim Gunner stated that the economic impact of the Port of Wilmington is vast, with 5,600 family sustaining regional jobs, \$417 million annual business revenue, \$391 million annual personal income, and \$39 million regional annual tax revenue in 2015.

Since November 2015, AECOM has established a process to arrive at the recommended strategy, which included: stakeholder interviews; an open house; site visits and identification of key opportunities and constraints; an analysis of capacity; the development of solutions to address key opportunities and constraints; a market assessment; a process to define alternatives to match market demand; a financial analysis; and a comparison of alternative sites.

Tim Gunner presented a market demand review, which was conducted by R.K. Johns & Associates, that highlights a 75 percent growth in 5 years. He noted that exports have been growing faster than imports and that the Port of Wilmington primarily serves as an import destination. Over the next 5 to 10 years, there should be 4.8 percent growth for the Port of Wilmington. He noted that the stagnation of population growth has an impact on the market demand.

Tim Gunner discussed the first scenario that examines the existing Port footprint. The opportunities available include the location along the Delaware River, the Pigeon Point Landfill site use, and the availability of Wilmington Harbor South. Concurrently, there were various constraints associated with the scenario, which include the existing main gate congestion, rail crossings, aging cold storage warehouses, low utilization and material condition of floating berth, the limited use of Berth 7, petroleum berth siltation, the lack of a double stack rail, limited Port land for expansion, and the depth of the Christina River Channel and Berth.

Tim Gunner presented Alternative 1, which focuses on the state of good repair and commitments to existing customers that would cost \$181 million, with \$138 million unfunded. The alternative focused on expansion opportunities at the internal gate, site improvements, and maintenance building relocation, as well as cold storage warehouse reconstruction and a new main gate.

Furthermore, Tim Gunner discussed Alternative 1A, which focuses on the extension of a berth and crane rail through the floating Berth, as well as an upland 10 acre multi-purpose storage and construction of a RO-RO storage lot at Pigeon Point. Alternative 1A would cost \$144 million.

Tim Gunner presented the second scenario, which focused on additional market for development of a new terminal on Delaware River. Alternative 2 focuses on the Wilmington Harbor South Site, with Alternative 2B examining Wilmington Harbor South (River) and Alternative 2C outlining Wilmington Harbor South (Land) to capture additional demand. The analysis' for each alternative outlined land use and acquisition challenges, environmental permitting processes, legislative action, dredge management, time to implement including construction, expansion opportunities, operation, rail access, operational impact to existing customers and highway access.

The challenge faced by AECOM when examining the sites pertained to the broad assumptions made about the soil at each site, according to Tim Gunner. Alternative 2B at the Wilmington Harbor Site area would be the most expensive site due to pile issues. An additional issue that would have to be addressed is rail access and access for existing customers, due to potential congestion problems. Due to the expenses, AECOM examined a scenario that would pull the berths inland, where the cost would decrease but the dredging process would increase. Both Alternative 2B and 2C would take approximately 5 to 6 years and includes an environmental assessment, surcharging the existing facility, and finding an additional dredge disposal site.

Tim Gunner highlighted Alternative 3, which examines the RiverEdge site to capture additional demand. The RiverEdge alternative would require legislative action for the federalization of the channel, as well as a NEPA Environmental Impact Statement (EIS) for federal (USACE) permit issuance. The location would require heavy dredging and the process would take over 7 years to complete.

Tim Gunner also discussed Alternative 4, which examined the Edgemoor site for sale. This alternative, which would require moderate dredge load and a NEPA EA for federal (USACE) permit issuance, would be the quickest option at 4 years or longer.

Tim Gunner presented the comparison of cost estimates for the alternatives sites, with Alternative 2B (Wilmington Harbor South River) at \$1 billion, Alternative 2C (Wilmington Harbor South Land) at \$493 million, Alternative 3 (RiverEdge) at \$882 million, and Alternative 4 (Edgemoor) at \$490 million. For a similar facility at RiverEdge, Paul F. Richardson Associates provided an estimate of \$645 million, which differs from AECOM's recommendation.

In addition, the strategic plan recommends the full or partial takeover of Wilmington Harbor South for future expansion opportunities. The lands are federally owned and actively utilized by the USACE and an alternative dredge material management site must be online for USACE to consider. AECOM also recommends double-stack rail options, highlighting that CSXT double-stack will be cleared to Philadelphia in 5 to 10 years. Norfolk Southern will be a challenge on Amtrak's Northeast Corridor and will require additional evaluation.

Tim Gunner discussed the key findings and recommendations of the strategic plan, noting that the Port of Wilmington will be near capacity in near future. The plan recommends \$138 million of unfunded capital improvements that will be necessary over 5 to 10 years to bring in the facility into a state of good repair and meet current commitments. The plan also recommends \$145 million to increase the capacity of the Port to meet base demand. Tim Gunner stated that Wilmington Harbor South Dredge Material Management Site is an asset that should be secured for future Port expansion opportunities.

Representative Potter acknowledged Edward Zimny, Maritime Consultant for Paul F. Richardson Associates, Inc. (PFRA), to provide a briefing to the Port of Wilmington Expansion Task Force regarding the RiverEdge Container Terminal Project.

Edward Zimny stated that Paul F. Richardson Associates, Inc. assisted in the development of the Strategic Master Plan provided to the Diamond State Port Corporation. He stated that the master plan confirmed that the current port configuration has capacity restraints and that there is the need to consider alternative new sites along the Delaware River.

Edward Zimny highlighted the need to focus on the Delaware River with current dredging projects and outlined the scenarios to help guide stakeholders in their decision process. He stated that the Diamond State Port Corporation acknowledged two critical items: the need to move ahead on finding an alternative site for Dredge Management Material Plan (DMMP) that now takes place at Wilmington Harbor South, and that the State of Delaware and stakeholders are likely to have to partner with private investment to expand with any one or more of the alternatives discussed by Tim Gunner of AECOM.

Edward Zimny outlined the options presented by PFRA, including Wilmington Harbor South's strategic options for the State of Delaware's future. In addition, he stated that Edgemoor has the potential to serve as a moderate container site and is an option worth considering. He also highlighted the RiverEdge site, which could serve as a clean canvas and a state-of-the-art facility desired by the private investor because it creates its own set of options as to design, build and subsequent operation. The RiverEdge site also creates long-term investor opportunities, according to Edward Zimny. Concurrently, PFRA highlighted that the GM Boxwood Site can play a very tactical role in both railroad and warehousing capabilities to all future options.

After the completion of assessments and the DSPC master plan findings, PFRA and Edward Zimny highlighted the path forward for the RiverEdge site. In the near future, the State of Delaware should engage in discussions with investors and stakeholders for all project options provide further due diligence and assessments to the investors and review strategic options relative to the master plan. In addition, Edward Zimny stated that a formal stakeholder alignment should occur as should the beginning of the permitting process on Wilmington Harbor South. After the platform is established that embraces public/private partnerships, Edward Zimny highlighted the need for negotiations regarding the transaction.

Concurrently, Edward Zimny discussed the primary issue of an assessment for full stakeholder alignment for the private investor, with the required regulatory and permitting process at the forefront. He noted that a "speed-to-market" determination is essential. Due to the time

constraints, Edward Zimny emphasized the need to start the Wilmington Harbor South and Dredge Management Material Plans, whose planning and permitting processes could cost \$2 million to \$10 million. The State of Delaware should also determine the role of the existing Port facility and the Edgemoor site, and have a clear path forward to engage in the outlined public private partnerships.

Senator Margaret Rose Henry thanked everyone in attendance and the consultants who assisted with the completion of the Diamond State Port Corporation Strategic Master Plan. She asked the members of the public to provide their input ahead of today's final vote.

Kimoko Harris, Business Agent for the Longshoremen's Association Local 1883 – Clerks and Checkers, asked Edward Zimny what qualities about RiverEdge makes it attractive to private investors.

Edward Zimny stated that the RiversEdge site is a clean canvas that can feature the latest technology. Similarly, the property is not burdened by technology from the 1920s.

Representative Potter asked if the additional funding for dredging at the RiverEdge site would be seen as an impediment.

Edward Zimny stated that it is a cost worth examining, but isn't something the private investor would see as an issue.

State Representative Paul Baumbach of Newark asked Tim Gunner to discuss the cost-benefit analysis of the alternatives and potential economic advantages for each.

Tim Gunner of AECOM stated that they tried to examine the same capacities for each alternative. In general, there would be similar economic benefits.

Edward Zimny added that the numbers are similar for all of the scenarios; however, the reality would show differing cost-benefit analysis and would continue to develop with the investor process.

Dwight Davis, President of the Motivational Center, Inc., expressed concerns pertaining to the benefits of the alternatives after the costs were presented. He highlighted the potential for global trade with transpacific trade and qualified work forces in the area.

Tim Gunner responded that AECOM did run a return on investment, which came with a positive return on improvements. He stated that AECOM will continue to examine the return on the various options and will work with the Port of Wilmington in the near future.

Martin Willis, a resident of New Castle, asked if there is the political will and exemptions to proceed with the project as it pertains to the Coastal Zone Act.

Edward Zimny stated that the Coastal Zone Act should not stop the alternatives proposed. He stated that there was a legal review requested at the last Port of Wilmington Expansion Task Force meeting, which will have to be discussed.

Nina Taylor of ILA Local 1694-1 asked about the impact of opening a fully automated port in the area for current laborers.

Edward Zimny stated that the terminal would be semi-automatic with a high use of technology, with the goal of creating family sustaining jobs for the community.

Muhammad Salaam of the Community Intervention Task Force asked the consultants to discuss the cost-analysis issues raised by other attendees and mention findings from previous meetings.

Ruth Baker of LAPA discussed her concerns with potential political motives associated with the decision making process and strategic plan, as well as regional competition that could hinder long-term benefits. She also asked if the public could be made aware of the full master plan that was proposed.

Senator Henry thanked Ruth Baker for her involvement and raising concerns. She said that they will make sure the public is well aware of all plans.

Gene Bailey, Director of the Diamond State Port Corporation, stated that the presentation given to the Board is available online at the Port of Wilmington website.

Lenny Church of CBTU discussed the loss of the Chrysler and GM plant and higher paying jobs. He raised concerns over the need for individuals to have a job with a livable wage, rather than working several jobs.

Sandra Smithers of the Route 9 Blueprint Commission asked for an answer in regards to the private investors interested in the project.

Senator Henry stated that private investors do exist; however, due diligence must occur and their names cannot be disclosed. She stated that they have been asking the same questions proposed by the public.

Lamar Gunn of the Central NAACP asked who chose the line of investors and if additional rail investors would be considered. He also encouraged the City of Wilmington to ensure that the minority population has job opportunities.

Edward Zimny stated that there is interest and that the alignment of stakeholders will involve various interests from the public and private sector.

James Maravelias, President of the Delaware AFL-CIO, asked about Governor Markell's position on the project.

Senator Henry stated that DNREC Secretary David Small was going to obtain a legal opinion

from the Attorney General's office in regards to the Coastal Zone Act. She also stated that Governor Markell is pleased to meet with any investors following the recommendations of the task force.

James Maravelias stated that Governor Markell mentioned in a previous meeting that he did not want to address the Coastal Zone Act this legislative session and asked to move the process forward.

Senator Henry stated that the Legislature does have political capabilities to address the Coastal Zone Act; however, Secretary Small will have a legal opinion prepared in regards to the Coastal Zone Act.

Samuel Guy of New Castle County stated that the process should be fast tracked to ensure that the opportunities at the Port of Wilmington are readily available to ensure Delaware remains viability amongst its competitors.

Representative Potter stated that Delaware should move forward to sustain the Port of Wilmington and expand opportunities to ensure Delawareans have good jobs.

Senator Henry stated that she sees this as an opportunity to expand existing Port actions and pursue future opportunities. She stated that the objective is to vote on one of three options: Edgemoor, RiverEdge, and Wilmington Harbor South. She also stated that the Port of Wilmington Board has the responsibility of expanding and that the task force will vote on the available choices.

Kimoko Harris, Business Agent for the Longshoremen's Association Local 1883 – Clerks and Checkers, stated that there is a difference between the economic impacts of the three locations. He stated that the RiverEdge Container Terminal Project has a greater impact due to terminal at RiverEdge and that the ILA will hire and train employees to work at these facilities.

Senator Henry asked all Port of Wilmington Expansion Task Force members to express their support for a given alternative by rising from their seats.

Senator Henry asked for all in favor of the Edgemoor option proposed in the Strategic Master Plan. The Edgemoor option proposed in the Strategic Master Plan received a Yes=0, No=0, Abstain=11 vote.

Senator Henry asked for all in favor of the RiverEdge option proposed in the Strategic Master Plan. The RiverEdge Container Terminal Project received a Yes=5, No=0, Abstain=6 vote.

Senator Henry asked for all in favor of the Wilmington Harbor South option proposed in the Strategic Master Plan. The Wilmington Harbor South option proposed in the Strategic Master Plan received a Yes=0, No=0, Abstain=11 vote.

Senator Henry stated that the RiverEdge Container Terminal Project alternative received the only votes from the members present. The Port of Wilmington Expansion Task Force recommended the RiverEdge Container Terminal Project in their final vote. Senator Henry reiterated that the final vote does not stop the Port of Wilmington from pursuing future expansions that are planned.

Representative Potter adjourned the Port of Wilmington Expansion Task Force meeting at 12:04 p.m.

Minutes prepared by Geoff Heath – Legislative Assistant
Minutes reviewed by Rylene M. Harper – Legislative Assistant & Task Force Staffer