US Army Corps of Engineers
Baltimore District

MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND PORT ADMINISTRATION

BALTIMORE HARBOR ANCHORAGES AND CHANNELS (BHAC) MODIFICATION OF SEAGIRT LOOP CHANNEL FEASIBILITY STUDY

FINAL INTEGRATED FEASIBILITY REPORT & ENVIRONMENTAL ASSESSMENT

APPENDIX H:

AGENCY AND TRIBAL COORDINATION AND PUBLIC INVOLVEMENT

FEBRUARY 2023

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Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study
Final Integrated Feasibility Report and Environmental Assessment
Appendix H:
Agency and Tribal Coordination and Public Involvement

Note: This appendix includes documentation of agency coordination and public involvement that occurred from the start of the study (September 2020) to the Agency Technical Review (September 2022).

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AGENCY AND TRIBAL COORDINATION AND PUBLIC INVOLVEMENT ACTIVITIES

ORGANIZATION	DATE	ACTIVITY
U.S. Fish and Wildlife Service (USFWS)	December 15, 2020	U.S. Army Corps of Engineers, Baltimore District (USACE) obtained USFWS threatened and endangered species list from the Information for Planning and Consultation (IPaC) tool
National Oceanic and Atmospheric Administration (NOAA) Fisheries Protected Resources Division	January 6, 2021	Emails between USACE and NOAA on the Endangered Species Act (ESA) Section 7 species list for the study area
NOAA Fisheries Habitat and Ecosystem Services Division	January 11, 2021	USACE received NOAA concurrence (via email) on USACE evaluation of Essential Fish Habitat (EFH) species/life stages in the study area
• U.S. Environmental Protection Agency (EPA) • NOAA Fisheries • National Park Service (NPS) • USFWS • U.S. Coast Guard (USCG) • Maryland Department of the Environment (MDE) • Maryland Department of Natural Resources (MDNR) • City of Baltimore	January 14, 2021	Interagency Scoping Meeting via Webex
• EPA • NOAA Fisheries • NPS • USFWS	January 21, 2021	USACE sent cooperating agency invitation letters via email
NOAA Fisheries	February 3, 2021	USACE received NOAA cooperating agency acceptance letter via email
• Seneca-Cayuga Nation • Pamunkey Indian Tribe • Delaware Tribe of Indians • Maryland Historical Trust (MHT) • Baltimore City Historical Society	February 3, 2021	USACE sent letters via email to initiate consultation under Section 106 of the National Historic Preservation Act (NHPA)
Delaware Nation	February 4, 2021	USACE sent a letter via email to initiate consultation under Section 106 of the NHPA

ORGANIZATION	DATE	ACTIVITY
NPS	February 9, 2021	USACE received NPS cooperating agency acceptance letter via email
EPA	February 19, 2021	USACE received EPA cooperating agency acceptance letter via email
• MDE • MDNR	March 2, 2021	USACE sent cooperating agency invitation letters via email
MDE	March 3, 2021	USACE received MDE participating agency acceptance email
• EPA • NOAA Fisheries Protected Resources Division • NOAA Fisheries Habitat and Ecosystem Services Division • NPS • USFWS • USCG • MDE • MDNR • Critical Area Commission for the Chesapeake & Atlantic Coastal Bays (CAC) • City of Baltimore	March 4, 2021	USACE sent letters via email requesting agency scoping comments
NOAA Fisheries Protected Resources Division	March 5-9, 2021	Emails between USACE and NOAA on whether the study alternatives would be covered under the 2013 NOAA Letter of Concurrence
CAC	March 12, 2021	USACE received CAC no comment response via email
MHT	March 22, 2021	USACE received a letter via email from MHT requesting additional information
NOAA Fisheries Habitat and Ecosystem Services Division	March 25, 2021	USACE received NOAA recommendations letter via email
NPS	March 29, 2021	USACE received NPS recommendations letter via email
EPA	April 2, 2021	USACE received EPA recommendations via email
MHT	July 28, 2021	USACE sent a letter via email to continue consultation under Section 106 of the NHPA

ORGANIZATION	DATE	ACTIVITY
NPS	July 28, 2021	USACE sent a letter via email to initiate consultation under Section 106 of the NHPA
• MHT • NPS	August 3, 2021	USACE/MDOT MPA/MES meeting with MHT and NPS via Webex to discuss the scope of the viewshed analysis
• EPA • NOAA Fisheries • NPS • USCG • MDE • MDNR • MHT	September 13, 2021	Interagency Update Meeting via Webex
EPA	October 13, 2021	USACE/MDOT MPA/MES meeting with EPA via Webex to discuss environmental justice analysis
USFWS	October 28, 2021	USACE obtained an updated USFWS threatened and endangered species list from the IPaC tool
USACE and MDOT MPA	February 24, 2022	USACE and MDOT MPA held a virtual public meeting on the draft report
USFWS	April 7, 2022	USACE obtained an updated USFWS threatened and endangered species list from USFWS
USCG	March 10, 2022	USACE received USCG comments on the draft report
EPA	March 10, 2022	USACE received EPA comments on the draft report
MDNR	March 11, 2022	USACE received MD DNR comments on the draft report
NOAA	March 11, 2022	USACE received NOAA comments on the draft report
NOAA	May 17, 2022	USACE/MDOT MPA/MES met with NOAA to discuss the recommended time of year restriction for andromous fish
MHT	May 17, 2022	USACE sent a letter via email transmitting the final viewshed analysis and determination of no adverse effect

USFWS	June 13, 2022	USACE sent a letter requesting concurrence of a no effect determination for threatened and endangered species pursuant to Section 7 of the Endangered Species Act to USFWS
NPS	June 21, 2022	USACE received a letter via email concurring with USACE's no adverse effect determination and describing clarifying information about consulting on National Historic Trails
NOAA	June 29, 2022	USACE/MES met with NOAA to clarify questions about the Biological Assessment determination
MDE	July 11, 2022	Provided USACE with a Letter of Confirmation for the Section 401 Water Quality Certification and Coastal Zone Management Act Consistency Determination
Advisory Council on Historic Preservation (ACHP)	July 19, 2022	USACE sent completed e-106 form to ACHP requesting agency comment
ACHP	August 1, 2022	USACE received ACHP letter via email declining agency comment and involvement

Cooperating Agency Invitation Letters and Responses

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

January 21, 2021

Ms. Diana Esher, Acting Deputy Regional Administrator
U.S. Environmental Protection Agency
1650 Arch Street
Mail Code: 3RA00
Philadelphia, PA 19103-2029

Dear Ms. Esher,

The U.S. Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) are conducting a feasibility study to determine the advisability of modifications to the Baltimore Harbor Anchorages and Channels (BHAC) federal navigation project in Baltimore Harbor, with goals of improving capacity, maneuverability, and efficiency at the Port of Baltimore.

The BHAC Study (1998) resulted in subsequent authorization of federal navigation improvements in Baltimore Harbor, including deepening and widening of Anchorages #3 and #4 and deepening and widening of branch channels serving Port of Baltimore facilities including the access channels to Seagirt, Dundalk, and South Locust Point Marine Terminals. Since then, the Port of Baltimore has experienced an increase in calls from larger post-Panamax container vessels that can carry over twice the cargo capacity and require deeper drafts than the design vessel selected for channel and anchorage design in the original study. USACE and the MDOT MPA are conducting a feasibility study to determine the advisability of modifications to the BHAC. The scope of the proposed action includes widening and deepening of the Seagirt Loop Channel, re-design of an anchorage to allow for larger vessels to standby within Baltimore Harbor, examining deepening of the South Locust Point Branch Channel and Turning Basin, and considering and evaluating other structural and nonstructural measures that will result in improved transportation efficiencies in Baltimore Harbor.

As part of the BHAC modification feasibility study, we are preparing environmental documents pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. The NEPA documents will evaluate environmental impacts from reasonable project alternatives and determine the potential for significant impacts related to the navigation improvement. The draft integrated Feasibility Report and NEPA document is tentatively scheduled to be released in November 2021.

The USACE and MDOT MPA invite your participation as a cooperating agency in the environmental review process. In accordance with Section 1005 of the Water Resources Reform and Development Act of 2014, as a cooperating agency, your agency would assist and participate in the NEPA process in the following ways:

- Provide feedback on the NEPA schedule considering the cooperating agencies' responsibilities under applicable laws.
- Work cooperatively to identify issues and resolve problems that could delay completion of the environmental review process, or result in the denial of any approval required for the study under applicable laws.
- Participate in the Tentatively Selected Plan (TSP) Milestone meeting (not mandatory).
- Review the draft NEPA document following the TSP Milestone.

If your agency is interested in participating as a cooperating agency for this study, please provide your statement of interest to this invitation within 30 days of the date of this letter. Please be advised that your participation is not mandatory. Please respond to Ms. Kristina May, Project Biologist, at Kristina.K.May@usace.army.mil.

We look forward to your response to this invitation. If you have questions or would like to discuss the study in more detail, please contact Ms. Kristina May at the email above or by phone at (410) 962-6100.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Cc: Carrie Traver, EPA
Megan Fitzgerald, EPA
Stephanie Kubico, EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 19, 2021

Mr. Daniel M. Bierly, PE
Chief, Civil Project Development Branch
Department of the Army
U.S. Army Corps of Engineers, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Re: Invitation to Participate as a Cooperating Agency in the NEPA Process for the Feasibility Study to Determine the Advisability of Modifications to the Baltimore Harbor Anchorages and Channels (BHAC) Federal Navigation Project in Baltimore Harbor.

Dear Mr. Bierly:

The U.S. Environmental Protection Agency (EPA) is responding to your letter dated January 21, 2021 in which you request our participation as a cooperating agency as the U.S. Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) conduct a feasibility study to determine the advisability of modifications to the BHAC federal navigation project in Baltimore Harbor. EPA is pleased to commit to being a cooperating agency for this project.

Our understanding is that the scope includes widening and deepening of the Seagirt Loop Channel, re-design of an anchorage to allow for larger vessels to standby within Baltimore Harbor, examining deepening of the South Locust Point Branch Channel and Turning Basin, and considering and evaluating other structural and nonstructural measures that will result in improved transportation efficiencies in Baltimore Harbor.

Our role as a cooperating agency in support of the subject study will consist of providing comments on general NEPA compliance, Clean Water Act (CWA), Section 404 and Clean Air Act (CAA) compliance, environmental justice, and other technical topics in the development of the study. While the lead agencies have overall responsibility for the content of the study, status as a cooperating agency should not be construed as expressing agreement with the lead agencies regarding the conclusions to be drawn from the study or selection of the preferred alternative. In addition, EPA has several independent responsibilities related to the proposed project and we

retain our independent obligations and responsibilities pursuant to Section 309 of the CAA, and Sections 402(d) and 404(b), (c), and (q) of the CWA.

For us to be fully engaged as a cooperating agency, we hope that video or telephone conference opportunities may be made available now and in the future. We also would be pleased to review preliminary project documentation to provide timely feedback as our resources permit.

Thank you for the invitation to engage as a cooperating agency on this project. We look forward to working with you to ensure that a scientifically sound study is developed. If you have any questions, feel free to contact me at (215) 814-3402. Our staff contact for this project is Carrie Traver. Carrie may be reached at (215) 814-2772 or traver.carrie@epa.gov.

Sincerely,

STEPAN NEVSHEHIRLIAN

Digitally signed by STEPAN NEVSHEHIRLIAN
Date: 2021.02.18 17:46:30 -05'00'

Stepan Nevshehirlian
Environmental Assessment Branch Chief
Office of Communities, Tribes, and Environmental Assessment

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

January 21, 2021

Mr. Michael Pentony, Regional Administrator
National Oceanic and Atmospheric Administration
Greater Atlantic Regional Fisheries Office
55 Great Republic Dr.
Gloucester, MA 01930

Dear Mr. Pentony,

The U.S. Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) are conducting a feasibility study to determine the advisability of modifications to the Baltimore Harbor Anchorages and Channels (BHAC) federal navigation project in Baltimore Harbor, with goals of improving capacity, maneuverability, and efficiency at the Port of Baltimore.

The BHAC Study (1998) resulted in subsequent authorization of federal navigation improvements in Baltimore Harbor, including deepening and widening of Anchorages #3 and #4 and deepening and widening of branch channels serving Port of Baltimore facilities including the access channels to Seagirt, Dundalk, and South Locust Point Marine Terminals. Since then, the Port of Baltimore has experienced an increase in calls from larger post-Panamax container vessels that can carry over twice the cargo capacity and require deeper drafts than the design vessel selected for channel and anchorage design in the original study. USACE and the MDOT MPA are conducting a feasibility study to determine the advisability of modifications to the BHAC. The scope of the proposed action includes widening and deepening of the Seagirt Loop Channel, re-design of an anchorage to allow for larger vessels to standby within Baltimore Harbor, examining deepening of the South Locust Point Branch Channel and Turning Basin, and considering and evaluating other structural and nonstructural measures that will result in improved transportation efficiencies in Baltimore Harbor.

As part of the BHAC modification feasibility study, we are preparing environmental documents pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. The NEPA documents will evaluate environmental impacts from reasonable project alternatives and determine the potential for significant impacts related to the navigation improvement. The draft integrated Feasibility Report and NEPA document is tentatively scheduled to be released in November 2021.

The USACE and MDOT MPA invite your participation as a cooperating agency in the environmental review process. In accordance with Section 1005 of the Water Resources Reform and Development Act of 2014, as a cooperating agency, your agency would assist and participate in the NEPA process in the following ways:

- Provide feedback on the NEPA schedule considering the cooperating agencies' responsibilities under applicable laws.
- Work cooperatively to identify issues and resolve problems that could delay completion of the environmental review process, or result in the denial of any approval required for the study under applicable laws.
- Participate in the Tentatively Selected Plan (TSP) Milestone meeting (not mandatory).
- Review the draft NEPA document following the TSP Milestone.

If your agency is interested in participating as a cooperating agency for this study, please provide your statement of interest to this invitation within 30 days of the date of this letter. Please be advised that your participation is not mandatory. Please respond to Ms. Kristina May, Project Biologist, at Kristina.K.May@usace.army.mil.

We look forward to your response to this invitation. If you have questions or would like to discuss the study in more detail, please contact Ms. Kristina May at the email above or by phone at (410) 962-6100.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Cc: Brian Hopper, NOAA NMFS
Jonathan Watson, NOAA NMFS

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

February 3, 2021

Daniel M. Bierly, Chief
Civil Project Development Branch
Planning Division
US Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201-2930

RE: Baltimore Harbor Anchorages and Channels Modifications Feasibility Study

Dear Mr. Bierly:

Thank you for your January 21, 2021, letter inviting us to be a cooperating agency on the preparation of environmental documents pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, for the feasibility study to investigate potential modifications to the Baltimore Harbor Anchorages and Channels (BHAC) federal navigation project in Baltimore Harbor, Maryland. The goal of the study is to evaluate alternatives for improving access/maneuverability for larger vessels (i.e., Panamax vessels) calling on the Port of Baltimore since the 2016 completion of the expansion of the Panama Canal. Because this project is covered under the provisions of Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), we accept your invitation to become a cooperating agency for this project.

Our role and degree of involvement is dependent on existing staff and fiscal resources, and our contribution to the process will be limited to participating in project meetings and providing written comments in response to your documents prepared as part of the NEPA process. We will provide technical information identifying aquatic species and habitats of concern, identification of issues to be considered and evaluated during the NEPA process and guidance on evaluating, avoiding, and minimizing project effects to our trust resources. At this time, we are unable to undertake any data collection, conduct analyses, or prepare any sections of the NEPA document as our staff and resources are fully committed to other obligatory programs of NOAA Fisheries.

Please note that our involvement as a cooperating agency does not constitute an endorsement of this project, nor does it obviate the need for consultations required under the Magnuson-Stevens Fishery Conservation and Management Act, Fish and Wildlife Coordination Act, and the Endangered Species Act (ESA).

We look forward to working with you and your staff as the project moves forward. If you have any questions regarding this matter, please contact Jonathan Watson in our Annapolis, MD field office (jonathan.watson@noaa.gov) or Brian Hopper in our Protected Resources Division (brian.d.hopper@noaa.gov) regarding threatened and endangered species listed by us under the ESA.

Sincerely,

Louis A. Chiarella
Assistant Regional Administrator
for Habitat Conservation

cc: K. May (USACE)
J. Watson (NMFS HCD)
D. O'Brien (NMFS HCD)
M. Murray-Brown (NMFS PRD)
C. Vaccaro (NMFS PRD)
B. Hopper (NMFS PRD)

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

January 21, 2021

Ms. Genevieve LaRouche, Field Supervisor
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Dr.
Annapolis, MD 21401

Dear Ms. LaRouche,

The U.S. Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) are conducting a feasibility study to determine the advisability of modifications to the Baltimore Harbor Anchorages and Channels (BHAC) federal navigation project in Baltimore Harbor, with goals of improving capacity, maneuverability, and efficiency at the Port of Baltimore.

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As part of the BHAC modification feasibility study, we are preparing environmental documents pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. The NEPA documents will evaluate environmental impacts from reasonable project alternatives and determine the potential for significant impacts related to the navigation improvement. The draft integrated Feasibility Report and NEPA document is tentatively scheduled to be released in November 2021.

The USACE and MDOT MPA invite your participation as a cooperating agency in the environmental review process. In accordance with Section 1005 of the Water Resources Reform and Development Act of 2014, as a cooperating agency, your agency would assist and participate in the NEPA process in the following ways:

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If your agency is interested in participating as a cooperating agency for this study, please provide your statement of interest to this invitation within 30 days of the date of this letter. Please be advised that your participation is not mandatory. Please respond to Ms. Kristina May, Project Biologist, at Kristina.K.May@usace.army.mil.

We look forward to your response to this invitation. If you have questions or would like to discuss the study in more detail, please contact Ms. Kristina May at the email above or by phone at (410) 962-6100.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Cc: Chris Guy, USFWS

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

January 21, 2021

Ms. Wendy O'Sullivan, Superintendent
National Park Service
Chesapeake Bay Office
410 Severn Ave.
Annapolis, MD 21403

Dear Ms. O'Sullivan,

The U.S. Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) are conducting a feasibility study to determine the advisability of modifications to the Baltimore Harbor Anchorages and Channels (BHAC) federal navigation project in Baltimore Harbor, with goals of improving capacity, maneuverability, and efficiency at the Port of Baltimore.

The BHAC Study (1998) resulted in subsequent authorization of federal navigation improvements in Baltimore Harbor, including deepening and widening of Anchorages #3 and #4 and deepening and widening of branch channels serving Port of Baltimore facilities including the access channels to Seagirt, Dundalk, and South Locust Point Marine Terminals. Since then, the Port of Baltimore has experienced an increase in calls from larger post-Panamax container vessels that can carry over twice the cargo capacity and require deeper drafts than the design vessel selected for channel and anchorage design in the original study. USACE and the MDOT MPA are conducting a feasibility study to determine the advisability of modifications to the BHAC. The scope of the proposed action includes widening and deepening of the Seagirt Loop Channel, re-design of an anchorage to allow for larger vessels to standby within Baltimore Harbor, examining deepening of the South Locust Point Branch Channel and Turning Basin, and considering and evaluating other structural and nonstructural measures that will result in improved transportation efficiencies in Baltimore Harbor.

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We look forward to your response to this invitation. If you have questions or would like to discuss the study in more detail, please contact Ms. Kristina May at the email above or by phone at (410) 962-6100.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Cc: Aaron LaRocca, NPS – Fort McHenry

United States Department of the Interior

NATIONAL PARK SERVICE
Interior Region 1 – North Atlantic - Appalachian
1234 Market Street, 20th Floor
Philadelphia, PA 19107

1.A.2.-RSS

February 9, 2021

Department of the Army
U.S. Army Corps of Engineers, Baltimore District
Attn: Colonel John T. Litz
2 Hopkins Plaza
Baltimore, MD 21201

Subject: **National Park Service Cooperating Agency Invitation – Baltimore Harbor Anchorages and Channels Study**

Dear Colonel Litz:

The National Park Service (NPS) has received the January 21, 2021, invitation from your agency to be a cooperating agency on the Baltimore Harbor Anchorages and Channels Study. We appreciate you coordinating with the NPS on this study. Since there are many important NPS resources within the study vicinity, including the Chesapeake Bay, Fort McHenry National Monument and Historic Shrine, Star Spangled Banner National Historic Trail, and the Captain John Smith Chesapeake National Historic Trail, the NPS would like to accept your invitation to be a cooperating agency. We look forward to working with you on this study.

If you have questions on this letter, please contact Mark Eberle, Region 1, External Review Coordinator, at mark_eberle@nps.gov or 215-597-1258.

Sincerely,

Gay Vietzke
Regional Director

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 2, 2021

Heather Nelson, Program Manager
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230
HNelson@maryland.gov

Dear Ms. Nelson,

The U.S. Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) are conducting a feasibility study to determine the advisability of modifications to the Baltimore Harbor Anchorages and Channels (BHAC) federal navigation project in Baltimore Harbor, with goals of improving capacity, maneuverability, and efficiency at the Port of Baltimore.

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We look forward to your response to this invitation. If you have questions or would like to discuss the study in more detail, please contact Ms. Kristina May at the email above or by phone at (410) 962-6100.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Cc: Tammy Roberson, MDE
Matt Wallach, MDE

From: Matthew Wallach -MDE-
To: Heather Nelson -MDE-
Cc: May, Kristina K CIV USARMY CENAB (USA); tammy.roberson
Subject: [Non-DoD Source] Re: Cooperating Agency Invite - Baltimore Harbor Anchorages and Channels Project, Modification of the Seagirt Loop Channel
Date: Wednesday, March 3, 2021 11:04:18 AM

Hi Kristina,

Thank you for your letter inviting MDE to be a cooperating agency on the Baltimore Harbor Anchorages and Channels Project, Modification of the Seagirt Loop Channel.

MDE will be a participating agency. We look forward to providing any review and feedback to the NEPA documents.

Matt Wallach
Natural Resources Planner
Tidal Wetlands Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
matthew.wallach@maryland.gov
410-207-0893
Website | Facebook | Twitter

On Tue, Mar 2, 2021 at 9:53 PM Heather Nelson -MDE- <hnelson@maryland.gov> wrote:

> Thank you Ms. May- We will discuss internally and get back to you within the requested time frame.
>
> On Tue, Mar 2, 2021 at 2:13 PM May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil> wrote:
>
> > Dear Ms. Nelson,
> >
> > Please see the attached letter inviting MDE to be a cooperating agency on the Baltimore Harbor Anchorages and Channels Project, Modification of the Seagirt Loop Channel.
> >
> > Please contact me if you have any questions.
> >
> > Thank you,
> >
> > Kristina May
> >
> > Biologist, Planning Division

> Baltimore District, U.S. Army Corps of Engineers
>
> 410-962-6100

--

Because of the COVID-19 virus and the need for safety precautions, many state employees are working remotely.

Heather L. Nelson
Program Manager
Federal Consistency Coordinator
Wetlands and Waterways Program
Water and Science Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
hnelson@maryland.gov
410-537-3528 (O)
Website | Facebook | Twitter

Click here to complete a three question customer experience survey.

Click here to complete a three question customer experience survey.

Click here to complete a three question customer experience survey.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 2, 2021

Tony Redman, Manager
Environmental Review Program
Maryland Department of Natural Resources
580 Taylor Avenue
Tawes State Office Building
Annapolis, MD 21401
tony.redman@maryland.gov

Dear Mr. Redman,

The U.S. Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) are conducting a feasibility study to determine the advisability of modifications to the Baltimore Harbor Anchorages and Channels (BHAC) federal navigation project in Baltimore Harbor, with goals of improving capacity, maneuverability, and efficiency at the Port of Baltimore.

The BHAC Study (1998) resulted in subsequent authorization of federal navigation improvements in Baltimore Harbor, including deepening and widening of Anchorages #3 and #4 and deepening and widening of branch channels serving Port of Baltimore facilities including the access channels to Seagirt, Dundalk, and South Locust Point Marine Terminals. Since then, the Port of Baltimore has experienced an increase in calls from larger post-Panamax container vessels that can carry over twice the cargo capacity and require deeper drafts than the design vessel selected for channel and anchorage design in the original study. USACE and the MDOT MPA are conducting a feasibility study to determine the advisability of modifications to the BHAC. The scope of the proposed action includes widening and deepening of the Seagirt Loop Channel, re-design of an anchorage to allow for larger vessels to standby within Baltimore Harbor, examining deepening of the South Locust Point Branch Channel and Turning Basin, and considering and evaluating other structural and nonstructural measures that will result in improved transportation efficiencies in Baltimore Harbor.

As part of the BHAC modification feasibility study, we are preparing environmental documents pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. The NEPA documents will evaluate environmental impacts from reasonable project alternatives and determine the potential for significant impacts related to the navigation improvement. The draft integrated Feasibility Report and NEPA document is tentatively scheduled to be released in November 2021.

The USACE and MDOT MPA invite your participation as a cooperating agency in the environmental review process. In accordance with Section 1005 of the Water Resources Reform and Development Act of 2014, as a cooperating agency, your agency would assist and participate in the NEPA process in the following ways:

- Provide feedback on the NEPA schedule considering the cooperating agencies' responsibilities under applicable laws.
- Work cooperatively to identify issues and resolve problems that could delay completion of the environmental review process, or result in the denial of any approval required for the study under applicable laws.
- Participate in the Tentatively Selected Plan (TSP) Milestone meeting (not mandatory).
- Review the draft NEPA document following the TSP Milestone.

If your agency is interested in participating as a cooperating agency for this study, please provide your statement of interest to this invitation within 30 days of the date of this letter. Please be advised that your participation is not mandatory. Please respond to Ms. Kristina May, Project Biologist, at Kristina.K.May@usace.army.mil.

We look forward to your response to this invitation. If you have questions or would like to discuss the study in more detail, please contact Ms. Kristina May at the email above or by phone at (410) 962-6100.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Cc: Greg Golden, MDNR
Roland Limpert, MDNR
Chris Aadland, MDNR

Agency Scoping Letters and Responses

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Carrie Traver
NEPA Reviewer
Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029
Traver.Carrie@epa.gov

Dear Ms. Traver,

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

The USACE team and MPA are beginning to prepare the National Environmental Policy Act (NEPA) document. I am reaching out to request information or comments your agency may have that may assist us with the BHAC Modification Feasibility Study NEPA document. I kindly request your feedback (or quick indication of no input) by Friday, April 2, 2021, to my email address at kristina.k.may@usace.army.mil. You may also reach out to me at (410) 962-6100 to discuss any questions or comments you may have. I look forward to hearing from you.

Additional information on the study can be found at:
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Sincerely,

Kristina May

Kristina May
Biologist, Planning Division
Baltimore District

Attachment:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

From:	Traver, Carrie
To:	May, Kristina K CIV USARMY CENAB (USA)
Cc:	Nevshehirlian, Stepan; Kubico, Stephanie; Fitzgerald, Megan
Subject:	[Non-DoD Source] Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study
Date:	Friday, April 2, 2021 3:55:46 PM

Dear Ms. May:

The Environmental Protection Agency (EPA) is responding to your request for information and comments regarding the preparation of a NEPA study for the Baltimore Harbor Anchorages and Channels (BHAC) modification feasibility study. The Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) are preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508).

EPA has the following recommendations for consideration in the development of the EA:

Impacts and Permits

- We recommend that the existing BHAC project and impacts be described, including the original BHAC authorization in 1999 and subsequent maintenance and expansion projects. Recent projects that have been completed, permitted, or are anticipated, including maintenance dredging, deepening, and other reasonably foreseeable impacts that may be associated with the project should also be addressed in the EA (for example, the Dundalk and Seagirt Marine Terminals/Colgate Creek dredging project, NAB-2014-60674.) Links in the document to applicable NEPA studies, permits, and other information would be helpful.
- We recommend that future maintenance or additional likely expansion be addressed. For example, will the deeper channel require more frequent maintenance dredging?
- We recommend that impacts from climate on the alternatives, including sea level rise and severe weather events, be considered.
- We suggest that the EA include a discussion of the current permits for the project and any permit modifications or additional permits that may be needed.

Construction and Operational impacts

- We recommend evaluating the potential for increases in shipping and land-based traffic during construction and that the EA include an evaluation of impacts to nearby communities, such as noise, emissions, and safety impacts during construction.
- We recommend that the EA fully characterize the existing and projected changes in shipping traffic and safety from the alternatives, including the expected shift in number and size of vessels and impacts to traffic patterns.
- Potential impacts to properties and communities along the Patapsco River should be evaluated, including changes in shipping traffic and land-based changes at the marine terminals or other facilities. Such impacts could include land-based transportation impacts (e.g. road closures from modification of bridges), increased noise, lighting impacts, increased wave action, and other impacts.
- We recommend identifying best management practices and minimization

measures that may be employed and suggest targeted outreach to those that may be impacted by the project.

Environmental Justice

- The EA would benefit from a discussion of potential impacts to environmental justice (EJ) communities. The identification of potential EJ communities should inform whether such communities may be disproportionately impacted by the project activities. Please consider referring to "Promising Practices for EJ Methodologies in NEPA Reviews": https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews
- We note that while neither the Seagirt Loop nor the South Locust Marine Terminal appear to be in block groups of potential EJ concerns, there are several communities adjacent to the project area that are of potential EJ concern based on the EJSCREEN tool (https://www.epa.gov/ejscreen). Specifically, about one mile east of the Seagirt Loop is the community of Sollers Point. Across the river are the communities of Wagners Point and Curtis Bay. Further west are the communities of Middle Branch Reedbird Park, Middle Branch Park and Westport. All of these communities are in areas that exceed the state average for people of color and/or low-income populations.

Cultural Resources

We recommend that the EA discuss impacts on the Fort McHenry National Monument and Historic Shrine and other historic and archeological resources in the area. It would be helpful to include a discussion of measures to avoid and minimize potential impacts, if necessary. The Study should document coordination with applicable agencies such as the National Park Service and State Historic Preservation Officer (SHPO).

Air Quality

- A general conformity rule analysis should be conducted according to the guidance provided in 40 CFR Part 93 (Determining Conformity of General Federal Actions to State or Federal Implementation Plans.) Under the general conformity rule, reasonably foreseeable emissions associated with all operational and construction activities, both direct and indirect, must be quantified and compared to the annual de minimis levels for those pollutants in nonattainment or maintenance for that area.
- Baltimore City and County are listed in nonattainment or maintenance for a number of standards, including the Ozone 2008 and 2015 standards. For clarity, we recommend listing applicable attainment classifications and years in a table.
- EPA recommends that the EA include a conformity applicability analysis or determination in line with conformity requirements, including an estimate of annual emissions of precursors for the action. If the project is determined to be de minimis, the EA should contain annual estimated emissions for the related NAAQS/precursors, along with the de minimis thresholds.
- We recommend that greenhouse gas emissions (GHG) associated with the proposal and its alternatives be estimated and this information be used to help assess the potential effects on climate change. Use of the 2016 *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews* may be helpful.

Aquatic Resources and Wildlife

- The Study should include the estimated area of deepening, an estimate of any additional areas to be dredged, and an evaluation of potential aquatic resources impacts.
- We recommend that the EA provide a detailed characterization of the habitat resources in the study area, including nearby wildlife refuges, nesting areas, migratory stopover areas, essential fish habitat and other habitat that may support sensitive life stages. The Study should assess whether impacts may occur from construction, increased shipping traffic, increased frequency of maintenance dredging, or other impacts associated with the project.
- State and federal threatened and endangered species that may be directly or indirectly impacted should be identified. We recommend that impacts to species of special concern from larger vessels or increased traffic (including mortality and noise) be evaluated.
- Mitigation measures for any adverse environmental impacts should be described. Impacts to aquatic resources may require compensatory mitigation. Where disturbance is indicated to be temporary, restoration of aquatic resources should be discussed.
- We recommend that coordination with the applicable agencies be documented in the EA.

Dredging and disposal

- Potential construction impacts should be assessed in detail, including dredging method(s), and transportation to disposal sites (pipeline, barge, etc.). Best management practices should be described, including measures taken to limit turbidity, noise impacts, and the potential spread of invasive species. Time of year restrictions may be appropriate to minimize impacts on species.
- As discussed, contaminated sediments may occur in the dredge material. We recommend indicating the results of the most current dredge material characterization and indicate any planned testing.
- We recommend that the EA describe the potential disposal locations and their capacity for contaminated or uncontaminated dredge material, along with relevant considerations or restrictions such as state laws related to management of sediments.

Utilities

- The Study would benefit from a discussion of impacts to utilities from the project including the need for avoidance, protection, or relocation measures for existing utilities and any additional utilities or upgrades that will be required.

Again, thank you for the invitation to engage as a cooperating agency on this project. We look forward to working with you on this project as more information becomes available. Please feel free to reach out to us if you have any questions on these topics or if we are able to contribute to the analysis.

Sincerely,

Carrie

Carrie Traver
Life Scientist

Office of Communities, Tribes, & Environmental Assessment
U.S. Environmental Protection Agency, Region 3
1650 Arch Street – 3RA12
Philadelphia, PA 19103
215-814-2772
traver.carrie@epa.gov

From: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Sent: Thursday, March 04, 2021 3:14 PM
To: Traver, Carrie <Traver.Carrie@epa.gov>
Cc: Kate Meade <kmeade@menv.com>; Michelle Osborn <mosborn@menv.com>
Subject: Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study

Dear Ms. Traver,

Please see the attached letter requesting comments on the Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study. If you have any questions, please contact me at (410) 962-6100.

Thank you,
Kristina May
Biologist, Planning Division
Baltimore District, U.S. Army Corps of Engineers
410-962-6100

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Brian Hopper
Section 7 Biologist
Greater Atlantic Regional Fisheries Office
National Oceanic and Atmospheric Administration
Chesapeake Bay Office
200 Harry S. Truman Parkway, Suite 460
Annapolis, MD 21401
brian.d.hopper@noaa.gov

Dear Mr. Hopper,

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

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Additional information on the study can be found at:
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Sincerely,

Kristina May

Kristina May
Biologist, Planning Division
Baltimore District

Attachment:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Jonathan Watson
Marine Habitat Resource Specialist
Greater Atlantic Region Habitat and Ecosystem Services Division
National Oceanic and Atmospheric Administration
Chesapeake Bay Office
200 Harry S. Truman Parkway, Suite 460
Annapolis, MD 21401
jonathan.watson@noaa.gov

Dear Mr. Watson,

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

The USACE team and MPA are beginning to prepare the National Environmental Policy Act (NEPA) document. I am reaching out to request information or comments your agency may have that may assist us with the BHAC Modification Feasibility Study NEPA document. I kindly request your feedback (or quick indication of no input) by Friday, April 2, 2021, to my email address at kristina.k.may@usace.army.mil. You may also reach out to me at (410) 962-6100 to discuss any questions or comments you may have. I look forward to hearing from you.

Additional information on the study can be found at:
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Sincerely,

Kristina May

Kristina May
Biologist, Planning Division
Baltimore District

Attachment:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

March 25, 2021

Ms. Kristina May
Biologist, Planning Division
Baltimore District
U.S. Army Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201

Dear Ms. May:

We received your March 4, 2021, letter requesting information regarding the presence of NOAA trust resources in the study area considered for the Baltimore Harbor Anchorages and Channels (BHAC) Seagirt Loop Channel, Maryland Feasibility Study. The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) are evaluating potential environmental effects of the proposed modifications of the Seagirt Loop Channel of the BHAC including the potential widening and deepening in certain areas, in accordance with the National Environmental Policy Act of 1969 (NEPA).

Several alternatives are currently under consideration to accommodate current and anticipated commercial vessel navigation and berthing in the BHAC. Each alternative, other than the No Action alternative, includes some combination of the following actions:

- Assuming federal responsibility for BHAC improvements,
- Deepening and widening of Seagirt Loop Channels,
- Deepening and widening of South Locust Point Branch Channel,
- Re-designing part of an existing anchorage to 50 foot depths to accommodate larger vessels.

Because the study area is currently impaired by a variety of current and historical anthropogenic stressors, our primary concern is related to minimizing mobilization of contaminated sediments, minimizing impacts to important prey species, and avoiding impacts to migratory fish during their spawning season. We offer the following guidance to help you in the development of your impacts analyses as it relates to your consultation responsibilities under the Magnuson Stevens Fishery Conservation and Management Act (MSA), and Fish and Wildlife Coordination Act (FWCA)

Magnuson Stevens Fisheries Conservation and Management Act (MSA)
The MSA requires federal agencies, such as the USACE, to consult with us on any action or proposed action authorized, funded, or undertaken, by such agency that may adversely affect EFH identified under the MSA. This process is guided by the requirements of our EFH

regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in the consultation process. The level of detail in an EFH assessment should be commensurate with the complexity and magnitude of the potential adverse effects of the action.

Essential fish habitat is defined as, "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." For the purpose of interpreting the definition of EFH:

- "waters" include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate;
- "substrate" includes sediment, hard bottom, structures underlying the waters, and associated biological communities;
- "necessary" means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem;
- "spawning, breeding, feeding, or growth to maturity" covers a species' full life cycle.

The EFH final rule published in the Federal Register on January 17, 2002 defines an adverse effect as: "any impact which reduces the quality and/or quantity of EFH." The rule further states that:

> An adverse effect may include direct or indirect physical, chemical or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

The EFH final rule also states that the loss of prey may be an adverse effect on EFH and managed species. As a result, actions that reduce the availability of prey species, either through direct harm or capture, or through adverse impacts to the prey species' habitat may also be considered adverse effects on EFH.

Fish and Wildlife Coordination Act (FWCA)

The Fish and Wildlife Coordination Act (FWCA), as amended in 1964, requires that all federal agencies, including FAA, consult with us when proposed actions might result in modifications to a natural stream or body of water. It also requires that they consider the effects that these projects would have on fish and wildlife and must also provide for the improvement of these resources. The FWCA also specifies that water resource development projects should be designed to develop and improve fish and wildlife resources where feasible and to prevent damages to them. Under this authority, we work to protect, conserve and enhance species and habitats for a wide range of aquatic resources such as shellfish, diadromous species, and other commercially and recreationally important species that are not managed by the federal fishery management councils and do not have designated EFH.

Aquatic Resources

Federally managed fisheries
The project area has been designated as EFH for a number of federally managed species including bluefish (*Pomatomus saltatrix*), summer flounder (*Paralichthys dentatus*), windowpane flounder (*Scophthalmus aquosus*), Atlantic butterfish (*Peprilus triacanthus*), and black sea bass (*Centropristis striata*). In addition, our EFH Mapper indicated that several skate species including clearnose skate (*Raja eglanteria*), little skate (*Leucoraja erinacea*), and winter skate (*Leucoraja ocellata*) have designated EFH in the meso/oligohaline zones of the Chesapeake Bay. However, the EFH Mapper provides a graphical representation of areas where EFH for a particular species or life stage may be present. The text descriptions within the appropriate fisheries management plan provides the formal descriptions of EFH. These text descriptions are available as links in our EFH Mapper, or for skates, within the New England Fishery Management Council's Omnibus Essential Fish Habitat Amendment 2 (OA2). OA2 clarifies that EFH for winter and clearnose skates in the Chesapeake Bay is limited only to high salinity areas, and EFH for little skate is no longer designated in the Bay. Finally, several important prey species also use this area including spot (*Leiostomus xanthurus*), bay anchovy (*Anchoa mitchilli*), and blue crab (*Callinectes sapidus*). Prey species are a component of EFH because impacts to their populations can influence the productivity of commercially important species.

Diadromous fish species
Migratory fish species use the project area as important migrating, foraging, and resting habitat. These include alewife (*Alosa pseudoharengus*), blueback herring (*A. aestivalis*), hickory shad (*A. mediocris*), American shad (*A. sapidissima*), American eel (*Anguilla rostrata*), and striped bass (*Morone saxatilis*). Many of these species have experienced substantial population declines over the preceding decades and we include the following information to draw attention to their conservation needs.

Migratory Alosines (e.g., American shad, alewife) are prevalent forage for several species managed by the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council as they provide trophic linkages between freshwater/estuarine and marine food webs. Buckel and Conover (1997) in Fahay et al. (1999) report that diet items of juvenile bluefish include Alosines. Additionally, juvenile Alosines have all been identified as prey species for summer flounder, and windowpane flounder in Steimle et al. (2000). As a result, actions that reduce the availability of prey species, either through direct harm or capture, or through adverse impacts to their spawning habitat may adversely impact federally managed fisheries.

Alewife and blueback herring, collectively known as river herring, formerly supported the largest and most extensive commercial and recreational fisheries throughout their range, with fishing activities spanning across rivers (both fresh and saltwater), tributaries, estuaries, and the ocean. Commercial landings for these species have declined dramatically from historic highs (ASMFC 2018). In the Mid-Atlantic, landings of river herring have declined since the mid-1960's and have remained very low in recent years (ASMFC 2017). The 2012 river herring benchmark stock assessment found that of the 52 stocks of alewife and blueback herring assessed, 23 were

depleted relative to historic levels, one was increasing, and the status of 28 stocks could not be determined due to a lack of long-term data (ASMFC 2012a). Because landing statistics and the number of fish observed on annual spawning runs indicate a drastic decline in alewife and blueback herring populations throughout much of their range since the mid-1960s, river herring have been designated as a Species of Concern by NOAA. Species of Concern are those about which we have concerns regarding their status and threats, but for which insufficient information is available to indicate a need to list the species under the Endangered Species Act (ESA). For these reasons, we wish to draw proactive attention and conservation actions to these species. In further recognition of the declines in populations for these species, recreational fishing in Maryland waters is closed for alewife, blueback herring, American shad and hickory shad.

The most recent benchmark stock assessment and peer review completed in 2020 indicate American shad remains depleted coastwide (ASMFC 2020). The "depleted" determination is used instead of "overfished" to indicate factors besides fishing have contributed to the decline, such as channelization of rivers, water withdrawals, habitat degradation, and pollution. Coastwide adult mortality is unknown, but was determined to be unsustainable for some system-specific stocks, indicating the continued need for management action to reduce adult mortality. The 2020 benchmark stock assessment continued work from the 2007 coastwide stock assessment for American shad, which also identified stocks as highly depressed from historical levels. The 2007 assessment concluded that new protection and restoration actions needed to be identified and applied, which led to the development of Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring (American Shad Management). Amendment 3 identified significant threats to American shad, including spawning and nursery habitat degradation or blocked access to habitat, resulting from dam construction, increased erosion and sedimentation, and losses of wetland buffers (ASMFC 2007). Protecting, restoring and enhancing American shad habitat, including spawning, nursery, rearing, production, and migration areas, are necessary for preventing further declines in American shad abundance, and restoring healthy, self-sustaining, robust, and productive American shad stocks to levels that will support the desired ecological, social, and economic functions and values of a restored Atlantic Coast American shad population (ASMFC 2010).

The area of the proposed project serves as migration, nursery, foraging, and resting habitat for striped bass. Atlantic striped bass stocks have formed the basis of one of the most important and valuable commercial and recreational fisheries on the Atlantic coast for centuries; the fishery is also strongly tied to the cultural heritage of the eastern U.S. (ASMFC, 1981). However, overfishing and poor environmental conditions lead to the collapse of the fishery in the 1970s and 80s and the development of the Striped Bass Fishery Management Plan (FMP) in 1981 (ASMFC, 2003). After years of increasing numbers following implementation of the FMP, commercial and recreational landings of striped bass as well as female spawning stock biomass and recruitment, have declined since their peak in the early- to mid-2000s (ASMFC, 2019). These accelerated declines in striped bass populations may result from the cumulative and synergistic effects of overfishing and non-fishing related activities such as dredging, that impact reproduction, recruitment, and survival. Most recently, the 2019 Atlantic Striped Bass Benchmark Stock Assessment found the resource overfished and that overfishing is occurring (ASMFC, 2019). For this reason, recreational fishing limits for striped bass have been severely limited in Maryland and limited or closed in other Mid-Atlantic states.

The area of the proposed project is also migration, nursery, and foraging habitat for the American eel. Catadromous American eels spawn in the Sargasso Sea and juveniles, referred to as glass eels and elvers, transit the Chesapeake Bay/Patapsco River as part of their migration each spring. They inhabit these freshwater and estuarine areas until they return to the sea as adults. According to the 2012 benchmark stock assessment, the American eel population is depleted in U.S. waters. The stock is at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, exposure to toxins and contaminants, and disease (ASMFC 2012b). Actions being considered as part of the proposed project may reduce the quality and/or quantity of habitat available for this species in a number of ways, including potentially mobilizing contaminated sediments.

Adverse Effects to Aquatic Resources

Impacts
Based on the information provided in the January 14, 2021, interagency scoping meeting, it is likely that impacts from this action will stem primarily from dredging activities. These impacts can occur through the disturbance of benthic habitats, the generation of turbid conditions, entrainment of fish and their prey, and the mobilization of potentially contaminated sediments. The resulting dredged material may adversely affect aquatic resources depending upon the chemical and geomorphic character of the material and the location and manner in which it is placed after dredging.

Increases in turbidity due to the resuspension of sediments into the water column during dredging can degrade water quality, lower dissolved oxygen levels, and potentially release chemical contaminants bound to the fine-grained estuarine sediments. Suspended sediment can also impede the migrations of anadromous fishes to their spawning grounds by masking pheromones and can smother benthic organisms and demersal newly-settled juvenile fish (Auld and Schubel, 1978; Breitburg 1988; Newcombe and Macdonald, 1991; Burton, 1993; Nelson and Wheeler 1997)

It is anticipated that initial dredging in these areas will necessitate future maintenance dredging activities which will, in turn, result in a potential perpetuation of many of these stressors indefinitely. While benthic recolonization may occur following disturbance, this repeated stressor will likely result in permanent impacts to the quality and quantity of suitable benthic habitat available to fish and their prey. The cumulative effects of this action should be thoroughly considered in your analysis.

Avoidance and Minimization
USACE and MDOT MPA should consider several best management practices (BMPs) to avoid or minimize impacts from the proposed project. Sediment texture along with tide and currents at the channel/anchorage expansion areas should be evaluated to determine the extent of the turbidity plume resulting from dredging. These effects should be evaluated because this plume can affect all life stages of designated species, though egg and larval stages can be particularly vulnerable (Auld and Schubel, 1978; Nelson and Wheeler, 1997; Burton, 1993; Wenger et al., 2018). In addition to the extent of the plume, its timing and duration should also be considered

when analyzing effects on EFH, especially in areas where it has the potential to prevent anadromous fishes from migrating past the dredge sites and into the Patapsco River to spawn. Based on the extent of the turbidity plume and the availability of unaffected areas for fish passage, a seasonal restriction on dredging may be necessary to protect anadromous fishes.

As indicated in the Maryland Department of Environment (2019) document, areas of new dredging in the Baltimore Harbor will likely require more extensive chemical characterization due to the ubiquity of legacy industrial contamination in this area. We agree that sediments produced from this dredging should be thoroughly characterized prior to completion of the NEPA process (e.g., issuance of a FONSI). This information should also be used to inform dredging timing/operations, related monitoring efforts, and dredged material containment methods.

Endangered Species Act (ESA)

Endangered species and designated critical habitat under the jurisdiction of NOAA Fisheries may be present in the project area. We understand that you are coordinating separately with our Protected Resources Division regarding your responsibilities under the ESA. Guidance and tools to assist you in this endeavor are available on our website at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region. Please contact Brian Hopper of our Protected Resources Division (brian.d.hopper@noaa.gov) if you have any questions or to discuss your project and obligations under Section 7 of the Endangered Species Act (ESA).

Conclusion

We look forward to continued coordination with you on this project as it moves forward. If you have any questions or need additional information, please do not hesitate to contact Jonathan Watson in our Annapolis, MD field office at jonathan.watson@noaa.gov or (410) 295-3152.

Sincerely,

GREENE.KAREN.M.1365830785 Digitally signed by GREENE.KAREN.M.1365830785 Date: 2021.03.25 11:10:24 -04'00'

Karen M. Greene
Mid-Atlantic Branch Chief
Habitat and Ecosystem Services Division

cc: B Hopper (NMFS - PRD)
L. Santiago (USACE)
D. Bibo (MPA)
M. Strevig, M. Osborn (MES)
D. Spendiff, M. Wallach (MDE)
S. Corson (NCBO)

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Mark Eberle
External Review Coordinator / Resource Planning Specialist
National Park Service
Interior Region 1, North Atlantic-Appalachian
1234 Market Street, 20th Floor
Philadelphia, PA 19107
mark_eberle@nps.gov

Dear Mr. Eberle,

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

The USACE team and MPA are beginning to prepare the National Environmental Policy Act (NEPA) document. I am reaching out to request information or comments your agency may have that may assist us with the BHAC Modification Feasibility Study NEPA document. I kindly request your feedback (or quick indication of no input) by Friday, April 2, 2021, to my email address at kristina.k.may@usace.army.mil. You may also reach out to me at (410) 962-6100 to discuss any questions or comments you may have. I look forward to hearing from you.

Additional information on the study can be found at:
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Sincerely,

Kristina May

Kristina May
Biologist, Planning Division
Baltimore District

Attachment:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

United States Department of the Interior
NATIONAL PARK SERVICE
Interior Region 1 – North Atlantic - Appalachian
1234 Market Street, 20th Floor
Philadelphia, PA 19107

1.A.2.(IR1-RSS)

Department of the Army
U.S. Army Corps of Engineers, Baltimore District
Attn: Kristina May, Project Biologist
2 Hopkins Plaza
Baltimore, MD 21201

Subject: National Park Service Cooperating Agency – Comments on January 2021 Interagency Study Meeting and Presentation

Dear Ms. May:

As the U.S. Army Corps of Engineers (USACE), Baltimore District, Baltimore Harbor Anchorages and Channels (BHAC) study team commences their work on the National Environmental Policy Act (NEPA) document for the study, The National Park Service (NPS), a cooperating agency on the study, appreciates the request from your agency for input and information to assist with this effort. We would like to bring to your attention the following key NPS resources in the study area.

Fort McHenry National Monument and Historic Shrine

Fort McHenry preserves the natural and cultural resources of the park, and interprets the birthplace of our national anthem, "The Star-Spangled Banner", written by Francis Scott Key. He was inspired by the American Flag and the defense of Baltimore during the War of 1812. The park was established when the enabling legislation adopted by Congress was signed into law on March 3, 1925. In 1939, the park was officially designated as a national monument and historic shrine and is the only unit in the national park system bestowed with a duel designation.

Important views in the park are related to the September 13–14, 1814, defense of Fort McHenry and the flying of the flag that inspired Francis Scott Key's "The Star-Spangled Banner." Views to and from the Star Fort over the Patapsco River represent the field of fire used by the US Army against attacking British vessels, and is the view of the fort and flag experienced by Key while penning the poem that became "The Star-Spangled Banner." The flying of the flag also offers a key visual experience and can be seen from numerous angles throughout the park and beyond. Key vistas of the flag include its sight from the Patapsco River, Visitor and Education Center, and Fort Avenue.

Star-Spangled Banner National Historic Trail

The Star-Spangled Banner National Historic Trail is a 560-mile land and water route that tells the story of the War of 1812 in the Chesapeake Bay Region. Established by Congress in 2008 the trail crosses Maryland, Virginia, and Washington D.C., linking 13 national parks, 39 Chesapeake Gateways, and more than 100 historic districts. It also highlights the regions important water-related resources.

Captain John Smith Chesapeake National Historic Trail

The Captain John Smith Chesapeake National Historic Trail (Chesapeake Trail) was designated under The National Trails System Act (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009) and is the nation's first national historic water trail. It shares knowledge of the American Indian societies and cultures located along the trail, commemorates the exploration of Captain John Smith from 1607-1609, and interprets the past and present natural history of the Chesapeake Bay. The Chesapeake Trail is located in Virginia, Maryland, Delaware, Washington DC, Pennsylvania, and New York.

Recreational access, the natural resources of the trail, and trail's viewshed (from the trail and from the landscape to the trail) are important resources of the trail as these resources allow the public to utilize the trail. The natural resources of the trail also play a significant role in the health of the bay and its tributaries.

Chesapeake Bay

The NPS administers more than fifty units of the national park system within the Chesapeake Bay watershed. As such, the NPS is a long-standing partner in the Chesapeake Bay Program and plays a role in coordinating collaborative action toward several goals in the Chesapeake Bay Watershed Agreement, including land conservation and public access. The NPS leads collaborative efforts among regional partners to identify and prioritize public access and land conservation objectives to support the watershed restoration partnership. The NPS and its partners would want to understand any effects the proposed project might have on land conservation priorities and other watershed restoration objectives under the agreement.

We encourage the USACE to consider the many important NPS resources within the study vicinity, including the Fort McHenry National Monument and Historic Shrine, Star Spangled Banner National Historic Trail, Captain John Smith Chesapeake National Historic Trail, and the Chesapeake Bay as you continue ahead with your NEPA and National Historic Preservation Act, Section 106 process.

Thank you for this opportunity to provide comments, and if you have questions on this letter, please contact Mark Eberle, Region 1 External Review Coordinator, at mark_eberle@nps.gov or 215-597-1258.

Sincerely,

JENNIFER MAVER Digitally signed by JENNIFER MAVER
Date: 2021.03.29 15:39:02 -04'00'

Jennifer Maver
Chief, Resource Planning and Compliance Division
National Park Service
Interior Region 1 - North Atlantic-Appalachian

cc:
Beth Cole, Maryland Historical Trust
Troy Nowak, Maryland Historical Trust

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Captain Joseph Loring
District 5, Sector Baltimore
U.S. Coast Guard
U.S. Department of Homeland Security
joseph.b.loring@uscg.mil

Dear Captain Loring:

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

The USACE team and MPA are beginning to prepare the National Environmental Policy Act (NEPA) document. I am reaching out to request information or comments your agency may have that may assist us with the BHAC Modification Feasibility Study NEPA document. Please provide your feedback (or quick indication of no input) to Kristina May, Biologist via email at kristina.k.may@usace.army.mil by Friday, April 2, 2021. Please reach out to Kristina May at (410) 962-6100 to discuss any questions or comments you may have. We look forward to hearing from you.

Additional information on the study can be found at:
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Enclosure:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Chris Guy, Manager
Conservation Planning Assistance
Chesapeake Bay Field Office
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
chris_guy@fws.gov

Dear Mr. Guy:

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

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Additional information on the study can be found at:
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Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

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January 14, 2021 Interagency Meeting Summary and Presentation Slides

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Matt Wallach
Natural Resources Planner
Tidal Wetlands Division
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
matthew.wallach@maryland.gov

Dear Mr. Wallach,

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

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Sincerely,

Kristina May

Kristina May
Biologist, Planning Division
Baltimore District

Attachment:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Tony Redman, Manager
Environmental Review Program
Maryland Department of Natural Resources
580 Taylor Avenue
Tawes State Office Building
Annapolis, MD 21401
tony.redman@maryland.gov

Dear Mr. Redman:

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

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Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

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January 14, 2021 Interagency Meeting Summary and Presentation Slides

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Jennifer Esposito
Critical Area Commission for the Chesapeake & Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD 21401
jennifer.esposito@maryland.gov

Dear Ms. Esposito,

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

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Additional information on the study can be found at:
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Sincerely,

Kristina May

Kristina May
Biologist, Planning Division
Baltimore District

Attachment:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

May, Kristina K CIV USARMY CENAB (USA)

From: Jennifer Esposito <jennifer.esposito@maryland.gov>
Sent: Friday, March 12, 2021 3:14 PM
To: May, Kristina K CIV USARMY CENAB (USA)
Cc: Kate Meade; Michelle Osborn
Subject: [Non-DoD Source] Re: Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study

Kristina,
Thank you for reaching out and providing me with details on the Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study. Provided that all the impacts are proposed channelward of the mean high water line, I have nothing to contribute at this time. Please note that the project may warrant review and approval by the Critical Area Commission if upland impacts are anticipated. Please keep me informed should the proposed scope of work include upland impacts.

Feel free to contact me at the number provided below should you have any questions.

Best,
Jen E.

dnr.maryland.gov/criticalarea

Jennifer Esposito
Critical Area Commission for the Chesapeake & Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD 21401
443-569-1361 (cell)
jennifer.esposito@maryland.gov

On Thu, Mar 4, 2021 at 3:14 PM May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil> wrote:

> Dear Ms. Esposito,
>
> Please see the attached letter requesting comments on the Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study. If you have any questions, please contact me at (410) 962-6100.
>
> Thank you,
>
> Kristina May
>
> Biologist, Planning Division
>
> Baltimore District, U.S. Army Corps of Engineers
>
> 410-962-6100

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

March 4, 2021

Bruna Attila
Coastal Resources Planner
Planning Department
Baltimore Office of Sustainability
417 East Fayette Street, 8th Floor
Baltimore, MD 21201
bruna.attila@baltimorecity.gov

Dear Ms. Attila,

The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) hosted an interagency meeting on January 14, 2021, for the Baltimore Harbor Anchorages and Channels (BHAC), Modification of the Seagirt Loop Channel, Maryland Feasibility Study. The USACE team presented an overview of the study including the purpose, scope, goals and objectives, schedule, and environmental considerations. The team received excellent feedback during the meeting. The meeting summary is attached along with a copy of the presentation.

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Additional information on the study can be found at:
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Sincerely,

Kristina May

Kristina May
Biologist, Planning Division
Baltimore District

Attachment:
January 14, 2021 Interagency Meeting Summary and Presentation Slides

Section 106 of the National Historic Preservation Act Consultation Letters and Responses

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Elizabeth Hughes, SHPO
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

3 February 2021

Dear Ms. Hughes:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland (Enclosure 1). USACE is evaluating eight separate alternatives to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to safely and efficiently serve vessel traffic (Enclosure 2). The proposed project is authorized under Section 216 of the Rivers and Harbors Act of 1970 (Public Law No. 91-611, 33 U.S.C. Section 549a.

Alternative 1 is the no action alternative. Alternative 2 assumes the federal responsibility for project improvements completed by the State of Maryland. Alternative 3 proposes to widen and deepen sections of the Seagirt Loop Channel up to -50 feet mean lower low water (MLLW). Alternative 4-1 proposes to deepen the Seagirt Loop Channel as previously detailed and South Locust Point Branch Channel up to -40 feet MLLW. Alternative 4-2 proposes to deepen the South Locust Point Channel up to -40 feet MLLW only. Alternative 5-1 proposes to widen and deepen the Seagirt Loop Channel up to -50 feet MLLW and South Locust Point Channel up to -40 feet MLLW and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-2 proposes to widen and deepen the Seagirt Loop Channel and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-3 proposes to re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor only. For Alternatives 5-1 through 5-3, a maximum of one anchorage will be constructed at one of the three sites. Enclosure 3 shows the authorized and maintained depths of each channel and anchorage.

The project's proposed area of potential effect (APE) may be defined as the areas of proposed channel dredging or widening. A review of Medusa, the Maryland Historical Trust's Cultural Resources Information System, indicated that no cultural resources have been identified within the proposed APE; however, five resources are within a half-mile of the APE. These include the Dundalk Historic District (BA-2213), the Baltimore Municipal Airport Harbor Field (B-3603), the Baltimore Municipal Airport Air Station (BA-2094), the Western Electric Company Point

Breeze Plant Historic District (B-5298), and the Fort McHenry National Monument and Historic Shrine (B-8). The proposed project is not expected to have any adverse effects on these resources. Additionally, a review of the National Oceanic and Atmospheric Administration's Automated Wreck and Obstruction Information System indicated that no wrecks have been documented within the APE.

Although the proposed project is unlikely to have any adverse effects on known cultural resources, we have determined that a Phase I archaeological investigation for submerged resources is warranted to identify cultural resources within areas of proposed channel widening. This investigation and the drafting of a technical report will be conducted in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Furthermore, we will provide your office with a scope of work for review and comment prior to conducting any archaeological work.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosures

Maryland
DEPARTMENT OF PLANNING
MARYLAND HISTORICAL TRUST

March 22, 2021

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division
Corps of Engineers, Baltimore District (USACE)
2 Hopkins Plaza
Baltimore, MD 21201
Sent via email to: ethan.a.bean@usace.army.mil

Re: Baltimore Harbor Anchorages and Channels
Modification of the Seagirt Loop Channel Study
Initiation of Section 106 Consultation

Dear Mr. Bierly:

Thank you for your recent letter dated 3 February 2021 and received by the Maryland Historical Trust (MHT) on 5 February 2021, regarding the above-referenced project. The letter initiated consultation with MHT, Maryland's State Historic Preservation Office, pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, for this undertaking. We offer the following preliminary comments and look forward to ongoing consultation with the USACE and other consulting parties as project planning proceeds.

Project Description: According to the submittal, the USACE is evaluating eight alternatives to deepen and widen federally authorized channels and anchorages to improve the existing navigation system's safety, efficiency, and service for vessel traffic to the Port of Baltimore. The eight alternatives include anchorage modifications and various combinations of deepening and widening the main channels and the Seagirt Loop Channel, South Locust Point Branch Channel and Turning Basin, West Seagirt Branch Channel, Dundalk-Seagirt Connecting Channel, West Dundalk Branch Channel, Seagirt Turning Basin, Seagirt Tug Boat Shelf, and the Colgate Creek Channel extension. We appreciate the detailed mapping of the alternatives provided with your letter, although it is not clear at this point what the extent of proposed work associated with each of the alternatives may entail.

Identification of Historic Properties: The letter defines the project's area of potential effects (APE) as the areas of proposed channel deepening and widening. We agree that is a useful starting point for the APE and acknowledge that the APE may need to be refined to incorporate

additional geographic areas within which the undertaking may cause direct or indirect changes to the character or use of historic properties that may be present. In defining the APE, the USACE should also consider visual and audible effects, and other project elements that may extend beyond the direct areas of impact, such as associated construction, staging and anchoring areas; dredge spoil disposal; environmental mitigation measures; and other project related actions.

The letter identified several historic properties located within a half-mile of the preliminary APE including resources listed in and eligible for the National Register of Historic Places. We draw particular attention to the Fort McHenry National Monument and Historic Shrine (B-8) which is administered and interpreted by the National Park Service (NPS); it occupies the tip of a prominent peninsula overlooking the Northwest Harbor and Patapsco River. The Patapsco River plays a critical role in telling the story of this nationally important historic site and elements of the undertaking may be visible from Fort McHenry. The USACE should invite NPS to participate in the Section 106 review as a consulting party.

We understand that the USACE plans to conduct a Phase I archeological survey for submerged cultural resources and we await further details and coordination on the scope of work for that effort.

Next Steps: Thank you for initiating consultation early in project planning. We await additional details regarding the full extent of the undertaking, the refined APE, underwater investigations, and outreach to consulting parties who may have an interest in the project and its effects on historic properties. We look forward to further coordination with the USACE, NPS, and other relevant consulting parties to successfully complete the Section 106 review of this important project.

If you have questions or need further assistance, please contact Troy Nowak (for underwater resources) at troy.nowak@maryland.gov or me at beth.cole@maryland.gov. We appreciate this opportunity to provide comments.

Sincerely,

Beth Cole signed electronically

Beth Cole
Administrator, Project Review and Compliance

BC/TJN/202100437 TJN
cc: Ethan Bean (USACE, ethan.a.bean@usace.army.mil)
Mark Eberle (NPS Region 1, mark_eberle@nps.gov)

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Elizabeth Hughes, SHPO
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

July 28, 2021

Dear Ms. Hughes:

The purpose of this letter is to continue consultation with your office in accordance with Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland. In a previous letter dated February 3, 2021, our office described eight separate alternatives (Alternatives 1, 2, 3, 4-1, 4-2, 5-1, 5-2, and 5-3) being evaluated to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to serve vessel traffic safely and efficiently. The proposed project would improve the maneuverability of larger Post-Panamax class container ships with 50-foot drafts within the Seagirt Loop Channel. To date, four alternatives, Alternatives 1, 3, 5-2, and 5-3, remain under consideration and are discussed below.

Alternative 1 is the no action alternative. Alternative 3 proposes to widen and deepen sections of the Seagirt Loop Channel up to -50 feet mean lower low water (MLLW). Alternative 5-2 proposes to widen and deepen the Seagirt Loop Channel up to -50 feet MLLW and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-3 proposes to re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor only. Please refer to Enclosure 1 for maps of Alternatives 3, 5-2, and 5-3.

In a letter dated March 22, 2021, your office requested additional information pertaining to project related actions that may help further define a direct and indirect area of potential effect (APE). The project will utilize previously used staging and anchoring areas. All dredged material will be barged to and placed in existing upland placement areas authorized to accept the material. Additionally, no environmental mitigation measures are being proposed as part of this project at this time.

Regarding visual effects, it is possible that larger Post-Panamax vessels could affect the viewsheds of historic properties within the indirect APE, such as the Fort McHenry National Monument and Historic Shrine (B-8); however, it is also recognized that the proposed project is within an active port that already receives calls, although limited, from Post-Panamax vessels. USACE will be conducting a visual assessment to determine possible direct or indirect effects

the proposed project may have on historic properties within the APE.

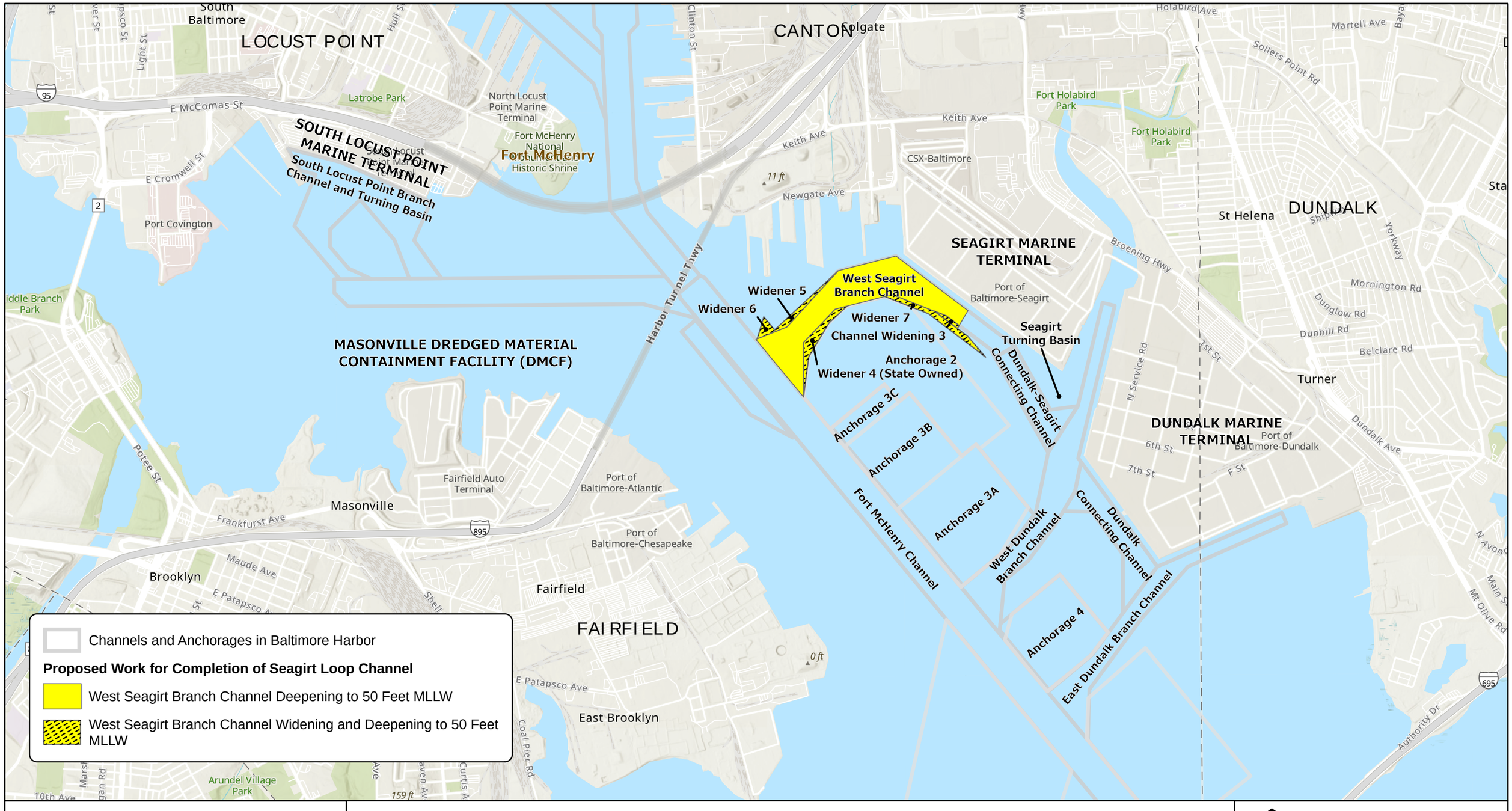
In a February 3, 2021 letter, USACE recommended conducting a Phase I investigation for submerged resources in areas of dredging or widening. Due to funding constraints, a Phase I investigation and any additional National Register of Historic Places evaluations cannot take place during the feasibility planning phase of the project. To satisfy the requirements under Section 106 of the NHPA, USACE is proposing to develop a programmatic agreement (PA) pursuant to 36 CFR 800.14 (b)(ii). The purpose of the PA would be to allow the draft Feasibility Report to move forward, while stipulating Phase I archaeological investigation requirements during Pre-Construction Engineering and Design of the project when funding can be obtained for this effort. USACE requests that your office assist with the development of the PA as a signatory pursuant to 36 CFR 800.6 (c)(1).

Thank you for your assistance with this project. We look forward to continued consultation with your office on the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Study. We also look forward to discussing the scope of any viewshed analyses that may take place to evaluate potential effects to historic properties as well as the continued development of the direct and indirect APE. Additionally, we ask that your office review the enclosed information and notify us as to whether you concur with the development of a PA for this project. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel, M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure



Channels and Anchorages in Baltimore Harbor

Proposed Work for Completion of Seagirt Loop Channel

West Seagirt Branch Channel Deepening to 50 Feet MLLW

West Seagirt Branch Channel Widening and Deepening to 50 Feet MLLW

US Army Corps of Engineers
Baltimore District

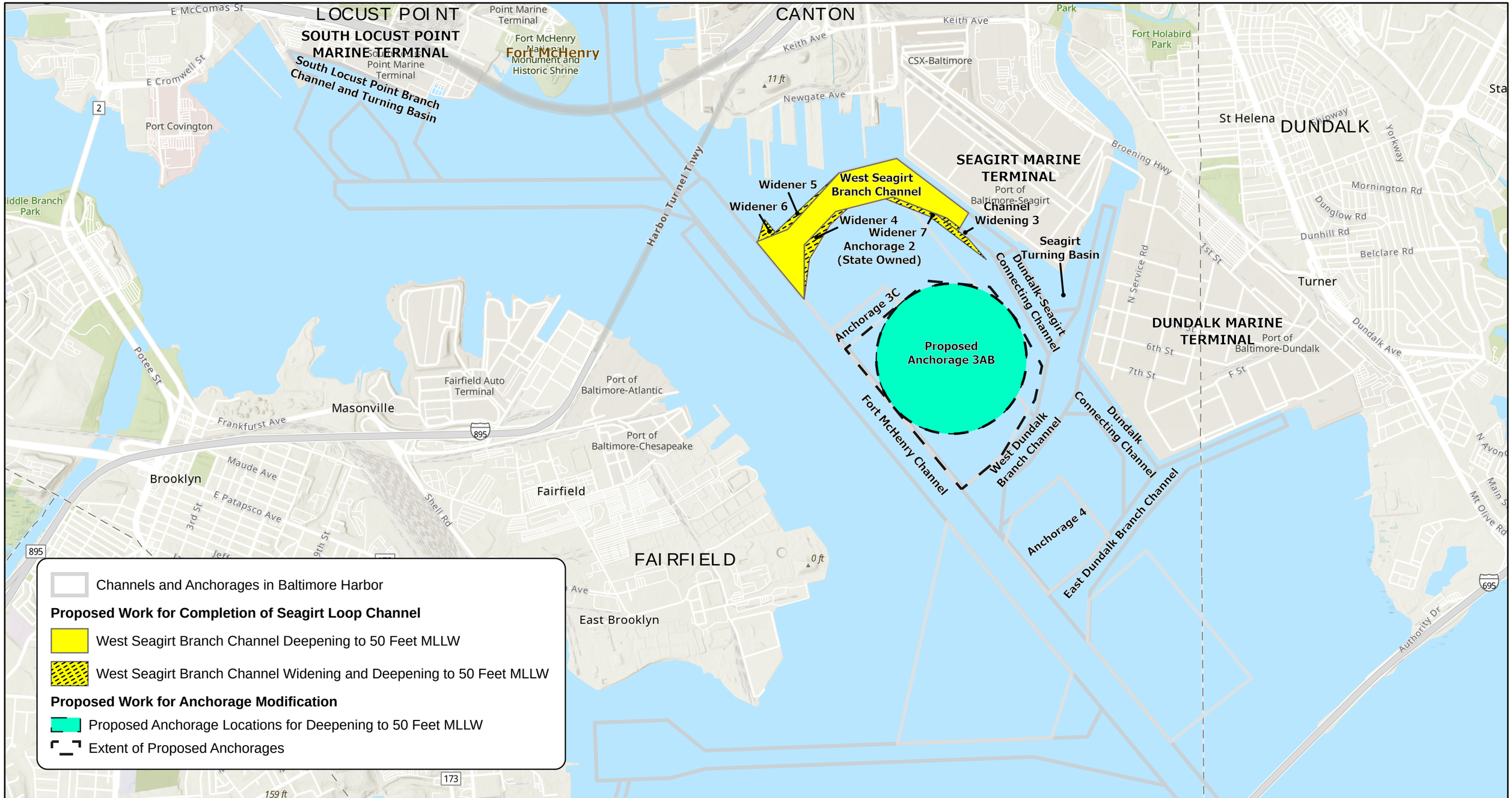
MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 3: Completion of Seagirt Loop Channel

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 3.aprx
Source: USACE Baltimore District
Date: 29 June 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles



Channels and Anchorages in Baltimore Harbor

Proposed Work for Completion of Seagirt Loop Channel

West Seagirt Branch Channel Deepening to 50 Feet MLLW

West Seagirt Branch Channel Widening and Deepening to 50 Feet MLLW

Proposed Work for Anchorage Modification

Proposed Anchorage Locations for Deepening to 50 Feet MLLW

Extent of Proposed Anchorages

US Army Corps of Engineers
Baltimore District

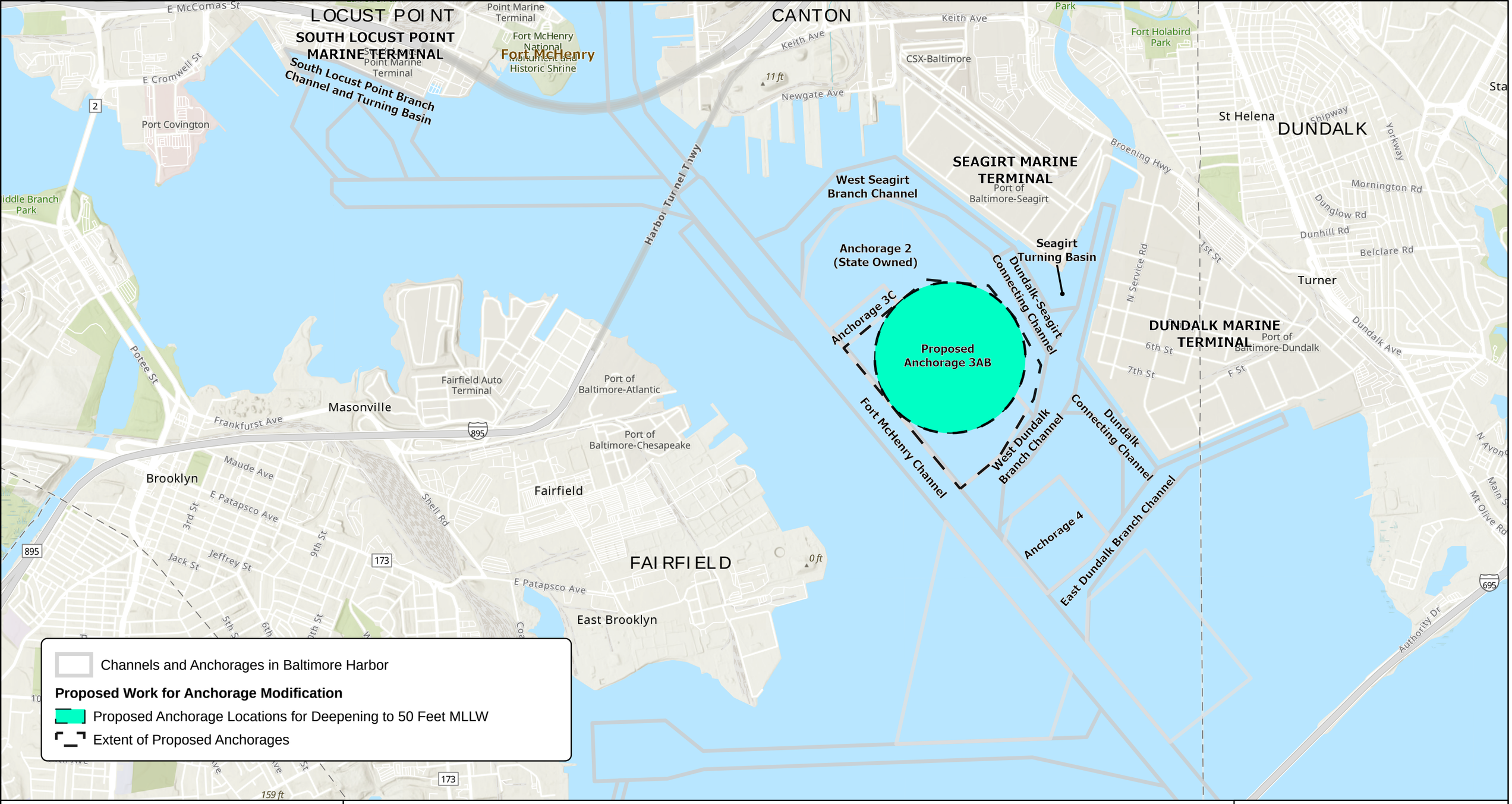
MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 5-2: Completion of Seagirt Loop Channel and Anchorage Modification

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 5-2.aprx
Source: USACE Baltimore District
Date: 29 June 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles



US Army Corps of Engineers
Baltimore District

MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 5-3: Completion of Anchorage Modification

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 5-3.aprx
Source: USACE Baltimore District
Date: 29 June 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles

Enclosure 1. Project area location.

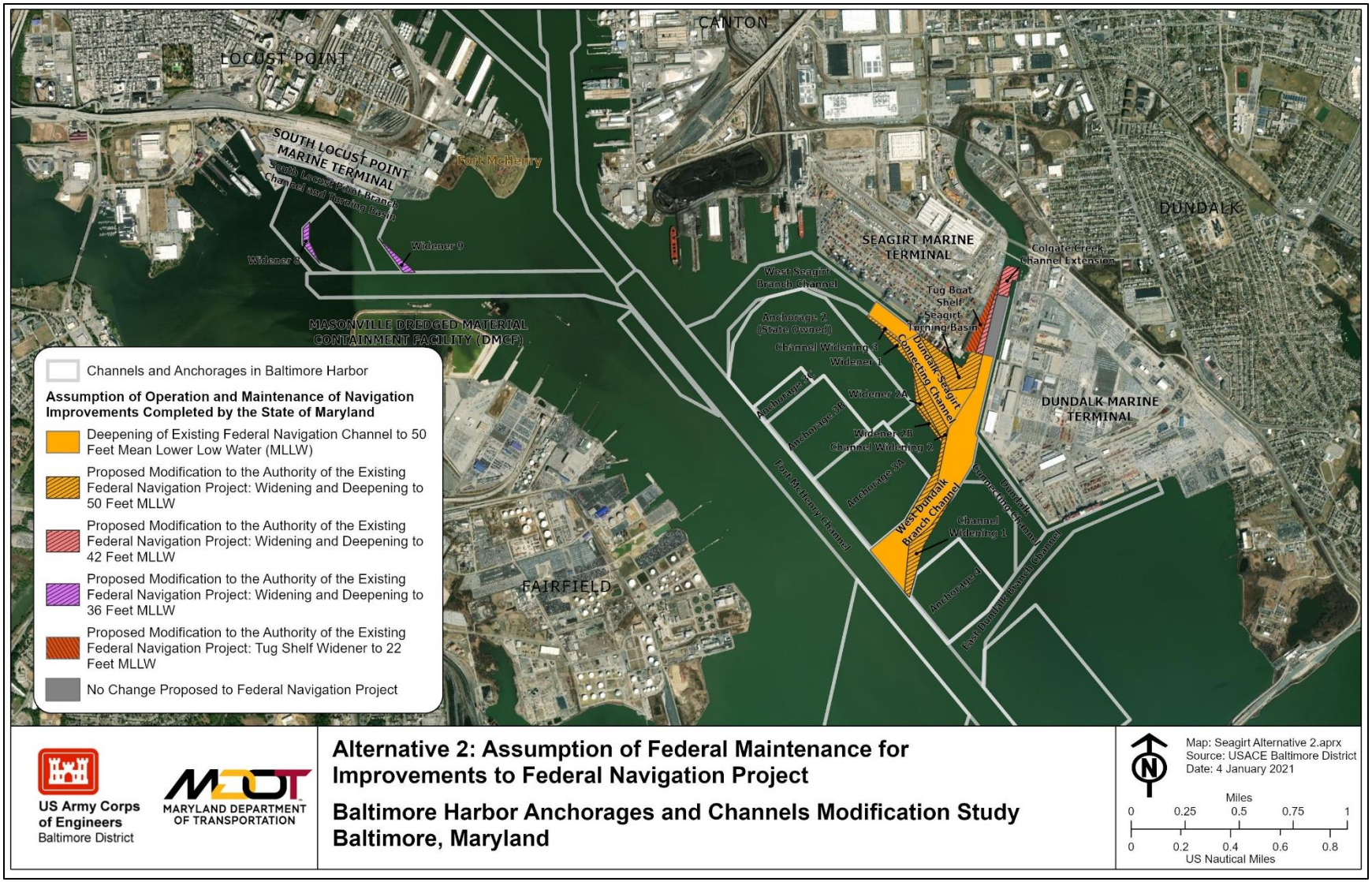
Legend

- Baltimore Harbor Anchorages and Channels (BHAC)
- Study Area for Modification of BHAC
- All Baltimore Harbor Access Channels

BALTIMORE DISTRICT

PORT OF BALTIMORE 1706 Helen Delich Bentley

Enclosure 2. Proposed project alternatives.



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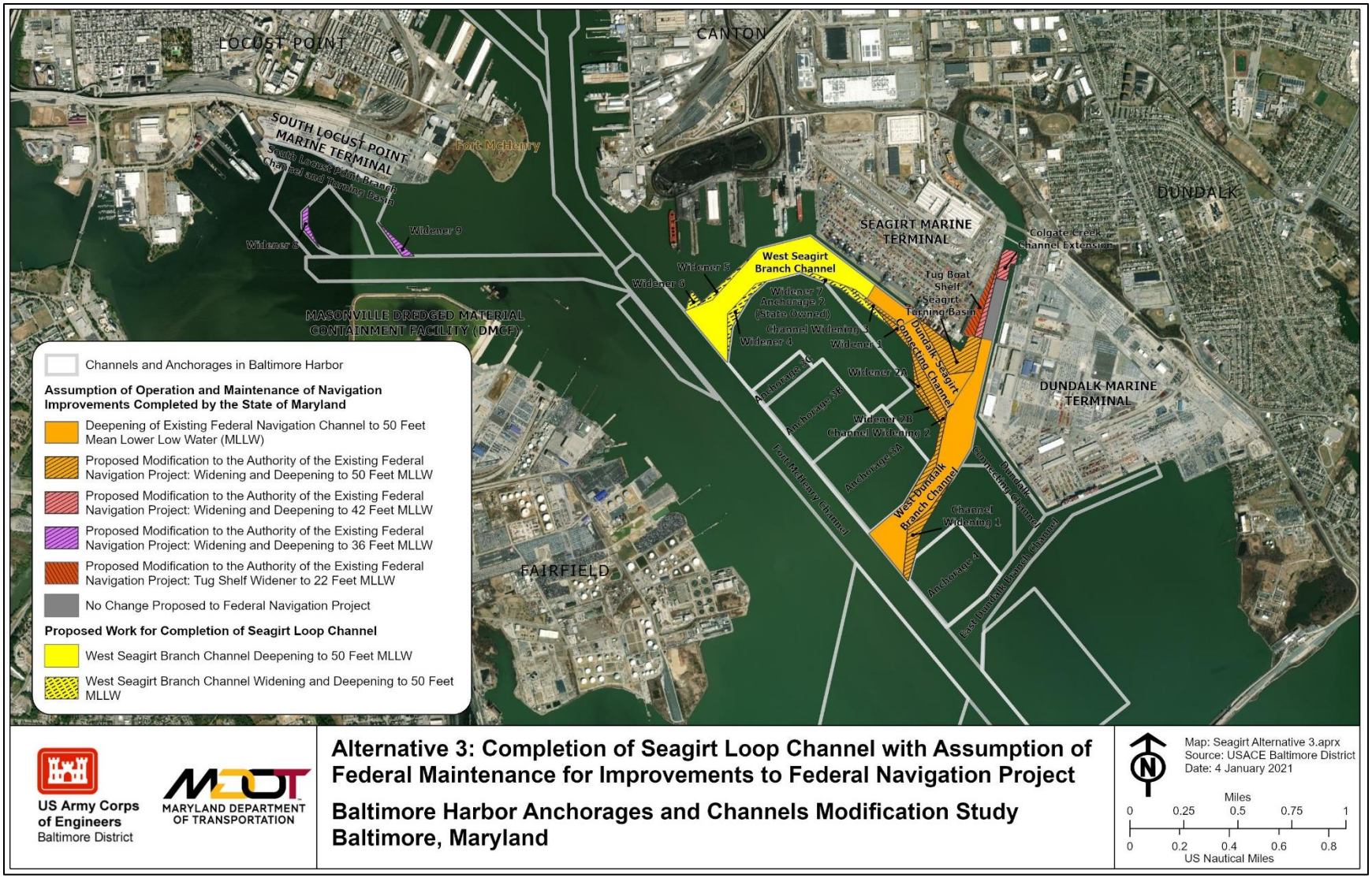

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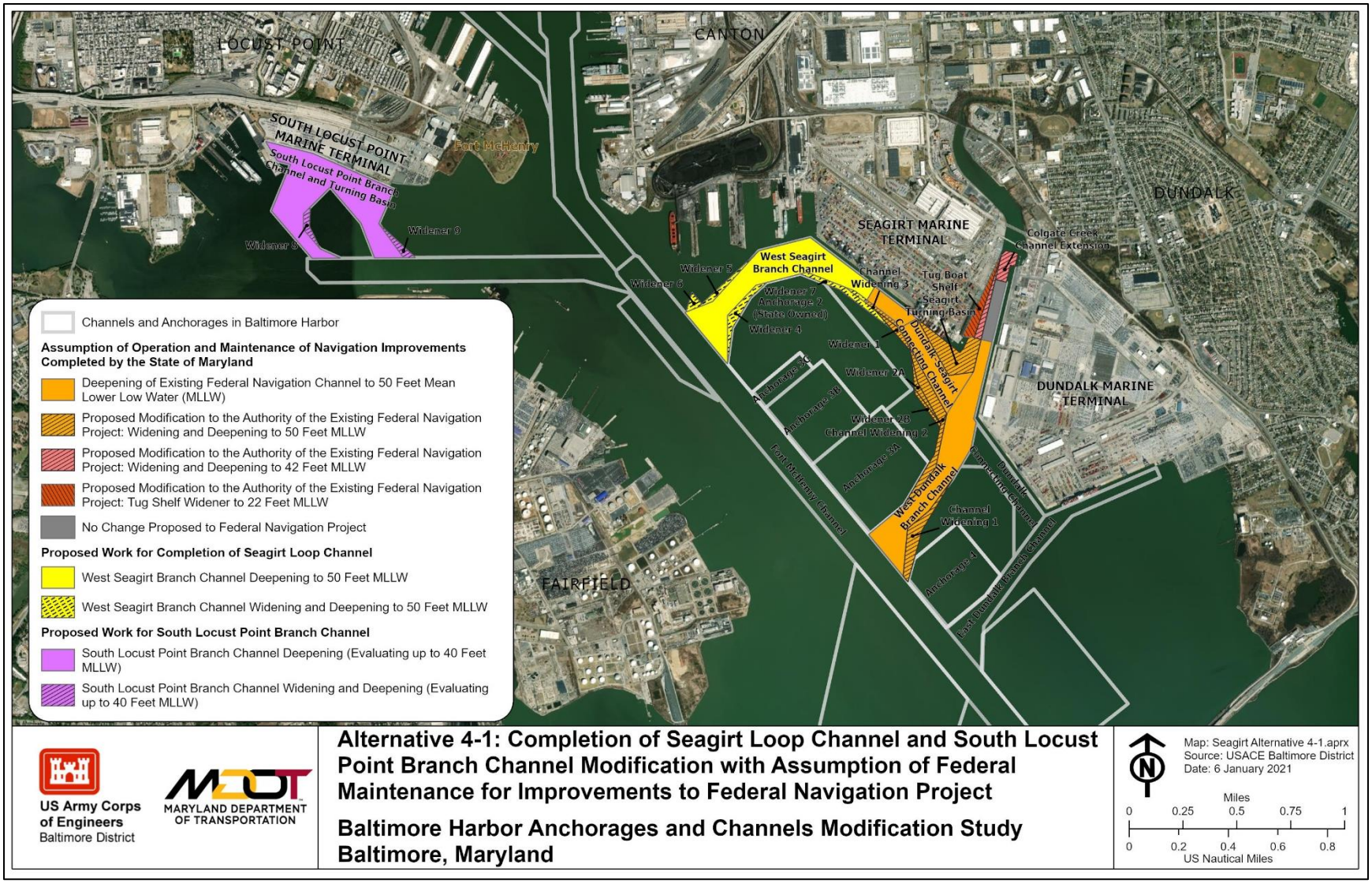

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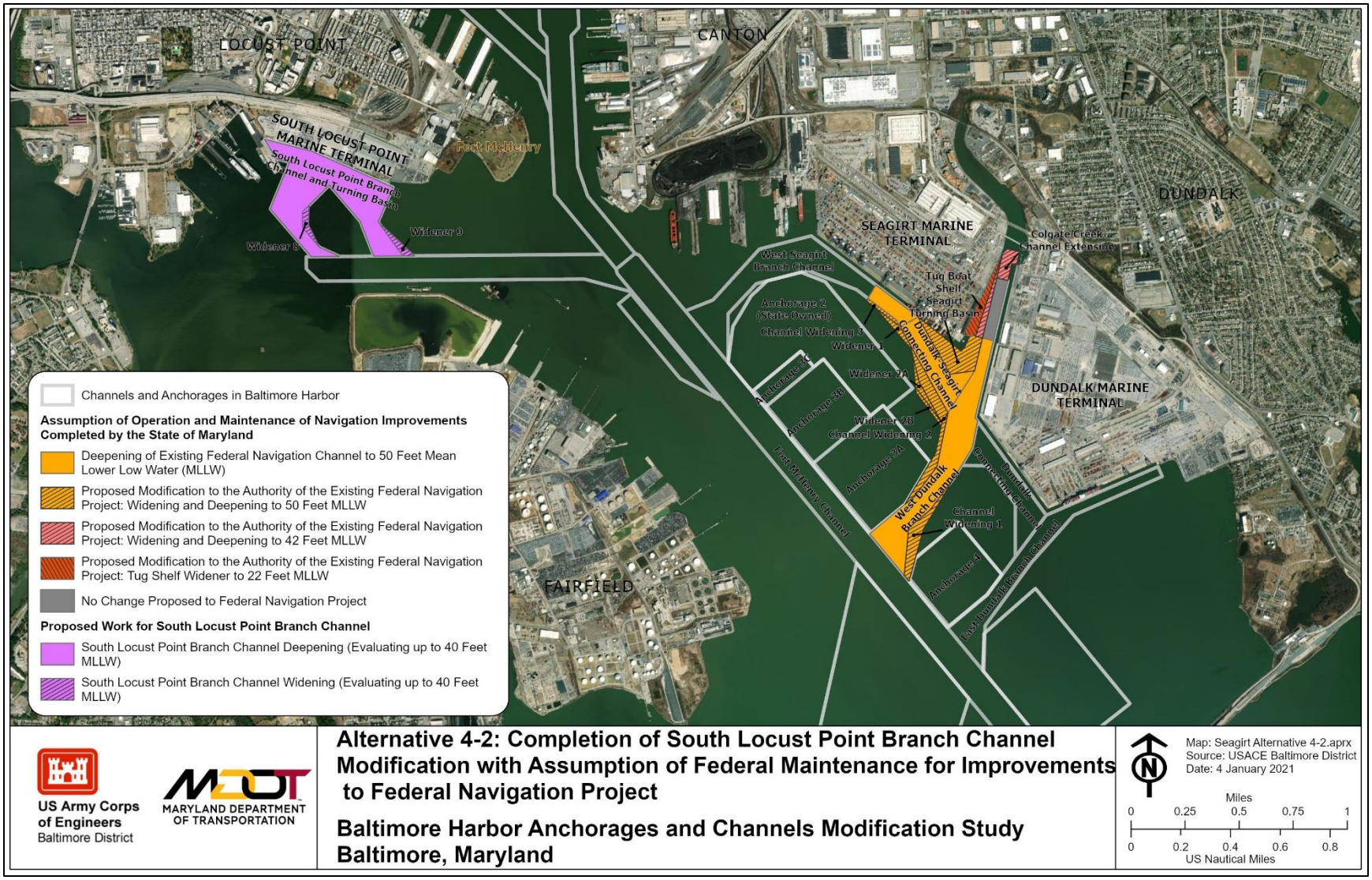

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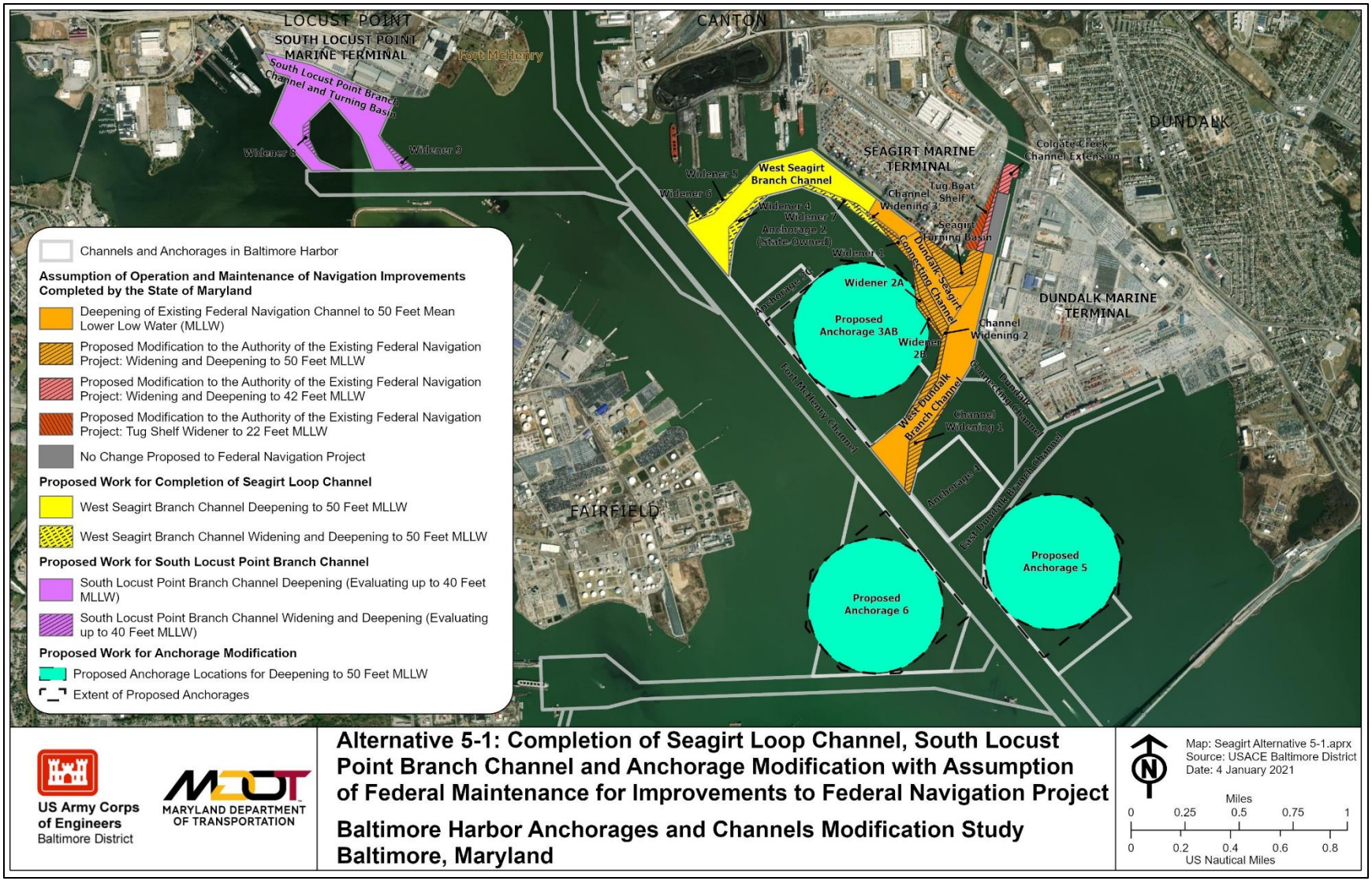

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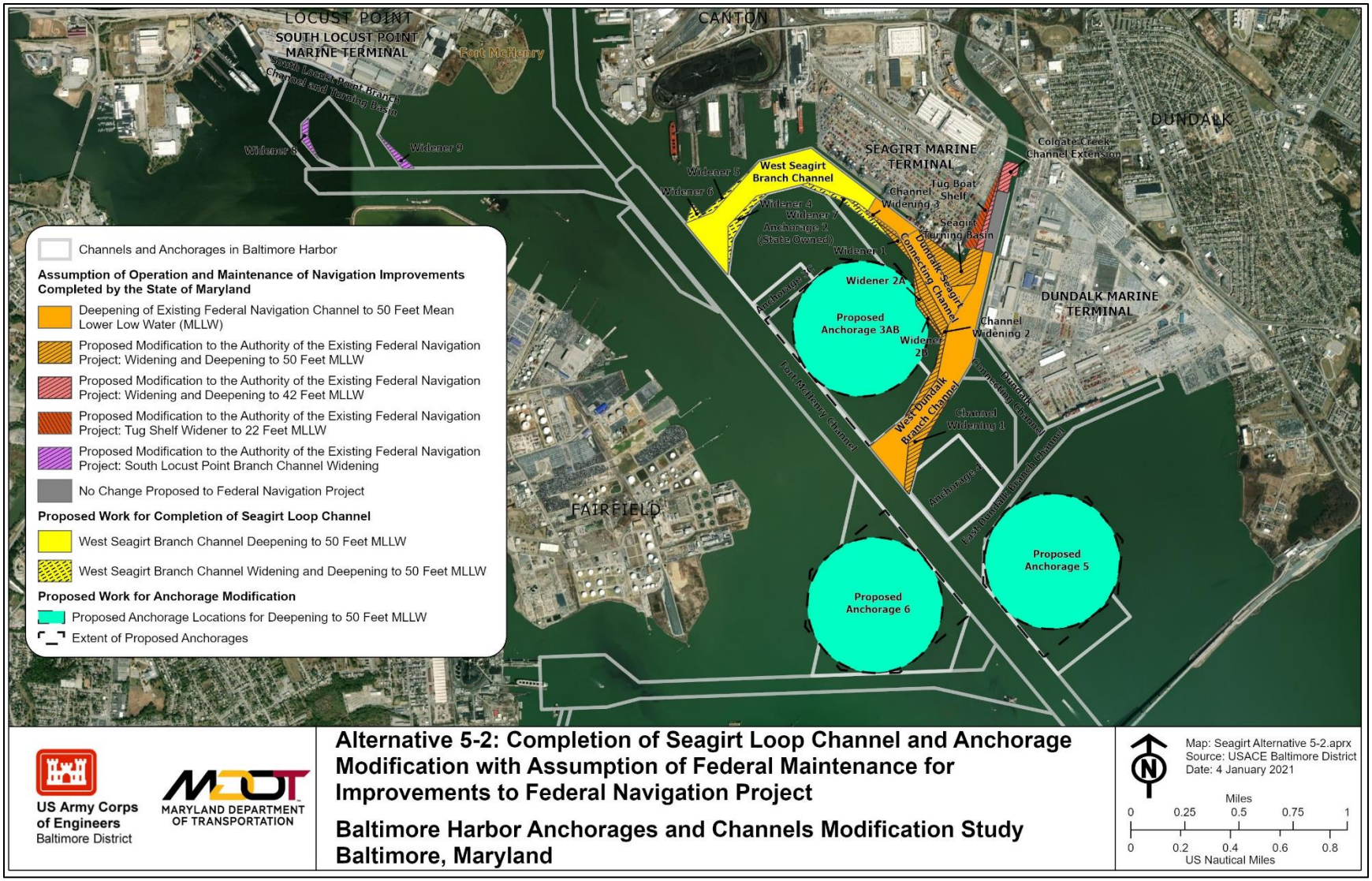

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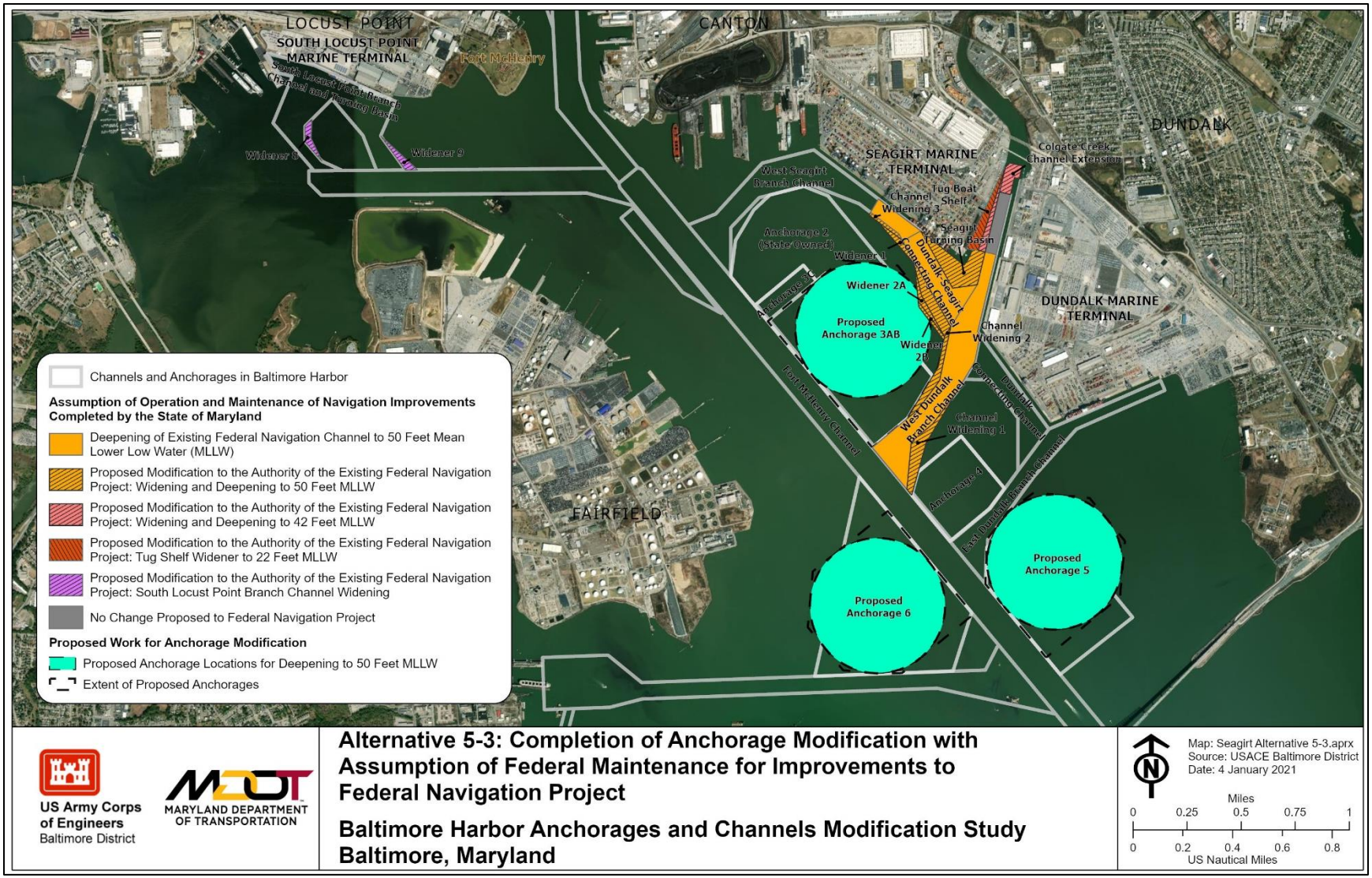

Project Component	Proposed Work/Depth	Current Authorized Depth	Associated Alternative(s)
Anchorages 3A and 3B	50 feet	42 feet	5-1, 5-2, 5-3
Anchorages 5 and 6	50 feet	N/A	5-1, 5-2, 5-3
West Seagirt Branch Channel	50 feet	42 feet	3, 4-1, 5-1, 5-2
Dundalk-Seagirt Connecting Channel	50 feet*	42 feet	2, 3, 4-1, 4-2, 5-1, 5-2, 5-3
West Dundalk Channel	50 feet*	42 feet	2, 3, 4-1, 4-2, 5-1, 5-2, 5-3
Seagirt Turning Basin	50 feet*	N/A	2, 3, 4-1, 4-2, 5-1, 5-2, 5-3
South Locust Point Branch Channel and Turning Basing	40 feet	36 feet	4-1, 4-2, 5-1
Seagirt Tug Boat Shelf	22 feet*	N/A	2, 3, 4-1, 4-2, 5-1, 5-2, 5-3
Colgate Creek Channel Extension	42 feet*	N/A	2, 3, 4-1, 4-2, 5-1, 5-2, 5-3

**Current Depth following State improvements.*

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Ed Papenfuse, Chairman
Baltimore City Historical Society
610 Park Avenue
Baltimore, MD 21201

3 February 2021

Dear Mr. Papenfuse:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland (Enclosure 1). USACE is evaluating eight separate alternatives to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to safely and efficiently serve vessel traffic (Enclosure 2). The proposed project is authorized under Section 216 of the Rivers and Harbors Act of 1970 (Public Law No. 91-611, 33 U.S.C. Section 549a.

Alternative 1 is the no action alternative. Alternative 2 assumes federal responsibility for project improvements completed by the State of Maryland. Alternative 3 proposes to widen and deepen sections of the Seagirt Loop Channel up to -50 feet mean lower low water (MLLW). Alternative 4-1 proposes to deepen the Seagirt Loop Channel as previously detailed and South Locust Point Branch Channel up to -40 MLLW. Alternative 4-2 proposes to deepen the South Locust Point Branch Channel up to -40 feet MLLW only. Alternative 5-1 proposes to widen and deepen the Seagirt Loop Channel up to -50 feet MLLW and South Locust Point Branch Channel up to -40 feet MLLW and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-2 proposes to widen and deepen the Seagirt Loop Channel and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-3 proposes to re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor only. For Alternatives 5-1 through 5-3, a maximum of one anchorage will be constructed at one of the three sites. Enclosure 3 shows the authorized and maintained depths of each channel and anchorage.

The project's proposed area of potential effect (APE) may be defined as the areas of proposed channel dredging or widening. A review of Medusa, the Maryland Historical Trust's Cultural Resources Information System, indicated that no cultural resources have been identified within the proposed APE; however, five resources are within a half-mile of the APE. These include the Dundalk Historic District (BA-5298), the Baltimore Municipal Airport Harbor Field (B-3603), the Baltimore Municipal Airport Air Station (BA-2094), the Western Electric Company Point

Breeze Plant Historic District (B-5298), and the Fort McHenry National Monument and Historic Shrine (B-8). The proposed project is not expected to have any adverse effects on these resources. Additionally, a review of the National Oceanic and Atmospheric Administration's Automated Wreck and Obstruction Information System indicated that no wrecks have been documented within the APE.

Although the proposed project is unlikely to have any adverse effects on known cultural resources, we have determined that a Phase I archaeological investigation for submerged resources is warranted to identify cultural resources within areas of proposed channel widening. This investigation and the drafting of a technical report will be conducted in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Furthermore, we will provide your office with a scope of work for review and comment prior to conducting any archaeological work.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosures

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Deborah Dotson, President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

4 February 2021

Dear Ms. Dotson:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland (Enclosure 1). USACE is evaluating eight separate alternatives to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to safely and efficiently serve vessel traffic (Enclosure 2). The proposed project is authorized under Section 216 of the Rivers and Harbors Act of 1970 (Public Law No. 91-611, 33 U.S.C. Section 549a.

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Although the proposed project is unlikely to have any adverse effects on known cultural resources, we have determined that a Phase I archaeological investigation for submerged resources is warranted to identify cultural resources within areas of proposed channel widening. This investigation and the drafting of a technical report will be conducted in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Furthermore, we will provide your office with a scope of work for review and comment prior to conducting any archaeological work.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosures

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Susan Bachor
Tribal Historic Preservation Representative
Delaware Tribe of Indians
P.O. Box 64
Pocono Lake, PA 18347

3 February 2021

Dear Ms. Bachor:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland (Enclosure 1). USACE is evaluating eight separate alternatives to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to safely and efficiently serve vessel traffic (Enclosure 2). The proposed project is authorized under Section 216 of the Rivers and Harbors Act of 1970 (Public Law No. 91-611, 33 U.S.C. Section 549a.

Alternative 1 is the no action alternative. Alternative 2 assumes federal responsibility for project improvements completed by the State of Maryland. Alternative 3 proposes to widen and deepen sections of the Seagirt Loop Channel up to -50 feet mean lower low water (MLLW). Alternative 4-1 proposes to deepen the Seagirt Loop Channel as previously detailed and South Locust Point Branch Channel up to -40 MLLW. Alternative 4-2 proposes to deepen the South Locust Point Branch Channel up to -40 feet MLLW only. Alternative 5-1 proposes to widen and deepen the Seagirt Loop Channel up to -50 feet MLLW and South Locust Point Branch Channel up to -40 feet MLLW and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-2 proposes to widen and deepen the Seagirt Loop Channel and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-3 proposes to re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor only. For Alternatives 5-1 through 5-3, a maximum of one anchorage will be constructed at one of the three sites. Enclosure 3 shows the authorized and maintained depths of each channel and anchorage.

The project's proposed area of potential effect (APE) may be defined as the areas of proposed channel dredging or widening. A review of Medusa, the Maryland Historical Trust's Cultural Resources Information System, indicated that no cultural resources have been identified within the proposed APE; however, five resources are within a half-mile of the APE. These include the Dundalk Historic District (BA-5298), the Baltimore Municipal Airport Harbor Field (B-3603),

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Although the proposed project is unlikely to have any adverse effects on known cultural resources, we have determined that a Phase I archaeological investigation for submerged resources is warranted to identify cultural resources within areas of proposed channel widening. This investigation and the drafting of a technical report will be conducted in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Furthermore, we will provide your office with a scope of work for review and comment prior to conducting any archaeological work.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosures

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Chief Robert Gray
Pamunkey Indian Tribe
1054 Pocahontas Trail
King William, VA 23086

3 February 2021

Dear Chief Gray:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland (Enclosure 1). USACE is evaluating eight separate alternatives to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to safely and efficiently serve vessel traffic (Enclosure 2). The proposed project is authorized under Section 216 of the Rivers and Harbors Act of 1970 (Public Law No. 91-611, 33 U.S.C. Section 549a.

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Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosures

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Chief William Fisher
Seneca-Cayuga Nation
P.O. Box 453220
Grove, OK 74345

3 February 2021

Dear Chief Fisher:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland (Enclosure 1). USACE is evaluating eight separate alternatives to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to safely and efficiently serve vessel traffic (Enclosure 2). The proposed project is authorized under Section 216 of the Rivers and Harbors Act of 1970 (Public Law No. 91-611, 33 U.S.C. Section 549a.

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Breeze Plant Historic District (B-5298), and the Fort McHenry National Monument and Historic Shrine (B-8). The proposed project is not expected to have any adverse effects on these resources. Additionally, a review of the National Oceanic and Atmospheric Administration's Automated Wreck and Obstruction Information System indicated that no wrecks have been documented within the APE.

Although the proposed project is unlikely to have any adverse effects on known cultural resources, we have determined that a Phase I archaeological investigation for submerged resources is warranted to identify cultural resources within areas of proposed channel widening. This investigation and the drafting of a technical report will be conducted in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Furthermore, we will provide your office with a scope of work for review and comment prior to conducting any archaeological work.

Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effect on historic properties. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosures

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Mark Eberle
External Review Coordinator
National Park Service, Interior Region 1
1234 Market Street, 20th Floor
Philadelphia, PA 19107

July 28, 2021

Dear Mr. Eberle:

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland. Four separate alternatives (Alternatives 1, 3, 5-2, and 5-3) are being evaluated to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to serve vessel traffic safely and efficiently. The proposed project would improve the maneuverability of larger Post-Panamax class container ships with 50-foot drafts within the Seagirt Loop Channel.

Alternative 1 is the no action alternative. Alternative 3 proposes to widen and deepen sections of the Seagirt Loop Channel up to -50 feet mean lower low water (MLLW). Alternative 5-2 proposes to widen and deepen the Seagirt Loop Channel up to -50 feet MLLW and re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor. Alternative 5-3 proposes to re-design an anchorage to allow for 50-foot draft vessels to stand-by in Baltimore Harbor only. Please refer to Enclosure 1 for maps of Alternatives 3, 5-2, and 5-3.

The project will utilize previously used staging and anchoring areas. All dredged material will be barged to and placed in existing upland placement areas authorized to accept the material. Additionally, no environmental mitigation measures are being proposed as part of this project at this time. Regarding visual effects, it is possible that larger Post-Panamax vessels could affect the viewsheds of historic properties within the indirect area of potential of effect (APE), such as the Fort McHenry National Monument and Historic Shrine (B-8); however, it is also recognized that the proposed project is within an active port that already receives calls, although limited, from Post-Panamax vessels. USACE will be conducting a visual assessment to determine possible direct or indirect effects the proposed project may have on historic properties within the APE.

USACE also recommends conducting a Phase I investigation for submerged resources in areas of dredging or widening. Due to funding constraints, a Phase I investigation and any

additional National Register of Historic Places evaluations cannot take place during the feasibility planning phase of the project. To satisfy the requirements under Section 106 of the NHPA, USACE is proposing to develop a programmatic agreement (PA) pursuant to 36 CFR 800.14 (b)(ii). The purpose of the PA would be to allow the draft Feasibility Report to move forward, while stipulating Phase I archaeological investigation requirements during Pre-Construction Engineering and Design (PED) of the project when funding can be obtained for this effort. Please let us know if you interested in assisting with the development of the PA.

Thank you for your assistance with this project. We look forward to consultation with your office on the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Study. We also look forward to discussing the scope of any viewshed analyses that may take place to evaluate effects to historic properties as well as the continued development of the direct and indirect APE. Additionally, we ask that your office review the enclosed information and notify us as to whether you are interested in assisting with the development of a PA for the project. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Mark Eberle
External Review Coordinator
National Park Service, Interior Region 1
1234 Market Street, 20th Floor
Philadelphia, PA 19107

May 17, 2022

Dear Mr. Eberle:

The purpose of this letter is to continue consultation with your office in accordance with Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland. In a previous letter dated July 28, 2021, our office described four alternatives (Alternatives 1, 3, 5-2, and 5-3) being evaluated to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to serve vessel traffic safely and efficiently. The proposed project would improve the maneuverability of larger Post-Panamax class container ships with up to 50-foot drafts within the Seagirt Loop Channel. To date, two alternatives, Alternative 1 and 3, remain under consideration. Alternative 1 is the no action alternative. Alternative 3 proposes to widen and deepen the West Seagirt Branch Channel up to 50 feet mean lower low water.

In January 2022, our office provided you a draft viewshed analysis for review and comment regarding potential effects to the viewsheds of historic properties within the proposed project's indirect area of potential effect (APE). Your comments have been incorporated into the final viewshed analysis that is enclosed with this letter. It is our determination that the proposed project will not have any adverse effects on historic properties within the indirect APE. This is due to the proposed project being located in an active port that already receives calls from Post-Panamax class vessels. The proposed alternative would improve the existing navigation system's ability to serve Post-Panamax class vessel traffic and would not introduce any new visual elements to the landscape.

Thank you for your assistance with this project. We ask that your office review the enclosed information and notify us as to whether you concur with the determination of no adverse effect within the indirect APE. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel, M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS,
BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Elizabeth Hughes, SHPO
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

May 17, 2022

Dear Ms. Hughes:

The purpose of this letter is to continue consultation with your office in accordance with Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations at 36 CFR Part 800, regarding the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Study being conducted by the U.S. Army Corps of Engineers, Baltimore District (USACE) in Baltimore City and Baltimore Counties, Maryland. In a previous letter dated July 28, 2021, our office described four alternatives (Alternatives 1, 3, 5-2, and 5-3) being evaluated to deepen and widen existing Federally authorized navigation channels and anchorages to improve the existing navigation system's ability to serve vessel traffic safely and efficiently. The proposed project would improve the maneuverability of larger Post-Panamax class container ships with up to 50-foot drafts within the Seagirt Loop Channel. To date, two alternatives, Alternative 1 and 3, remain under consideration. Alternative 1 is the no action alternative. Alternative 3 proposes to widen and deepen the West Seagirt Branch Channel up to 50 feet mean lower low water.

In January 2022, our office provided you a draft viewshed analysis for review and comment regarding potential effects to the viewsheds of historic properties within the proposed project's indirect area of potential effect (APE). Your comments have been incorporated into the final viewshed analysis that is enclosed with this letter. It is our determination that the proposed project will not have any adverse effects on historic properties within the indirect APE. This is due to the proposed project being located in an active port that already receives calls from Post-Panamax class vessels. The proposed alternative would improve the existing navigation system's ability to serve Post-Panamax class vessel traffic and would not introduce any new visual elements to the landscape.

Thank you for your assistance with this project. We ask that your office review the enclosed information and notify us as to whether you concur with the determination of no adverse effect within the indirect APE. Additionally, we look forward to working with your office on the development of a programmatic agreement that would stipulate further requirements for evaluating effects to the direct APE. If you have any questions about the project, please contact Ethan A. Bean at (410) 962-2173 or ethan.a.bean@usace.army.mil.

Sincerely,

Daniel, M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Enclosure

United States Department of the Interior
NATIONAL PARK SERVICE
Interior Region 1 – North Atlantic - Appalachian
1234 Market Street, 20th Floor
Philadelphia, PA 19107

1.A.2.(IR1-RSS)

Department of the Army
U.S. Army Corps of Engineers, Baltimore District
Attn: Daniel M. Bierly, P.E., Chief,
Civil Project Development Branch
2 Hopkins Plaza
Baltimore, MD 21201

Subject: USACE Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Feasibility Study – Finding of No Adverse Effect

Dear Mr. Bierly:

This letter is in response to your May 17, 2022, letter that transmitted the final visual assessment for the Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Study and Section 106 Finding Document. The National Park Service (NPS) concurs with U.S. Army Corps of Engineers' (USACE) no adverse effect finding for this study; however, we do ask if you find something of historical interest to the NPS during the archeological investigation for this study that you please notify us of that information.

We appreciate the USACE assessing the effects to the NPS resources in the area and acknowledge the inclusion of the Star-Spangled Banner National Historic Trail and the Captain John Smith Chesapeake National Historic Trail in your assessment. We do offer the following clarifying information for future Section 106 consultations with our national trails:

- For future consultations on the Star-Spangled Banner National Historic Trail, please be aware that the National Trails System Act specifies a trail's obligations to identify sites and segments of high priority for resource protection, among other things. We recommend that USACE consult with the Star-Spangled Banner National Historic Trail - Comprehensive Management Plan for high potential route segments and high potential historic sites. To qualify as a high potential historic site, a site must meet criteria summarized as follows: battlefields, structures, archeological sites, cultural landscapes (exclusive of scenic resources), and commemorative sites.
    - One High Potential Route Segment that is found in the project area is the Patapsco River (from Fort McHenry to Fort Howard).

- For future consultations on the Captain John Smith Chesapeake National Historic Trail, please be aware that the National Trails System Act specifies a trail's obligations to identify sites and segments of high priority for resource protection, among other things.

We recommend that USACE consult with the Captain John Smith Chesapeake National Historic Trail - Comprehensive Management Plan for high potential route segments and high potential historic sites. The term high potential historic sites means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion. Also, please keep in mind that high potential historic sites and segments as identified in a trail's planning documents are not static, and they can be added to as future research brings new sites or segments to light.

Thank you for coordination with the NPS on this project. If you have questions on this letter, please contact Mark Eberle, Region 1 External Review Coordinator, at mark_eberle@nps.gov or 215-597-1258.

Sincerely,

Jonathan Meade
Associate Regional Director
Resource Science and Stewardship

Cc:
Beth Cole, Maryland Historical Trust
Troy Nowak, Maryland Historical Trust

July 6, 2022

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division
Corps of Engineers, Baltimore District (USACE)
2 Hopkins Plaza
Baltimore, MD 21201

Sent by email to ethan.a.bean@usace.army.mil

Re: Baltimore Harbor Anchorages and Channels
Modification of Seagirt Loop Study
Section 106 / Review for Visual Effects on Historic Properties

Dear Mr. Bierly:

Thank you for your submittal of the Final Viewshed Analysis Report, received by the Maryland Historical Trust (Trust) on May 23, 2022. As Maryland's State Historic Preservation Office, the Trust has reviewed the final report prepared by the USACE in accordance with Section 106 of the National Historic Preservation Act and we offer the following comments and concurrence.

The report evaluates the effect of the undertaking on historic properties in the visual area of potential effect (APE). Alternative 1 (no build) and Alternative 3 remain under consideration by the USACE and are evaluated in the report. The Trust appreciates that you addressed our comments on the draft report in this final submission which provides detailed assessments of effect with supporting maps and photographs. The Trust concurs with your determination that Alternative 3 will have no adverse visual effect to historic properties in the surrounding APE.

The Trust understands that the identification of and assessment of effects to submerged historic properties in the APE for direct effects will be completed by the USACE during pre-construction engineering and design for this undertaking once funding has been obtained. As previously discussed during consultation for this undertaking, the USACE should develop a Programmatic Agreement (PA) in consultation with the consulting parties to detail the phased identification and effects assessment for submerged historic properties in the APE.

We look forward to further consultation with the USACE, National Park Service and other consulting parties to successfully complete the Section 106 review of this undertaking. If you have

any questions or need further assistance, please do not hesitate to contact me (for historic structures and landscapes) at becky.roman@maryland.gov, Troy Novak (for underwater resources) at troy.novak@maryland.gov, or Beth Cole (for PA development) at beth.cole@maryland.gov. Thank you for providing us this opportunity to comment.

Sincerely,

Becky Roman
Preservation Officer
Project Review and Compliance
Maryland Historical Trust

ELR/BC/202202308

CC: Ethan Bean (USACE. Ethan.a.bean@usace.army.mil)
Mark Eberle (NPS Region 1, mark_eberle@nps.gov)

August 1, 2022

Ethan A. Bean
Archaeologist
U.S. Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Ref: *Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop*
Baltimore City, Maryland
ACHP Project Number: 018577

Dear Mr. Bean:

On July 19, 2022, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Maryland SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Christopher Daniel at (202) 517-0223 or by e-mail at

cdaniel@achp.gov and reference the ACHP Project Number above.

Sincerely,

Artisha Thompson
Historic Preservation Technician
Office of Federal Agency Programs

Section 7 of the Endangered Species Act Consultation Letters

From: Spindler, Megan L CIV USARMY CENAB (US)
To: brian.d.hopper@noaa.gov
Cc: May, Kristina K CIV USARMY CENAB (USA)
Subject: RE: ESA List for Seagirt Loop
Date: Wednesday, January 6, 2021 8:50:36 AM
Attachments: Seagirt_ESA Section 7.pdf

Apologies Brian, please disregard the IPaC list. The ESA Section 7 list is attached.

Thank you,
Megan

From: Spindler, Megan L CIV USARMY CENAB (US)
Sent: Wednesday, January 6, 2021 8:14 AM
To: 'brian.d.hopper@noaa.gov' <brian.d.hopper@noaa.gov>
Cc: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Subject: ESA List for Seagirt Loop

Good morning Brian

Attached is the ESA list from the IPaC and a map of the project area for your reference ahead of the Seagirt Loop Feasibility Study. If you have any questions, please let us know.

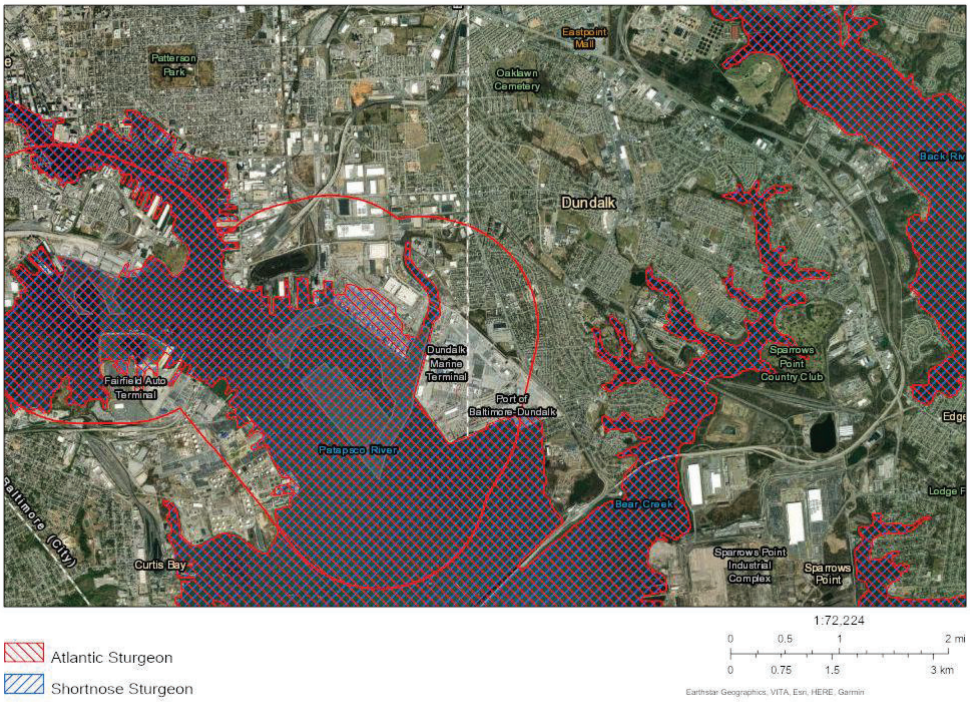
Thank you,
Megan

Drawn Action Area & Overlapping S7 Consultation Areas

Area of Interest (AOI) Information

Area : 8,819.18 acres

Jan 6 2021 8:47:34 Eastern Standard Time



Summary

Name	Count	Area(acres)	Length(mi)
Atlantic Sturgeon	3	14,825.01	N/A
Shortnose Sturgeon	2	9,883.34	N/A
Atlantic Salmon	0	0	N/A
Sea Turtles	0	0	N/A
Atlantic Large Whales	0	0	N/A
In or Near Critical Habitat	0	0	N/A

Atlantic Sturgeon

#	Feature ID	Species	Life Stage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	ANS_CHB_SUB_MAF	Atlantic sturgeon	Subadult	Migrating & Foraging	Chesapeake Bay	03/15	11/30	N/A	N/A	4,941.67
2	ANS_CHB_JUV_MAF	Atlantic sturgeon	Juvenile	Migrating & Foraging	Chesapeake Bay	01/01	12/31	N/A	N/A	4,941.67
3	ANS_CHB_ADU_MAF	Atlantic sturgeon	Adult	Migrating & Foraging	Chesapeake Bay	03/15	11/30	N/A	N/A	4,941.67

Shortnose Sturgeon

#	Feature ID	Species	Life Stage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	SNS_CHB_ADU_WIN	Shortnose sturgeon	Adult	Overwintering	Chesapeake Bay	11/01	02/28	N/A	N/A	4,941.67
2	SNS_CHB_ADU_MAF	Shortnose sturgeon	Adult	Migrating & Foraging	Chesapeake Bay	01/01	12/31	N/A	N/A	4,941.67

From:	Brian D Hopper - NOAA Federal
To:	May, Kristina K CIV USARMY CENAB (USA)
Cc:	Kate Meade; Michelle Osborn
Subject:	Re: [Non-DoD Source] Re: Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study
Date:	Tuesday, March 9, 2021 9:23:02 AM

got it. thanks for the clarification, Kristina!

On Tue, Mar 9, 2021 at 8:46 AM May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil> wrote:

> Brian,
>
> I attached a table that shows what is covered under the 2013 letter of concurrence and the modification to the channels under the Baltimore Harbor and Channels (BHAC) modification (based on the current project alternatives). The action area looks the same with the exception of the anchorages proposed under the BHAC modification. Also, dredging to deeper depths than what is shown in the letter of concurrence is also proposed under the BHAC modification.
>
> Thanks,
>
> Kristina May
>
> Biologist, Planning Division
>
> Baltimore District, U.S. Army Corps of Engineers
>
> 410-962-6100
>
> ---
>
> **From:** Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>
> **Sent:** Friday, March 5, 2021 7:53 AM
> **To:** May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
> **Cc:** Kate Meade <kmeade@menv.com>; Michelle Osborn <mosborn@menv.com>
> **Subject:** [Non-DoD Source] Re: Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study
>
> thanks Kristina. can you confirm whether or not the proposed action was included in a consultation we did back in 2013. i've attached the Letter of Concurrence.
>
> On Thu, Mar 4, 2021 at 3:26 PM May, Kristina K CIV USARMY CENAB (USA)

<Kristina.K.May@usace.army.mil> wrote:

> Dear Mr. Hopper,
>
> Please see the attached letter requesting comments on the Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel, Maryland Feasibility Study. If you have any questions, please contact me at (410) 962-6100.
>
> Thank you,
>
> Kristina May
>
> Biologist, Planning Division
>
> Baltimore District, U.S. Army Corps of Engineers
>
> 410-962-6100

--

Brian D. Hopper
Protected Resources Division
NOAA Fisheries
Greater Atlantic Regional Fisheries Office

200 Harry S Truman Parkway

Suite 460

Annapolis, MD 21401

410 267 5649
Brian.D.Hopper@noaa.gov
http://www.greateratlantic.fisheries.noaa.gov/

--
Brian D. Hopper
Protected Resources Division

NOAA Fisheries
Greater Atlantic Regional Fisheries Office
200 Harry S Truman Parkway
Suite 460
Annapolis, MD 21401
410 267 5649
Brian.D.Hopper@noaa.gov
http://www.greateratlantic.fisheries.noaa.gov/

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127
http://www.fws.gov/chesapeakebay/
http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html

In Reply Refer To: December 15, 2020
Consultation Code: 05E2CB00-2021-SLI-0344
Event Code: 05E2CB00-2021-E-00836
Project Name: Seagirt Loop Feasibility Study

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2021-SLI-0344

Event Code: 05E2CB00-2021-E-00836

Project Name: Seagirt Loop Feasibility Study

Project Type: DREDGE / EXCAVATION

Project Description: The U.S. Army Corps of Engineers (USACE), Baltimore District, and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) are launching a study to determine ways to address marine navigation at the Seagirt Loop channel in Baltimore Harbor, with goals of improving capacity, safety and efficiency at the Seagirt Marine Terminal within the Port of Baltimore. The channels in Baltimore Harbor that form the Seagirt Loop are authorized and maintained to depths varying from 42 to 51 feet. With these varying channel conditions, the study is needed to examine navigation efficiencies and transportation cost savings that could be gained improving the Seagirt Loop channel to better accommodate the larger vessels that call at the Port of Baltimore. The study will consider channel modifications including deepening, widening and modifying channel bends.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/39.24376187968889N76.54960442197816W

Counties: Baltimore, MD

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis*	Threatened

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key

Species profile: https://ecos.fws.gov/ecp/species/9045

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

ESTUARINE AND MARINE DEEPWATER

- E1UBL

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127
http://www.fws.gov/chesapeakebay/
http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html

In Reply Refer To:
Consultation Code: 05E2CB00-2021-SLI-0344
Event Code: 05E2CB00-2022-E-00534
Project Name: Seagirt Loop Feasibility Study

October 28, 2021

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2021-SLI-0344
Event Code: Some(05E2CB00-2022-E-00534)
Project Name: Seagirt Loop Feasibility Study
Project Type:
Project Description: The U.S. Army Corps of Engineers (USACE), Baltimore District, and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) are launching a study to determine ways to address marine navigation at the Seagirt Loop channel in Baltimore Harbor, with goals of improving capacity, safety and efficiency at the Seagirt Marine Terminal within the Port of Baltimore. The channels in Baltimore Harbor that form the Seagirt Loop are authorized and maintained to depths varying from 42 to 51 feet. With these varying channel conditions, the study is needed to examine navigation efficiencies and transportation cost savings that could be gained improving the Seagirt Loop channel to better accommodate the larger vessels that call at the Port of Baltimore. The study will consider channel modifications including deepening, widening and modifying channel bends.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@39.24376187968889,-76.54960442197816,14z

Counties: Baltimore County, Maryland

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis*	Threatened

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key

Species profile: https://ecos.fws.gov/ecp/species/9045

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html).

Species profile: https://ecos.fws.gov/ecp/species/9743

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

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Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

ESTUARINE AND MARINE DEEPWATER

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United States Department of the Interior

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http://www.fws.gov/chesapeakebay/
http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html

In Reply Refer To: April 07, 2022
Project Code: 2022-0029255
Project Name: Seagirt Loop Feasibility Study

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

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This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Project Code: 2022-0029255
Event Code: None
Project Name: Seagirt Loop Feasibility Study
Project Type: Disposal Dredge Material
Project Description: The U.S. Army Corps of Engineers (USACE), Baltimore District, and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) are launching a study to determine ways to address marine navigation at the Seagirt Loop channel in Baltimore Harbor, with goals of improving capacity, safety and efficiency at the Seagirt Marine Terminal within the Port of Baltimore. The channels in Baltimore Harbor that form the Seagirt Loop are authorized and maintained to depths varying from 42 to 51 feet. With these varying channel conditions, the study is needed to examine navigation efficiencies and transportation cost savings that could be gained improving the Seagirt Loop channel to better accommodate the larger vessels that call at the Port of Baltimore. The study will consider channel modifications including deepening, widening and modifying channel bends.

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ESTUARINE AND MARINE DEEPWATER

- E1UBL

IPaC User Contact Information

Agency:	Army Corps of Engineers
Name:	Kristina May
Address:	2 Hopkins Plaza
Address Line 2:	Planning Division
City:	Baltimore
State:	MD
Zip:	21201
Email	kristina.k.may@usace.army.mil
Phone:	4109626100

From: May, Kristina K CIV USARMY CENAB (USA)
To: cbfoprojectreview@fws.gov
Cc: Michelle Osborn; Santiago, Luis E CIV USARMY CENAB (USA)
Subject: Project Review Request - Modification of Seagirt Loop Channel
Date: Monday, June 13, 2022 7:18:20 AM
Attachments: USFWSNoEffectDetermination_Seagirt_June132022.pdf
Species List_Chesapeake Bay Ecological Services Field Office (2).pdf

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Greetings,

Please see the attached letter requesting the Service's concurrence on the USACE "No Effect" determination for the Baltimore Harbor Anchorages and Channels Project – Modification of the Seagirt Loop Channel feasibility study.

More information on this study can be found at: https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Thank you,

Kristina May
Biologist, Planning Division

Baltimore District, U.S. Army Corps of Engineers
Office: 410-962-6100
Cell: 410-920-6507
2 Hopkins Plaza, Baltimore, MD 21201
Email: kristina.k.may@usace.army.mil

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201

June 13, 2022

CENAB-PL-P

Ms. Genevieve LaRouche
Project Leader
Ecological Services
Chesapeake Bay Ecological Services Field Office
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307

Re: Request for Concurrence of a "No Effect" determination for the Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study

Dear Ms. LaRouche:

The U.S. Army Corps of Engineers, Baltimore District (USACE) has made the determination under Section 7 of the Endangered Species Act (ESA) that the Proposed Action will have no effect to those species listed as threatened or endangered by the U.S. Fish and Wildlife Service (the Service). This No Effect Determination documents our conclusions and the rationale to support those conclusions regarding the effects of the Proposed Action on protected resources.

I. Introduction

Study Purpose

The purpose of the Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study (BHAC Study) is to identify technically feasible, economically justifiable, and environmentally acceptable recommendations for a federal navigation improvement project in Baltimore Harbor. This study is being completed by USACE in partnership with the Maryland Department of Transportation Maryland Port Administration (MDOT MPA), the non-federal sponsor of the study. When the original BHAC feasibility study was completed in 1998, the design vessel used for modeling the branch channels was a Panamax container vessel that measured 965 feet long with a 106-foot beam, with design consideration for larger beam vessels (135 to 145-foot beam) that were already in service at the time. Since the completion of the original study, larger container vessels (termed post-Panamax vessels) have started calling at the Port of Baltimore (Port). Post-Panamax vessels are longer, wider, can carry twice the cargo capacity, and have deeper drafts than the ships that were used to design the current 42-foot-deep access channels to the Seagirt Marine Terminal (SMT).

This study is being completed to determine whether improvements to the BHAC project channels and anchorages would result in improved navigation efficiencies at the Port to meet future demand

capacity at the Port facilities, including efficient handling of increased container volume at SMT and faster and safer movement of vessels transiting the channels.

Study Authority

This review of the operations of the BHAC is conducted pursuant to §216 of the Rivers and Harbors Act of 1970 (Pub. L. No. 91-611, 33U.S.C. §549a), which reads:

> *The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.*

The BHAC project is the constructed USACE project that will be reviewed for modification as part of this study. The study for the BHAC project was authorized on June 23, 1988, by the Committee on Environment and Public Works, U.S. Senate. The resolution authorizing that study follows:

> *RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE, that the Board of Engineers for Rivers and Harbors is hereby requested to review the reports of the Chief of Engineers on Baltimore Harbor and Channels, Maryland, and Virginia, contained in House Documents Number 94-181, 94th Congress, 1st Session, and Number 86, 85th Congress, 1st Session, and prior reports, with a view to determining if further improvements for navigation, including anchorages and branch channels, are advisable at this time.*

The study, conducted pursuant to this authority, resulted in a Chief of Engineer's Report dated June 8, 1998, and construction of the BHAC Project was authorized in §101(a)(22) of WRDA 1999 (PL. 106-53). As discussed in the Chief of Engineer's Report, the project included improvements to access channels serving the public terminals of Dundalk, Seagirt, and South Locust Point. The federal government assumed maintenance of these channels at their authorized depths.

Study Area

The study area includes 32-square miles of Baltimore Harbor, including the navigable parts of the Patapsco River below Hanover Street, the Northwest and Middle Branches, and the Curtis Bay and its tributary, Curtis Creek, as well as the Port. The study area is a highly developed industrial area zoned as a marine industrial district, an area where maritime shipping can be conducted without intrusion of non-industrial uses and where investment in maritime infrastructure and related jobs is encouraged. The Port marine facilities include various private and public terminals and ranks first nationally for volume of autos and light trucks, roll-on roll-off (RORO) heavy farm and construction machinery and imported gypsum. The Port is one of only four U.S. East Coast ports with both a 50-foot-deep channel and two 50-foot-deep berths (Seagirt Marine Terminal Berths 3 and 4), allowing it to accommodate some of the largest container ships in the world. Ships reach the Port by traveling one of two routes along the Chesapeake Bay navigational channel

system: the C&D Canal linking the Delaware River with the northern end of the Chesapeake Bay, or the 50-Foot Channel, which extends 150 nautical miles from the mouth of the Chesapeake Bay to the Port.

The BHAC is the primary focus of this study and includes the Seagirt Loop Channel, the Dundalk Access Channels, the South Locust Point Branch Channel and Turning Basin, and Anchorages 3 and 4. The Seagirt Loop Channel includes all channels that provide access to the Seagirt Marine Terminal including the West Seagirt Branch Channel (WSBC) and the Dundalk – Seagirt Access Channels (Figure 1).

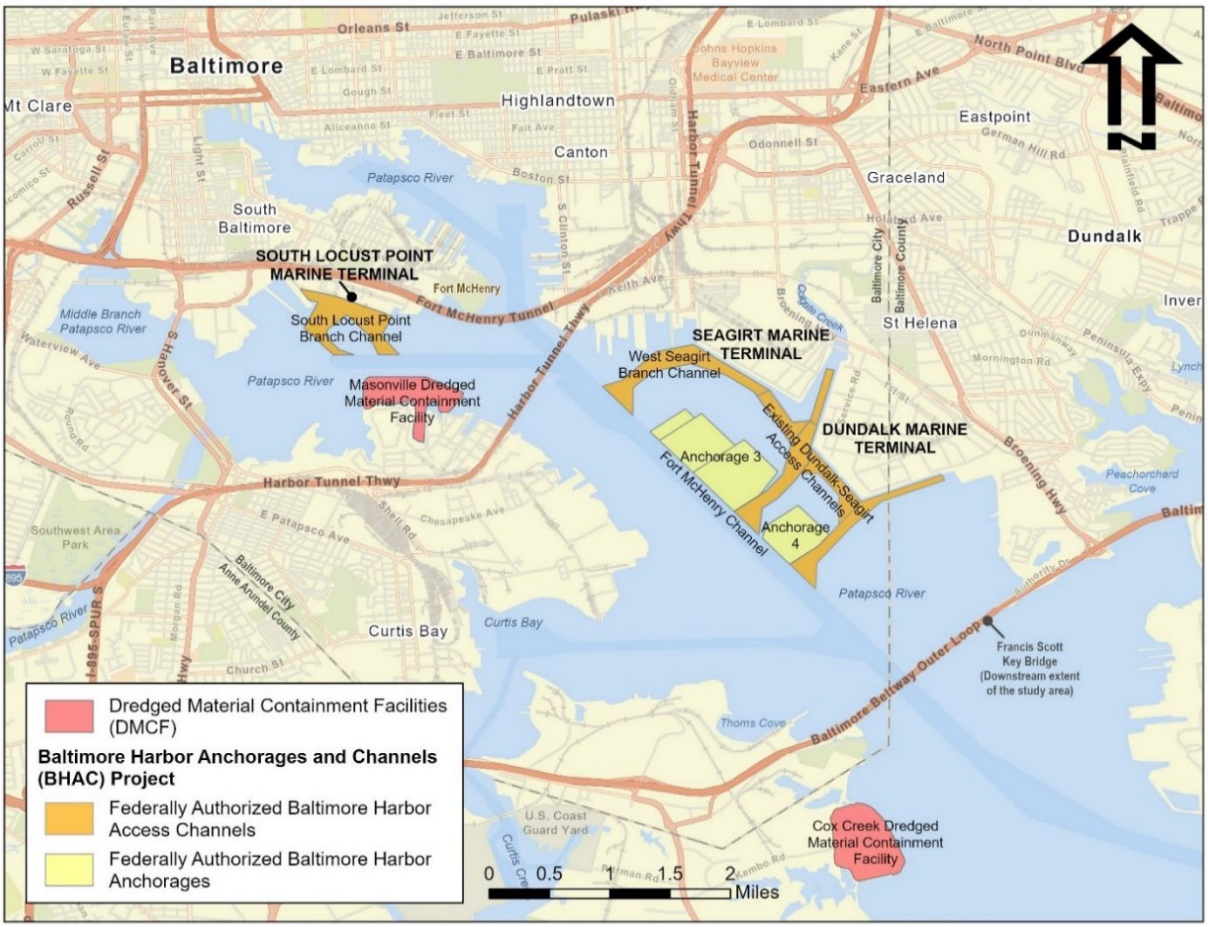


FIGURE 1: BALTIMORE HARBOR ANCHORAGES AND CHANNELS PROJECT STUDY AREA

II. Tentatively-Selected Plan

The USACE Tentatively-Selected Plan (TSP) is the National Economic Development (NED) Plan, or the plan that reasonably maximizes net benefits. The NED Plan is to widen the WSBC to a minimum width of 620 feet with deepening to a federally-authorized depth of 47 feet mean lower low water (MLLW). An additional 2 feet of allowable overdepth has been assumed for purposes of dredged material volume and cost. Dredged material would be placed at the Cox Creek Dredged Material Containment Facility (DMCF). Figure 2 illustrates the TSP – NED Plan. Table 1 provides the characteristics and dimensions of the TSP – NED Plan. During the course of the study, ship simulation modeling will be completed for the Seagirt Loop that will be used to optimize the channel design, refine dredge quantities, update cost estimates, and re-examine benefit assumptions that may affect the optimum project design that reasonably maximizes net benefits. Although the NED Plan proposes dredging to 47 feet MLLW, USACE evaluated the environmental effects of dredging to 50 feet MLLW, the maximum possible extent of the action, which may change during optimization.

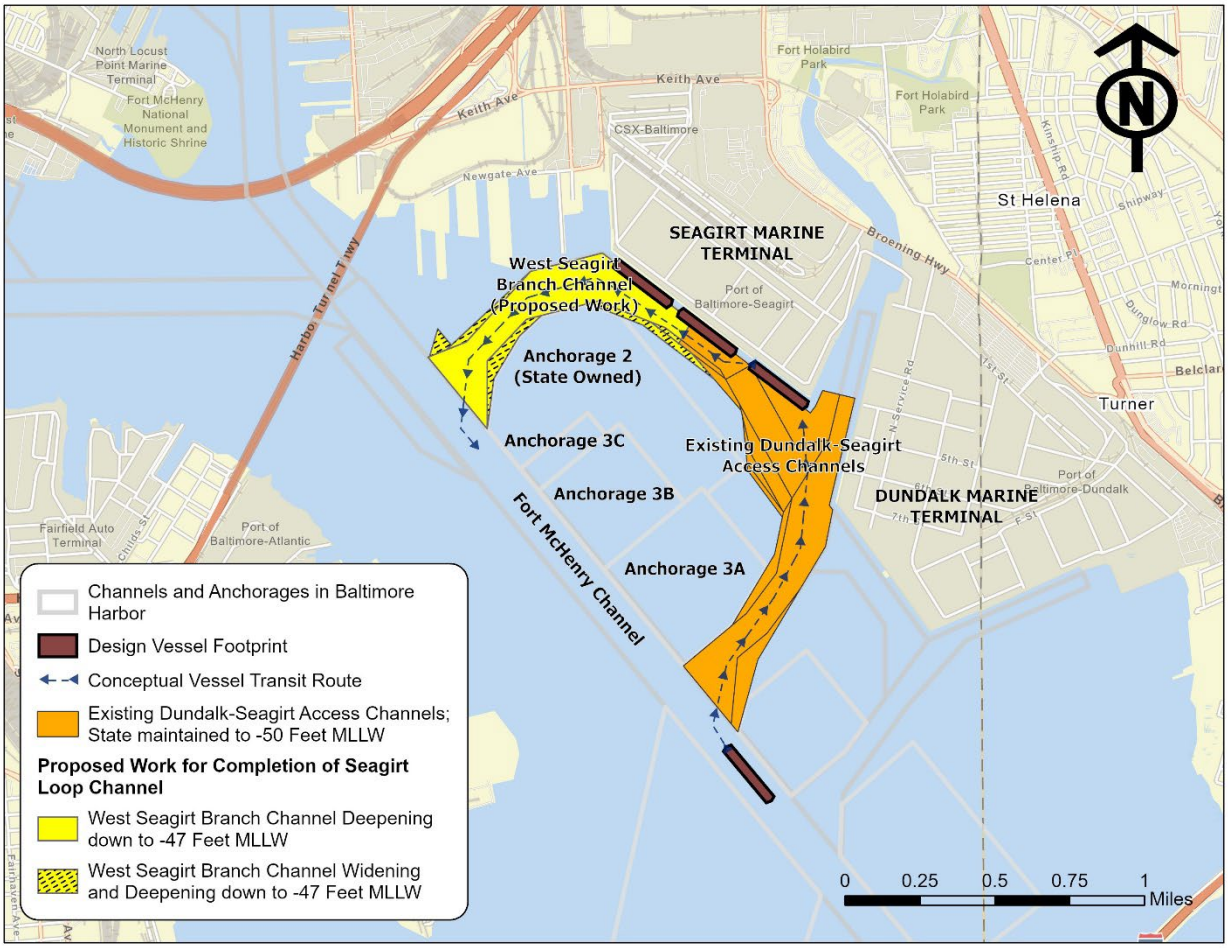


FIGURE 2: TENTATIVELY SELECTED PLAN – NED PLAN FOR WSBC

TABLE 1: SUMMARY OF CHARACTERISTICS AND DIMENSIONS OF THE TSP - NED PLAN

	TSP - NED PLAN
Proposed Authorized Channel Depth (feet MLLW)	-47
Length of Improvement (feet)	5200
Channel Width (feet)	620
Quantity to be dredged (cy)	1,317,210
Predominant Channel Side Slope	5:1
Predominant Channel Bottom Material	Mud/silt with various contaminants

The project assumes a construction start date of October 2025 occurring over three federal fiscal years (FFY) and two dredging periods (two mobilizations), ending October 2027. Construction years are assumed for the economics evaluation in this study and are subject to study and project funding approvals, including federal and non-federal funds. The equipment usage and schedule assume one clamshell dredge will be used to complete the dredging. This is based on prior

deepening and widening of the adjacent West Dundalk Channel and on potential capacity constraints at the Cox Creek DMCF. However, there is the potential that two dredges will be utilized during construction. USACE plans to complete dredging of the WSBC during the federal channel maintenance dredging period from Oct 1 to March 31.

III. Action Area

Figure 3 shows the extent of potential impacts from dredging to 50 feet MLLW including impacts from noise and turbidity. The route from the WSBC to the Cox Creek DMCF is also shown.

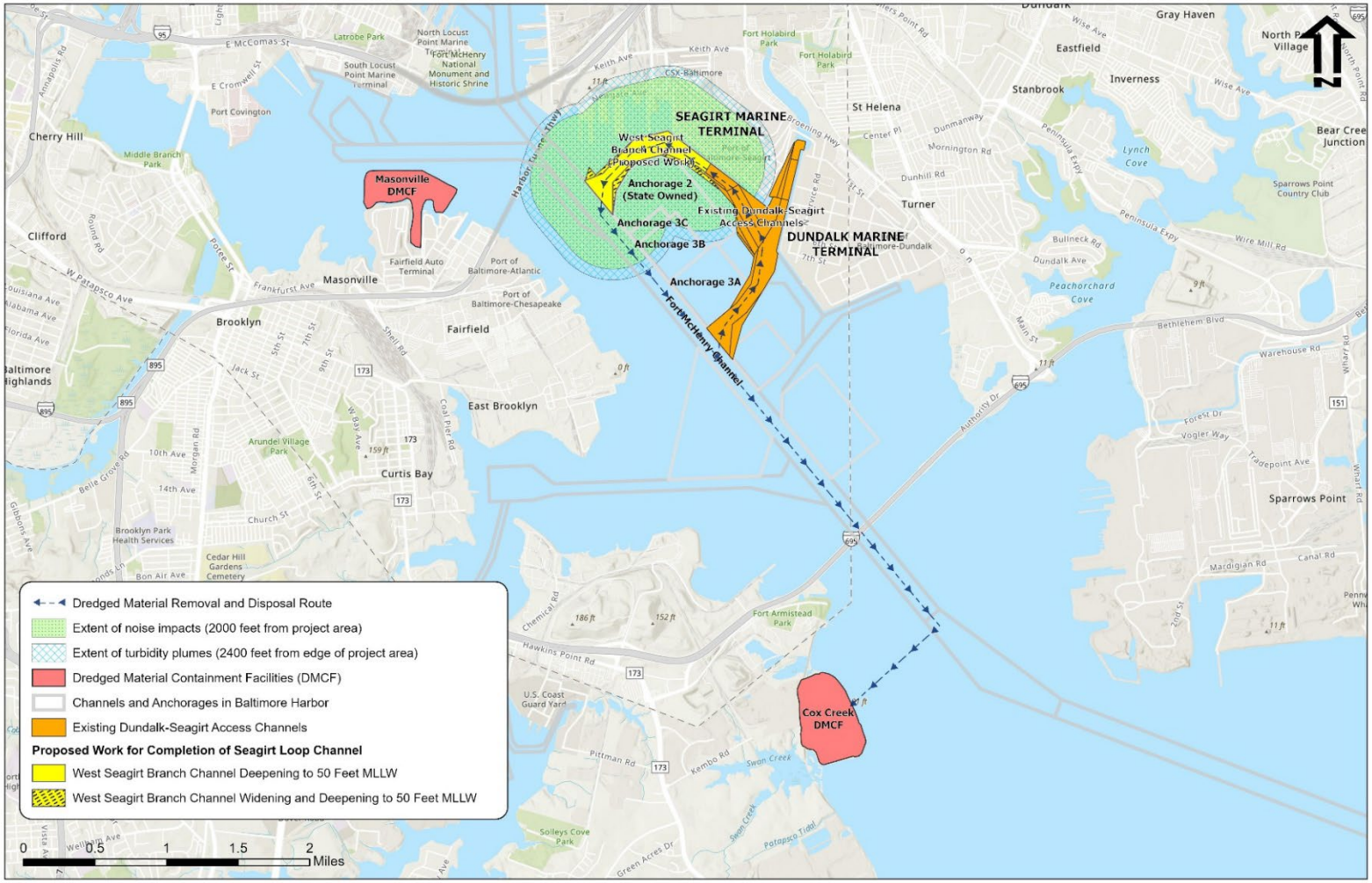


FIGURE 3: IMPACT AREAS ASSOCIATED WITH IMPLEMENTATION OF THE MAXIMUM EXTENT OF THE STUDY (DEEPENING TO 50 FEET MLLW)

IV. Listed and Proposed Species that "May Be Present" in the Action Area

Threatened and endangered species under the purview of the Service having the potential to occur in the Action Area are the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB) and the monarch butterfly (*Danaus plexippus*), an ESA candidate species (IPaC Report attached). The NLEB is listed as a species of greatest conservation need by the State of Maryland. The monarch butterfly is not a state-listed species.

Each species was further assessed to determine if suitable habitat conditions are present in the Action Area to support the species. Based on these assessments, it is highly unlikely that the NLEB would be present in the Action Area. It is likely that the monarch butterfly would occur in the Action Area during its migration period from mid to late September.

Northern Long-Eared Bat

The NLEB is listed as threatened by the Service and as a species of greatest conservation need by the State of Maryland. This species has no designated critical habitat. The primary threat to the NLEB throughout its range is white-nose syndrome. Other threats include habitat modification to hibernacula (underground caves, mines, and cave-like structures), disturbance of hibernating bats, forest conversion, wind energy facilities, and fires. NLEB known occupied maternity roosts (summer habitat) and hibernacula (winter habitat) are located in Garrett and Alleghany Counties. No known NLEB hibernacula or maternity roosts are located within the Action Area.

Monarch Butterfly

Due to the monarch's decline, the Service completed a status review under the ESA. The Service determined that listing the monarch under the ESA is warranted but precluded at this time by higher priority listing actions. With this finding, the monarch is a candidate for listing, and the Service will review its status each year until a listing decision is made. The monarch is not listed by the State of Maryland. The monarch has a specific host plant, which provides the butterfly's larvae or caterpillars with food. Monarch larvae feed exclusively on milkweeds. In addition to milkweeds, adult monarchs need sources of nectar almost year-round. They prefer red, orange, yellow or purple nectar-rich flowers in sunny areas. Monarchs migrate through the Action Area in the fall. The peak period to see migrating monarchs in the Action Area is when they migrate through the area in large numbers from mid to late September. Therefore, it is likely that monarch butterflies will be present in the Action Area in the fall.

V. Effects of the Proposed Action on Protected Resources

Northern Long-Eared Bat (NLEB)

NLEB known occupied maternity roosts (summer habitat) and hibernacula (winter habitat) are located on the west side of the state in Garrett and Allegany Counties. No known NLEB hibernacula or maternity roosts are located within the Action Area. Therefore, the TSP would have no effect on NLEB hibernacula or maternity roosts. The NLEB would not be effected by tree clearing because no tree clearing is proposed under the TSP.

Monarch Butterfly

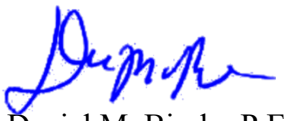
It is likely that the monarch butterfly would be present in the Action Area as they migrate through the region in the fall. The monarch's specific host plant, milkweed, would not be affected by the Proposed Action. Therefore, implementation of the TSP would have no effect on the monarch butterfly.

VI. Conclusions

Based on the analysis of all of the effects described above, USACE has determined that the proposed dredging activities would have no effect on protected species. We certify that we have used appropriate scientific and commercial data available to complete this analysis. We request that the Service concur with this determination.

If you have any questions regarding this matter, please contact Ms. Kristina May by phone at (410) 962-6100 or by email at Kristina.K.May@usace.army.mil.

Sincerely,



Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch
Planning Division

Attachment: IPaC Report dated April 7, 2022

From:	May, Kristina K CIV USARMY CENAB (USA)
To:	Michelle Osborn; Megan O"Hara
Subject:	FW: [Non-DoD Source] Biological Assessment - West Seagirt Branch Channel
Date:	Wednesday, June 29, 2022 9:25:53 AM
Attachments:	image001.png Template_for_BA_letter_1312020 (10).docx

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Kristina May
Biologist, Planning Division

Baltimore District, U.S. Army Corps of Engineers
Office: 410-962-6100
Cell: 410-920-6507
2 Hopkins Plaza, Baltimore, MD 21201
Email: kristina.k.may@usace.army.mil

From: Darcie Webb - NOAA Affiliate <darcie.webb@noaa.gov>
Sent: Tuesday, June 14, 2022 5:10 PM
To: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Cc: Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>
Subject: Re: [Non-DoD Source] Biological Assessment - West Seagirt Branch Channel

Hi Kristina,

I'm sorry this process has taken longer than usual, and please don't be daunted by the length of this email (I need some clarifications, and presented some possibilities below) I had been asked to look at this project and determine whether or not we could process it under the NOAA/PRD-USACE NLAA programmatic consultation. I tried really hard to make it work with a verification form. Upon a second review of the BA and supporting information, and due to a couple of factors (e.g., total acreage to be dredged, commercial vessels as opposed to recreational), we have concluded that the project does indeed need an individual informal consultation, and we will continue on the original path.

To continue with the review, could you please send me copy of the BA in word format so that I may make suggestions in track changes and comments as needed. Since the project is in the feasibility mode we need the introduction to clearly state that the consultation is on the proposed work in water, and not only the study (if it does not have any components that result in effects itself) if I have interpreted the project correctly. At this point I forsee that the document may need more details in the project scope of work and less on the study to keep clear what is being consulted on. In addition to the figure of the action area, we need a detailed description, including the acreage of the action area where effects are expected, the distance to the dredge containment facility and any mitigation for contaminents in the dredged material. There may be other elements that I will make note of in the word doc. as

well. In case you have not seen this, you can find what I'll be looking for in the Sample Template Letter on the Technical Assistance webpage and also attached to this email.

Sincerely,
Darcie

P.S.
If you wouldn't mind anwering the questions below, I would appreciate the clarifications.

Clarifications and Options for Moving Forward:

I haven't done many projects that consist of feasibility studies, so I still feel I need clarification on the federal action that we are consulting on. I know I asked you thia general question below previously, but I'm not sure I stated my question as clearly as I could have, and I want to be sure I understand the project as well. I will try to get at it here:

- Is the consultation meant to be on the feasibility study only?
    - Whe I asked you this last time you answered " Yes" follwed by " for in-water work - dredging the West Seagirt Branch Channel as described in Section II – Tentatively Selected Plan". **My understanding of your response was that the study was on more than one plan, and the "action" you wanted to consult on would begin after the study concludes and a plan is chosen**. Please correct me if I misunderstood.
    - Does the study include any elements (testing at sites, samples collected, or other in water work) that may affect listed species?
    - If the study itself has no work in water, then it might not be an action needing consultation at this time.

OR

- Is the consultation for the work in water that will be determined through the feasibility study and begin after the study is completed?
    - i.e., The study includes modeling and research (with no work in water) to determine the best and most cost effective amounts and locations to be dredged at a later date.

Aditionally,

- Are the details of the West Seagrit Branch Channel finalized (actual amounts and area to be dredged), but the study is still ongoing due to other project scopes in the area being analyzed?
    - If the details for the dredging and boundaries are atually finalized in the

selected plan (tentatively the National Economic Development Plan) and no changes are expected, we may continue the consultation on the deepening and widening.
    - If not, and the possibility for changes is likely between now and October 2025, then it may be prudent to wait until the selected plan is determined to avoid the potential for multiple re-initiations.

Darcie Webb
PRD Section 7 Environmental Specialist
Darcie.webb@noaa.gov
Office: (978) 281-9316
Google Voice: (339) 298-7609

On Thu, May 12, 2022 at 6:57 AM May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil> wrote:

> Hi Darcie,
>
> Here are the responses to your questions:
>
> 1. 127 acres (see attached drawing) – the existing channel will be deepened and widened
> 2. The larger container ships currently call at Seagirt Marine Terminal, but completion of the Loop would make it easier for those vessels to navigate in and out of the channel without having to backout at the existing turning basin. The likely change in the future is an increase in the frequency of calls by these larger vessels, which is expected in the future without project condition regardless due to changes in the world fleet.
>
> Thanks,
> **Kristina May**
> *Biologist, Planning Division*
>
> Baltimore District, U.S. Army Corps of Engineers
> Office: 410-962-6100
> Cell: 410-920-6507
> 2 Hopkins Plaza, Baltimore, MD 21201
> Email: kristina.k.may@usace.army.mil
>
> ---
>
> **From:** Darcie Webb - NOAA Affiliate <darcie.webb@noaa.gov>
> **Sent:** Wednesday, May 4, 2022 10:23 AM
> **To:** May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
> **Cc:** Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>
> **Subject:** Re: [Non-DoD Source] Biological Assessment - West Seagirt Branch Channel
>
> Hi Kristina,

(I just found this email in my drafts folder. I thought I had sent it, so sorry for the delay.)

Thank you for the clarification.

A couple more questions came up:

1. What is the total area of the new dredging?
2. Are the large containerships mentioned "new vessel traffic", or will the widening just make it easier for current ships coming in to port already?

Sincerely,
Darcie

Darcie Webb
PRD Section 7 Environmental Specialist
Darcie.webb@noaa.gov
Office: (978) 281-9316
Google Voice: (339) 298-7609

On Mon, Apr 18, 2022 at 8:50 AM May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil> wrote:

> Hi Darcie,
>
> Yes, we are requesting concurrence on the “may affect, but not likely to adversely affect” determination for in-water work - dredging the West Seagirt Branch Channel as described in Section II – Tentatively Selected Plan of the Biological Assessment.
>
> Let me know if you have any other questions.
>
> Thanks,
> **Kristina May**
> *Biologist, Planning Division*
>
> Baltimore District, U.S. Army Corps of Engineers
> Office: 410-962-6100
> Cell: 410-920-6507
> 2 Hopkins Plaza, Baltimore, MD 21201
> Email: kristina.k.may@usace.army.mil
>
> ---
>
> **From:** Darcie Webb - NOAA Affiliate <darcie.webb@noaa.gov>
> **Sent:** Wednesday, April 13, 2022 12:17 PM
> **To:** May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
> **Cc:** Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>
> **Subject:** [Non-DoD Source] Biological Assessment - West Seagirt Branch Channel

Good afternoon Kristina,

I am reviewing the letter you sent requesting concurrence of a “may affect, but not likely to adversely affect” determination for the Baltimore Harbor Anchorages and Channels Modification of the Seagirt Loop Channel Feasibility Study.

Can you confirm that the request is for only the Feasibility Study? Also, will there be any work in water for the study, or will it all be computer modeling?

Sincerely,
Darcie

Darcie Webb
Section 7 Consultation Biologist
Protected Resources Division - NOAA Fisheries
Gloucester, MA
Darcie.Webb@noaa.gov
Office: (978) 281-9316

NOAA FISHERIES
www.fisheries.noaa.gov

Magnuson-Stevens Fishery Conservation and Management Act Coordination

From:	Jonathan Watson - NOAA Federal
To:	Spindler, Megan L CIV USARMY CENAB (US)
Cc:	May, Kristina K CIV USARMY CENAB (USA)
Subject:	Re: [Non-DoD Source] Re: EFH List for Seagirt Feasibility Study
Date:	Monday, January 11, 2021 4:50:10 PM

Hi Megan,

I am glad that you found the Fisheries Analyst Online tool helpful. I looked over the list and cross referenced it with the descriptions in the book by Able and Fahay (2010). I concur with the species/life stages included. I will be in attendance on Thursday. Let me know if you have any questions in the meantime.

Jonathan

Work cited: Able, K.W. and M.P. Fahay. 2010. Ecology of estuarine fishes: temperate waters of the Western North Atlantic. Baltimore, MD.

On Mon, Jan 11, 2021 at 1:48 PM Spindler, Megan L CIV USARMY CENAB (US) <Megan.L.Spindler@usace.army.mil> wrote:

> Thanks for your help – the ChesMMAP resource is very helpful.
>
> The updated EFH table is attached. I went ahead and included some data from ChesMMAP for reference, understanding that no or few detections is not the same as absence. If you have any questions or suggestions, please let me know.
>
> Thanks again,
>
> Megan
>
> **From:** Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>
> **Sent:** Friday, January 8, 2021 3:14 PM
> **To:** Spindler, Megan L CIV USARMY CENAB (US) <Megan.L.Spindler@usace.army.mil>
> **Subject:** Re: [Non-DoD Source] Re: EFH List for Seagirt Feasibility Study
>
> Hi Megan,
>
> I understand how this can be confusing. I would follow the guidance at the bottom of the table on pg 150, which states "All designations are for the full salinity zone only (> 25‰) except for Delaware Bay, Delaware Inland Bays, and Chesapeake Bay, which also include mixed salinities (0.5-25‰). " While they may not be common in the vicinity of the SeaGirt

loop project, it seems likely that they should be considered in the assessment.

One approach that I will use to determine how commonly a species is observed in different reaches of the Bay is looking at the ChesMMAP data (see: http://fluke.vims.edu/fishgis/faovims/index.htm). I would caution you that a lack of detection is not synonymous with the absence of a species, for a variety of reasons which I would be happy to discuss with you. However, many non-detections does help build a body of evidence for the absence of a species. I realise that this logic may seem circuitous, but I want to be sure that the data are not mis-interpreted.

In summary, if the description in the source document stipulates EFH for the species, then it should be considered; however, additional data may be used to qualify the likelihood of presence. Let me know if that is not clear.

Jonathan

On Fri, Jan 8, 2021 at 2:07 PM Spindler, Megan L CIV USARMY CENAB (US) <Megan.L.Spindler@usace.army.mil> wrote:

> Hi Jonathan,
>
> Thank you for the clarification. I'm working on putting together a cross-referenced table & hope to have that for you soon.
>
> What is your approach when the maps, tables and text descriptions aren't necessarily consistent? For example, I'm looking at the source document for the 3 skate species listed in the EFH mapper (winter, little, & clearnose), and the text descriptions describe EFH as high-salinity zones. However Table 28 on pg. 150 (which the text description references) implies in the caption that EFH can also be mixed-salinity in some areas including Chesapeake Bay.
>
> Thank you!
>
> Megan
>
> **From:** Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>

Sent: Wednesday, January 6, 2021 12:09 PM
To: Spindler, Megan L CIV USARMY CENAB (US) <Megan.L.Spindler@usace.army.mil>
Cc: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Subject: [Non-DoD Source] Re: EFH List for Seagirt Feasibility Study

Hi Megan,

Thank you for providing this list. While the EFH mapper tool does provide a good starting point, the habitats used by each federally managed species of fish, described by the relevant fisheries management councils (FMCs), may not necessarily be present at these locations. The best way to verify whether EFH for each species could potentially be impacted is by reviewing the FMC source documents, which are conveniently hyperlinked in the query results. I would be happy to work with you to cross-check this list, if you would like to further refine it.

Also, please note that we comment on a variety of species under the authority of both the Magnuson-Stevens Fisheries Management and Conservation Act (MSA) and the Fish and Wildlife Coordination Act (FWCA). This would include important prey species likely present in the project area (e.g.. spot, *Leiostomus xanthurus*), which are required to be considered as part of the EFH consultation process. We would also encourage you to consider potential impacts to anadromous fish (e.g., Alewife *Alosa pseudoharengus*, striped bass *Morone saxatilis*) as well, since we will likely provide comments on these species under the FWCA. Please let me know if you have any further questions at this time. I look forward to the meeting next week.

Best,

Jonathan

On Wed, Jan 6, 2021 at 8:14 AM Spindler, Megan L CIV USARMY CENAB (US) <Megan.L.Spindler@usace.army.mil> wrote:

> Good morning Jonathan,
>
> Attached is the EFH list from the EFH mapper and map of the project area for your reference ahead of the Seagirt Loop Feasibility Study. If you have any questions, please let us know.

> > Thank you,
> > Megan
>
> --
> Marine Habitat Resource Specialist
> NOAA/National Marine Fisheries Service
> Habitat and Ecosystem Services Division
> 200 Harry S Truman Pkwy., Ste. 460
> Annapolis, MD 21401
> (410) 295-3152 (office, forwarded to cell)

--
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EFH List - Seagirt Loop Feasibility Study - 1/11/2021

Species	Life Stage				Detections North of Rt. 50 Bay Bridge[2]	Last detected[2]
	Eggs	Larvae	Juveniles	Adults		
Windowpane flounder (*Scopthalmus aquosus*)			X	X	1 detection; 1-2 individuals	2003
Summer flounder (*Paralicthys dentatus*)		X	X	X	14 detections; 20 individual	2017
Bluefish (*Pomatomus saltatrix*)			X	X	15 detections; 46 individual	2019
Atlantic butterfish (*Peprilus triacanthus*)	X	X	X	X	4 detections; 23 individua	2008
Black sea bass (*Centropristus striata*)			X	X	1 detection; 2 individuals	2002
Clearnose skate (*Raja eglanteria*)			X	X	0 detections	N/A
Little skate (*Leucoraja erinacea*)				X	0 detections	N/A
Winter skate (*Leucoraja ocellata*)				X	0 detections	N/A
Baltimore Harbor is in the mixing water/brackish salinity zone (0.5‰ < salinity <						
X = EFH has been designated for a given species and life stage.[1]						

[1]Source: habitat.noaa.gov/application/efhmapper/index.html and associated source documents

[2]Source: ChesMMAP - fluke.vims.edu/fishgis/faovims/index.htm

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

April 1, 2022

CENAB-PL-P

Mr. Louis A. Chiarella
Assistant Regional Administrator for Habitat and Ecosystem Services
Greater Atlantic Regional Fisheries Office
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Mr. Chiarella,

The U.S. Army Corps of Engineers, Baltimore District (USACE), has reviewed the Essential Fish Habitat (EFH) conservation recommendations provided by your office on March 11, 2022, to minimize potential effects to EFH and other aquatic resources from modifications to the West Seagirt Branch Channel, part of the U.S. Army Corps of Engineers (USACE) Baltimore Harbor Anchorages and Channels Project.

Pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, USACE provides the following responses to the EFH conservation recommendations:

EFH Conservation Recommendation 1:

Restrict dredging throughout the entirety of the anadromous fish spawning period (March 1 through June 15) to avoid impacts to migratory fish associated with dredging.

> **USACE Response:** To avoid impacts to migratory fish associated with dredging, USACE concurs with NMFS recommendation to restrict dredging from March 1 through June 15.

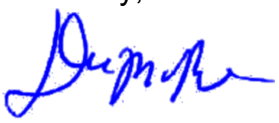
EFH Conservation Recommendation 2:

Employ mechanical dredging with an environmental bucket and require slow bucket retrieval speed near water surface to the maximum extent practicable to minimize the suspension of contaminated sediments.

> **USACE Response:** To minimize suspension of contaminated sediments, USACE concurs with NMFS recommendation to employ mechanical dredging with an environmental bucket, and require slow bucket retrieval speed near the water surface to the maximum extent practicable.

If you have questions or would like to discuss our responses, please contact Ms. Kristina May by email at kristina.k.may@usace.army.mil or by phone at (410) 962-6100.

Sincerely,



Daniel M. Bierly
Chief, Civil Project Development Branch
Planning Division

cc:
Jonathan Watson, NMFS – Habitat and Ecosystem Services Division
Brian Hopper, NMFS – Protected Resources Division

Interagency Meetings Presentation Slides and Meeting Notes

Baltimore Harbor Anchorages & Channels
Modification of Seagirt Loop Channel Study
Interagency Meeting
January 14, 2021
Meeting Summary

Attendees:

City of Baltimore – Bruna Attila

Environmental Protection Agency (EPA) – Megan Fitzgerald, Stephanie Kubico, Carrie Traver

Maryland Department of the Environment (MDE) – Danielle Spendiff, Matt Wallach

Maryland Department of Natural Resources (MDNR) – Chris Aadland, Roland Limpert

Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) – Holly Miller, Amanda Peñafiel

Maryland Environmental Service (MES) – Virgil Ketner, Kate Meade, Michelle Osborn, Kenna Oseroff, Mindy Strevig

National Oceanic and Atmospheric Administration (NOAA) – Brian Hopper, Jonathan Watson

National Park Service (NPS) – Aaron LaRocca Wendy O'Sullivan, Abbie Wicklein-Bayne

United States Coast Guard (USCG) – no attendance

United States Corps of Engineers (USACE) – Kristina May, Luis Santiago, Ray Tracy, Megan Spindler, Charles Leasure

United States Fish and Wildlife Service (USFWS) – Chris Guy

Other Participants – KD Marks

Meeting Summary:

Mr. Santiago (USACE) provided an overview of the Baltimore Harbor Anchorages & Channels Modification of Seagirt Loop Channel Study which is an existing federal project within the Baltimore Harbor. This study for modification is required under 216 of the Rivers and Harbors Act of 1970 which allows modifications to federal water resource projects if the conditions are considered to have been significantly changed from what was authorized under the original study. The original authorization for the Baltimore Harbor Anchorages and Channels (BHAC) study was completed in 1998 and the authorization to construct was given in 1999 through Water Resource Development Act (WRDA). Construction was completed in 2003. The BHAC project consists of three navigation projects: (1) Baltimore 50-ft. Project (Brewerton Angle, Fort McHenry channel, and the Brewerton channel), (2) the 42-ft. channel (Northwest Branch channel, Ferry Bar East channel, and the Curtis Creek channel), and (3) the BHAC authority (West Seagirt Branch channel,

Dundalk-Seagirt Connecting channel, West Dundalk Branch channel, and the channels leading to South Locust Point). The overall study goal is to maximize Baltimore Harbor's contribution to national economic development, consistent with protecting the existing navigation system's ability to safely and efficiently serve the forecasted vessel fleet.

The major change in conditions that lead to the current feasibility study effort is the forecasted larger class of vessels anticipated to be calling at the Port of Baltimore, Seagirt Marine Terminal (SMT). Mr. Santiago noted that the Ferry Bar East channel and Fort McHenry channel are not part of the study authority but are part of the 42-ft and 50-ft channel authorities, respectively.

This study will look at:

- Anchorages which are currently authorized and maintained to 42-ft.
- Seagirt Loop channels (includes the channels: West Seagirt Branch, Dundalk-Seagirt Connecting, and West Dundalk Branch). About half of the Seagirt Loop has been dredged to 50-ft, which was completed in 2014. West Seagirt Branch/ Dundalk-Seagirt Connecting channels are currently authorized and maintained to 42-ft.
- South Locust Point (SLP) Branch Channel is currently authorized and maintained to 36-ft.

The focus of this study is the improvement of the Seagirt Loop channel for navigation. SMT handles approximately 97% of the container traffic for the Port of Baltimore. Most of the world's fleet is trending towards larger vessel sizes and SMT berths 3 and 4 will be able to accommodate them once planned improvements are completed. Currently berth 4 is dredged to 50-ft MLLW (mean lower low water) and is the only berth that can accommodate larger class vessels with deeper drafts. Berth 3 will be dredged to 50-ft MLLW in 2021. Ports America Chesapeake (PAC) will be installing additional supermax cranes at berth 4 so that the newer larger class vessels will be able to unload cargo at this berth starting in 2021. The current berth 4 cranes will be shifted to berth 3.

The problems and needs identified for this study are related to transportation efficiency and concerns related to safety and maneuverability. A simulation was completed by MITAGS in 2018 which modeled deep draft vessels navigating from SMT berth 4; backing out and using the Seagirt Turning Basin in the West Dundalk Branch channel to exit. When SMT berth 3 comes online, berth 3 vessels will have to maneuver around the berth 4 vessels in addition to backing out and exiting through the West Dundalk Branch channel. Based on the identification of problems and needs and the analysis of simulation data, this study will look at widening and deepening the entire Seagirt Loop to 50-ft MLLW to allow the larger vessels to exit along the West Seagirt Branch channel. Future needs have also been identified at SLP Branch channel where the current depth is 36-ft MLLW resulting in current vessels calling to SLP having to be light-loaded to navigate the 36-ft MLLW depth.

The project opportunities, objectives, and constraints were identified for the study.

Opportunities: allow for increased movement of containers and container traffic, increases in employment and regional economic activity, improve efficiency of vessel movements, improve safety of vessel maneuvers, avoid vessel collisions and allisions, increase flexibility in vessel anchorages, lower transportation costs of goods moving inland based on Baltimore Harbor's more

inland location, improve regional competitiveness for container traffic handling, and provide for cost savings related to less tug assist if full loop is in place.

Objectives: decrease transportation delays to vessels calling at the Port of Baltimore, improve navigability and increase safety for vessels using the Baltimore Harbor access channels, increase transportation efficiencies for vessels calling at the Port of Baltimore, and meet current and future needs for handling of larger vessels to satisfy container traffic demand at the Port of Baltimore.

Constraints: potential impacts to utilities in the vicinity of the channels and anchorages, dredged material placement capacity of contaminated materials is limited, limited uses for dredged material based on quality and state laws related to management of Baltimore Harbor sediments, (future) limitation on vertical clearance (air draft) due to Francis Scott Key Bridge and Chesapeake Bay Bridge, and logistics related to ships calling in berth and ships moving along access channels.

Mr. Santiago described the array of alternatives that have been established for assessment in the feasibility study and highlighted what federal responsibility would be taken under each alternative.
:

- **Alternative 1 – no action taken once the feasibility study is completed.**
- **Alternative 2 – federal responsibility assumed for BHAC improvements.**
- **Alternative 3 – federal responsibility assumed for BHAC improvements as well as** improvements and deepening and widening of Seagirt Loop channels once the feasibility study has completed.
- **Alternative 4-1 – federal responsibility assumed for BHAC improvements as well as** deepening and widening of Seagirt Loop channels, and the deepening and widening of SLP Branch channel.
- **Alternative 4-2 – federal responsibility assumed for BHAC improvements as well as** deepening and widening of SLP Branch channel once the feasibility study has completed.
- **Alternative 5-1 – federal responsibility assumed for BHAC improvements as well as** deepening and widening of Seagirt Loop channels, the deepening and widening of SLP Branch channel, and redesigning part of an existing anchorage to 50-ft MLLW for larger vessels once the feasibility study has completed.
- **Alternative 5-2 – federal responsibility assumed for BHAC improvements as well as** deepening and widening of Seagirt Loop channels, and redesigning part of an existing anchorage to 50-ft MLLW for larger vessels once the feasibility study has completed.
- **Alternative 5-3 – federal responsibility assumed for BHAC improvements as well as** redesigning part of an existing anchorage to 50-ft MLLW for larger vessels once the feasibility study has completed.

Ms. O'Sullivan (NPS) asked how the range of alternatives was established and why the same information is not provided for each alternative? Specifically, why isn't location information different for each alternative? Mr. Santiago explained that for these types of projects, the federally chosen alternative must be justified based on how many national economic benefits would be gained from the improvements associated with each alternative. To facilitate evaluation of these different improvements, the alternatives were incrementally formulated from the basic needs and objectives that were identified by the project team. The alternatives were further refined by adding additional needs (project improvement elements) that were identified. It is necessary that each

alternative be associated with a separable improvement element for the purposes of economic modeling using Harborsym.

Mr. Santiago stated that the feasibility study is currently in the scoping phase of the project which is a 3 year-$3 million project. The first 90-120 days include the feasibility study itself; the study started on 10/23/2020. The Alternatives Milestone Meeting (AMM) will be held on 1/21/2021 signaling the end of the scoping phase and beginning the Alternatives Evaluation and Analysis phase. The Alternatives Evaluation and Analysis phase will be completed on 9/20/2021 when the Tentatively Selected Plan Milestone has been realized, followed by the Feasibility Analysis and Selected Plan phase. A draft feasibility report will be released for a 30-day public review on 11/25/2022 and an Agency Decision Milestone on 3/31/2022 will begin the Washington level review phase. USACE Baltimore District (NAB) will submit a final feasibility report to North Atlantic Division (NAD) on 11/14/2022, submit the final feasibility report on 3/22/2023, and the Chief of Engineer's report will end the feasibility study on 9/21/2023.

Ms. May (USACE) provided an overview of the affected environment to be assessed in the feasibility study. The following resources and conditions have been identified: hardened shoreline, deep water, no submerged aquatic vegetation and no oyster resources, boat traffic and noise, possibly contaminated silty sediments, migrating and foraging habitat for Atlantic Sturgeon, migrating and foraging/overwintering habitat for Shortnose Sturgeon, and essential fish habitat for 5 fish species (Windowpane Flounder, Summer Flounder, Bluefish, Atlantic Butterfish, and Black Seabass) and 3 skate species (Clearnose Skate, Little Skate, and Winter Skate). The feasibility study will have to consider the following environmental regulations: National Environmental Policy Act (NEPA), Clean Water Act (CWA), Clean Air Act (CAA), Endangered Species Act (ESA) Section 7, Fish and Wildlife Coordination Act (FWCA), Magnuson-Stevens Fishery Conservation and Management Act, Anadromous Fish Conservation Act, Historic Preservation Act (HPA), and Coastal Zone Management Act (CZMA).

Ms. May provided details on the NEPA schedule and agency coordination schedule as follows: Interagency Scoping Meeting on 1/14/2021, Initiate State Historic Preservation Officer (SHPO) and Consulting Party Coordination in January 2021, public release of draft report and NEPA document on 11/15/2021, public meeting anticipated with release of draft report NEPA document in November 2021, and Water Quality certification and CZMA consistency during the planning, engineering, and design phase. The USACE anticipates receiving preliminary feedback during the scoping meeting, through coordination with USFWS under the ESA and FWCA, coordination with NOAA National Marine Fisheries Service (SMFS) under the ESA, FWCA, and Magnuson-Stevens Act, and coordination with State of Maryland under the CWA and HPA. Additional

coordination with other agencies will occur as needed and federal dashboard requirements are not anticipated.

Questions and Comments:
Mr. LaRocca (NPS) stated that the study will need to address SHPO and NPA concerns in addition to impacts to archeology, including visual and auditory impacts and other requirements under the HPA.

Ms. Traver (EPA) inquired if an Environmental Assessment (EA) or would be completed as part of the feasibility study and Ms. May confirmed that the project team is moving forward with an EA.

Mr. Watson (NOAA) stated impacts to other migratory species such as River Herring should be addressed. He noted that River Herring restoration in the Patapsco River has been the focus of habitat restoration efforts including the Bloede Dam removal project.

Mr. Wallach (MDE) noted that the existing Harborwide Permit would expire in 2024 and asked if the project would likely result in permit changes being applied for prior to 2024. Mr. Santiago and Ms. Miller (MDOT MPA) noted that the feasibility study is scheduled to end in 2023 and that the project team would have a better idea of what permitting changes would be needed once the study is completed and the engineering and design phases are started.

Mr. Guy (USFWS) stated that impacts to Carroll Island bird nesting and to the Masonville Urban Wildlife Refuge should be addressed in the NEPA document.

Ms. O'Sullivan inquired about community engagement for the study. Mr. May stated that a public meeting will be held after November 2021 once the draft report is distributed. Mr. Santiago explained that because the feasibility study will result in an EA, additional public meetings during the study period are not required, however if there are concerns raised during the project, additional public meetings could be held as needed. Ms. Attila (City of Baltimore) suggested that the information be shared with her so that her department can assist with the public distribution of information to the City of Baltimore.

Ms. Traver asked when the dredged material characterization was last done. Ms. Miller stated that the USACE completed dredged material characterization in 2018 and typically does this characterization on a 3-to-5-year basis.

BALTIMORE HARBOR ANCHORAGES AND CHANNELS MODIFICATION OF SEAGIRT LOOP CHANNEL, MARYLAND FEASIBILITY STUDY

Interagency Scoping Meeting

January 14, 2021

Luis Santiago, Study Manager, USACE Baltimore District

Kristina May, Biologist, USACE Baltimore District

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."

US Army Corps of Engineers
Baltimore District

INTRODUCTIONS

- USACE
- MPA
- MES
- EPA
- USFWS
- NOAA
- NPS
- USCG
- MDE
- MDNR
- City of Baltimore

US Army Corps
of Engineers
Baltimore District

AGENDA

Presentation

- Meeting Purpose
- Study Authorization
- Baltimore Harbor Overview
- Existing Conditions
- Future without Project
- Problems, Opportunities
- Objectives, Constraints
- Array of Alternatives
- Alternative Evaluation & Analysis
- Study Schedule
- Environmental Considerations
- NEPA Schedule
- Agency Involvement

Discussion

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MEETING PURPOSE

- Introduce agencies to the feasibility study
- Present array of alternatives
- Discuss agency involvement in the study
- Solicit preliminary comments from agencies

STUDY AUTHORITY

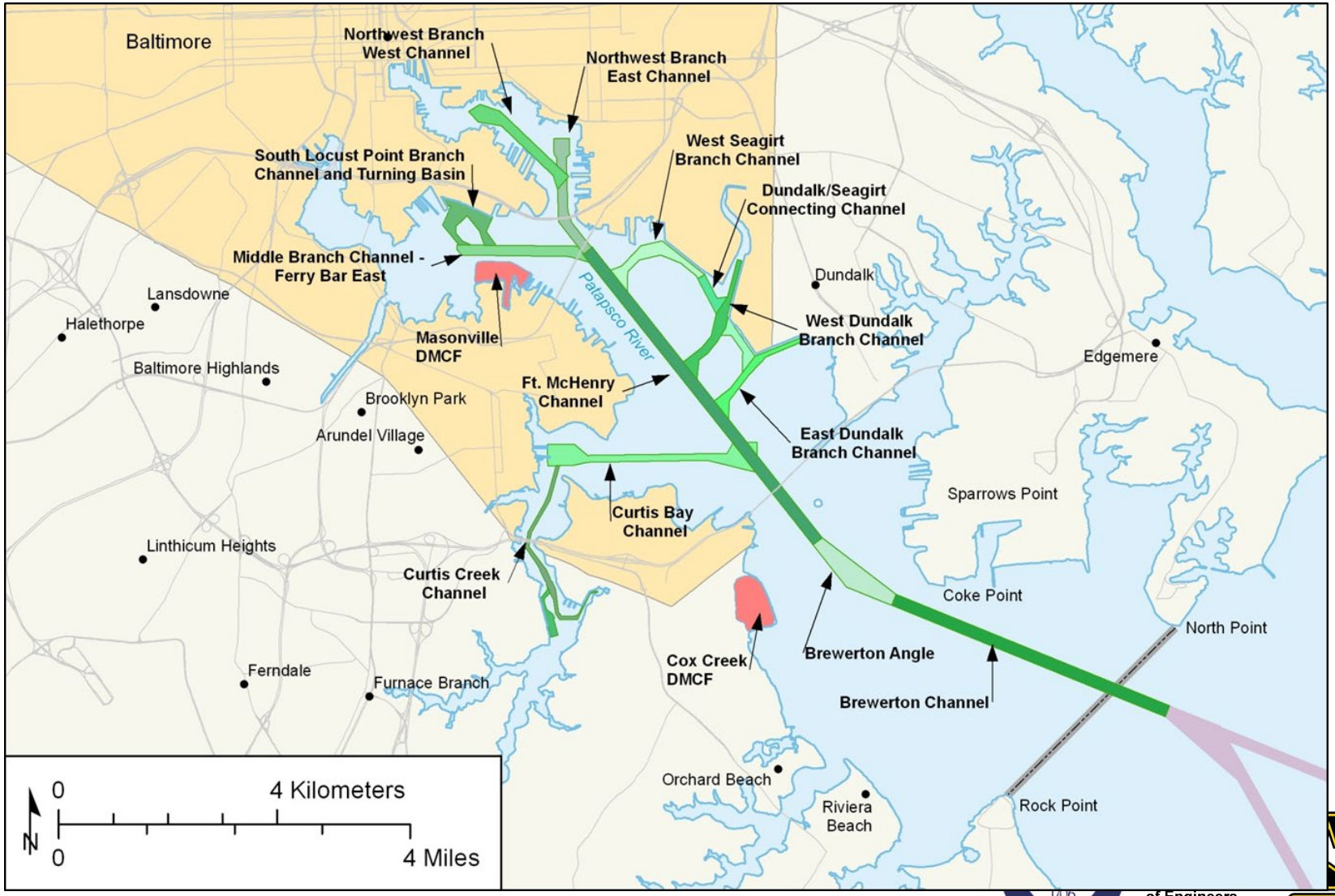
The study authority for the modification of BHAC Seagirt Loop Channel serving public terminals in the Port of Baltimore (Port) is pursuant to § 216 of the Rivers and Harbors Act of 1970 (Pub. L. No. 91-611, 33U.S.C. § 549a), which reads:

The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.

The study for the BHAC was authorized June 23, 1988, by the Committee on Environment and Public Works, U.S. Senate. The resolution authorizing this study follows:

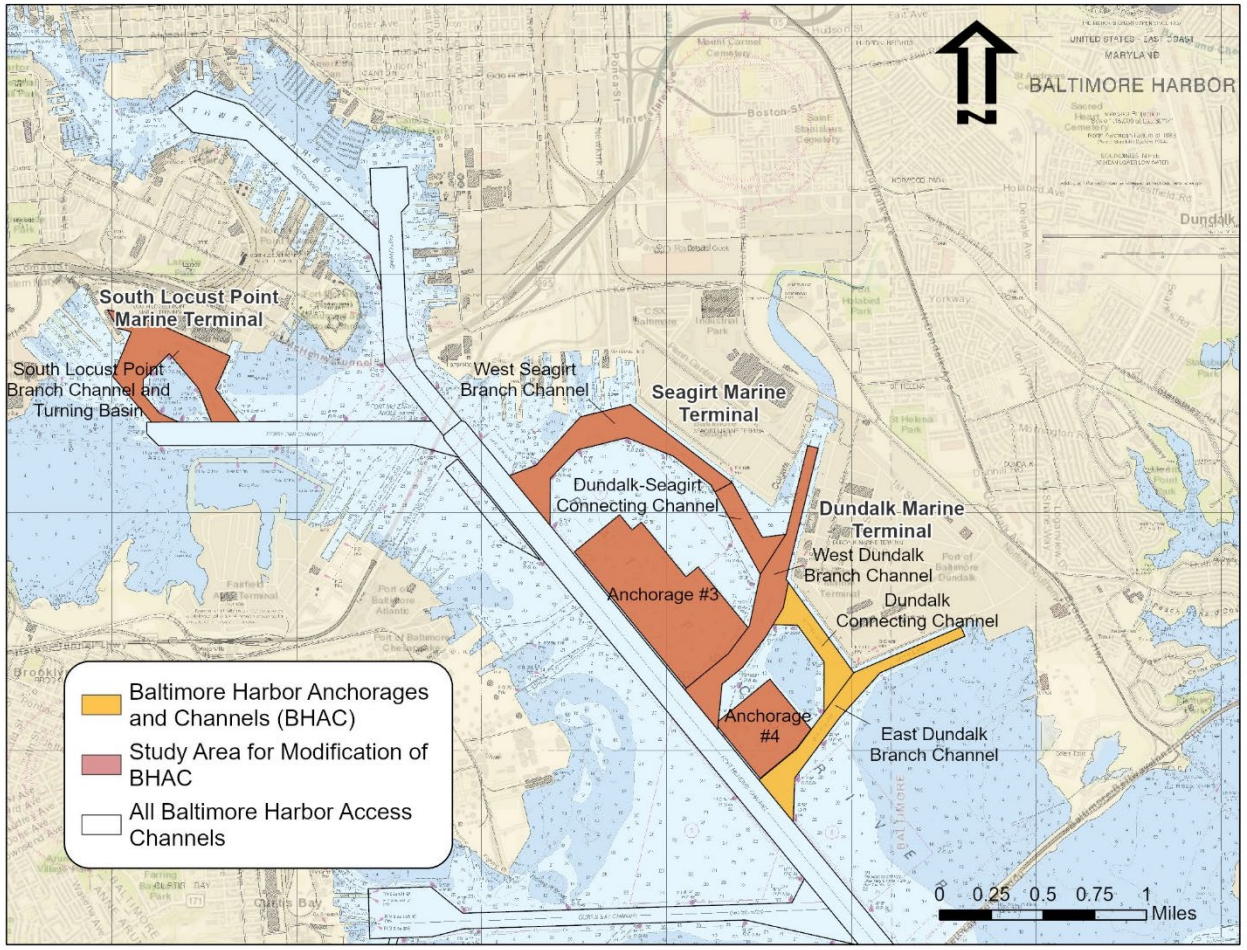
RESOLVED BY THE COMMITTEE ON ENVIRONENT AND PUBLIC WORKS OF THE UNITED STATES SENATE, that the Board of Engineers for Rivers and Harbors is hereby requested to review the reports of the Chief of Engineers on Baltimore Harbor and Channels, Maryland, and Virginia, contained in House Documents Number 94-181, 94th Congress, 1st Session, and Number 86, 85th Congress, 1st Session, and prior reports, with a view to determining if further improvements for navigation, including anchorages and branch channels, are advisable at this time.

BALTIMORE HARBOR CHANNELS



STUDY AREA & GOAL

The overall goal of the study is to maximize Baltimore Harbor's contribution to national economic development, consistent with protecting the Nation's environment, by improving the existing navigation system's ability to safely and efficiently serve the forecasted vessel fleet.



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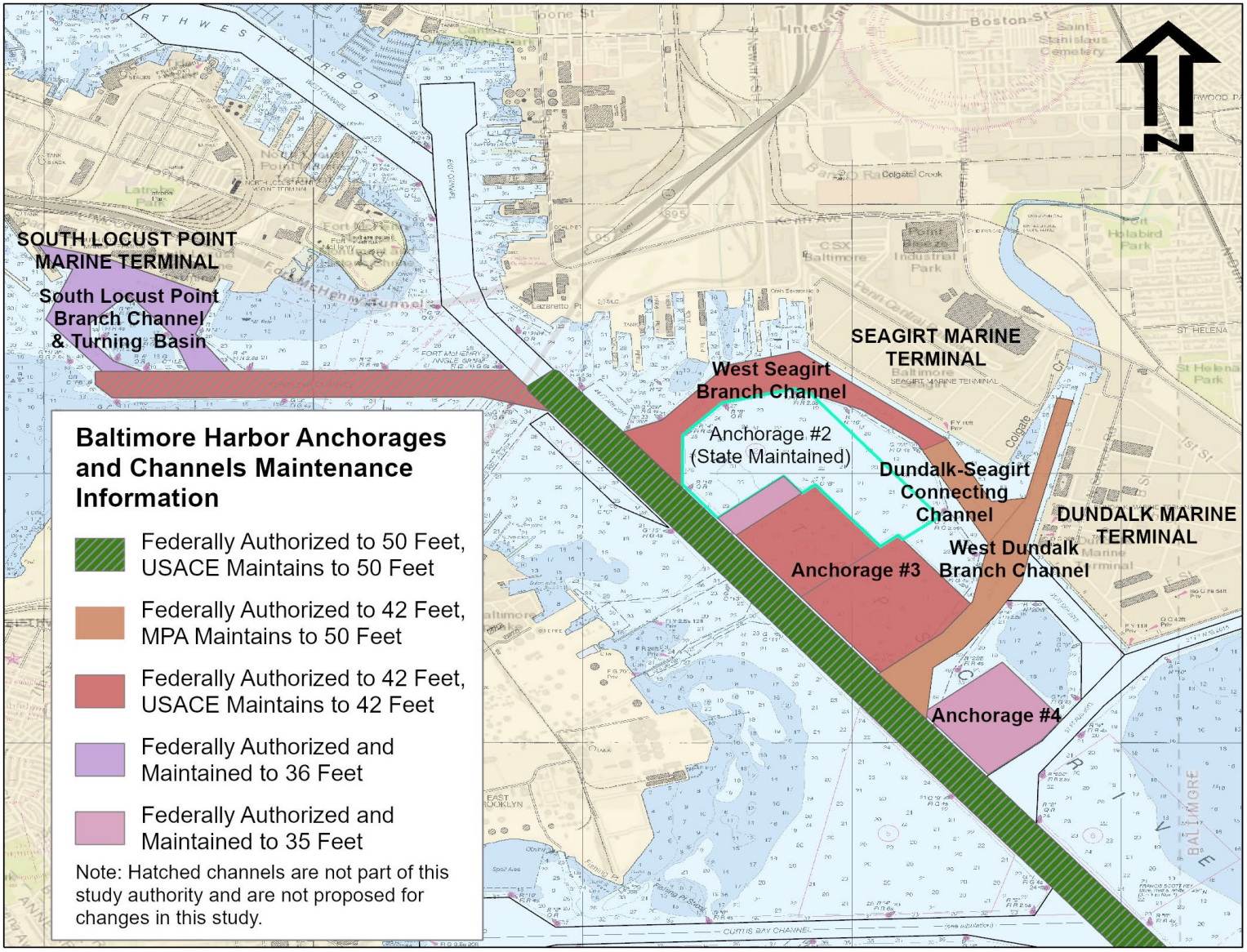
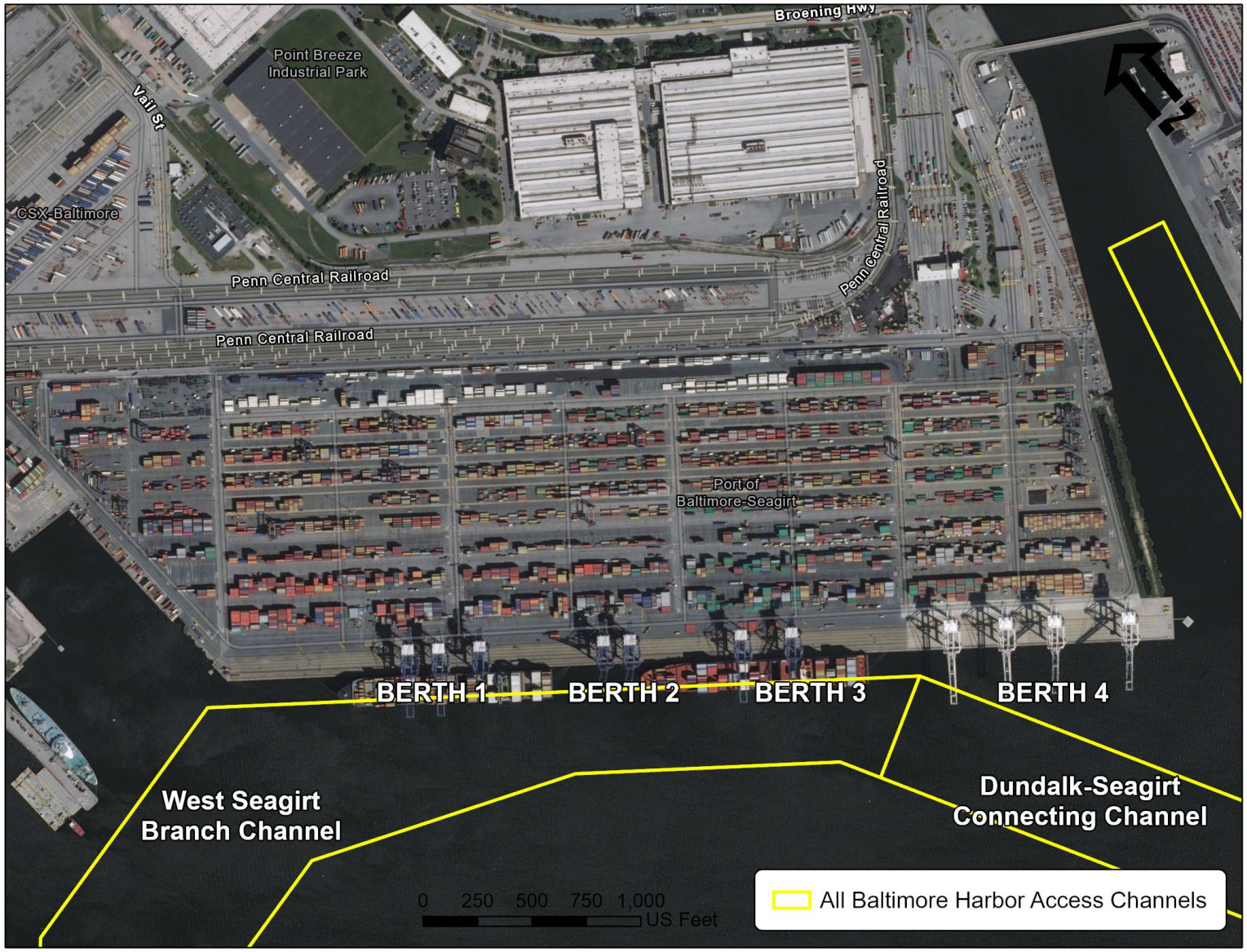
BHAC MAINTENANCE INFORMATION



EXISTING CONDITIONS - SEAGIRT MARINE TERMINAL



U.S.ARMY

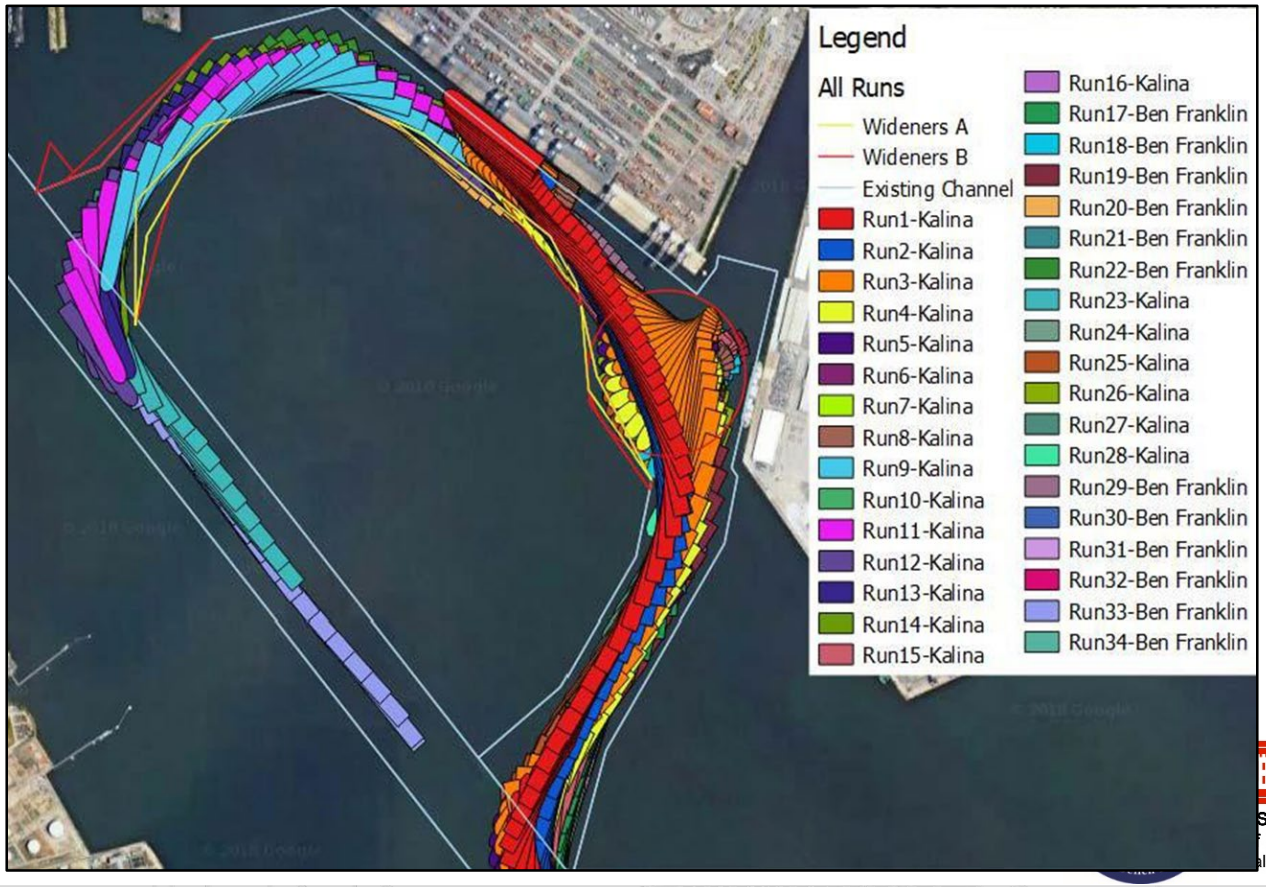
LANDSIDE IMPROVEMENTS

- Post-Panamax Vessels can call at Seagirt Marine Terminal (SMT) Berth 4 based on channel improvements by State
- SMT Berth 3 will be deepened to 50’ and supermax cranes will be installed in 2021 to allow for PPX vessels to call at Berth

PROBLEMS

Problem # 1: Transportation Inefficiency

Problem #2: Safety and Maneuverability Concerns



OPPORTUNITIES

- Allow for increased movement of containers and container traffic.
- Increases in employment and regional economic activity.
- Improve efficiency of vessel movements.
- Improve safety of vessel maneuvers.
- Avoid vessel collisions and allisions.
- Increase flexibility in vessel anchorages.
- Lower transportation costs of goods moving inland based on Baltimore Harbor's more inland location.
- Improve regional competitiveness for container traffic handling.
- Cost Savings related to less tug assist if full loop is in place.

OBJECTIVES

- Decrease transportation delays to vessels calling at the Port of Baltimore,
- Improve navigability and increase safety for vessels using the Baltimore Harbor access channels,
- Increase transportation efficiencies for vessels calling at the Port of Baltimore, and
- Meet current and future needs for handling of larger vessels to satisfy container traffic demand at the Port of Baltimore.

CONSTRAINTS

- Potential impacts to utilities in the vicinity of the channels and Anchorages.
- Dredged material placement capacity for handling of contaminated materials is limited.
- Limited uses for dredged material based on quality and state laws related to management of Baltimore Harbor sediments.
- Limitation on vertical clearance (air draft) due to Francis Scott Key Bridge/Bay Bridges.
- Logistical constraints related to ship calling in Berth and ships moving along access channels.

ARRAY OF ALTERNATIVES

	Alternative 1 (No Action)	Alternative 2	Alternative 3	Alternative 4-1	Alternative 4-2	Alternative 5-1	Alternative 5-2	Alternative 5-3
Management Measures	**1**	**2**	**3**	**4-1**	**4-2**	**5-1**	**5-2**	**5-3**
Assume federal responsibility for BHAC Improvements		√	√	√	√	√	√	√
Deepening and widening of Seagirt Loop Channels			√	√		√	√	
Deepening and widening of South Locust Point Branch Channel				√	√	√		
Re-design part of an existing Anchorage to 50' depths for larger vessels						√	√	√

US Army Corps of Engineers
Baltimore District

MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 2: Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study Baltimore, Maryland

Map: Seagirt Alternative 2.aprx
Source: USACE Baltimore District
Date: 4 January 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles

US Army Corps of Engineers
Baltimore District

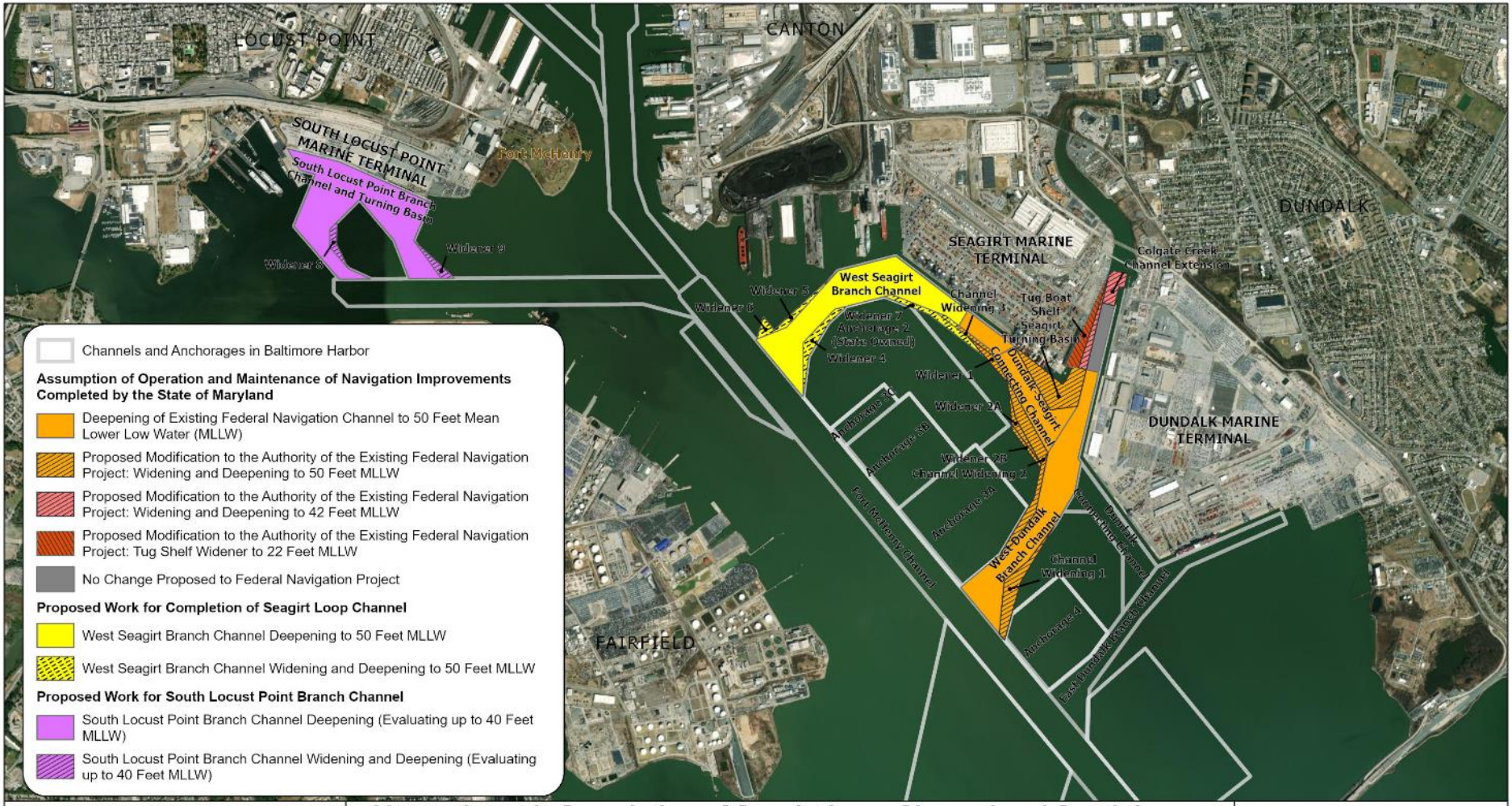
MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 3: Completion of Seagirt Loop Channel with Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 3.aprx
Source: USACE Baltimore District
Date: 4 January 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles



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Baltimore District

MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 4-1: Completion of Seagirt Loop Channel and South Locust Point Branch Channel Modification with Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 4-1.aprx
Source: USACE Baltimore District
Date: 6 January 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles

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MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 4-2: Completion of South Locust Point Branch Channel Modification with Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 4-2.aprx
Source: USACE Baltimore District
Date: 4 January 2021

Miles
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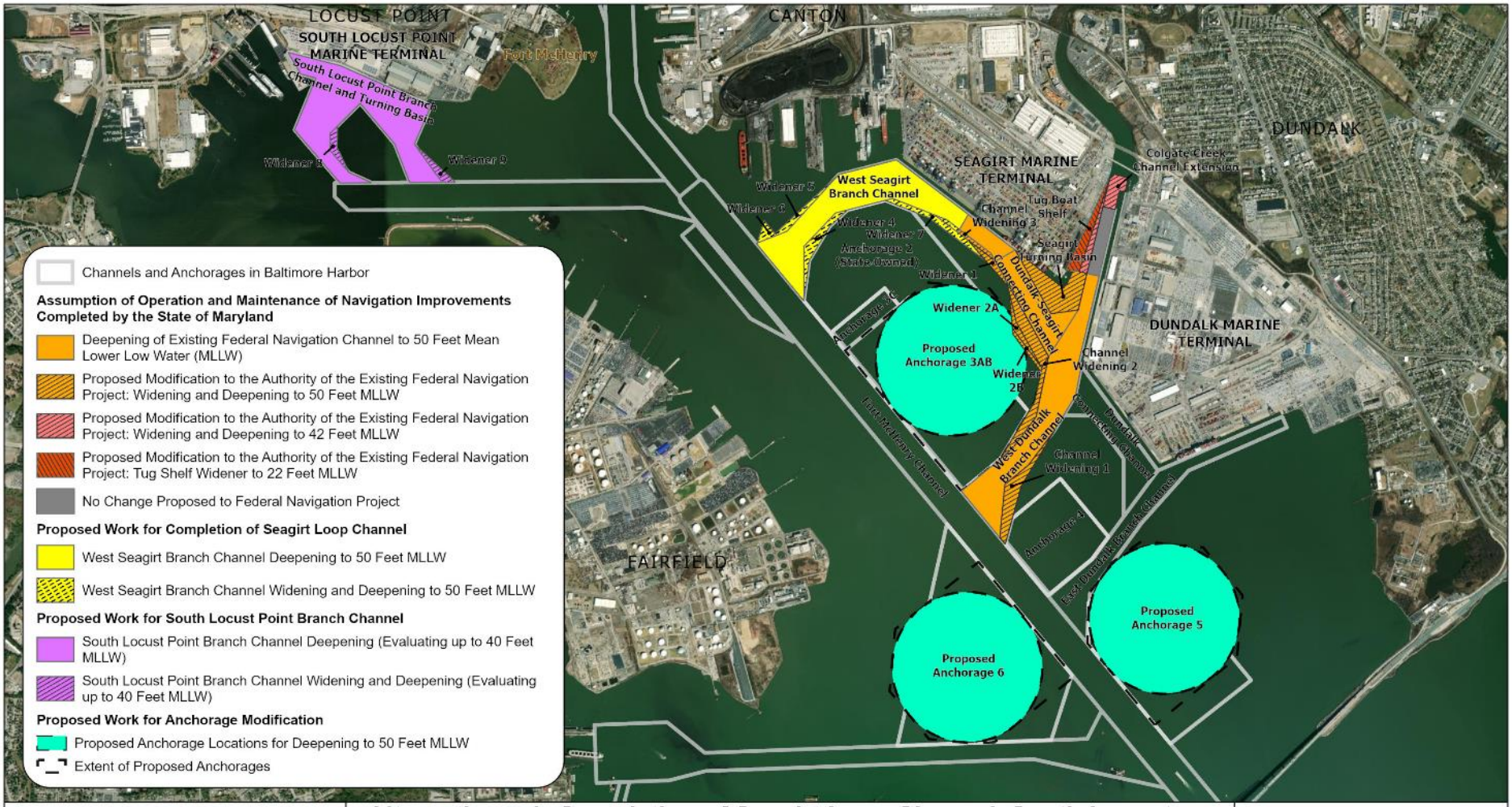
0 0.2 0.4 0.6 0.8
US Nautical Miles



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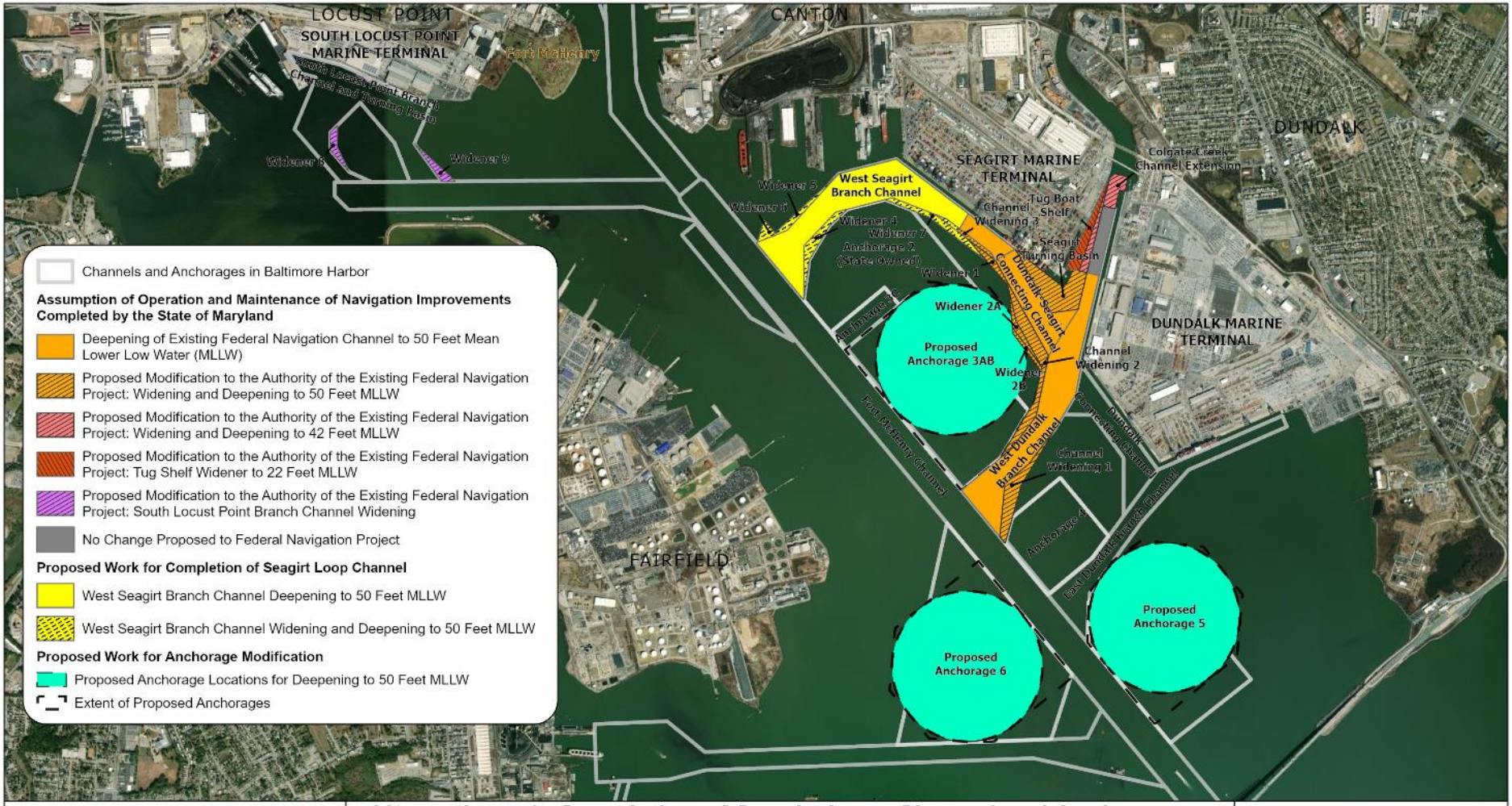
MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 5-1: Completion of Seagirt Loop Channel, South Locust Point Branch Channel and Anchorage Modification with Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 5-1.aprx
Source: USACE Baltimore District
Date: 4 January 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles



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Baltimore District

MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 5-2: Completion of Seagirt Loop Channel and Anchorage Modification with Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study Baltimore, Maryland

Map: Seagirt Alternative 5-2.aprx
Source: USACE Baltimore District
Date: 4 January 2021

Miles
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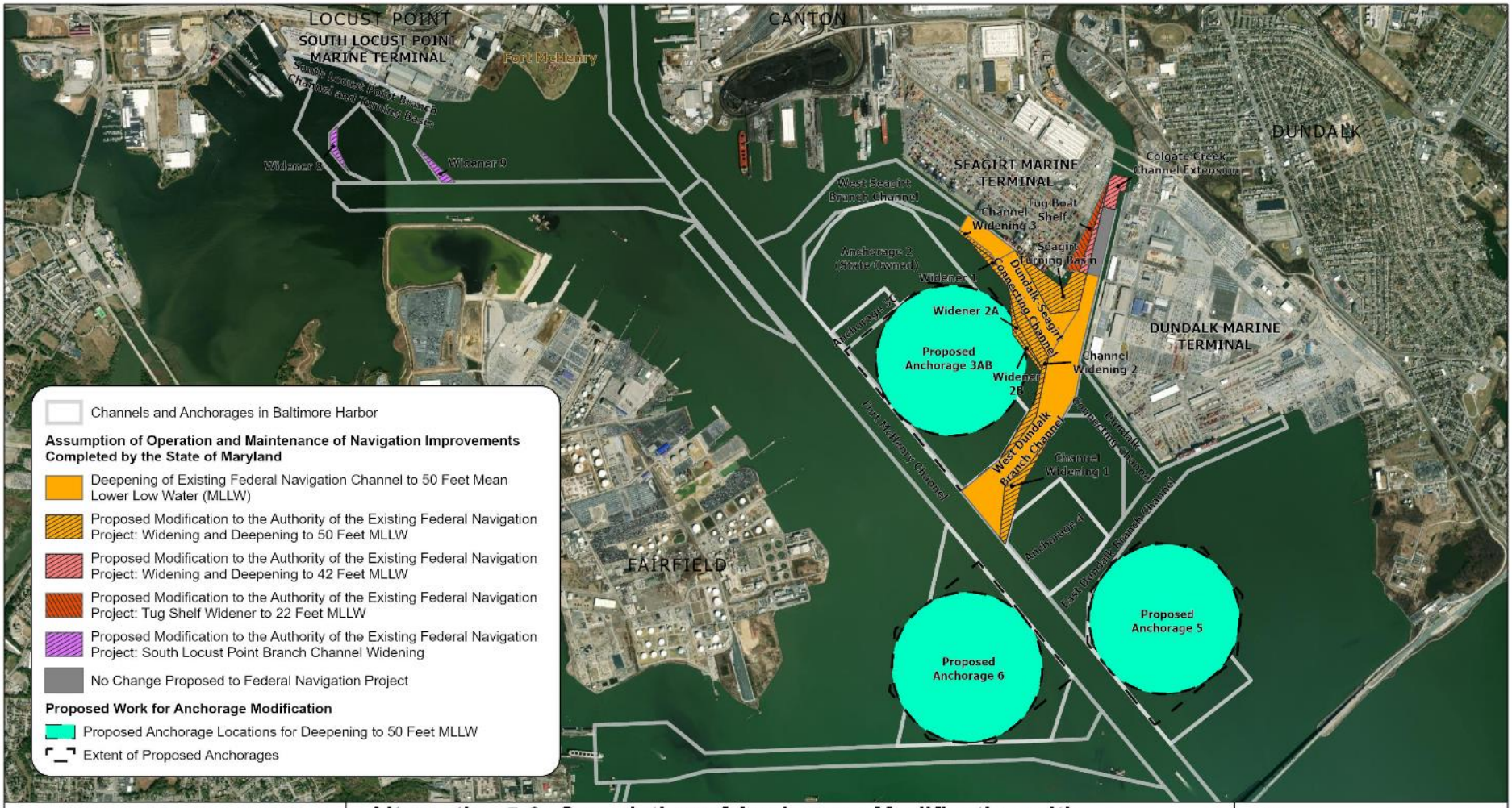
0 0.2 0.4 0.6 0.8
US Nautical Miles



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MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 5-3: Completion of Anchorage Modification with Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 5-3.aprx
Source: USACE Baltimore District
Date: 4 January 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles

SCHEDULE

Milestone Name	Date
Feasibility Cost Sharing Agreement signed	22 September 2020
Study Start (received non-Federal funds)	23 October 2020
Alternatives Milestone Meeting (end Segment 1)	21 January 2021
Tentatively Selected Plan Milestone (end Segment 2)	20 September 2021
Release Draft Feasibility Report for 30-day Public Review	15 November 2021
Agency Decision Milestone (end Segment 3)	31 March 2022
NAB Submits Final Feasibility Report to NAD	14 November 2022
Submit Final Feasibility Report	22 March 2023
Chief of Engineer's Report (end Feasibility Study)	21 September 2023

AFFECTED ENVIRONMENT

- Hardened shoreline, deep water, no SAV or oysters
- Boat traffic and noise
- Silty sediments, possibly contaminated
- Migrating and Foraging Habitat for Atlantic Sturgeon
- Migrating and Foraging/Overwintering Habitat for Shortnose Sturgeon
- Essential Fish Habitat for 5 fish species and 3 skate species

ENVIRONMENTAL CONSIDERATIONS

- National Environmental Policy Act
- Clean Water Act
- Clean Air Act
- Section 7, Endangered Species Act
- Fish and Wildlife Coordination Act
- Magnuson-Stevens Fishery Conservation and Management Act
- Anadromous Fish Conservation Act
- Historic Preservation Act
- Coastal Zone Management Act

NEPA SCHEDULE AND AGENCY COORDINATION

- Interagency Scoping Meeting - January 14, 2021
- Initiate SHPO and Consulting Party Coordination (January 2021)
- Public release of Draft Report and NEPA document – November 15, 2021
- Public Meeting anticipated with release of Draft Report and NEPA document - November 2021
- Water Quality Certification and CZMA Consistency – Planning, Engineering and Design Phase

AGENCY INVOLVEMENT

- Preliminary feedback during the scoping meeting
- Coordination with USFWS under the ESA and FWCA
- Coordination with NOAA NMFS under the ESA, FWCA, and Magnuson-Stevens Act
- Coordination with State of Maryland under the CWA, CZMA, and Historic Preservation Act
- Additional coordination with other agencies as needed
- Federal dashboard requirements not anticipated

QUESTIONS OR COMMENTS?

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US Army Corps of Engineers
Baltimore District

Baltimore Harbor Anchorages & Channels
Modification of Seagirt Loop Channel Study
Interagency Meeting
September 13, 2021
Meeting Summary

Attendees:

City of Baltimore – no attendance

Environmental Protection Agency (EPA) – Carrie Traver

Maryland Department of the Environment (MDE) – Matt Wallach

Maryland Department of Natural Resources (MDNR) – Roland Limpert

Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) –Amanda Peñafiel

Maryland Environmental Service (MES) – Kate Meade, Michelle Osborn, Kenna Oseroff, Mindy Strevig

Maryland Historical Trust (MHT) – Beth Cole

National Oceanic and Atmospheric Administration (NOAA) – Brian Hopper, Jonathan Watson

National Park Service (NPS) – John Holtzinger, Kate Marks, Abbie Wicklein-Bayne, Glenn Clark, Dave Moore, Mark Eberly, Cheryle Sams

United States Coast Guard (USCG) – Chris Runt, Sam Dannis, Melissa Kelly

United States Corps of Engineers (USACE) – Kristina May, Trever Cyran, Luis Santiago, Charles Leasure, Andrew Roach, Ethan Bean

United States Fish and Wildlife Service (USFWS) – no attendance

Meeting Summary:

Study Website - https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

Purpose of Meeting (Kristina May)
This interagency meeting is a follow-up on the interagency meeting that was held in January 2021 in order to present the updated array of project alternatives and explain how they have been screened, provide an overview of affected environment and the environmental consequences associated with the alternatives, and explain how the initial agency comments have been addressed. This meeting provides an opportunity for agencies to ask questions and make additional recommendations and comments prior to the milestone decision regarding the Tentatively Selected Plan (TSP).

Overview and Update (Luis Santiago)

The overall goal of the study is to maximize Baltimore Harbor's contribution to national economic development, consistent with protecting the Nation's environment, by improving the existing navigation

system's ability to serve the forecasted vessel fleet safely and efficiently. The study area is the area that encompasses the Baltimore Harbor channels most of which are federally maintained. The focus of the Feasibility Study is on the channels that provide access to the Baltimore Harbor Marine Terminals and is specifically focused on the Seagirt Loop which is made up of 3 channels: West Dundalk Branch Channel, Dundalk-Seagirt Connecting Channel, and West Seagirt Branch Channel. Seagirt Marine Terminal (SMT) handles approximately 97% of the container traffic for the Port of Baltimore. Most of the world's container traffic fleet is trending towards larger vessel sizes.

Starting around 2012, larger vessels have been calling at the SMT some of which exceeded capacity of the channels. By 2014 a section of the Seagirt Loop channel was deepened and widened by the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) to allow some larger vessels (drafts close to 50'-ft MLLW) to access Berth 3 and 4 at the SMT. Currently Berth 3 and 4 have been dredged to 50-ft MLLW. Ports America Chesapeake (PAC) is currently installing additional supermax cranes at Berth 4 so that the newer larger class vessels will be able to unload cargo at the berth starting in the next few months.

The study considers components of the BHAC project authority and examined future improvements to these components. Alternative measures that were considered include the deepening and widening of:

- South Locust Point (SLP) Branch Channel (currently authorized and maintained to 36-ft.) – Current navigational problems at SLP where examined. It was determined that these navigational problems are primarily associated shoaling and not the authorized channel depths. It was determined that problems being experienced at SLP are associated with operations and maintenance issues that cannot be effectively addressed by this Feasibility Study. **Management measures associated with this Federal BHAC component were screened out and dismissed from further consideration under the alternatives.**

- Anchorages (currently authorized and maintained to 42-ft.) –The Feasibility Study specifically considered the deepening of the federally maintained anchorage 3 (3A & 3B) to 50-ft. An economic assessment of deepening this component to 50-ft determined that this could not be justified at this time. **Management measures associated with this Federal BHAC component were screened out and dismissed from further consideration under the alternatives**

- Seagirt Loop channels (currently authorized and federally maintained to 42-ft.) – A portion of the Seagirt Loop is dredged and maintained by the State to 50-ft; completed in 2014. The deepened channels allow access to Seagirt Marine Terminal (SMT) Berths 3 and 4. But since the West Seagirt Branch Channel is only maintained at 42-ft, large vessels cannot complete the loop and must back out of the channel, using the turning basin to turn around and exit. In order to safely and efficiently navigate the entire loop, deepening and widening of the West Seagirt Branch Channel is proposed within the study. **Management measures associated with this Federal BHAC component of the alternatives were retained.**

The study takes into account the anticipated future conditions if the proposed project is not completed. This is the "Future Without the Project Conditions". Under Future Without the Project Conditions, the USACE is anticipating that even if the entire Seagirt Loop in not maintained to 50-ft (larger vessels are unable to traverse the entire loop and must continue to back out and use the turning basin) and that SMT Berths 1 and 2 will also be deepened to 50-ft so that the larger vessels will be able to call at the SMT Berths 1-4. Some of the other assumptions for the future without project conditions include the work that has already been completed by MDOT MPA and PAC. Improvements also include the accommodation for double-stacking of cargo traveling via rail inbound to and outbound from SMT through the Howard Street tunnel (to be

completed by 2025). This improved rail access to SMT will allow for improved transportation efficiencies at the Port to accommodate the current and anticipated increase in cargo traffic.

Alternatives screened and not retained:
The array of alternatives that were originally presented but screened were dropped from further study if the alternative managements measures associated with these alternatives were eliminated.

- Alternative 2 – *This alternative was for the assumption of Federal responsibility for BHAC improvements previously completed by MDOT MPA.* USACE guidance determined that this management measure could not be considered as part of the Feasibility Study.
- Alternatives 4-1 and 4-2 – These alternatives were not retained for further study because the deepening and widening of the South Locust Point (SLP) Branch Channel was screened and eliminated from further consideration in the study.
- Alternatives 5-1, 5-2, and 5-3 – These alternatives were not retained for further study because the deepening and widening of the Anchorages was screened and eliminated from further consideration in the study. Deepening and widening of the State-maintained Anchorages 5 and 6 was also considered but eliminated since it was determined that the volume of dredged material that would need to be removed would be very large and could not be accommodated in the DMCFs during the project time frame.

Alternatives retained for further study:

- Alternative 1 – *No action taken once the Feasibility Study is completed.*
- Alternative 3 – *Deepening and widening of Seagirt Loop channels once the Feasibility Study has been completed.*

Dredged Material Placement:

- Dredged material (between 1.6 and 1.9 MCY) would be transported by barge and tugboats to Cox Creek DMCF. Placement would occur between 2025 and 2027.

Questions and Comments (Group)
Mark Eberly – Why are new and larger cranes being installed at Berth 4 if the USACE has not determined yet whether the project to deepen and widen the channels will be feasible?

- Luis Santiago – Work to accommodate larger vessels at the SMT was initiated by MDOT MPA starting in 2012 and has been ongoing over the last 10 years. Some of the work to accommodate these vessels has already been implemented, including deepening of about half of the Seagirt Loop and installing large cranes at Berth 4. The new cranes for Berth 4 are being completed as part of a private- public partnership between MDOT MPA and PAC. USACE is considering the cranes to be an existing condition for the purpose of the Feasibility Study.
- Mindy Strevig -
  Over the last 10 years, MDOT MPA has deepened and widened just enough of the Seagirt Loop channels to allow access by large vessels to the Berths and to the cranes. The turning basin was also deepened and widened to allow large vessels to back out and turn around to leave the births. MDOT MPA did not pursue deepening and widening the entire Seagirt Loop channel due to cost issues. The study is addressing problems associated with the anticipated increase in the number and increasing size of large cargo vessels calling at the Port and with the inefficient movement of vessels that must back out of the channel.

Mark Eberly - The problem statement for the Study is related to transportation inefficiencies and safety and maneuverability concerns. Have there been accidents at the port related to safety? Also, have you been able to measure improvements in transportation inefficiencies?

- Luis Santiago – There have not been any ship accidents at the SMT. Problems with maneuverability and anticipated future problems with maneuverability are issues that can be

addressed using modeling rather than actual safety incidents. USACE is currently evaluating the economic benefits related to safety and maneuverability.

- USACE has been able to measure and evaluate the difference in efficiency between vessels accessing the Berth and backing out and using the turning basin versus completing the entire loop. USACE is still evaluating other shipping inefficiencies (including inefficiencies associated with vessel traffic from the Dundalk channel entering the turning basin and the wait time of Vessels at the Annapolis Anchorage) and will be incorporating the results of the investigation into the economic model; this work is ongoing.

Roland Limpert – If the Seagirt Loop channel completion alternative is implemented, will the turning basin currently in use need to be maintained?

- Luis Santiago – It is likely that the turning basin maintenance will not need to be completed if the Seagirt Loop channel project is completed.

Schedule (Luis Santiago and Kristina May) –

- The Tentatively Selected Plan (TSP) milestone date for TSP presentation to USACE Headquarters is 12/10/2021. The Draft Integrated Feasibility Study and Environmental Assessment will be ready for public review by the end of February 2022.
- From January 2021 through February 2022, the team has continued drafting the NEPA document and associated air conformity analysis, viewshed analysis, environmental justice analysis, and other reviews to ensure compliance with NEPA and other environmental laws.
- The documents will be ready for review by the agencies by the end of February 2022.
- There will be a public meeting shortly after the release of the The Draft Integrated Feasibility Study and Environmental Assessment.
- The Feasibility Study process will be completed in September 2023. Regulatory coordination and permitting will take place after the study is completed, during the pre-construction and design phase. This is also when the Phase I Archaeological Investigation will take place.

Affected Environment (Kristina May) –

- Cultural Resources – Information was gathered from previously conducted investigations. The areas planned for deepening and widening will be surveyed during the pre-construction and design phase of the project due to budget considerations. A viewshed analysis is ongoing.
- HTRW – The team is currently working on the completion of a report. The DMCFs for the project are in compliance with the Baltimore Harbor Total Maximum Daily Load regulations; dredged sediments will be tested prior to dredging and placement at DMCFs.
- Air Quality - The team is currently working on the completion of an air quality conformity analysis.
- Greenhouse Gasses (GHGs)– A quantitative assessment of construction-related GHG emissions will be completed.
- A time of year restriction will be applied to protect aquatic species in the study area.
- The report will also include an assessment of other social effects and cumulative impacts associated with other Port projects.

Questions and Comments (Group)

Brian Hopper – Is formal consultation regarding sturgeon being anticipated? If it is not anticipated, then the wording should be that the project "may affect" rather than "may adversely affect" shortnose and Atlantic sturgeon.

- Kristina May - I do not believe a formal consultation regarding sturgeon will be required.

Roland Limpert – Dredging work should be conducted within the normal maintenance schedule, October 1 through March 31.

Carrie Traver – Why is the radius of the study area for the assessment of environmental justice one mile?

- Kristina May – The radius was set at one mile because this was the radius for a similar study. The one-mile radius was also selected because the immediate vicinity of the project area is largely industrial. Kristina indicated that she would coordinate with Carrie on the one-mile radius to assess whether the study area should be increased.

BALTIMORE HARBOR ANCHORAGES AND CHANNELS MODIFICATION OF SEAGIRT LOOP CHANNEL, MARYLAND FEASIBILITY STUDY

Interagency Meeting

September 13, 2021

Luis Santiago, Study Manager, USACE Baltimore District

Kristina May, Biologist, USACE Baltimore District

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."

US Army Corps of Engineers
Baltimore District

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INTRODUCTIONS

- USACE
- MPA
- MES
- EPA
- USFWS
- NOAA
- NPS
- USCG
- MDE
- MDNR
- MD Historical Trust
- City of Baltimore

US Army Corps of Engineers
Baltimore District

AGENDA

Presentation

- Meeting Purpose
- Brief Study Overview
- Updated Array of Alternatives
- Study and NEPA Schedule
- Affected Environment and Environmental Consequences Overview

Discussion

- Comments/Questions

US Army Corps of Engineers
Baltimore District

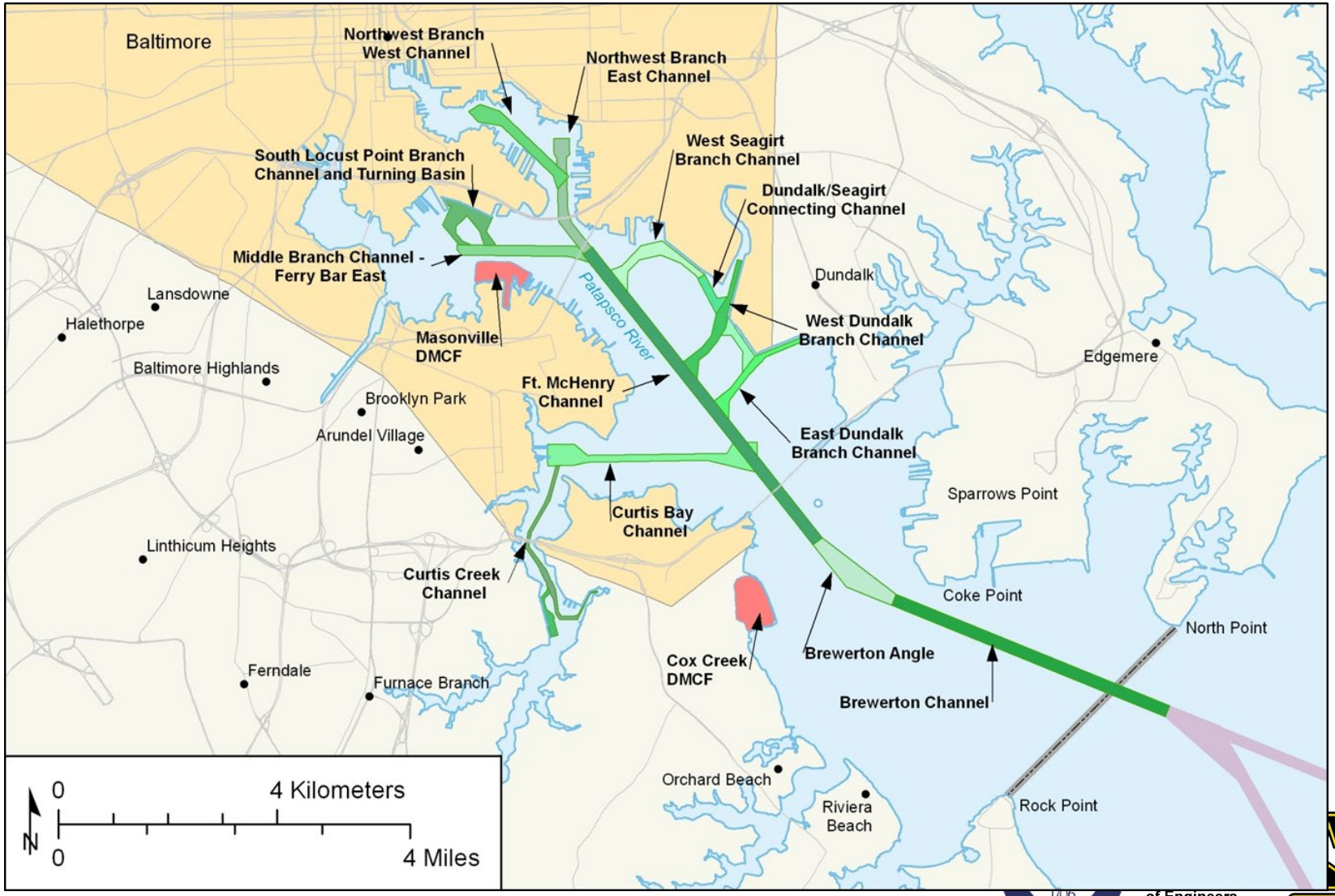
MEETING PURPOSE

- Present updated array of alternatives
- Provide an overview of the affected environment and environmental consequences for cultural, environmental, and socioeconomic topics
- Discuss agency review of the integrated draft feasibility report and NEPA document
- Address additional agency comments

STUDY OVERVIEW

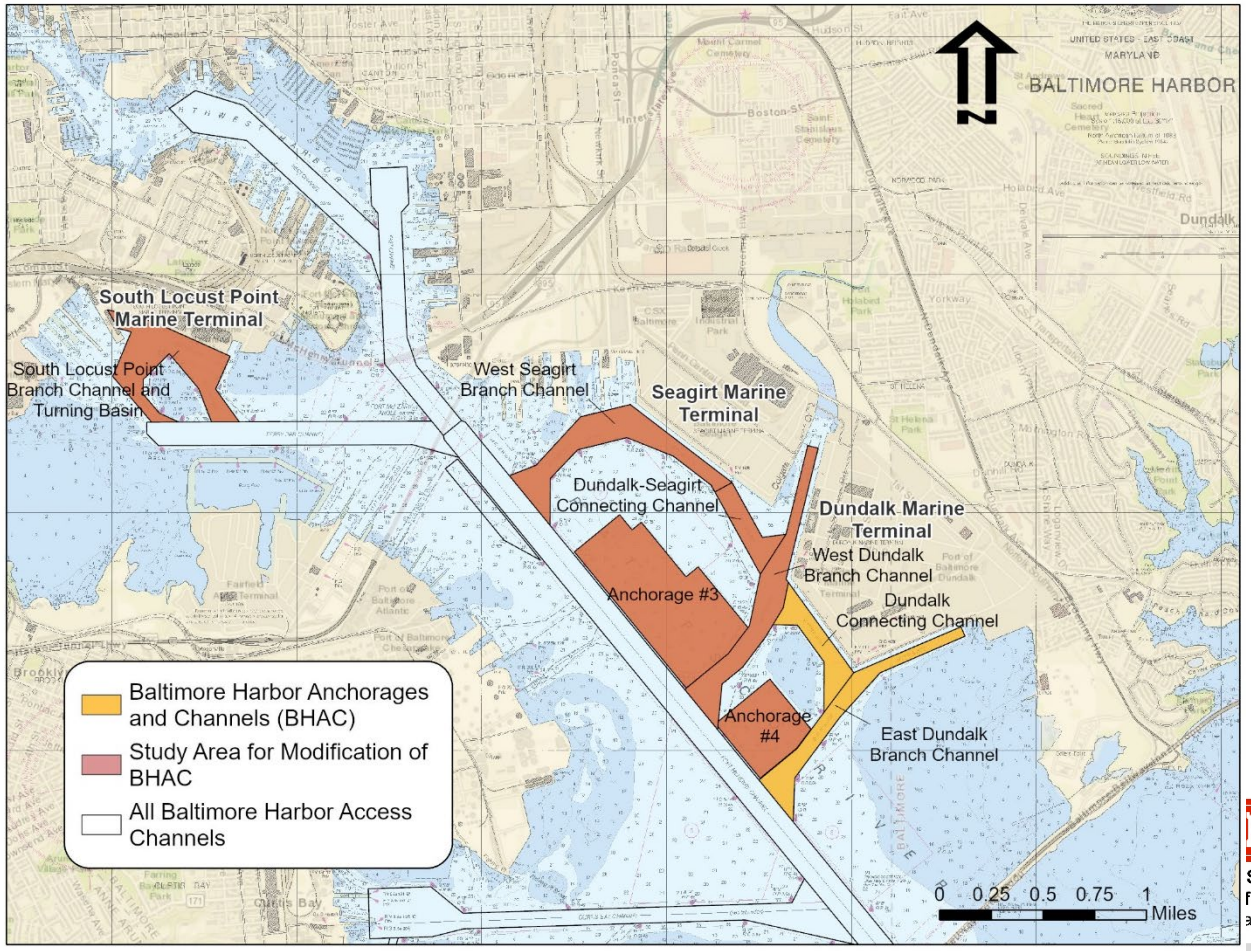
For additional background information, please visit the study website at: https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

BALTIMORE HARBOR CHANNELS



STUDY AREA & GOAL

The overall goal of the study is to maximize Baltimore Harbor's contribution to national economic development, consistent with protecting the Nation's environment, by improving the existing navigation system's ability to safely and efficiently serve the forecasted vessel fleet.



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f Engineers
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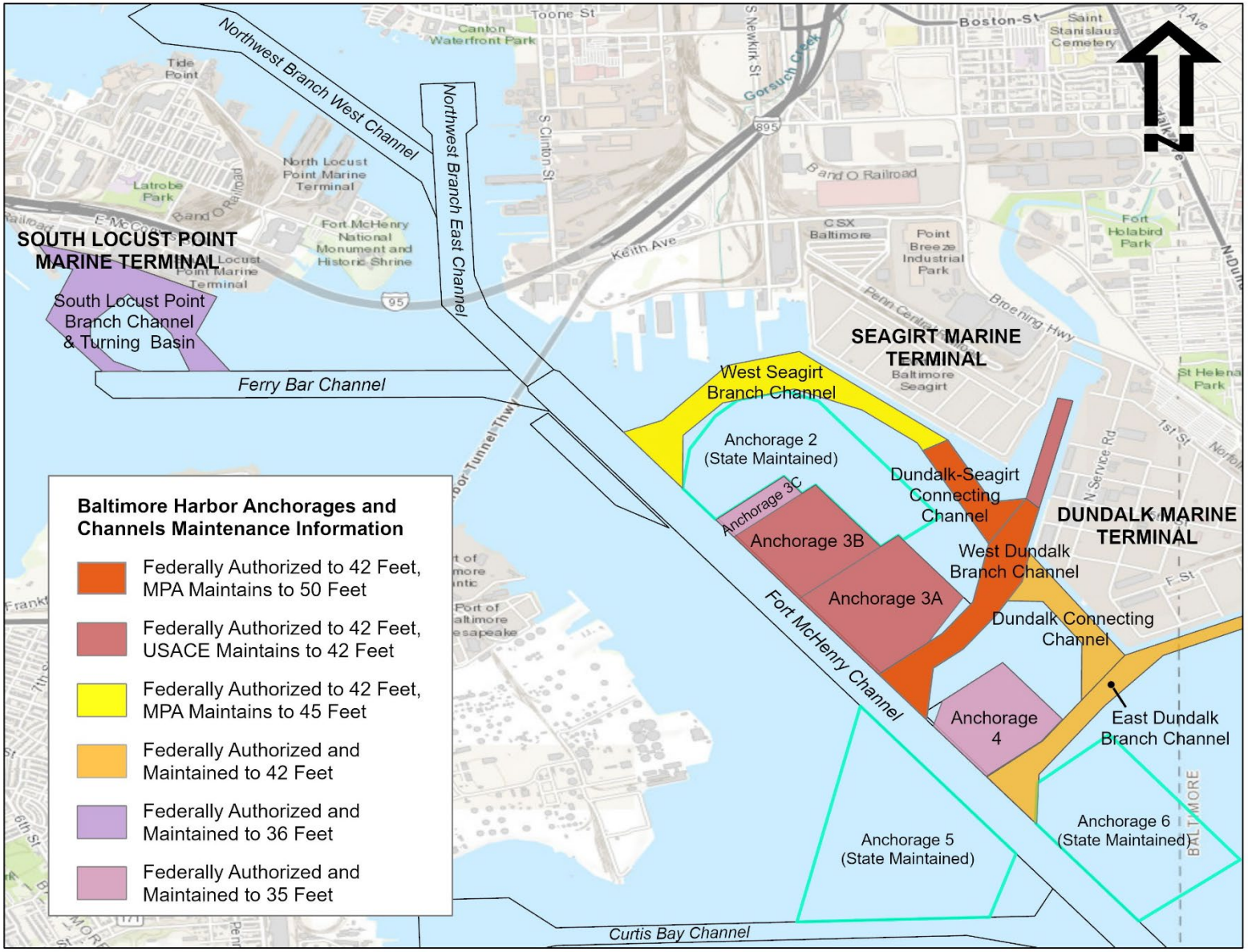
OBJECTIVES

- Decrease transportation delays to vessels calling at the Port of Baltimore,
- Improve navigability and increase safety for vessels using the Baltimore Harbor access channels,
- Increase transportation efficiencies for vessels calling at the Port of Baltimore, and
- Meet current and future needs for handling of larger vessels to satisfy container traffic demand at the Port of Baltimore.

BHAC MAINTENANCE INFORMATION

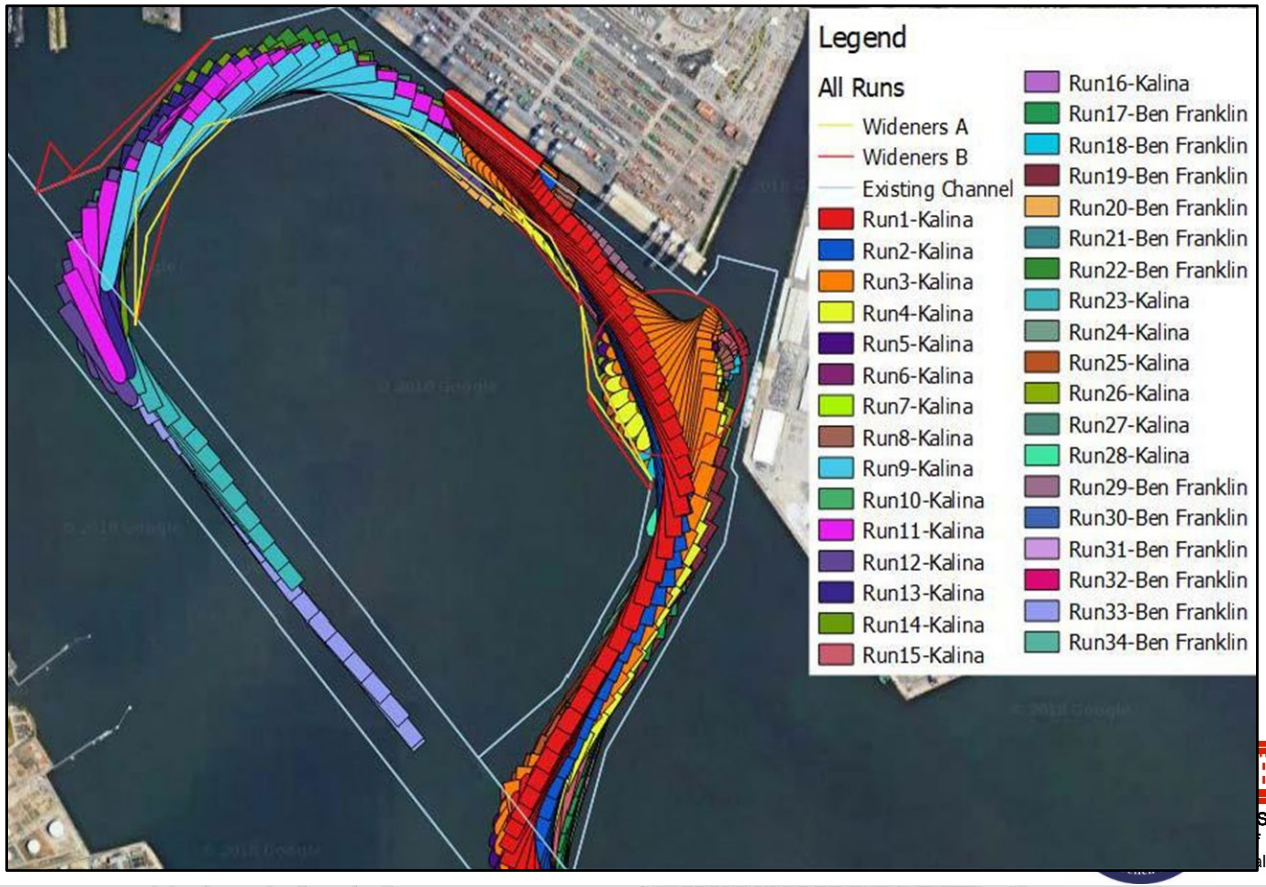


EXISTING CONDITIONS - SEAGIRT MARINE TERMINAL

PROBLEMS

Problem # 1: Transportation Inefficiency

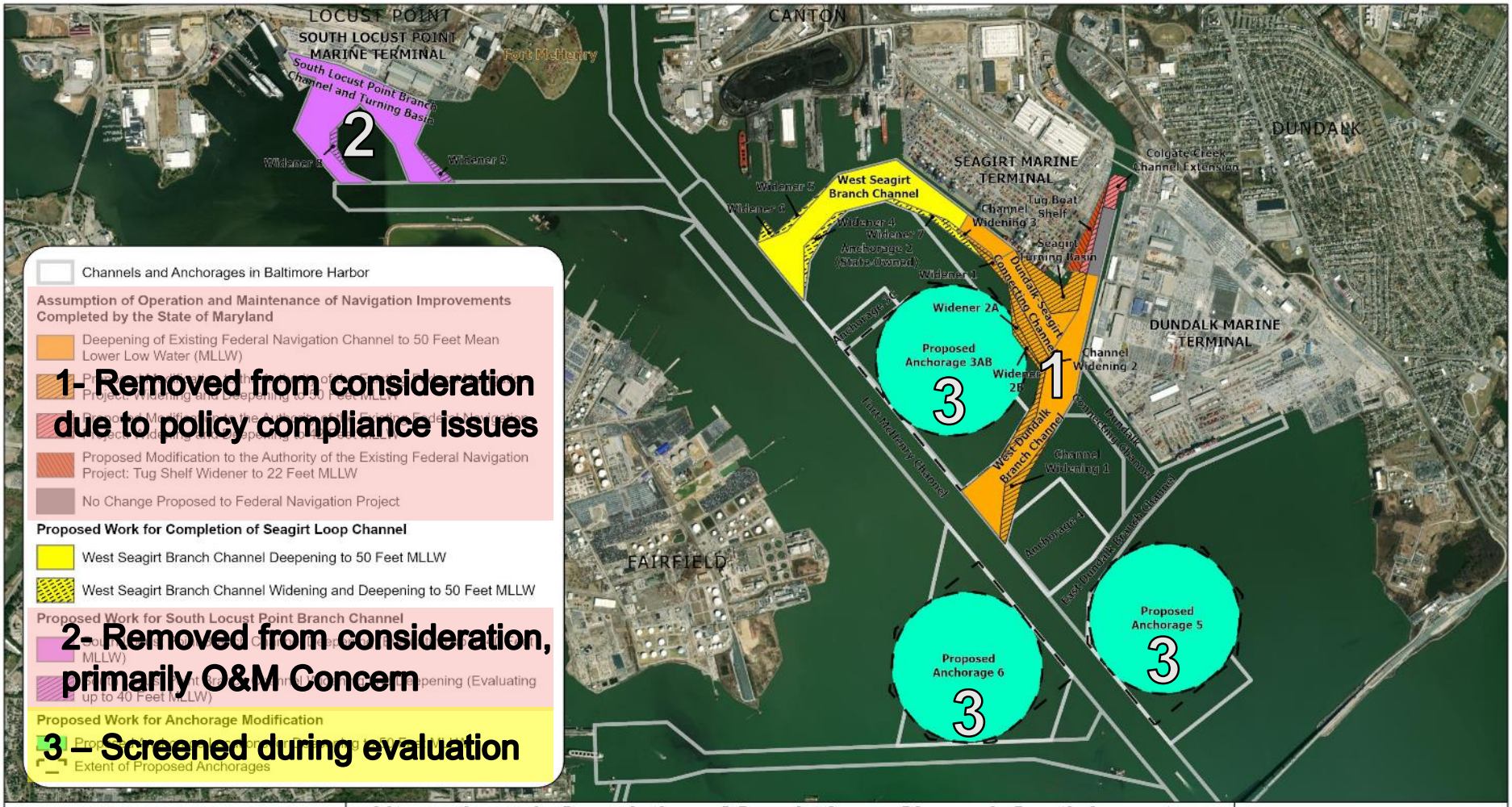
Problem #2: Safety and Maneuverability Concerns



UPDATED ARRAY OF ALTERNATIVES

ARRAY OF ALTERNATIVES

Alternatives	Management Measures			
	Assume federal responsibility for BHAC Improvements	*Deepening and widening of Seagirt Loop Channels*	*Deepening and widening of South Locust Point Branch Channel*	*Re-design part of an existing Anchorage to 50' depths to accommodate larger vessels*
Alternative 1	*No Action*	*No Action*	*No Action*	*No Action*
Alternative 2	Screened			
Alternative 3	Screened	Retained		
Alternative 4-1	Screened	NA	Screened	
Alternative 4-2	Screened		Screened	
Alternative 5-1	Screened	NA	Screened	Screened
Alternative 5-2	Screened	Retained		Screened
Alternative 5-3	Screened			Screened



1- Removed from consideration due to policy compliance issues

2- Removed from consideration, primarily O&M Concern

3 – Screened during evaluation

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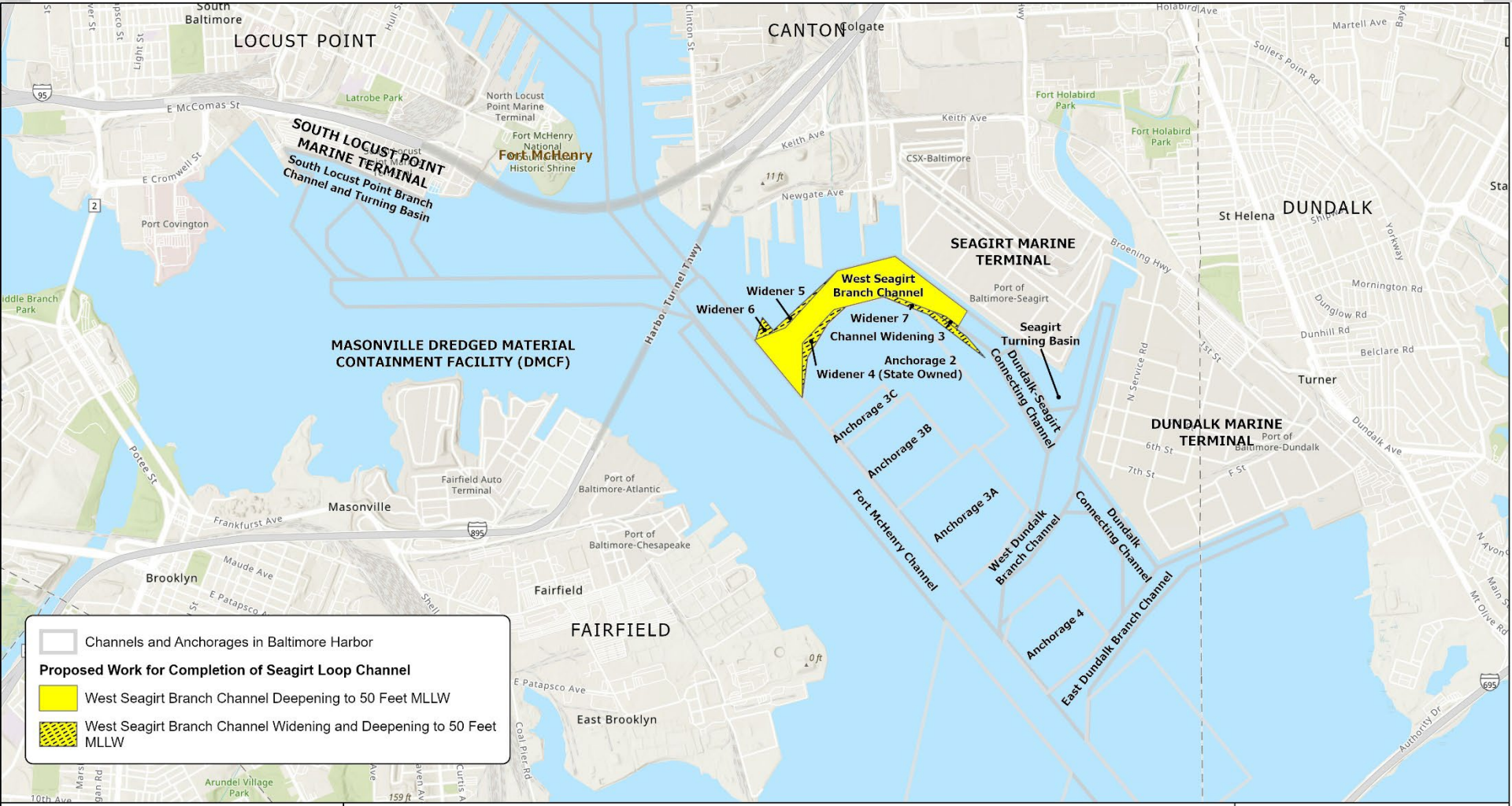
Alternative 5-1: Completion of Seagirt Loop Channel, South Locust Point Branch Channel and Anchorage Modification with Assumption of Federal Maintenance for Improvements to Federal Navigation Project

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 5-1.aprx
Source: USACE Baltimore District
Date: 4 January 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles



US Army Corps of Engineers
Baltimore District

MARYLAND DEPARTMENT OF TRANSPORTATION

Alternative 3: Completion of Seagirt Loop Channel

Baltimore Harbor Anchorages and Channels Modification Study
Baltimore, Maryland

Map: Seagirt Alternative 3.aprx
Source: USACE Baltimore District
Date: 29 June 2021

Miles
0 0.25 0.5 0.75 1
0 0.2 0.4 0.6 0.8
US Nautical Miles

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Baltimore District

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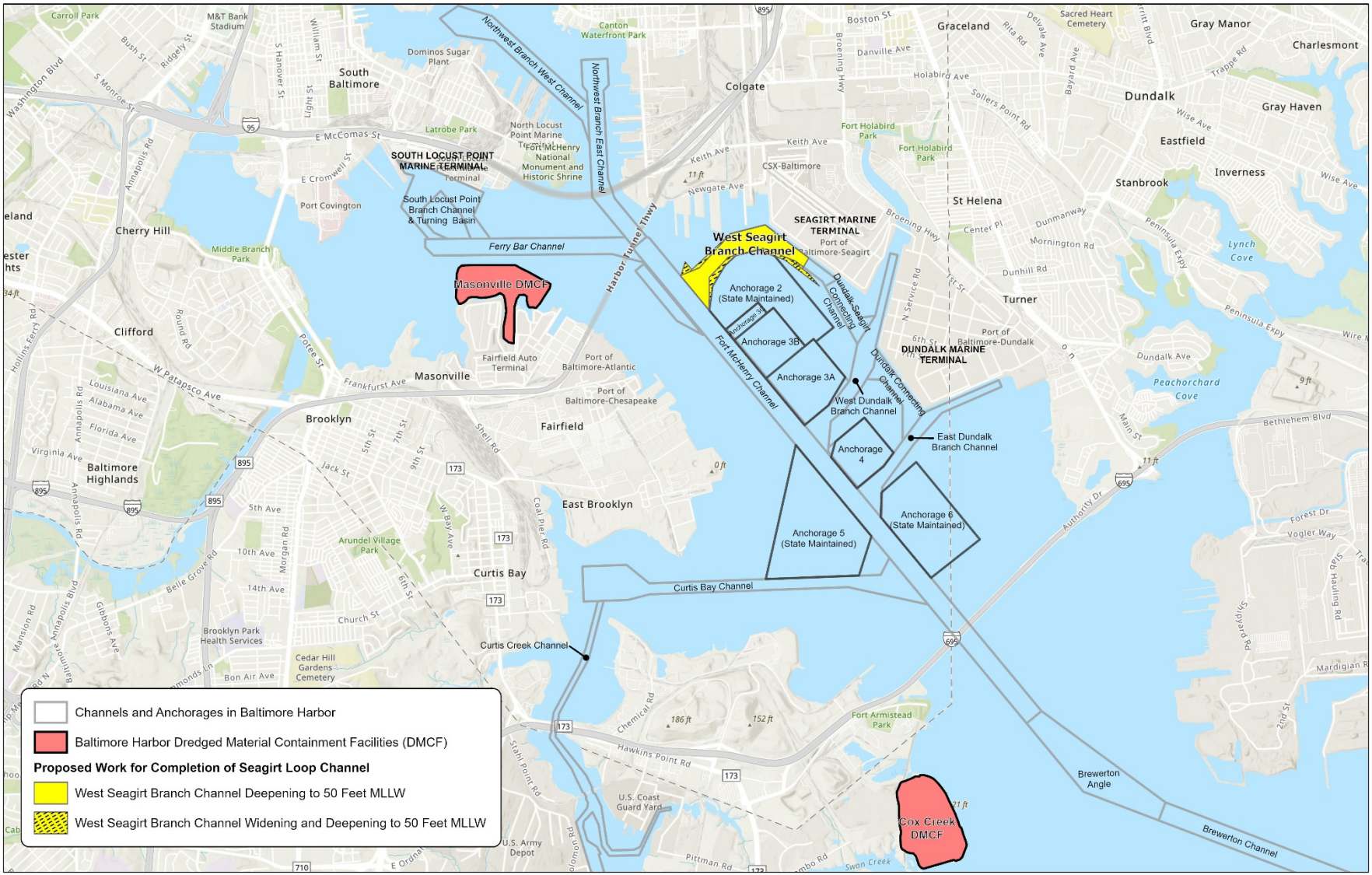
QUANTITIES & DREDGED MATERIAL PLACEMENT

Alternative	What does it include?	Cumulative Volume (CY)	Dredged Material Placement
Alternative 3	Seagirt Loop Channel to 50’	1,629,000 – 1,922,000	Cox Creek DMCF
Alternative 5-2 (Screened)	Seagirt Loop, 50’ Anchorage	7,668,000 – 8,059,000	Cox Creek & Masonville DMCF
Alternative 5-3 (Screened)	50’ Anchorage	6,039,000 – 6,137,000	Cox Creek & Masonville DMCF



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Baltimore District

FEASIBILITY STUDY SCHEDULE

NEPA AND AGENCY COORDINATION SCHEDULE

FEASIBILITY STUDY SCHEDULE

Milestone Name	Date
Feasibility Cost Sharing Agreement signed	22 September 2020
Study Start (received non-Federal funds)	23 October 2020
Alternatives Milestone Meeting	21 January 2021
Tentatively Selected Plan Milestone	10 December 2021
Release Draft Feasibility Report for 30-day Public Review	23 February 2022
Agency Decision Milestone	11 May 2022
NAB Submits Final Feasibility Report to NAD	22 February 2023
Washington-Level and State and Agency Review	23 March 2023
Chief of Engineer's Report (end Feasibility Study)	21 September 2023

NEPA AND AGENCY COORDINATION SCHEDULE

Activity	Date
Interagency Scoping Meeting	January 14, 2021
Initiated Section 106 Consultation	February 2021
Cooperating/Participating Agency Letters	January and March 2021
Draft NEPA document, Air Quality Conformity Analysis, Viewshed Analysis	January 2021 through January 2022
Interagency Update Meeting	September 13, 2021
Agency Review of Integrated Draft Feasibility Report and NEPA document	February/March 2022
Public Meeting	February/March 2022
Finalize Integrated Feasibility Report and NEPA document	March 2022 through January 2023
Washington Level Review and State and Agency Review of Final Report	March 2023
Regulatory Coordination/Permitting, Phase I Archeological Investigation	Pre-Construction Engineering and Design Phase

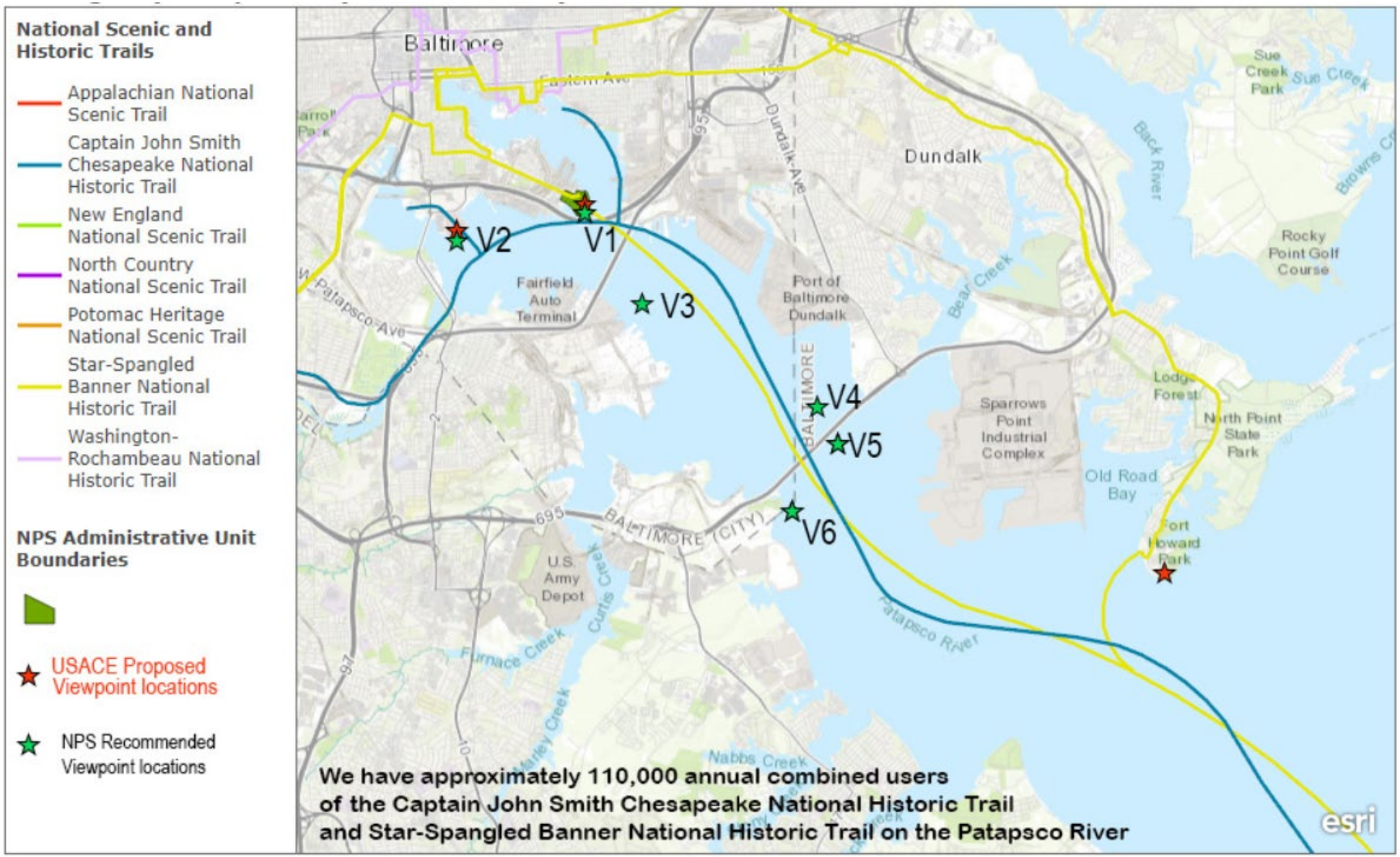
AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

CULTURAL RESOURCES

- Areas of potential effect (APE) includes the areas proposed to be deepened and widened and the viewsheds of nearby historic properties
- Existing information collected from MHT's Cultural Resources Information System, Medusa
- Six resources located in indirect APE
- Phase I archeological investigation of the undisturbed areas proposed to be deepened and widened in the Seagirt Loop Channel to be conducted during PED
- Programmatic Agreement will be developed with MHT and other consulting parties
- Conducting viewshed analysis to assess potential visual impacts on key architectural resources and historic trails

VIEWSHED ANALYSIS

Renderings showing before and after views of the project area from key historic resources.



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SEDIMENTS AND WATER QUALITY

- Sediments consist of fine-grained combination of silt, clay, and small amounts of sand. Undisturbed sediments may contain a higher sand content.
- Contaminated sediments as expected in an urbanized/industrialized region.
- Baltimore Harbor TMDL for nutrients, chlordane in sediments, and PCBs in fish tissue.
- Sediments will be tested prior to dredging and placement into the DMCF following the USACE Inland Testing Manual or the MPA Right of Entry Application.
- Dredging is anticipated to temporarily increase total suspended solid concentrations and turbidity within and adjacent to the dredging areas.
- Decreases in DO and flushing rates due to increased water depth are anticipated to be minor.

AIR QUALITY

- Nonattainment area for ozone 2008 and 2015 standards
- Conducting air quality conformity analysis
- A quantitative assessment of construction-related greenhouse gas emissions will be conducted
- Additional general information on greenhouse gas emissions related to port activity after project completion will be discussed

WILDLIFE AND BENTHIC RESOURCES

- No submerged aquatic vegetation or oysters
- Few mollusks and crustaceans
- Essential Fish Habitat for the windowpane flounder, summer flounder, bluefish, Atlantic butterfish, and black sea bass and prey species including spot, bay anchovy, and blue crab
- Habitat for migratory species including alewife, blueback herring, white perch, and American eel
- Atlantic sturgeon migrating and foraging habitat (juvenile, subadult, adult) and shortnose sturgeon migrating, foraging, and overwintering habitat (adult)

WILDLIFE AND BENTHIC RESOURCES

- Adverse impacts to EFH would be periodic and concurrent with maintenance dredging
- Once dredging is completed, habitats would again be available to managed fish species and their prey
- Dredging activities may adversely affect but are not likely to jeopardize the existence of the Atlantic sturgeon and shortnose sturgeon
- Potential TOY restriction (i.e., no dredging from March 1 to June 30) to protect anadromous fish throughout the Patapsco River

OTHER SOCIAL EFFECTS

- Examining potential impacts to vulnerable populations located within one mile of the project area

- Qualitative assessment on indirect impacts (traffic, jobs, recreation) and cumulative impacts including other port projects

QUESTIONS AND COMMENTS

PORT OF BALTIMORE 1706 Helen Delich Bentley

US Army Corps of Engineers
Baltimore District

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QUESTIONS OR COMMENTS?

USACE, Baltimore District
Luis Santiago, Study Manager
Luis.E.Santiago@usace.army.mil; 410-962-6691

Kristina May, Biologist
Kristina.K.May@usace.army.mil; 410-962-6100

Ethan Bean, Archeologist
Ethan.A.Bean@usace.army.mil; 410-962-2173

Maryland Port Administration
David Bibo, Project Manager
dbibo@marylandports.com; 410-385-4466

Maryland Environmental Service
Mindy Strevig, Project Manager
mstrevig@menv.com; 410-729-2733

Michelle Osborn, Senior Lead Environmental Specialist
mosborn@menv.com; 410-729-8526

Kenna Oseroff, Environmental Operations Section Chief
koseroff@menv.com; 410-729-8923

Study Website
https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

US Army Corps of Engineers
Baltimore District

Public Meeting Notice and Coordination

US Army Corps of Engineers
Baltimore District

Notice of Availability of Draft Report and Public Meeting

Baltimore Harbor Anchorages and Channels
Modification of Seagirt Loop Channel Feasibility Study
Draft Integrated Feasibility Report and Environmental Assessment

ALL INTERESTED PARTIES: The U.S. Army Corps of Engineers, Baltimore District (USACE) and the non-federal sponsor, the Maryland Department of Transportation Maryland Port Administration (MDOT MPA), have prepared a draft Integrated Feasibility Report and Environmental Assessment (EA) to determine whether improvements to the Baltimore Harbor Anchorages and Channels project would result in improved navigation efficiencies at the Port of Baltimore (Port) to meet demand for future capacity at the Port facilities, including efficient handling of increased container volume at Seagirt Marine Terminal (SMT) and faster and safer movement of vessels transiting the channels. The study area includes 32-square miles of Baltimore Harbor, including the navigable parts of the Patapsco River below Hanover Street, the Northwest and Middle Branches, and Curtis Bay and its tributary, Curtis Creek, as well as the associated Port.

Purpose of Work: The purpose of this study is to identify technically feasible, economically justifiable, and environmentally acceptable recommendations for a federal navigation improvement project in Baltimore Harbor. Larger container vessels that have started using Baltimore Harbor, termed "Post-Panamax vessels", can carry twice the cargo capacity and require deeper water depths than the ships that were used to design the current -42-foot-deep access channels to the SMT. As a result, the vessels routinely calling on Baltimore Harbor today are longer, wider, and have drafts deeper than the existing channel design vessel. These larger vessels have a greater risk of grounding, collision, allision, and marine casualties. Along with these risks, efficiency delays have resulted in limitations to operations within Baltimore Harbor.

Proposed Action: The Tentatively Selected Plan (TSP) presented in this draft report proposes widening of the West Seagirt Branch Channel (WSBC) to a minimum width of 620 feet with deepening to a federally-authorized depth of -47 feet mean lower low water (MLLW) (Figure 1). The TSP is the National Economic Development Plan (NED); the plan that reasonably maximizes net benefits.

The MDOT MPA has also expressed interest in pursuing a potential Locally Preferred Plan (LPP) to deepen and widen the WSBC to complete the Seagirt Loop Channel at an authorized depth of -50 feet MLLW and widening to a minimum width of 620 feet. The LPP ensures consistent channel depths from the approach channels leading to the Port and throughout the entire Seagirt Loop Channel allowing all present and future vessels calling at the SMT to be able to safely and efficiently maneuver the loop to deliver cargo. An LPP would propose a recommended plan different than the NED Plan as the recommended plan, and would require a policy waiver.

Comments: The draft integrated Feasibility Report and EA will be made available to the public for a 30-day review and comment period beginning on February 9, 2022. Comments need to be received on or before March 11, 2022, to be considered. The draft integrated Feasibility Report and EA are available via the USACE website at: https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/. The Sollers Point Branch of the Baltimore County Public Library will hold a hard copy at the front desk and make it available to the public upon request. Comments can be submitted electronically to: CENAB-CC@usace.army.mil

Public Meeting: USACE and MDOT MPA will hold a virtual public meeting on Thursday, February 24, 2022 from 6:00 pm to 8:00 pm to present the report and receive comments. Register in advance for this meeting at the hyperlink below. After registering, you will receive a confirmation email containing information about joining the meeting.
Register at this link: https://moffattnichol.zoom.us/meeting/register/tZUocuCqrTIpGNxhBtfcqQZOnJPChveSyfqy

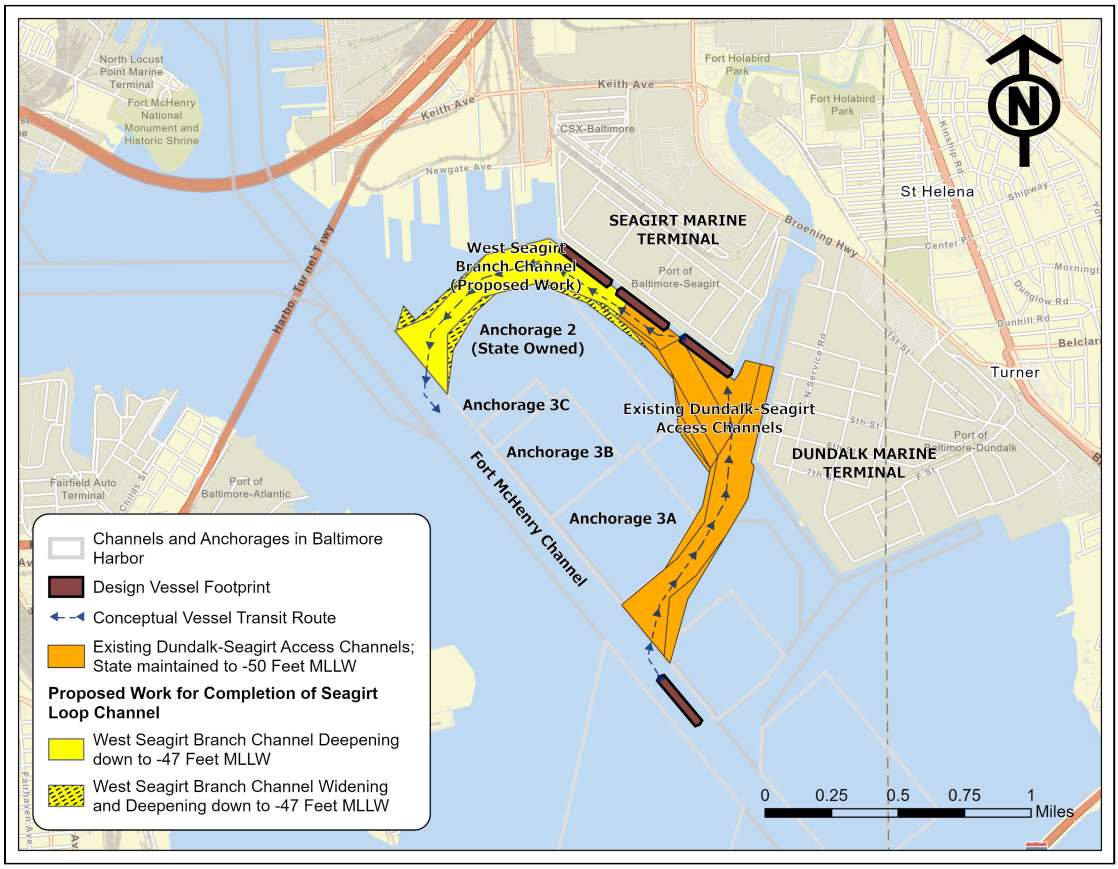

Figure 1. TENTATIVELY SELECTED PLAN - DEEPENING AND WIDENING OF THE WEST SEAGIRT BRANCH CHANNEL

From: Megan O"Hara
To: Desantis, Matthew (DOP); Attila, Bruna (DOP); April Smith; reddearheart@yahoo.com
Cc: Michelle Osborn; May, Kristina K CIV USARMY CENAB (USA)
Subject: RE: Public Meeting for Draft Environmental Assessment (Baltimore Harbor Anchorages & Channels Modification of Seagirt Loop Channel Study)
Date: Wednesday, February 2, 2022 4:48:48 PM
Attachments: image002.png
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image006.png
image007.png
image008.png
image297899.png
image663747.png
image743833.png
image421955.png
image873835.png
image760708.png

Good afternoon,

The notice for the release of the Environmental Assessment and public meeting is being finalized. I will forward the final notice in the next few days. If you would distribute the notice to your respective communities, we would greatly appreciate it. In the meantime, the virtual public meeting date has been confirmed for February 24 from 6-8 PM.

Thank you all for helping us with outreach for this event!

Regards,
Meg

Maryland ENVIRONMENTAL SERVICE

Megan O'Hara
Lead Environmental Specialist
259 Najoles Road, Millersville, MD 21108
mohara@menv.com | menv.com
410.729.8248 (office)

Click here to complete a three question customer experience survey.

From: Desantis, Matthew (DOP) <Matthew.Desantis@baltimorecity.gov>
Sent: Wednesday, February 2, 2022 2:20 PM
To: Attila, Bruna (DOP) <Bruna.Attila@baltimorecity.gov>; Megan O'Hara <mohara@menv.com>
Cc: Michelle Osborn <mosborn@menv.com>; May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>; April Smith <asmith3@baltimorecountymd.gov>; reddearheart@yahoo.com; April Smith <asmith3@baltimorecountymd.gov>
Subject: RE: Public Meeting for Draft Environmental Assessment (Baltimore Harbor Anchorages &

Channels Modification of Seagirt Loop Channel Study)

Megan,

Shirley Gregory is President of the St. Helena Community Association – I've Cc'ed her to this email and I'm sure she'd appreciate coordinating with you directly about your engagement plans.

I've also Cc'ed April Smith – April is my Community Planning counterpart with Baltimore County government for this area – in case you haven't been in contact as of yet.

Regards,

Matthew DeSantis, AICP
City Planner II
Land Use and Urban Design / Outer Southeast District Community Planner
City of Baltimore ¦ Department of Planning
417 E. Fayette St., 8th Floor ¦ Baltimore, MD 21202
Phone: 410-396-5622

Our Mission: *To build Baltimore as a diverse, sustainable and thriving city of neighborhoods and as the economic and cultural driver for the region.*
Our Equity Statement: *An equitable Baltimore addresses the needs and aspirations of its diverse population and meaningfully engages residents through inclusive and collaborative processes to expand access to power and resources.*

From: Attila, Bruna (DOP)
Sent: Wednesday, February 2, 2022 2:10 PM
To: 'Megan O'Hara' <mohara@menv.com>
Cc: Michelle Osborn <mosborn@menv.com>; May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>; Desantis, Matthew (DOP) <Matthew.Desantis@baltimorecity.gov>
Subject: RE: Public Meeting for Draft Environmental Assessment (Baltimore Harbor Anchorages & Channels Modification of Seagirt Loop Channel Study)

Hi Megan,

I am checking internally and will let you know in case I find any conflicting public meetings. Nothing has been flagged until now.

And regarding public outreach, please reach out to Matt Desantis (copied here), who is the Community Planner for the area. He may be able to help. We can also advertise the public comment period on our Office's newsletter. For that, please send me the specific text and I will add it to this month's issue.

Best,

Bruna Attila, PMP, CFM, LEED AP ND (*she/her*)
Coastal Planner

Department of Planning | Office of Sustainability
417 East Fayette Street – 8th Floor
Baltimore, MD 21202
Direct: (410) 396-8718
Bruna.Attila@baltimorecity.gov

Our Mission: *To build Baltimore as a diverse, sustainable and thriving city of neighborhoods and as the economic and cultural driver for the region.*

Our Equity Statement: *An equitable Baltimore addresses the needs and aspirations of its diverse population and meaningfully engages residents through inclusive and collaborative processes to expand access to power and resources.*

From: Megan O'Hara <mohara@menv.com>
Sent: Tuesday, January 25, 2022 12:40 PM
To: Attila, Bruna (DOP) <Bruna.Attila@baltimorecity.gov>
Cc: Michelle Osborn <mosborn@menv.com>; May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Subject: RE: Public Meeting for Draft Environmental Assessment (Baltimore Harbor Anchorages & Channels Modification of Seagirt Loop Channel Study)

Ms. Attila,

My apologies—the meeting is scheduled to occur **from 6-8 pm.**

Thank you,
Meg

Megan O'Hara
Lead Environmental Specialist
259 Najoles Road, Millersville, MD 21108
mohara@menv.com|menv.com
410.729.8248 (office)

Click here to complete a three question customer experience survey.

From: Megan O'Hara <mohara@menv.com>
Sent: Tuesday, January 25, 2022 11:48 AM
To: bruna.attila@baltimorecity.gov
Cc: Michelle Osborn <mosborn@menv.com>; May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Subject: Public Meeting for Draft Environmental Assessment (Baltimore Harbor Anchorages & Channels Modification of Seagirt Loop Channel Study)

Ms. Attila,

MES is reaching out on behalf of the MDOT MPA and USACE to get your input on the public meeting for the Draft Environmental Assessment (EA) for Baltimore Harbor Anchorages & Channels Modification of Seagirt Loop Channel Study. We have tentatively selected February 24, 2022 between 6 and 9 pm for a virtual public meeting on Zoom. Do you foresee any issues with this date and time with regard to any potential meeting conflicts in nearby communities? We are particularly interested in including communities near Seagirt Marine Terminal, such as St. Helena.

The draft EA will be released on February 9, 2022 for public review. We have contacted Ms. Elizabeth Slack at the Sollers Point Branch of the Baltimore County library and received permission to leave a copy of the draft EA at the front desk upon its release. The Sollers Point Branch will hold it at the desk and make it available to the public upon request. Can you provide any additional guidance on how to inform nearby communities of the public review period?

Thank you,
Meg

Megan O'Hara
Lead Environmental Specialist
259 Najoles Road, Millersville, MD 21108
mohara@menv.com|menv.com
410.729.8248 (office)

Click here to complete a three question customer experience survey.

From:	Megan O"Hara
To:	Desantis, Matthew (DOP); April Smith; reddearheart@yahoo.com
Cc:	Michelle Osborn
Subject:	Notice of Availability of Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study
Date:	Monday, February 7, 2022 9:39:15 AM
Attachments:	image612698.png image519155.png image274916.png image645847.png image017678.png image929956.png Seagirt_Notice of Availability.pdf

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Good morning,

The Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study Draft Integrated Feasibility Report and Environmental Assessment will be made available for public review beginning February 9, 2022 for a period of 30 days. Please submit comments to: CENAB-CC@usace.army.mil by March 11, 2022.

The U.S. Army Corps of Engineers, Baltimore District and the non-federal sponsor, the Maryland Department of Transportation, Maryland Port Administration will hold a public meeting on February 24, 2022 from 6:00 pm to 8:00 pm to present the report and receive comments.

Please see the attached Public Notice for additional details.

Thank you,
Meg

Maryland ENVIRONMENTAL SERVICE

Megan O'Hara
Lead Environmental Specialist
259 Najoles Road, Millersville, MD 21108
mohara@menv.com | menv.com
410.729.8248 (office)

Public Meeting Presentation Slides

BALTIMORE HARBOR ANCHORAGES AND CHANNELS
SEAGIRT LOOP DEEPENING, MARYLAND
FEASIBILITY STUDY

DRAFT INTEGRATED FEASIBILITY REPORT & ENVIRONMENTAL ASSESSMENT

Public Involvement and Agency Coordination Meeting

Opening Remarks: Kristen Fidler, Director of Harbor Development, Maryland Port Administration

Study Overview: Luis Santiago, Study Manager, U.S. Army Corps of Engineers

February 24, 2022

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."

MARYLAND DEPARTMENT OF TRANSPORTATION

PORT OF BALTIMORE 1706 Helen Delich Bentley

US Army Corps of Engineers Baltimore District

U.S.ARMY

VIRTUAL MEETING GUIDELINES

- Thank you for attending
- Slide presentation and recorded meeting will be posted on project web page:

  https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

- All general attendees will be muted
  - Please ensure you stay muted
  - Please leave cameras off to reduce bandwidth
- Please hold questions until the Q&A periods (multiple opportunities throughout the presentation)
- Three ways to ask questions
  - Send through **chat**
  - Use the raise your hand feature thorough **video**
  - participate by **phone**

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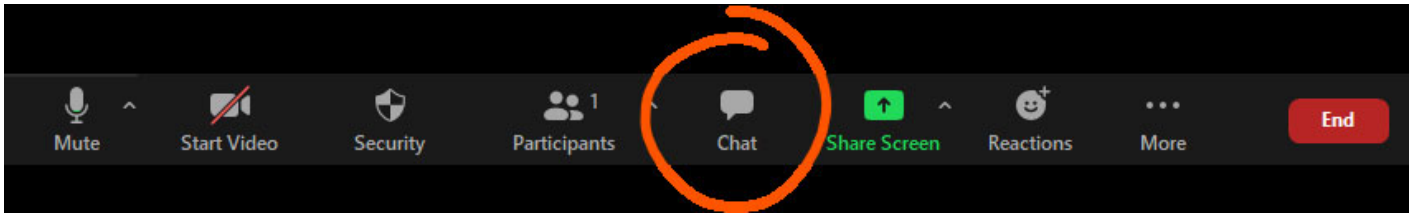
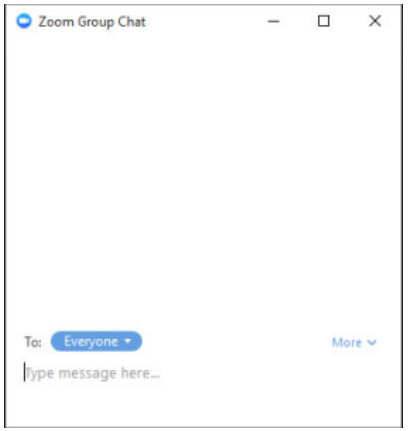
PARTICIPATING IN ZOOM MEETINGS

Using the Chat Feature

- All participants are free to use the Chat function for the entire duration of the meeting.
- Participants can type questions to be read by the moderator during the Q&A periods.





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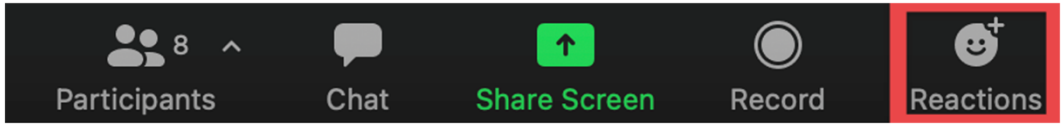
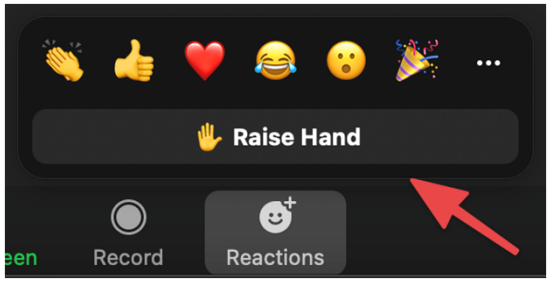
Raise your hand from your web browser

1. Click on the icon labeled "Reactions" in the toolbar on the bottom center of your screen.



2. After clicking "Reaction," a new window should pop out. At the bottom of the window, you will see a button labeled "Raise Hand." Click the Raise Hand button.



Raise your hand by phone

1. Dial *9 to raise your hand.
2. When called on be sure your phone is unmuted.

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HOW TO ASK A QUESTION: *A QUICK REVIEW*

Chat:
1. Open the chat box.
2. Type your question and press enter.

Video participants:
1. Use the raise your hand icon.

Call-in participant:
1. Dial *9 to raise your hand.
2. Say your name first (for the record).

- **BE SURE YOU ARE NOT MUTED**
- **PROVIDE YOUR NAME FOR THE RECORD**

BALTIMORE HARBOR ANCHORAGES AND CHANNELS SEAGIRT LOOP DEEPENING, MARYLAND FEASIBILITY STUDY

DRAFT INTEGRATED FEASIBILITY REPORT & ENVIRONMENTAL ASSESSMENT

Public Involvement and Agency Coordination Meeting

Opening Remarks: Kristen Fidler, Director of Harbor Development, Maryland Port Administration
Study Overview: Luis Santiago, Study Manager, U.S. Army Corps of Engineers

February 24, 2022

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."

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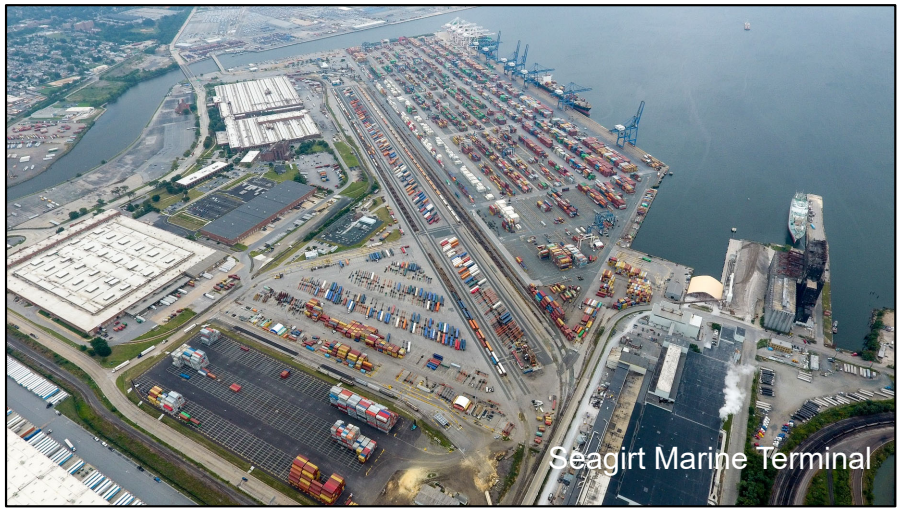
PURPOSE AND AGENDA

PURPOSE

The purpose of the meeting is to provide an overview of the Seagirt Study and the study's Draft Integrated Feasibility Report and Environmental Assessment. The study team is also interest in soliciting feedback and comments on the proposed action from the public, stakeholders, and agency staff.

AGENDA

6:00 – 6:15	Introduction and Opening Remarks
6:15 – 6:45	Presentation (Luis Santiago, SM)
6:45 – 7:20	Questions and Comments
7:30 – 8:00	Path Forward
8:00	Close Meeting


Seagirt Marine Terminal

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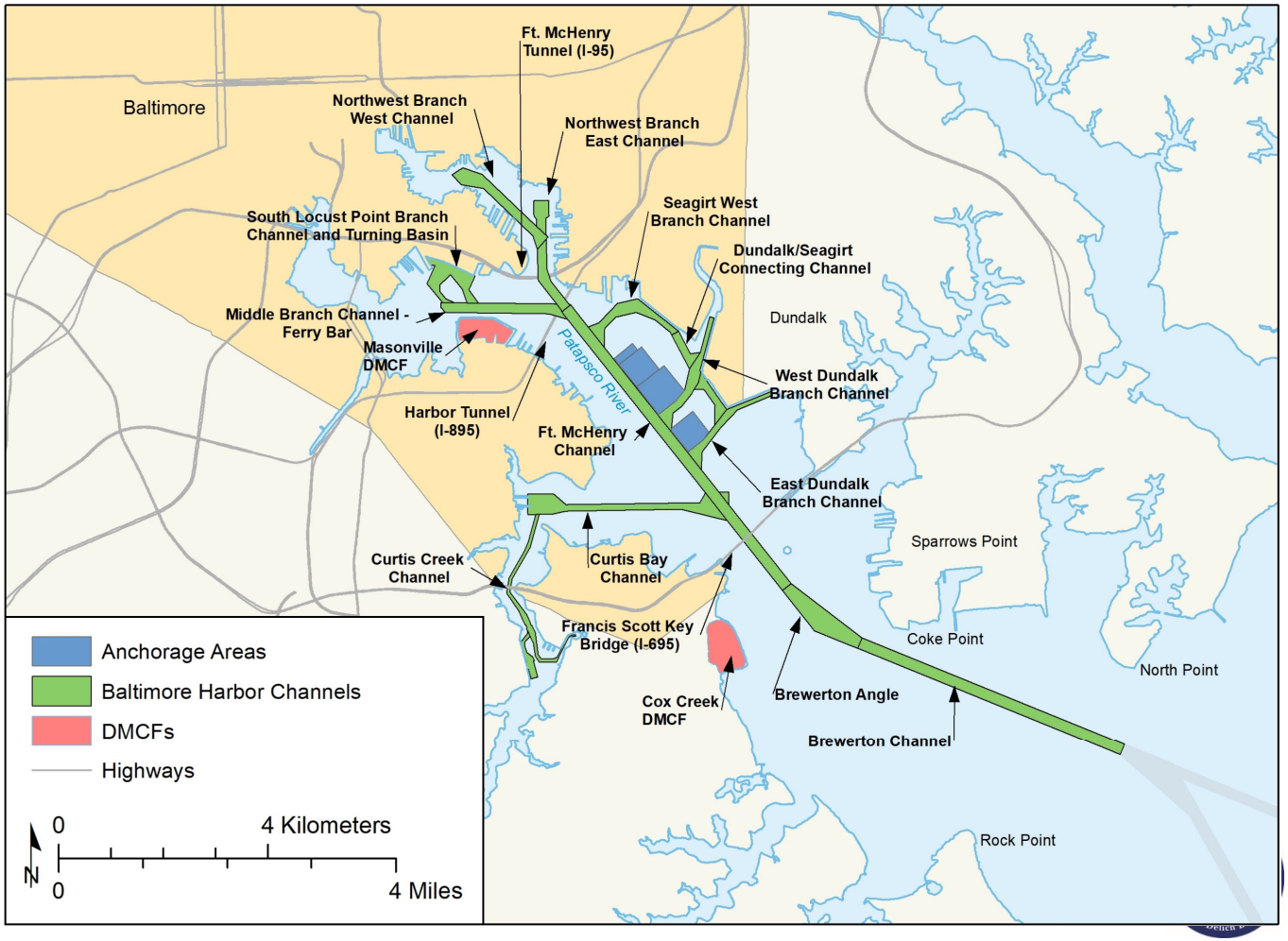
BALTIMORE HARBOR CHANNELS



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Baltimore District

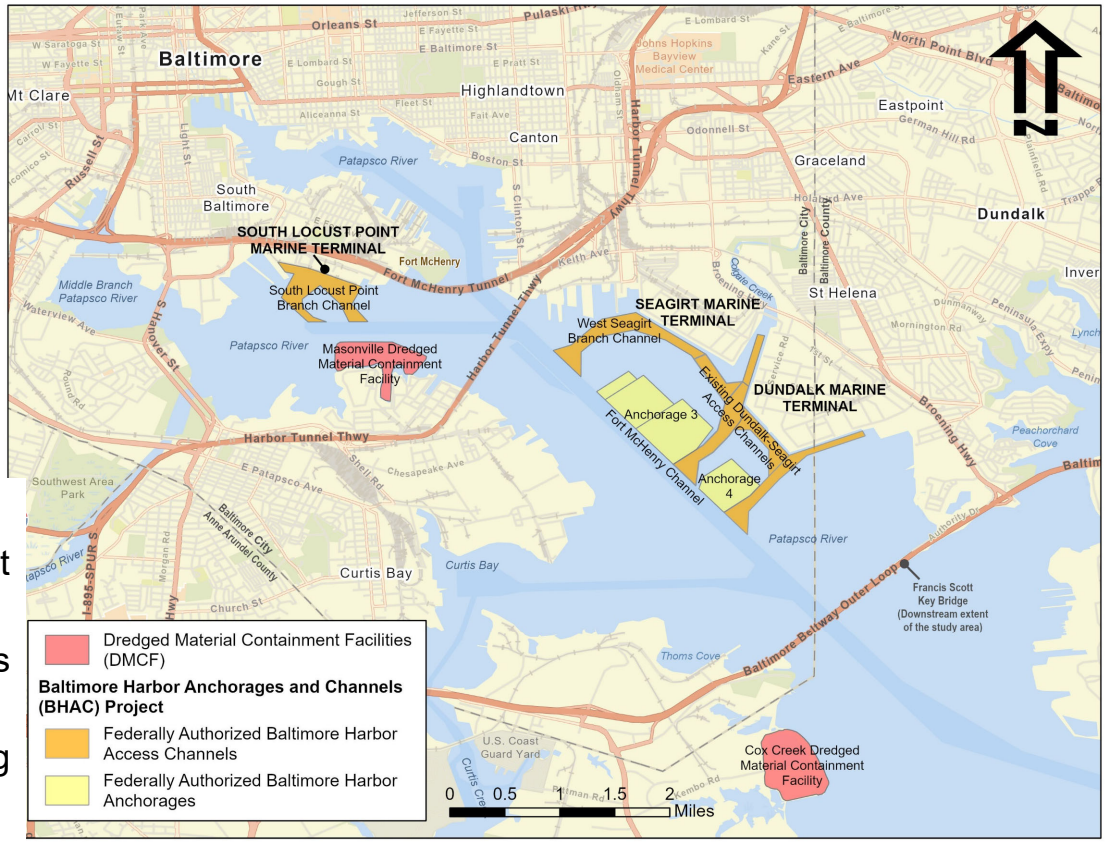
STUDY GOAL AND OBJECTIVES

GOAL

The overall goal of the study is to maximize Baltimore Harbor's contribution to national economic development, consistent with protecting the Nation's environment, by improving the existing navigation system's ability to safely and efficiently serve the forecasted vessel fleet.

OBJECTIVES

1. Decrease transportation delays to vessels calling at the Port;
2. Improve navigability and increase safety for vessels using Baltimore Harbor access channels;
3. Increase transportation efficiencies for vessels calling at the Port; and
4. Meet current and future needs for handling of larger vessels to satisfy container traffic demand at the Port.



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OVERVIEW OF THE DRAFT REPORT

The Baltimore Harbor Anchorages and Channels (BHAC) Modification of Seagirt Loop Feasibility Study Draft Integrated Report and Environmental Assessment consists of 161 pages in 8 Chapters, including:

- Chapter 1 Introduction
- Chapter 2 Existing Environmental and Socioeconomic Conditions
- Chapter 3 Existing and Future Economic and Navigation Conditions
- Chapter 4 Plan Formulation
- Chapter 5 Tentatively Selected Plan
- Chapter 6 Environmental Effects and Consequences
- Chapter 7 Coordination and Compliance with Environmental Requirements
- Chapter 8 Plan Implementation

- 8 Appendices for Environmental and Cultural Resources, Engineering Economics, Clean Air Act Compliance, Climate Change Assessment, Real Estate Plan, Hazardous, Toxic and Radioactive Waste Investigation, and the Agency and Tribal Coordination and Public Involvement

Hard copy of the report is available at Sollers Point Branch of the Baltimore County Library

Available at https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

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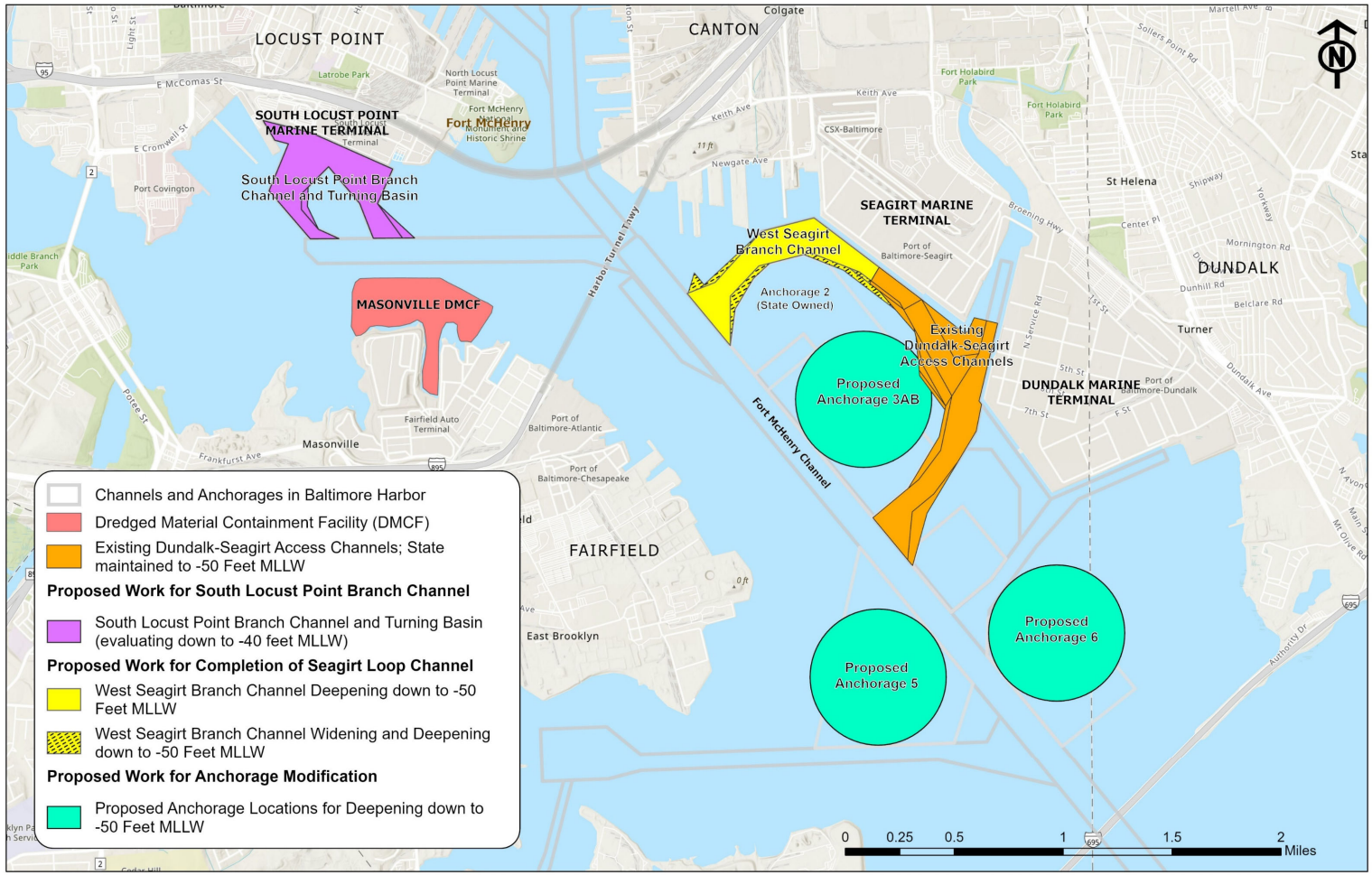
STUDY SCOPE

- Seagirt Loop Channel
- Anchorage Modification
- South Locust Point Branch Channel

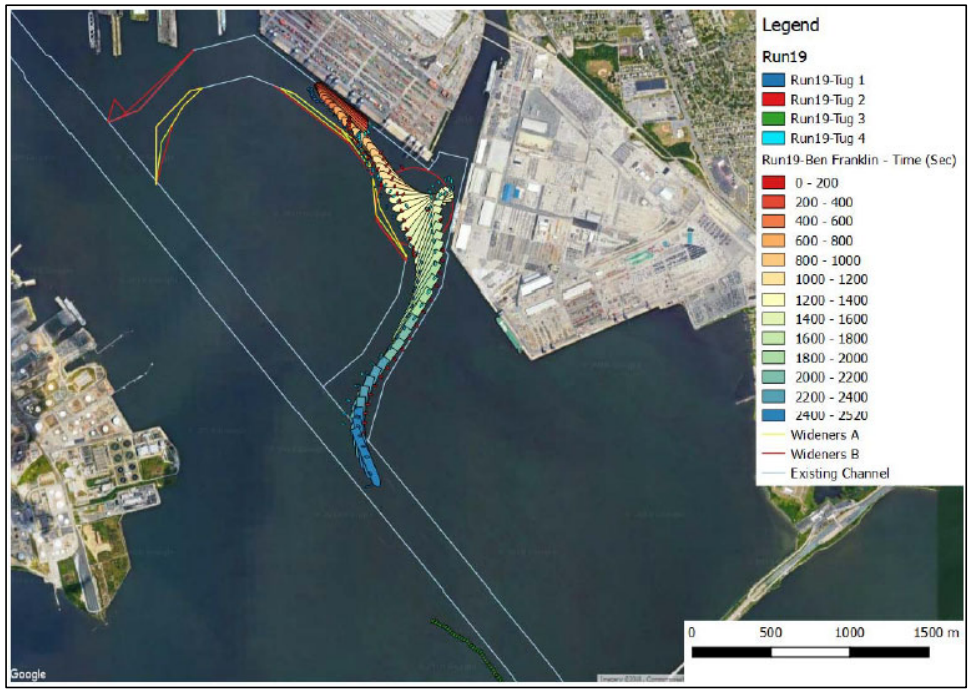


PROBLEMS

SEAGIRT LOOP CHANNEL

Problem # 1: Transportation Inefficiency

Problem # 2: Safety and Maneuverability Concerns



ANCHORAGES

Problem # 1: Transportation inefficiencies due to channel constraints, vessels with draft in excess of -38 feet have to anchor at Annapolis Anchorages

SOUTH LOCUST POINT

Problem # 1: Shoaling of the access channel resulting in constraints to navigation

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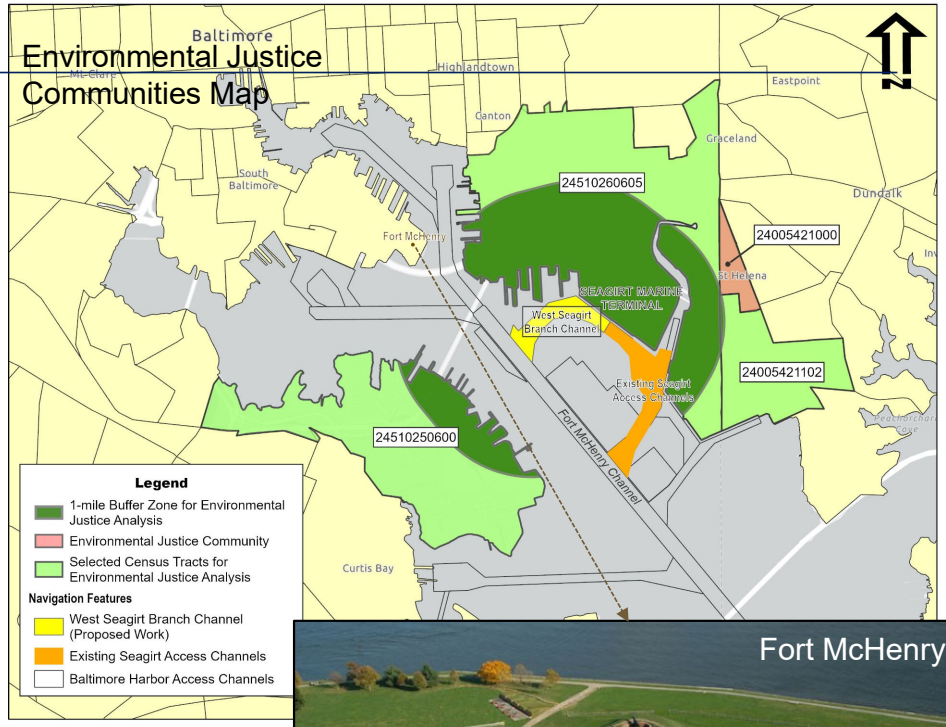
EXISTING CONDITIONS

ENVIRONMENTAL AND CULTURAL RESOURCES

- Threatened & Endangered (T&E) Species
  - Atlantic sturgeon
  - Shortnose sturgeon
- Essential Fish Habitat (EFH)
- Migratory Fish Habitat
- Cultural Resources
  - Fort McHenry
  - National Historic Trails
- Environmental Justice Community
- Contaminated Sediments
- National Ambient Air Quality Standards (NAAQS) Nonattainment Area



NAVIGATION CONDITIONS

- A commodity forecast and fleet forecast were completed for the Port of Baltimore to estimate container volume growth at the Port

- Ultra large container vessels (ULCV) draft between -42 and -50 feet MLLW and currently anchor at Annapolis Anchorages while waiting for berth to clear due to channel constraints, only about 6% of large-draft vessels currently do this
- Seagirt Marine Terminal (SMT) handles 97% of container volumes for the Port, estimated to be 1 million twenty-foot equivalent units (TEU) annually
  - The commodity forecast projects volumes to grow to 2.4 million TEUs by 2040
  - The fleet forecast projects an increase in the number of calls from ULCV
- Existing improvements include deepening of Berths 3 and 4 at SMT and Supermax cranes to handle ULCV container volumes.
  - Planned improvements include the expansion of Howard Street Tunnel to allow for double stacking of rail traffic out of SMT, increased storage, modernization of trucking facilities, and deepening of Berth 1 and 2 in the future

ALTERNATIVE PLANS

Seven alternatives in addition to the “No Action” alternative were considered, evaluated, and compared.

- Measure in Alternative 2 (assumption of maintenance) was removed due to policy/legal compliance issues and Alternatives 4-1, 4-2, and 5-1 (South Locust Point) were removed as it was identified as a routine maintenance issue
- Evaluations were completed for the anchorage modification and Seagirt Loop Channel Alternatives. Only the Seagirt Loop Channel Alternative showed a favorable benefit cost ratio (BCR) and positive net benefits.

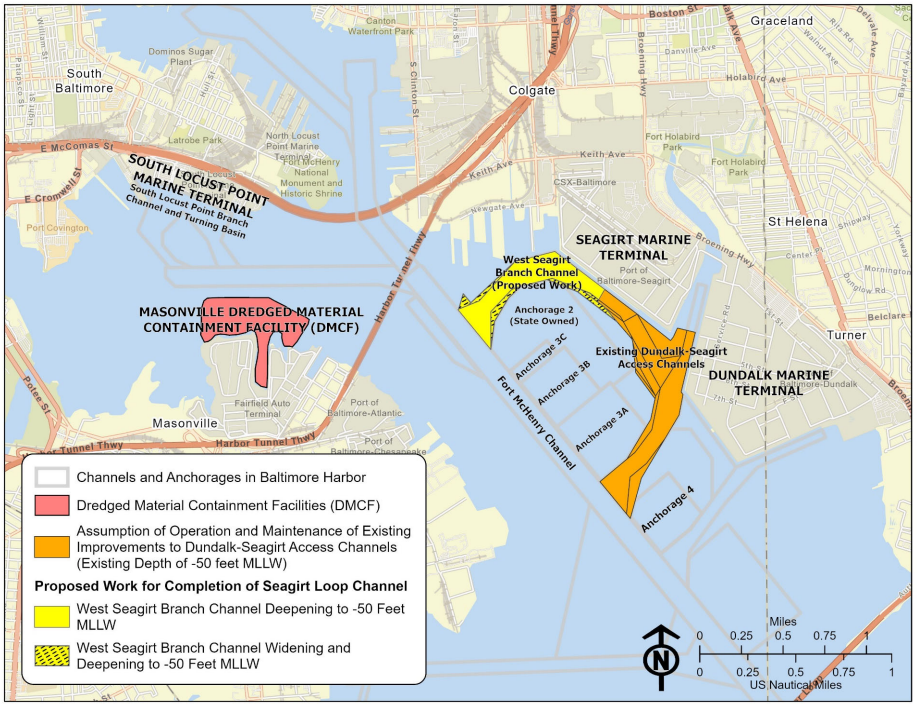
ALTERNATIVES	STATUS OF ALTERNATIVE
Alternative 1: No Action	RETAINED
Alternative 2: Assumption of federal maintenance for BHAC improvements	SCREENED OUT
Alternative 3: Completion of Seagirt Loop	RETAINED
Alternative 4-1: Completion of Seagirt Loop & South Locust Point modification	SCREENED OUT
Alternative 4-2: South Locust Point modification	SCREENED OUT
Alternative 5-1: Completion of Seagirt Loop, South Locust Point modification, & anchorage modification	SCREENED OUT
Alternative 5-2: Completion of Seagirt Loop & anchorage modification	SCREENED OUT
Alternative 5-3: Anchorage modification	SCREENED OUT

DEEPENING OF SEAGIRT LOOP EVALUATION

- The study team conducted an economic evaluation of the deepening of the Seagirt Loop Channel for each depth from -45 feet to -50 feet MLLW using HarborSym, USACE's economic model for navigation improvements

- The National Economic Development (NED) evaluation is used to estimate the economic benefits of a proposed action to the Nation. The NED Plan is the plan that reasonably maximizes net benefits and generally is the least cost plan when there is no significant difference in net benefits.
  - The NED Plan identified a proposed authorized depth of West Seagirt Branch Channel (WSBC) to -47 feet MLLW

- The non-federal sponsor, Maryland Port Administration (MPA), has expressed interest in a potential locally preferred plan (LPP), which requires a waiver.
  - The LPP proposed an authorized depth of WSBC to -50 feet MLLW



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NATIONAL ECONOMIC DEVELOPMENT (NED) EVALUATION

The following NED benefits were identified during the evaluation:

- Increased transportation efficiencies and decrease in transportation delays for up to 3 hours for vessels using the Seagirt Loop Channel
- Meeting forecasted needs to handle more frequent calls by vessels up to 16,000 TEUs at the Port of Baltimore

Net benefits are estimated by subtracting Average Annual Equivalent (AAEQ) Costs from AAEQ Benefits. The benefit cost ratio (BCR) is estimated by dividing the AAEQ benefits by the AAEQ costs. The evaluation is summarized in the table below.

	NED PLAN	POTENTIAL LPP
Total Investment Cost	$34,333,000	$44,952,000
Total AAEQ Costs	$1,212,000	$1,571,000
AAEQ Benefits	$4,894,000	$5,202,000
Net Benefits	$3,682,000	$3,631,000
BCR at 2.5%	4.0	3.3

ENVIRONMENTAL CONSEQUENCES

ENVIRONMENTAL QUALITY (EQ)

- Air quality in Baltimore is poor, temporary and minor air quality impacts anticipated during construction
- Temporary and minor increase in noise anticipated during construction
- No health impacts anticipated with disposal of contaminated dredged material at upland site

	Negligible to Minor Impacts	Impacts requiring mitigation	Significant Impacts
Environmental Justice	☒	☐	☐
Topography and Bathymetry	☒	☐	☐
Geology, Sediments, and Soils	☒	☐	☐
Water Resources and Water Quality	☒	☐	☐
Essential Fish Habitat	☒	☐	☐
Fish and Wildlife	☒	☐	☐
Benthic Fauna	☒	☐	☐
Threatened and Endangered Species	☒	☐	☐
Cultural Resources	☒	☐	☐
Recreation	☒	☐	☐
Aesthetics and Scenic Resources	☒	☐	☐
Hazardous, Toxic, and Radioactive Waste	☒	☐	☐
Air Quality	☒	☐	☐
Greenhouse Gases (GHG)	☒	☐	☐
Noise and Vibration	☒	☐	☐

EVALUATION AND COMPARISON OF ALTERNATIVE PLANS

REGIONAL ECONOMIC DEVELOPMENT (RED)

- RED impacts greater in LPP due to larger investment in the Baltimore Metropolitan Statistical Area (MSA)
- The NED Plan would create an estimated 376 direct jobs, while the potential LPP creates 492 direct jobs
- Regional economic output and labor income will increase under both plans.
  - The NED Plan would increase regional economic output by $47.7 million whereas the potential LPP would increase regional economic output by $62.5 million
  - Labor income would increase by $27 million for the NED Plan and $35.3 million for the potential LPP

OTHER SOCIAL EFFECTS (OSE)

- Enhanced economic vitality and bolsters maritime identity of the community
- Reduction in truck traffic and congestion due to terminal modernization and rail double stacking improvements
- Improve maneuverability and safe passage of vessels using the Seagirt Marine Terminal access channels

Ship simulation will be used to evaluate important differences in navigation safety between the NED Plan and the potential LPP and are expected to inform the selection of the recommended plan.

TENTATIVELY SELECTED PLAN (TSP) – NED PLAN

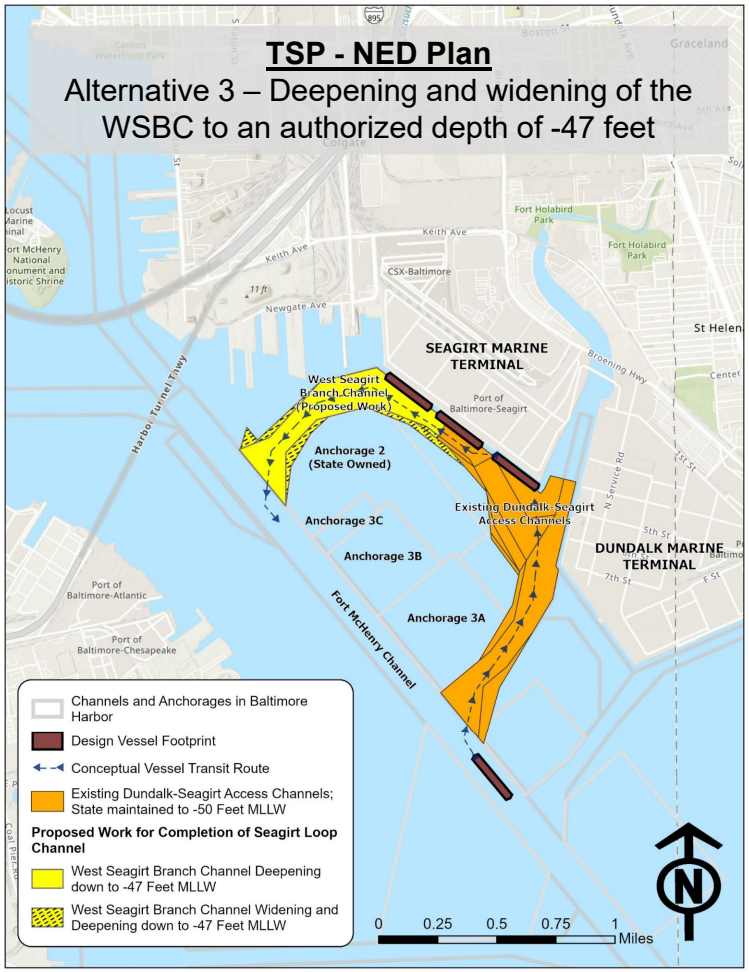
TSP - NED PLAN FEATURES

Channel deepening and widening for **West Seagirt Branch Channel**

- Proposed authorized depth of **-47 ft MLLW** with 2 feet of allowable overdepth
- Channel length of 1 mile with widening to a minimum of 620 feet
- Material will be disposed at Cox Creek Dredged Material Containment Facility (DMCF)

ECONOMIC AND COST SUMMARY

- **Net Benefits: $3,682,000**
  - Benefit Cost Ratio (BCR): 4.0
- Federal Costs: $25,749,750
- Non-Federal Costs: $8,583,250
- **Total Costs: $34,333,000**



POTENTIAL LOCALLY PREFERRED PLAN (LPP)

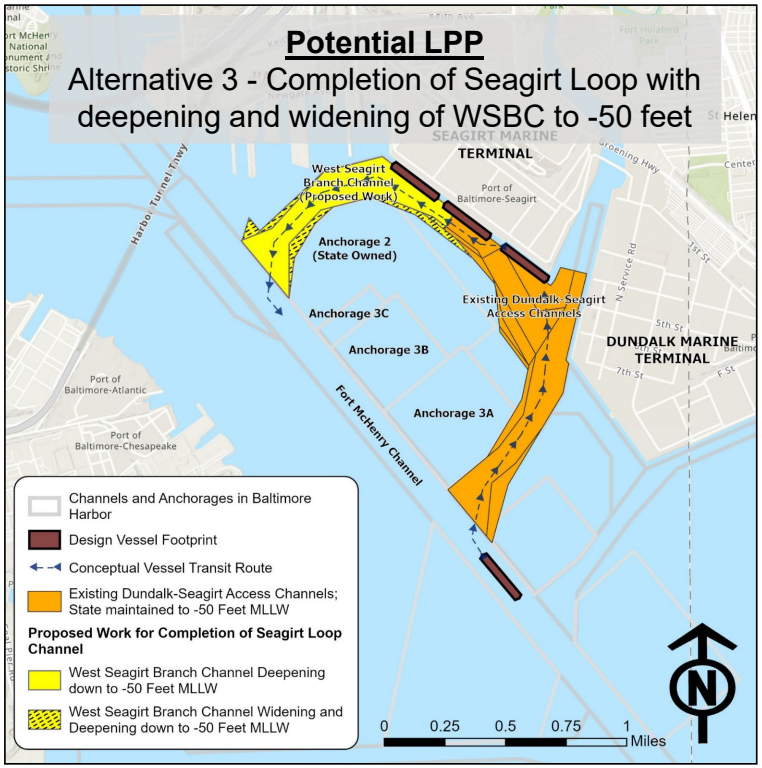
POTENTIAL LPP FEATURES

Channel deepening and widening for **West Seagirt Branch Channel**

- Proposed authorized depth of **-50 ft MLLW** with 2 feet of allowable overdepth
- Channel length of 1 mile with widening to a minimum of 620 feet
- Material will be disposed at Cox Creek Dredged Material Containment Facility (DMCF)

ECONOMIC AND COST SUMMARY

- **Net Benefits: $3,631,000**
  - Benefit Cost Ratio (BCR): 3.3
- Costs over NED Plan*: $10,619,000
- Federal Costs: $25,749,750
- Non-Federal Costs: $19,202,250
- **Total Costs: $44,952,000**



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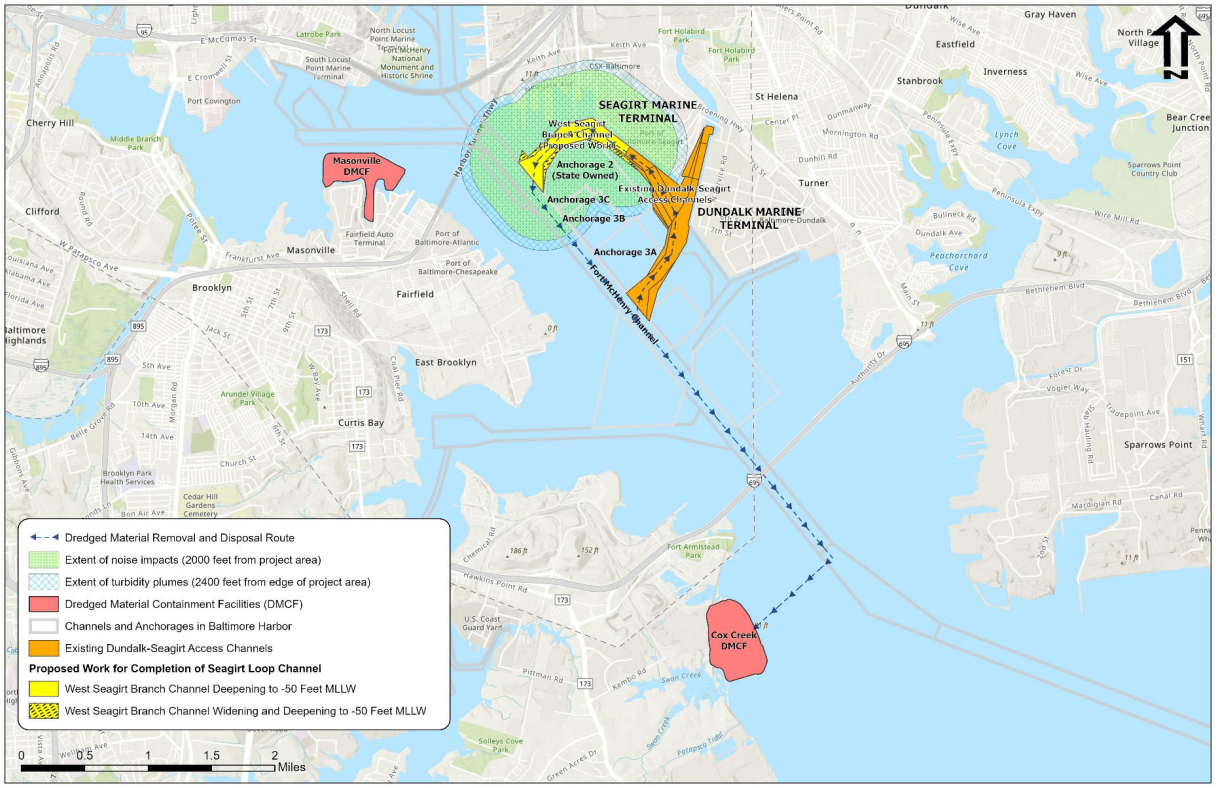
ENVIRONMENTAL COMPLIANCE

- Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) is integrated into the draft report and available for public review
- Section 7, Endangered Species Act – Effects determination in EA, Biological Assessment being drafted
- Magnuson-Stevens Act (Essential Fish Habitat) – Effects determination in EA, EFH worksheet in Appendix A
- Clean Water Act – Section 404(b)(1) evaluation in Appendix A, Expect Water Quality Certification in Pre-Construction Engineering and Design (PED) Phase
- CZMA Evaluation – Federal Consistency Assessment in Appendix A
- National Historic Preservation Act – A viewshed analysis was completed and incorporated into the draft EA; a programmatic agreement with consulting parties will be signed for future archaeological surveys.
- Clean Air Act – Air Quality Conformity Analysis complete, Evaluation in EA
- Environmental Justice (EO 12898) – Analysis complete, Evaluation in EA

PLAN IMPLEMENTATION

- The feasibility study is anticipated to be completed in September of 2023
- The Pre-Construction Engineering and Design (PED) Phase is expected to last two years to September of 2025, if sufficient funds are available
- Congress will have to authorize the project through one of the Water Resources Development Acts (WRDAs) and appropriate funds for the project
  - Construction is anticipated to take place between October 2025 and October of 2027 over two winters and extend over three calendar years
  - No mitigation proposed. Every effort will be made to avoid dredging between April 1 and June 30 to avoid impacts to migratory fish during spawning season



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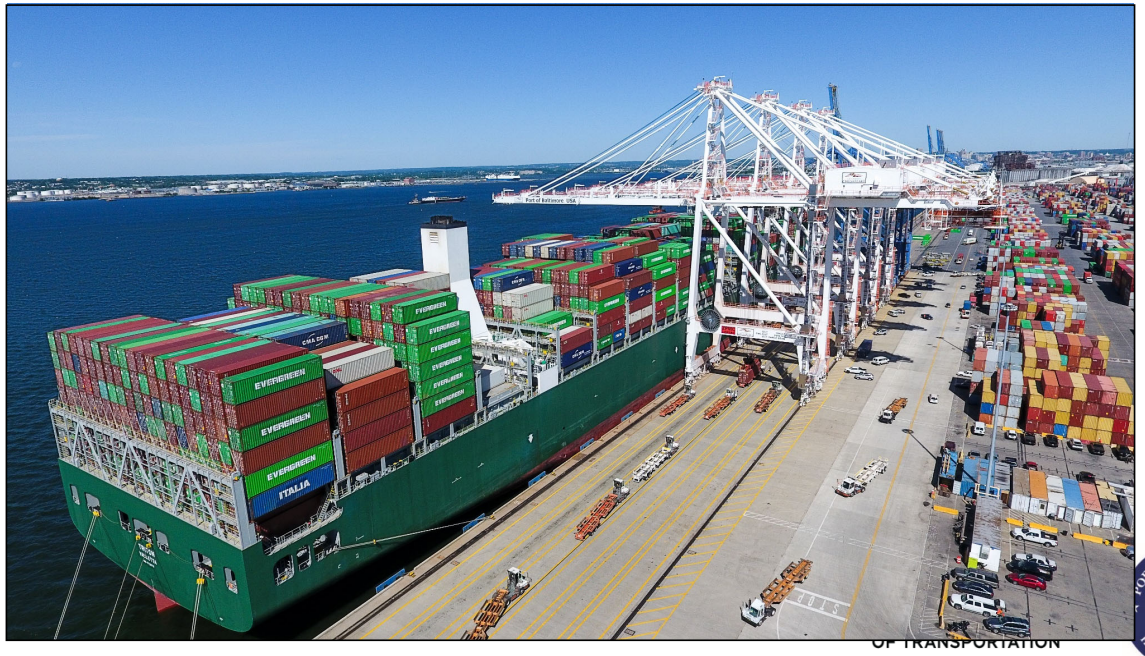
QUESTIONS AND COMMENTS

- Draft Integrated Feasibility Report and Environmental Assessment at Sollers Point Branch Library and can be accessed at: https://www.nab.usace.army.mil/Missions/Civil-Works/Seagirt-Loop-Channel/

- Comments on the Draft Integrated Feasibility Report and Environmental Assessment will be accepted through March 11, 2022 and can be submitted to CENAB-CC@usace.army.mil



US Army Corps of Engineers
Baltimore District

STUDY SCHEDULE

STUDY SCHEDULE

Milestone Name	Date
Study Start (Feasibility Cost Sharing Agreement signed)	22 October 2020 (A)
Tentatively Selected Plan Milestone	09 December 2021 (A)
Release Draft Feasibility Report for 30-day Public Review	09 February 2022 (A)
End of Public Comment Period	11 March 2022
Washington-Level and State and Agency Review	08 March 2023
Chief of Engineer's Report (end Feasibility Study)	21 September 2023
Regulatory Coordination/Permitting, Phase I Archeological Investigation	Pre-Construction Engineering and Design Phase

Once the Chief's Report is submitted to Congress, the study will go to Pre-construction Engineering and Design (PED).The project would need authorization and appropriations from Congress to proceed to construction.

Draft Integrated Feasibility Report and Environmental Assessment Agency Comments

From:	May, Kristina K CIV USARMY CENAB (USA)
To:	Santiago, Luis E CIV USARMY CENAB (USA); Michelle Osborn
Subject:	FW: Notice of Availability of Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study
Date:	Monday, February 7, 2022 8:24:06 AM
Attachments:	Seagirt_Notice of Availability.pdf

Kristina May
Biologist, Planning Division

Baltimore District, U.S. Army Corps of Engineers
Office: 410-962-6100
Cell: 410-920-6507
2 Hopkins Plaza, Baltimore, MD 21201
Email: kristina.k.may@usace.army.mil

From: May, Kristina K CIV USARMY CENAB (USA)
Sent: Monday, February 7, 2022 8:21 AM
To: 'julie.thompson@fws.gov' <julie.thompson@fws.gov>; Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>; 'Jonathan Watson - NOAA Federal' <jonathan.watson@noaa.gov>; 'fitzgerald.megan@epa.gov' <fitzgerald.megan@epa.gov>; 'kubico.stephanie@epa.gov' <kubico.stephanie@epa.gov>; 'Traver, Carrie' <Traver.Carrie@epa.gov>; Matthew Wallach -MDE- <matthew.wallach@maryland.gov>; Heather Nelson -MDE- <hnelson@maryland.gov>; Greg Golden -DNR- <greg.golden@maryland.gov>; Roland Limpert -DNR- <roland.limpert@maryland.gov>; 'christopher.aadland@maryland.gov' <christopher.aadland@maryland.gov>; 'tony.redman@maryland.gov' <tony.redman@maryland.gov>; 'Samuel.M.Danus@uscg.mil' <Samuel.M.Danus@uscg.mil>; 'D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil' <D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil>; O'Sullivan, Wendy <Wendy_O'Sullivan@nps.gov>; Wicklein-Bayne, Abbi <Abbi_Wicklein-Bayne@nps.gov>; 'Eberle, Mark D' <mark_eberle@nps.gov>; LaRocca, Aaron <Aaron_LaRocca@nps.gov>; 'Attila, Bruna (DOP)' <Bruna.Attila@baltimorecity.gov>; 'troy.nowak@maryland.gov' <troy.nowak@maryland.gov>; 'beth.cole@maryland.gov' <beth.cole@maryland.gov>
Subject: Notice of Availability of Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study

Greetings,

The Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study Draft Integrated Feasibility Report and Environmental Assessment will be made available for public review beginning February 9, 2022 for a period of 30 days. Please submit comments to: CENAB-CC@usace.army.mil by March 11, 2022.

The U.S. Army Corps of Engineers, Baltimore District and the non-federal sponsor, the Maryland Department of Transportation, Maryland Port Administration will hold a public meeting on February 24, 2022 from 6:00 pm to 8:00 pm to present the report and receive comments.

Please see the attached Public Notice for additional details.

Thank you,

Kristina May
Biologist, Planning Division

Baltimore District, U.S. Army Corps of Engineers
Office: 410-962-6100
Cell: 410-920-6507
2 Hopkins Plaza, Baltimore, MD 21201
Email: kristina.k.may@usace.army.mil

From: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Sent: Friday, March 11, 2022 2:34 PM
To: Santiago, Luis E CIV USARMY CENAB (USA) <Luis.E.Santiago@usace.army.mil>; Michelle Osborn <mosborn@menv.com>
Subject: FW: [URL Verdict: Neutral][Non-DoD Source] DNR comment to Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study

Comments from DNR

Kristina May
Biologist, Planning Division

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Office: 410-962-6100
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2 Hopkins Plaza, Baltimore, MD 21201
Email: kristina.k.may@usace.army.mil

From: Gwendolyn Gibson -DNR- <gwendolyn.gibson@maryland.gov>
Sent: Friday, March 11, 2022 2:27 PM
To: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>; Corporate Communication Office-NAB <CENAB-CC@usace.army.mil>
Cc: Heather Nelson -MDE- <hnelson@maryland.gov>; Jonathan Watson - NOAA Affiliate

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<jonathan.watson@noaa.gov>; Thompson, Julie <julie_thompson@fws.gov>; Fitzgerald, Megan <fitzgerald.megan@epa.gov>; Matthew Wallach -MDE- <matthew.wallach@maryland.gov>; Roland Limpert -DNR- <roland.limpert@maryland.gov>; Tony Redman -DNR- <tony.redman@maryland.gov>
Subject: [URL Verdict: Neutral][Non-DoD Source] DNR comment to Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study

Hello,
DNR has reviewed the Draft EA for the Seagirt Loop Channel Feasibility Study. DNR is not opposed to the Tentatively Selected Plan and is also providing the following comments:

- Proposed dredging should be conducted during the Federal channel maintenance dredging window, 1 October through 31 March.
- Coastal Zone Management consistency review will likely occur for this project in conjunction with the Section 404 and Water Quality Certification process.
- This project is located in the Chesapeake Bay Critical Area and will need to conform to Critical Area laws and policies.

Thank you for the opportunity to review and comment on this project. Please feel free to contact me if you would like to discuss these comments in further detail.
Thank you,
Gwen Gibson

dnr.maryland.gov

Gwen Gibson
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240-278-6429 (cell)
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---------- Forwarded message ---------
From: **May, Kristina K CIV USARMY CENAB (USA)** <Kristina.K.May@usace.army.mil>
Date: Tue, Mar 8, 2022 at 9:37 AM
Subject: REMINDER: Notice of Availability of Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study
To: Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>, Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>, fitzgerald.megan@epa.gov <fitzgerald.megan@epa.gov>, kubico.stephanie@epa.gov <kubico.stephanie@epa.gov>, Traver, Carrie <Traver.Carrie@epa.gov>, Matthew Wallach -MDE- <matthew.wallach@maryland.gov>, Heather Nelson -MDE- <hnelson@maryland.gov>, Greg Golden -DNR- <greg.golden@maryland.gov>, Roland Limpert -DNR-

<roland.limpert@maryland.gov>, christopher.aadland@maryland.gov <christopher.aadland@maryland.gov>, tony.redman@maryland.gov <tony.redman@maryland.gov>, Samuel.M.Danus@uscg.mil <Samuel.M.Danus@uscg.mil>, Moore, David H <David_H_Moore@nps.gov>, D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil <D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil>, O'Sullivan, Wendy <Wendy_O'Sullivan@nps.gov>, Wicklein-Bayne, Abbi <Abbi_Wicklein-Bayne@nps.gov>, Eberle, Mark D <mark_eberle@nps.gov>, Attila, Bruna (DOP) <Bruna.Attila@baltimorecity.gov>, troy.nowak@maryland.gov <troy.nowak@maryland.gov>, beth.cole@maryland.gov <beth.cole@maryland.gov>

Reminder: Comments on the Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study Draft Integrated Feasibility Report and Environmental Assessment are due this Friday, March 11.

Thank you!

Kristina May
Biologist, Planning Division

Baltimore District, U.S. Army Corps of Engineers
Office: 410-962-6100
Cell: 410-920-6507
2 Hopkins Plaza, Baltimore, MD 21201
Email: kristina.k.may@usace.army.mil

From: May, Kristina K CIV USARMY CENAB (USA)
Sent: Monday, February 7, 2022 8:21 AM
To: julie.thompson@fws.gov; Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>; Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>; fitzgerald.megan@epa.gov; kubico.stephanie@epa.gov; Traver, Carrie <Traver.Carrie@epa.gov>; Matthew Wallach -MDE- <matthew.wallach@maryland.gov>; Heather Nelson -MDE- <hnelson@maryland.gov>; Greg Golden -DNR- <greg.golden@maryland.gov>; Roland Limpert -DNR- <roland.limpert@maryland.gov>; christopher.aadland@maryland.gov; tony.redman@maryland.gov; Samuel.M.Danus@uscg.mil; D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil; O'Sullivan, Wendy <Wendy_O'Sullivan@nps.gov>; Wicklein-Bayne, Abbi <Abbi_Wicklein-Bayne@nps.gov>; Eberle, Mark D <mark_eberle@nps.gov>; LaRocca, Aaron <Aaron_LaRocca@nps.gov>; Attila, Bruna (DOP) <Bruna.Attila@baltimorecity.gov>; troy.nowak@maryland.gov; beth.cole@maryland.gov
Subject: Notice of Availability of Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study

Greetings,

The Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study Draft Integrated Feasibility Report and Environmental Assessment will be made available for public review beginning February 9, 2022 for a period of 30 days. Please submit comments to: CENAB-CC@usace.army.mil by March 11, 2022.

The U.S. Army Corps of Engineers, Baltimore District and the non-federal sponsor, the Maryland Department of Transportation, Maryland Port Administration will hold a public meeting on February 24, 2022 from 6:00 pm to 8:00 pm to present the report and receive comments.

Please see the attached Public Notice for additional details.

Thank you,

Kristina May
Biologist, Planning Division

Baltimore District, U.S. Army Corps of Engineers
Office: 410-962-6100
Cell: 410-920-6507
2 Hopkins Plaza, Baltimore, MD 21201
Email: kristina.k.may@usace.army.mil

From: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Sent: Thursday, March 10, 2022 7:40 AM
To: Santiago, Luis E CIV USARMY CENAB (USA) <Luis.E.Santiago@usace.army.mil>; Mcallister, Graham K CIV USARMY CENAB (USA) <Graham.K.Mcallister@usace.army.mil>
Cc: Michelle Osborn <mosborn@menv.com>
Subject: FW: REMINDER: Notice of Availability of Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study

Comments from USCG.

From: Kingsley, Raymond S LCDR USCG D5 (USA) <Raymond.S.Kingsley@uscg.mil>
Sent: Wednesday, March 9, 2022 10:59 AM
To: Corporate Communication Office-NAB <CENAB-CC@usace.army.mil>
Cc: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>; Danus, Samuel M LCDR USCG SEC MD/NCR (USA) <Samuel.M.Danus@uscg.mil>; matthew.k.creelman2@uscg.mil
Subject: RE: REMINDER: Notice of Availability of Draft Report and Environmental Assessment - Baltimore Harbor Anchorages and Channels, Modification of Seagirt Loop Channel Feasibility Study

Good morning,

Please see our below comments.

- Any modification which would affect the dimensions or location of the Baltimore Harbor Anchorages, as defined by 33 CFR 110.158, would require rulemaking by the 5th USCG District Office. The rulemaking for an anchorage modification would likely result in a separate environmental review under a categorical exclusion.
- The U.S. Coast Guard Fifth District Waterways Division (D5 dpw) would need at least a 45 day notice for any required buoy movements needed prior to dredging and post dredging.
- Coordination is required with NOAA's National Ocean Service for purposes of updating nautical charts.

My POCs for any questions is Mr. Matt Creelman for the 5th District or LCDR Sam Danus from Sector Maryland (both in the CC line).

Most respectfully,

LCDR R. Steven Kingsley
USCG 5th District
Waterways Management

From: May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>
Sent: Tuesday, March 8, 2022 9:37 AM
To: Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>; Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>; fitzgerald.megan@epa.gov; kubico.stephanie@epa.gov; Traver, Carrie <Traver.Carrie@epa.gov>; Matthew Wallach -MDE- <matthew.wallach@maryland.gov>;

Heather Nelson -MDE- <hnelson@maryland.gov>; Greg Golden -DNR- <greg.golden@maryland.gov>; Roland Limpert -DNR- <roland.limpert@maryland.gov>; christopher.aadland@maryland.gov; tony.redman@maryland.gov; Danus, Samuel M LCDR USCG SEC MD/NCR (USA) <Samuel.M.Danus@uscg.mil>; Moore, David H <David_H_Moore@nps.gov>; D05- DG-SectorMD-NCR-Prevention-WWM <D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil>; O'Sullivan, Wendy <Wendy_O'Sullivan@nps.gov>; Wicklein-Bayne, Abbi <Abbi_Wicklein- Bayne@nps.gov>; Eberle, Mark D <mark_eberle@nps.gov>; Attila, Bruna (DOP) <Bruna.Attila@baltimorecity.gov>; troy.nowak@maryland.gov; beth.cole@maryland.gov
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Thank you!

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From: May, Kristina K CIV USARMY CENAB (USA)
Sent: Monday, February 7, 2022 8:21 AM
To: julie.thompson@fws.gov; Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>; Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>; fitzgerald.megan@epa.gov; kubico.stephanie@epa.gov; Traver, Carrie <Traver.Carrie@epa.gov>; Matthew Wallach -MDE- <matthew.wallach@maryland.gov>; Heather Nelson -MDE- <hnelson@maryland.gov>; Greg Golden -DNR- <greg.golden@maryland.gov>; Roland Limpert -DNR- <roland.limpert@maryland.gov>; christopher.aadland@maryland.gov; tony.redman@maryland.gov; Samuel.M.Danus@uscg.mil; D05-DG-SectorMD-NCR-Prevention-WWM@uscg.mil; O'Sullivan, Wendy <Wendy_O'Sullivan@nps.gov>; Wicklein-Bayne, Abbi <Abbi_Wicklein-Bayne@nps.gov>; Eberle, Mark D <mark_eberle@nps.gov>; LaRocca, Aaron <Aaron_LaRocca@nps.gov>; Attila, Bruna (DOP) <Bruna.Attila@baltimorecity.gov>; troy.nowak@maryland.gov; beth.cole@maryland.gov
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The U.S. Army Corps of Engineers, Baltimore District and the non-federal sponsor, the Maryland

Department of Transportation, Maryland Port Administration will hold a public meeting on February 24, 2022 from 6:00 pm to 8:00 pm to present the report and receive comments.

Please see the attached Public Notice for additional details.

Thank you,

Kristina May
Biologist, Planning Division

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From: Traver, Carrie <Traver.Carrie@epa.gov>
Sent: Thursday, March 10, 2022 4:55 PM
To: Corporate Communication Office-NAB <CENAB-CC@usace.army.mil>
Cc: Nevshehirlian, Stepan <Nevshehirlian.Stepan@epa.gov>; Fitzgerald, Megan <fitzgerald.megan@epa.gov>; May, Kristina K CIV USARMY CENAB (USA) <Kristina.K.May@usace.army.mil>; Welch, Angus <welch.angus@epa.gov>
Subject: [URL Verdict: Neutral][Non-DoD Source] Baltimore Harbor Anchorages and Channels, Modification of the Seagirt Loop Channel Feasibility Study

Dear Ms. May:
The U.S. Environmental Protection Agency (EPA) reviewed the draft Integrated Feasibility Report and Environmental Assessment (EA) for the proposed Baltimore Harbor Anchorages and Channels (BHAC) project Modification of Seagirt Loop Channel. Thank you for providing the EA and for meeting and discussing it with us.
We note that the EA prepared by the Army Corps of Engineers, Baltimore District (USACE) and the Maryland Department of Transportation, Maryland Port Administration (MDOT MPA) generally addressed the topics that EPA listed in our scoping comments of April 2, 2021. EPA has several additional recommendations for your consideration in the development of the Final EA in compliance with the National Environmental Policy Act (NEPA) of 1969, and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508):
Environmental Justice
EPA appreciates the consideration of impacts to communities of potential environmental justice (EJ) concern in census tracts adjacent to the project area. To clarify Section 2.1.1, during the October 12, 2021 meeting, EPA agreed that the 1-mile radius was a reasonable starting point for evaluation and encouraged consideration of adjacent communities to the extent appropriate. We note that depending on the range of expected effects, a robust analysis of potential EJ communities may extend beyond 1 mile.
While the focus of this Study is the potential impacts associated with the modification of the Seagirt Loop Channel, an increase in vessel traffic and cargo movement through the Port of Baltimore is projected and additional investments in the Port infrastructure are expected. We encourage the Port and MDOT to continue to evaluate and reduce impacts from port activities such as localized emissions and noise to surrounding communities to the extent possible.

- Emissions associated with dredging for the project would be below *de minimis* standards for general conformity. However, shipping traffic may have local effects on air quality. Section 6.1.1. indicates that without improvements to the channels, ships have the potential to remain idling at anchorage for longer periods of time, which could lead to additional emissions; therefore, the project has the potential to reduce emissions via increased efficiency. However, more shipping traffic and cargo in the future is also expected, which could increase emissions. We recommend that additional studies for Port improvements consider the effects from ship emissions to local air quality.

- We recommend continued outreach regarding Port activities for meaningful public engagement with surrounding communities. EPA encourages notices of public meetings, notices of informational events, and/or other related resources at frequently visited community locations.

Should the project be modified, such as following additional information gathered during the Pre-construction, Engineering, and Design phase, additional analysis may be appropriate. EPA recently released an updated version of EJScreen. EJScreen 2.0 provides updated indices and indicators as well as new demographic, environmental, and public health data sets. In addition, it may be helpful to consider information from the Climate and Economic Justice Screening Tool - a new screening tool released by CEQ at https://screeningtool.geoplatform.gov/en/

Water Quality

As described, saline waters at greater depths frequently become hypoxic during the summer months. Section 6.4.2 indicates that increased depths from dredging in estuarine environments have the potential to alter salinity levels and result in localized decreases in dissolved oxygen (DO) levels and flushing rates. The EA indicates that since new work will be occurring in deep draft channels, additional DO impacts are expected to be minimal. We recommend further explanation of expected water quality changes.

Climate Change/GHG

Thank you for estimating greenhouse gas emissions (GHG) associated with the proposal. As the project moves forward, we recommend considering selecting technologies or equipment that reduce GHG emissions where possible.

Cultural Resources

To satisfy the requirements under Section 106 of the NHPA, USACE is proposing to develop a programmatic agreement (PA) pursuant to 36 CFR 800.14 (b)(ii). This would allow a Phase I archaeological investigation during the Pre-Construction Engineering and Design. Coordination and development of the PA is currently ongoing as is coordination on the viewshed analysis. We recommend that the Final EA and appendices be updated to document completion of consultation with the applicable agencies.

Environmental and Cultural Resources Appendix

We note that Appendix A (pages 6 and 7) indicates concurrence from EPA for compliance with the Clean Air Act and Executive Order 12898. Please note that EPA's comments do not indicate concurrence. If specific concurrence is being requested regarding these topics, please contact us.

Again, thank you for the invitation to engage as a cooperating agency on this project. Please feel free to reach out to me if you have any questions on these comments.

Sincerely,

Carrie

Carrie Traver
Life Scientist
Office of Communities, Tribes, & Environmental Assessment
U.S. Environmental Protection Agency, Region 3

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Philadelphia, PA 19103
215-814-2772
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

March 11, 2022

Daniel M. Bierly, Chief
Civil Project Development Branch
Planning Division
Baltimore District
U.S. Army Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201

Dear Mr. Bierly:

We have reviewed the draft Environmental Assessment (DEA) available February 11, 2022, for the Baltimore Harbor Anchorages and Channels (BHAC) Seagirt Loop Channel, Maryland Feasibility Study. The U.S. Army Corps of Engineers (USACE) and the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) are evaluating potential environmental effects of the proposed modifications of the Seagirt Loop Channel of the BHAC including the potential widening and deepening in certain areas, in accordance with the National Environmental Policy Act of 1969 (NEPA). This DEA document includes consideration of impacts for the preferred action (i.e., Alternative 3), an array of alternatives composed of various management actions that have been carried forward for this analysis, and the no-build alternative. In the DEA, USACE concludes that the proposed project would not have a substantial adverse effect on essential fish habitat (EFH) or federally managed fishery species.

Project purpose is driven by an increasing and anticipated number of larger vessels (termed "Post-Panamax") calling on the Port of Baltimore and the need to minimize the risk of vessel grounding, collision, allusion, and marine casualties. Several alternatives were considered to accommodate current and anticipated commercial vessel navigation and berthing in the BHAC. Each evaluated alternative, other than the No Action alternative, included some combination of the following actions:

- Assuming federal responsibility for BHAC improvements,
- Deepening and widening of Seagirt Loop Channels,
- Deepening and widening of South Locust Point Branch Channel,
- Re-designing part of an existing anchorage to 50 foot depths to accommodate larger vessels.

Alternative 3, the tentatively selected plan (TSP), entails widening the West Seagirt Branch Channel (WSBC) to a minimum width of 620 feet with deepening to the federally-authorized depth of -47 mean lower low water (MLW) to complete the Seagirt Loop Channel. An additional

two (2) feet of overdepth dredging is assumed and implicitly allowed. The resulting material (approximately 1.8 million cubic yards) is only considered for upland disposal within the Baltimore Harbor area.

As indicated in our February 3, 2021, letter, we are a cooperating agency in this environmental review process. As such, we offer the following guidance to avoid, minimize, mitigate, or otherwise offset impacts to aquatic resources what we work to protect under the Magnuson Stevens Fishery Conservation and Management Act (MSA), and Fish and Wildlife Coordination Act (FWCA)

The Magnuson Stevens Fishery Conservation and Management Act (MSA)

As indicated in your EFH assessment, the Patapsco River in the project vicinity is designated EFH for six (6) species of federally-managed fish including summer flounder (*Paralichthys dentatus*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), black sea bass (*Centropristis striata*), windowpane flounder (*Scophthalmus aquosus*), and clearnose skate (*Raja eglanteria*). The Patapsco River serves as a migratory pathway for several diadromous species including striped bass (*Morone saxatilis*), American shad (*Alosa sapadissima*), alewife (A. *pseudoharengus*), and blueback herring (A. *aestivalis*). The project area also presents habitat for a variety of other prey species including white perch (*Morone americana*) and spot (*Leiostomus xanthurus*).

The EFH final rule published in the Federal Register on January 17, 2002 defines an adverse effect as: "any impact which reduces the quality and/or quantity of EFH." The rule further states that:

> An adverse effect may include direct or indirect physical, chemical or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from the action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Because this project presents temporary (e.g., turbidity) and permanent (i.e., conversion of benthic habitat) impacts to aquatic habitats, it meets the definition of an adverse effect. This determination under the MSA does not preclude the completion of the proposed action, but rather necessitates the consideration of measures to avoid, minimize, mitigate, or otherwise offset proposed impacts to EFH and other aquatic resources.

Adverse Effects to Aquatic Resources

Impacts
The DEA considers dredging-related impacts to aquatic habitats stemming from the TSP and associated alternatives, including disturbance of benthic habitats, generation of turbid conditions, entrainment of fish and their prey, and the mobilization of potentially contaminated sediments. Information presented in the DEA indicates that sediments in the project consist primarily of

fluidized, fine-grained material that is contaminated and likely has limited benthic habitat value. These characteristics, coupled with seasonal hypoxia commonly observed in the deep waters of the Baltimore Harbor, renders much of the aquatic habitat in the study area impaired.

The DEA considers the spatial and temporal distribution of suspended sediments resulting from the TSP based on estimates available from NOAA's Protected Resources Division (NOAA, 2021). These estimates indicate that turbidity will extend approximately 2,400 linear feet from the point of disturbance and will persist after dredging operations have ceased. While the information provided on our Protected Resources Division's website regarding turbidity and suspended sediment effects is useful in providing a general evaluation of the spatial and temporal distribution of suspended sediments, site specific estimates should be provided based upon the conditions that exist within the projects area in order to better evaluate the effects on NOAA trust resources under our purview including anadromous fish species. Based upon the District's long history of maintaining the channels within the Port of Baltimore, site specific information of this type should be available. In the absence of site specific data and analysis, we are concerned that adverse effects to NOAA trust resources may warrant further measures to avoid and minimize impacts

Avoidance and Minimization

In the DEA and in a public meeting held February 24, 2022, several best management practices (BMPs) to avoid or minimize impacts to aquatic habitats were presented. This includes the use of mechanical dredging with a closed bucket, placing resulting material in approved upland containment facilities, and avoiding work during the period in which migratory fish are present. While these measures do reflect our guidance, they require further clarification to ensure that they are protective of NOAA trust resources.

In the DEA, the avoidance period of migratory fish is indicated to be April 1 through June 30. While we do agree that an avoidance period should be observed, it should be adjusted to better reflect the timing of anadromous fish spawning. Based on annual surveys completed by Maryland Department of Natural Resources (MDNR), anadromous fish spawn in freshwater areas of the Patapsco River (i.e., generally upstream of the I-895 bridge) beginning in early March and ending in late May (Harbold et al., 2015; W. Harbold, unpublished data). Prior to the initiation of spawning, staging behavior in the deeper waters is anticipated by early-arriving alosines (e.g., alewife, *Alosa pseudoharengus*). Similarly, adults may be anticipated to migrate out of the spawning area following spawning. Populations of these migratory fishes are at historically-low abundances and are the focus of national restoration actions, as indicated in our March 25, 2021, letter. Therefore, we recommend that avoidance be pursued throughout the duration of the spawning season (i.e., March 1 through June 15). Furthermore, because the young-of-year of these species migrate out of the Patapsco River throughout the summer and early fall, we support undertaking dredging activities during the late fall and early winter to the maximum extent practicable.

We also support the use of mechanical dredging with a closed bucket dredge, as described at the February 24, 2022, public meeting, and subsequent placement in an upland containment facility to minimize the suspension of contaminated sediments in the project area. Closed bucket dredges, also referred to as "environmental bucket" dredges, can better contain suspended

sediments relative to other dredging methods; however, operational BMPs must also be enacted during operations to minimize turbidity and associated contaminated sediment suspension. This includes slowing the rate of retrieval near the water surface (i.e., within 2 meters) to the maximum extent possible. It is our understanding that material will not be dewatered once it is placed in the scow, but delivered to the upland containment facility, which would sufficiently minimize delivery of contaminated sediments to surface water at this stage. Once material is delivered to the upland containment facility, we agree that protocols (e.g., monitoring) required by the state of Maryland are adequate to minimize adverse impacts associated with dredged material dewatering and discharge into the Baltimore Harbor.

Magnuson Stevens Act Recommendations

We recommend pursuant to Section 305(b)(4)(A) of the MSA that you adopt the following EFH conservation recommendations to minimize adverse impacts on EFH:

1. Restrict dredging throughout the entirety of the anadromous fish spawning period (March 1 through June 15) to avoid impacts to migratory fish associated with dredging.
2. Employ mechanical dredging with an environmental bucket and require slow bucket retrieval speed near water surface to the maximum extent practicable to minimize the suspension of contaminated sediments.

Please note that Section 305(b)(4)(B) of the MSA requires you to provide us with a detailed written response to these EFH conservation recommendations, including a description of measures adopted by you for avoiding, mitigating, or offsetting the impact of the project on EFH. In the case of a response that is inconsistent with our recommendations, Section 305(b)(4)(B) of the MSA also indicates that you must explain your reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with us over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects pursuant to 50 CFR 600.920(k). This response must be provided within 30 days after receiving our EFH conservation recommendations and at least 10 days prior to the issuance of a Finding of No Significant Impact (FONSI).

Endangered Species Act (ESA)

Endangered species and designated critical habitat under the jurisdiction of NOAA Fisheries may be present in the project area. We understand that you are coordinating separately with our Protected Resources Division regarding your responsibilities under the ESA. Guidance and tools to assist you in this endeavor are available on our website at: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region. Please contact Brian Hopper of our Protected Resources Division (brian.d.hopper@noaa.gov) if you have any questions or to discuss your project and obligations under Section 7 of the Endangered Species Act (ESA).

Conclusion

We appreciate your attention to the requested information in our March 24, 2021, correspondence and the EFH conservation recommendations we have issued to better protect our trust resources. Please note that a distinct and further EFH consultation must be reinitiated pursuant to 50 CRF 600.920 (j) if new information becomes available, or if the project is revised in such a manner that affects the basis for the EFH determination. If you have questions or would like to discuss this further, please contact Jonathan Watson in our Annapolis field office at Jonathan.Watson@noaa.gov or (410) 295-3152.

Sincerely,

Louis A. Chiarella
Assistant Regional Administrator
for Habitat and Ecosystem Services

cc: B Hopper (NMFS - PRD)
K. May; L. Santiago (USACE)
D. Bibo (MPA)
M. Strevig, M. Osborn (MES)
T. Roberson, M. Wallach (MDE)
S. Corson (NCBO)
R. Limpert (MDNR)

Literature Cited

Harbold, W.A., J. Kilian, P. Graves. 2015. Patapsco River dam removal study: assessing changes in American eel distribution and aquatic communities, 2013-2014. Report to Maryland Environmental Service, by Maryland Department of Natural Resources, Annapolis, MD. 70 pp.

National Oceanic and Atmospheric Administration (NOAA). 2021. Section 7 effect analysis: turbidity in the Greater Atlantic Region. https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-effectanalysis-turbidity-greater-atlantic-region.

United States Department of the Interior

NATIONAL PARK SERVICE
Interior Region 1
North Atlantic-Appalachian
1234 Market Street, 20th Floor
Philadelphia, PA 19107

1.A.2.(IR1-RSS)

Department of the Army
U.S. Army Corps of Engineers, Baltimore District
Attn: Kristina May, Project Biologist
2 Hopkins Plaza
Baltimore, MD 21201

Subject: **National Park Service Cooperating Agency – Comments on Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Feasibility Study - Draft Integrated Feasibility Report and Environmental Assessment**

Dear Ms. May:

The purpose of this letter is for The National Park Service (NPS), a cooperating agency on the study, to comment on the recently released Baltimore Harbor Anchorages and Channels Modification of Seagirt Loop Channel Draft Integrated Feasibility Report and Environmental Assessment. We appreciate the U.S. Army Corps of Engineers (USACE) continued coordination with us on this study and understand the purpose of the study is to identify technically feasible, economically justifiable, and environmentally acceptable recommendations for a federal navigation improvement project in Baltimore Harbor. We further understand from your report that the larger container vessels that have started using Baltimore Harbor, termed "Post-Panamax vessels", can carry twice the cargo capacity and require deeper water depths than the ships that were used to design the current -42-foot-deep access channels to the Seagirt Marine Terminal (SMT).

As mentioned in our earlier letters sent to you concerning this study, the NPS resources in the project area include Fort McHenry National Monument and Historic Shrine, the Star-Spangled Banner National Historic Trail, the Captain John Smith Chesapeake National Historic Trail, and the Chesapeake Bay watershed. Our comments are as follows:

Visual Assessment

We appreciate the USACE completing a visual assessment (Appendix A – Environmental and Cultural Resources) for this study to assist us in better understanding the potential visual effects to NPS resources in the area.

- We recommend the USACE clarify that the scale of the rendered ships is in-line with other objects in the photos. This is most obvious in View 3 (page 28 of visual assessment report). We recommend that you add another rendered ship to the view to better see the scale. For example, a skipjack vessel, such as the Pride of Baltimore, would make a good comparison.

- On page 47 of the visual assessment report, the USACE analyzes the visual effect of the proposed project on Fort McHenry, but not on the Captain John Smith Chesapeake National Historic Trail or the Star-Spangled Banner National Historic Trail. We recommend you include those two water trails in your analysis.

- Also, staff at Fort McHenry would be happy to host a site visit to the USACE Study Team, to further discuss visual perspectives and give team members a chance to view the Port from that monument.

Recreation

- We noted on page 34 of the draft Environmental Assessment (EA), the document states that "National Historic Trails are trails or routes of travel that have been identified by the Bureau of Land Management (BLM) as the travel routes of national historic significance. BLM protects these historic routes, remnants, and artifacts for public use and enjoyment." Please change BLM to National Park Service.

- On page 117 of the draft EA, there is a discussion of increased vessel traffic in the area due to the proposed project; however, in the Section 6.10 impacts section on recreation, there is no discussion on the potential impacts of more vessel traffic on recreational users of the two historic water trails in the area (Star-Spangled Banner National Historic Trail and the Captain John Smith Chesapeake National Historic Trail). We recommend that a discussion be included in the final EA to address this question.

Soundscape

- We note on page 114 of the draft EA that there is discussion on noise and potential impacts to the surrounding areas from increased boat vessel traffic and dredging associated with the deepening project. A reference is made to the St. Helena community, which is an inland community about 1 mile north of the project. We recommend that you further expand that discussion and noise analysis to include Fort McHenry, which is 1.5 mile to the east of the project and across the open water.

Dredged Material Disposal

- We note that on page 72 of the draft EA, it states that due to the contaminated nature of the proposed dredged material from the proposed channel deepening, the primary placement site being considered for disposal of the material is Cox Creek Dredged Material Confinement Facility (DMCF). We also understand that because of the poor quality of the sediments, the dredged material is unsuitable for beneficial use or other purposes. We agree that Cox Creek DMCF is a suitable choice for disposal to help protect the water quality and aquatic resources of Chesapeake Bay and recommend that the final EA clarify the selected disposal location for the dredged material.

We encourage the USACE to continue to consider the many important NPS resources within the study vicinity, including the Fort McHenry National Monument and Historic Shrine, Star Spangled Banner National Historic Trail, Captain John Smith Chesapeake National Historic Trail, and the Chesapeake Bay as you further progress with your NEPA and National Historic Preservation Act, Section 106 process.

Thank you for this opportunity to provide comments, and if you have questions on this letter, please contact Mark Eberle, Region 1 External Review Coordinator, at mark_eberle@nps.gov or 215-597-1258.

Sincerely,

Jonathan Meade
Associate Regional Director
Resource Science and Stewardship

cc:
Beth Cole, Maryland Historical Trust
Troy Nowak, Maryland Historical Trust

July 11, 2022

(*via e-mail*)
Holly Miller, Deputy Director
Office of Harbor Development
Maryland Port Administration
401 East Pratt Street
Baltimore, MD 21202

Re: USACE and MDOT MPA Seagirt Loop Channel, Draft Integrated Feasibility Report and Environmental Assessment

Dear Ms. Miller:

The Maryland Department of the Environment (MDE) has reviewed the "Baltimore Harbor Anchorages and Channels- Modification of Seagirt Loop Channel Feasibility Study Draft Integrated Feasibility Report and Environmental Assessment" for a proposed US Army Corps of Engineers (Corps) federal navigation improvement project in Baltimore Harbor, Maryland. The identified Tentatively Selected Plan (TSP) proposes deepening and widening of the West Seagirt Branch Channel to a federally authorized depth of -47 feet MLLW with allowable underkeel to -49 feet MLLW. The Preferred Alternative assumes that study optimization will result in dredging of the West Seagirt Branch Channel to the federally authorized depth of 50 feet MLLW with 2 feet of allowable underkeel resulting in final dredging to -52 feet MLLW. Potential natural resource impacts were evaluated down to the proposed maximum depth of the project (-52 feet MLLW) at a 5:1 slope and adding channel wideners, all of which is estimated to result in approximately 1.8 MCY of new dredged material. The dredged material is proposed to be placed at the Cox Creek DMCF, which is managed by Maryland Port Administration (MPA).

This letter is in regards to the Clean Water Act, Section 401 Water Quality Certification (WQC) and the Coastal Zone Management Act, Section 307 Federal Consistency decisions for the project. Based upon our review of the Draft Integrated Feasibility Report and Environmental Assessment, MDE does not have significant concerns regarding the Corps and MPA moving forward with further analysis and design of this project. MDE does not anticipate any issues which would preclude a decision on a Section 401 WQC or Federal Consistency determination for the Seagirt Loop Channel project recommended in the Integrated Feasibility Report, provided that the Corps/MPA submits a

complete WQC request and request for a Federal Consistency determination for the final selected project and MDE can confirm that the proposed project is not likely to adversely affect Maryland's water quality standards and is consistent with Maryland's Coastal Zone Management Act Enforceable Policies.

Please note that once a request for a Section 401 WQC is received and determined to be complete, MDE will place the project on public notice and take public comments and/or requests for a hearing on this project. Public comments will be considered as part of the notice or hearing process and may raise additional concerns related to water quality issues, which would require further analysis and coordination prior to a WQC decision.

MDE is looking forward to continued coordination with the Corps and MPA to review this project and ensure all regulatory requirements are met. Please do not hesitate to contact me at (410) 537-4023 or danielle.spendiff1@maryland.gov with any questions or concerns.

Sincerely,

Danielle A. Spendiff, Chief
Regulatory and Customer Service Division
Wetlands and Waterways Program

cc: (*via e-mai*l)
Matthew Wallach, MDE
Michelle Osborn, MES

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

November 9, 2022

Daniel M. Bierly
Chief, Civil Project Development Branch
Planning Division
U.S. Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Re: Baltimore Harbor Anchorages and Channels Modification of the Seagirt Loop Channel Feasibility Study

Dear Mr. Bierly:

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your letter received on September 28, 2022, regarding the above-referenced proposed project. We reviewed your consultation request document and related materials. Based on our knowledge, expertise, and your materials, we concur with your conclusion that the proposed action is not likely to adversely affect any National Marine Fisheries Service ESA-listed species or designated critical habitat. Therefore, no further consultation pursuant to section 7 of the ESA is required.

We would like to offer the following information and clarifications to complement your incoming request for consultation. In addition to the vessel route to and from Cox Creek DMCF, the action area also includes all routes traveled by the project vessels, such as from the homeport of the project vessels to the project site, which may be unknown at this time. Impacts to Atlantic sturgeon will be avoided during the time of year restrictions (March 1 to June 15) as is stated in your species section, however, from June 15 to Nov 30 adult and sub-adult Atlantic sturgeon, and from June 15 to February 28 juvenile Atlantic sturgeon could still be present when in-water work is occurring. Also, it should be noted that only adult shortnose sturgeon may be migrating and foraging year round and overwintering from Nov 1 to Feb 28 in and around the action area; no juvenile shortnose sturgeon are expected within the action area. In the habitat modification analysis, it is mentioned that individual sturgeon opportunistically foraging in or near the action area may forage in other areas of the harbor and the greater Chesapeake Bay. Given the action area is approximately 127 acres and the area to be dredged is approximately 90 acres, sturgeon may continue to forage in the action area where dredging will not occur (approximately 37 acres).

Based on the Baltimore Harbor background information in the introduction and the project description you provided, adding project vessels to the existing baseline will not increase the risk that any vessel in the area will strike an individual sturgeon, or will increase it to such a small extent that the effect of the action (*i.e.*, any increase in risk of a strike caused by the project)

cannot be meaningfully measured or detected. The baseline risk of a vessel strike within Patapsco River is unknown and any increase in traffic associated with the proposed project would be extremely small. During the project activities, seven vessels during mobilization and demobilization, and only three vessels during project work will be added to the baseline. The addition of project vessels will also be intermittent, temporary, and restricted to a small portion of the overall action area on any given day. It is understood that the projections of increases to vessel traffic described in the introduction would occur regardless of completing the project. The dredging itself will match the depth of West Seagirt Branch Channel with the surrounding channels of the harbor, allowing for improved navigation within the Seagirt Marine Terminal of Baltimore Harbor, as a result, it is expected to enable vessels to travel safely in and out of the area. Allowing safe passage in the navigation channel is not expected to change the number of vessels that use the action area; thus, preserving the status quo with regard to vessel routes and vessel numbers will not change the risk of a vessel strike. Any slight increase in risk from altered patterns of use would be too small to be detected or measured. As a result of these analyses, the effect of the action on the increased risk of a vessel strike in the action area is insignificant.

In your analysis of impingement and capture you write "the risk to sturgeon would be most likely to occur during the March 15 through November 30 time period… it is not anticipated for Atlantic or shortnose sturgeon to be present in the proposed dredge areas outside of [this] time period…". We would like to emphasize that adult and sub-adult Atlantic sturgeon may be present from March 15 to Nov 30, but additional juvenile Atlantic sturgeon and adult shortnose sturgeon may be present year round. However, based on your analysis of risk of impingement or capture by mechanical clamshell dredge and the fact that the action area is not known to support high density aggregations of spawning or overwintering sturgeon, we agree that it is extremely unlikely any sturgeon will be captured, injured, or killed during mechanical dredging activities. Thus, any effects of entrapment from the proposed dredging activities on sturgeon are discountable.

On July 5, 2022, the U.S. District Court for the Northern District of California issued an order vacating the 2019 regulations that were revised or added to 50 CFR part 402 in 2019 ("2019 Regulations," see 84 FR 44976, August 27, 2019) without making a finding on the merits. On September 21, 2022, the U.S. Court of Appeals for the Ninth Circuit granted a temporary stay of the district court's July 5 order. As a result, the 2019 regulations are once again in effect, and we are applying the 2019 regulations here. For purposes of this consultation, we considered whether the substantive analysis and conclusions articulated in the letter of concurrence would be any different under the pre-2019 regulations. We have determined that our analysis and conclusions would not be any different.

Reinitiation of consultation is required and shall be requested by the lead federal agency or by us, where discretionary federal involvement or control over the action has been retained or is authorized by law and: (a) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in the consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; or, (c) If a new species is listed or critical habitat designated that may be affected by the identified action.

No take is anticipated or exempted. If there is any incidental take of a listed species, reinitiation would be required. Should you have any questions about this correspondence please contact Darcie Webb at darcie.webb@noaa.gov or (978) 281-9316. For questions related to Essential Fish Habitat, please contact Jonathan Watson, with our Habitat and Ecosystem Services Division at jonathan.watson@noaa.gov or (978) 675-2180.

Sincerely,

Jennifer Anderson

Jennifer Anderson
Assistant Regional Administrator
for Protected Resources

ec: Watson, NMFS/HESD; May, USACE
ECO: GARFO-2022-02393
File Code: H:\Section 7 Team\Section 7\Non-Fisheries\ACOE\Informal\2022\Baltimore\USACE_Seagirt-Loop-Channel_Dredging-Modification_Baltimore-Harbor

MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND PORT ADMINISTRATION

Wes Moore
Governor
Aruna Miller
Lieutenant Governor
James F. Ports, Jr.
Secretary
William P. Doyle
Executive Director

January 18, 2023

Colonel Estee S. Pinchasin
District Commander
U.S. Army Corps of Engineers, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Dear Colonel Pinchasin:

This letter is to confirm the support of the Maryland Department of Transportation Maryland Port Administration (MDOT MPA), as the nonfederal sponsor, for the Baltimore Harbor and Anchorages Seagirt Loop Deepening Study recommended plan that is being documented in a Final Integrated Feasibility Report and Environmental Assessment. Per the Agency Decision Milestone, the recommended plan includes deepening of the West Seagirt Branch Channel to an authorized depth of 50 feet mean lower low water (MLLW) with allowable overdepth and widening to an authorized dimension of 760 feet in average width with additional widening at bends necessary for the safe transiting of vessels. The estimated total project cost is $63,942,000 with a cost share requirement of twenty-five (25) percent for the nonfederal sponsor, which is currently estimated to be approximately $15,985,500. In addition, the MDOT MPA understands that there is a requirement that the nonfederal sponsor must pay an additional ten (10) percent of the cost of the general navigation feature of the project over a period not to exceed 30 years with interest, estimated to be $6,394,200 before interest is applied.

MDOT MPA is willing and able to participate in the next phase of this project, which we understand to be Preconstruction Engineering and Design (PED). At the appropriate time we intend to negotiate and enter into a Design Agreement with the U.S. Army Corps of Engineers (Corps) to share the costs associated with PED. MDOT MPA is financially capable of providing the projected nonfederal sponsor's share of these costs. We understand that this letter constitutes an expression of intent to participate in the project's development (through the execution of the Design Agreement when appropriate) and is not a contractual obligation.

MDOT MPA appreciates the continued, strong partnership that we share with the Corps and looks forward to advancing this Baltimore Harbor and Anchorages Seagirt Loop Deepening project to the next phase. The MDOT MPA point of contact on this matter is Holly Miller, who may be reached at (410)385-4748 or by email at hmiller2@marylandports.com

Sincerely,

William P. Doyle
Executive Director, MDOT MPA

cc: Trevor Cyran, CENAB
Luis Santiago, CENAB
Kristen Fidler, MDOT MPA
Holly Miller, MDOT MPA