APPENDIX Q
PUBLIC COMMENTS AND RESPONSES FROM THE PUBLIC COMMENT PERIOD
(MAY 19, 2006 to AUGUST 17, 2006)

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DEIS COMMENT / RESPONSE TABLE

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
1	Maryland Historic Trust	Comment Form Dated 5/10/06 - enclosed with MD Planning Letter from 8/4/06	--	No Comment	Comment noted.	NA
2	Nat Brown, MPA Harbor Development	E-mail submission 5/18/2006	Executive Summary	Cover sheet, Page 1, Abstract - "Please correct and change reference to the State's DMMP. The appropriate reference should be the State's Dredged Material Management Program. It is not a plan."	Corrected as suggested	Executive Summary
3			Executive Summary	Same section as previous comment - "The font in these sentences appears to be different from most of the paragraph."	Corrected as suggested	Executive Summary
4			TOC	Page xiv, number 5-8 - "Please correct page number and change to page 5-20."	Corrected as suggested	TOC
5			Glossary	Page GL-5 - "Include glossary definitions for the federal and state DMMPs."	Corrected as suggested	Glossary
6			Index	Page IN-2 - "Change Dredged Material Management Plan – State to Dredged Material Management Program"	Corrected as suggested	Index
7			Chapter 1	Page 1-10, line 336- "Correct and change from 2000 t to 2000 ft."	Corrected as suggested	Chapter 1
8			Chapter 7	Page 7-2, lines 82 and 83- "The sentence referencing the project schedule in Appendix N seems ambiguous and could mislead. In reviewing the schedule in Appendix N, it does not indicate a full timetable for these permits."	Sentence revised.	Chapter 7
9			Appendix C	Figures C-2 through C-4- "The black labeling on the map should be sharpened and cleared up to match the clear labeling on the preceding map for Figure C-1."	Figures obtained from VIMS online reports and data. No clarification of these figures can be made.	Appendix C
10			Appendix N	Project Schedule, line 23- "This item on this schedule should be specifically named, as well as all other appropriate permits. A separate schedule specific for permit applying should be develop, as this table does not completely reference each permit."	See response to comment 8.	Appendix N
11	Nat Brown, MPA Harbor Development	E-mail submission 5/19/2006	Chapter 2, Section 2.1.2.4	"There did not seem to be apparent reference in the document indicating whether there was landside groundwater contamination at Masonville."	The Patuxent and Patapsco Aquifers, which are discussed in section 2.1.2.4, under lie both the proposed Masonville DMCF site and the adjacent landside area. This contamination is discussed in Section 2.1.2.4	Chapter 2, Section 2.1.2.4
12			Chapter 11	In Volume 1 of 2 in the Chapter 11 Distribution List, page 11-3, please affix the following changes: (1) 1st column- Delete the listing for Mary Abrams at the Maryland Department of Planning. She is no longer working for that Department. (2) 1st column - Change the title for Frank L. Hamons to Deputy Director for Harbor Development. (3) 1st column - The letters J.D. follow the name of Linda Janey. Her job title is Director, State Clearinghouse. Room number is 1104. Last part of the zip code is 2305. (4) 3rd column - listing of my name. Please include Harbor Development.	Corrected as suggested	Chapter 11
13	Delegate McHale	Public Hearing 6/21/06	General	"I think a lot of benefit will come from this, from this project from every aspect" -- came out in support of the project, congratulating public involvement process	Comment Noted.	NA

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
14	Delegate Krysiak	Public Hearing - 6/21/06	General	"I think it's a wonderful project and I hope that we go ahead forward with it very quickly." -- came out in support of project.	Comment Noted.	NA
15	Glenn Page, Conservation Director of the National Aquarium (read by Mr. Rupert Denny)	Public Hearing, 6/21/06	General	"Firstly, the Harbor Team process itself is an extremely encouraging and innovative development in public participation in the decision making for the Harbor development process. We strongly encourage the use of this model in further planning efforts. Secondly, the Aquarium continues to work with the City, State and Federal Government partners and numerous community groups and other partners on the development of the Middle Branch Park property and wetlands, the Fort McHenry wetlands and the Swan Creek wetlands. We see the Masonville Cove project as another essential link in providing communities with the connection to the water, educational opportunities and connecting the community value to the local natural resources. Lastly, we remain ready, willing and able to assist the community in realizing your dream for this site."	Comment noted.	Harbor Team process and interatctions with public groups are described in Chapter 9 and Appendix P.
16	Mr. Rupert Denny, employee of C. Steinweg of Baltimore	Public Hearing, 6/21/06	General	"It is very important that projects like this go forward, because that sends a signal to the world community that the Port of Baltimore is vibrant, it is expanding in its investigating structure. In turn, that brings foreign, foreign dollars into the Port, foreign by foreign overseas or foreign by out of state into the Port for future investment which pays taxes, which employs people and, in turn, contributes through its taxes to projects like these for the benefit of the community, and I think this is a, this is a super opportunity to tell the world's global trading community that Baltimore and Maryland is a great place to do business. Thank you."	Comment noted.	Information on the Economic Support for Harbor Dredging is discussed in Section 1.2.2.1.
17	Kathleen Hogan, Brooklyn Resident	Public Hearing, 6/21/06	General - ties into Chapter 6	"The plan looks really great. But as far as I can see, how are we getting access to this lovely little bird sanctuary? Because, as you know, there's a portion of the property set aside for beneficial use, and I believe they have discussed the fishing pier with the natural habitat, learning center and the bird sanctuary, that's great. But walking to this park -- if you'll notice that street down on the bottom is Frankfurst. There's no way to get to this park in this area. And I want to know how do you plan on getting people to this park? Not everybody drives, and, you know, it's a little dangerous on that road as it is now, and with all of the traffic that goes there. You know, are they looking to put like a human bridge across from somewhere to get there safely? Because, you know, putting it there is great. But how is it going to get used except by people who do drive and come in and out of the area off of the tunnel or, you know, come in through town, but the people in Brooklyn where I live, we can't get to it if you don't have car. And there's no bus stop that says, Hey, we're going over to the park. You know, let's go. So I want to know how we can find a way to get the people from Brooklyn and Curtis Bay to be able to use this lovely scenery."	The project team acknowledges that access is one of the key issues for community utilization of th Masonville Cove enhancement/improvements. A plan is being formulated and details are included in the Mitigation section.	Information on the proposed compensatory mitigation package can be found in Chapter 6 and Appendix M.

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
18	Scott Raymond, Vice-President of the Living Classrooms Foundation	Public Hearing, 6/21/06	General - ties into Chapter 6	"I'd just like to say, for the record, that Living Classrooms is very much behind the Masonville project. I've been going to the Harbor options team meeting now for about a year, and as I view this, this is a very positive project, both for the environment, for the economy and I believe also for Masonville as well. I've had the good fortune of walking out to that site, Masonville Cove, and look at it now with all of its potential and then look at the plan for the future, and I'm very excited about that, because I think it will not only improve the environment, but we're talking about also involving five local schools and children to improve that environment as well. So we're very excited. I'd also like to take a minute and thank Frank Hamons and the Port. I think they've put together an extraordinarily open process, one which has been very inclusive and very fair. So thank you."	Comment noted.	The proposed mitigation and community enhancement projects for Masonville Cove are discussed in Chapter 6 and Appendix M.
19	Patrick Moylan, Brooklyn Resident	Public Hearing 6/21/06		"I am active in the community association, past President, and I am here today -- I'm not here to speak for or against this proposal at this point. I'll save that for a time after I review the materials I picked up today and consider the testimony today. I just wanted to give you two very specific concerns that I have. The history of violations by some of the other industrial uses in Brooklyn and Curtis Bay and the Fairfield area has given a lot of the community a healthy dose of skepticism, and I hope you understand that. So what I, what I think is a very important aspect of this project is that there's a robust oversight committee that is made up of residents that has specific power of getting information and making recommendations. I think that's an indispensable item that needs to be in there, and perhaps it is, but I need to look at the materials that I got today to find out what's in it. The second item I wanted to address is the buffer zone.	The MPA supports the formation of an oversight committee for the proposed Masonville DMCF project. The MPA is working with the state legislature to develop legislation creating this oversight committee and would provide the necessary administrative support for the committee. Ideally, this committee would be composed predominantly of individuals from Brooklyn and adjacent communities.	Section 9.5
				I see there's 100-foot buffer zone around this area, which I understand is for environmental purposes, water quality, whatnot, but I think that it's also important to take into consideration the aesthetic appeal of this, because not only is Brooklyn and its neighbor, Curtis Bay, always striving to improve its, improve the neighborhoods, a very important part of that is the aesthetic appeal. And as you come over the Hanover Street Bridge or you visit Ft. McHenry or if you're going up and down the Bay in a boat, looking at this site and seeing a flat site would, it could be very important if we could have some landscaping, trees and things, that would actually maybe hide the finished product. So those are the two items that I wanted to bring up, and thank you for your time."	While some activity at the final Masonville site would be visible, most of the activity and equipment at the site would be shielded by a six foot vegetative screen (hedges) surrounding the final developable area, which is approximately 90 acres. The distance between the proposed Masonville DMCF and Fort McHenry, the nearest viewshed, is approximately 0.6 miles. This distance would also obscure much of the activity at the proposed Masonville DMCF and end use of the site from viewers at Fort McHenry, Harbor Hospital, and Cherry Hill. Visible activity and equipment would include items such as tall cranes and ship masts. This would be consistent with existing activity occurring at the existing Masonville Marine terminal which is currently used for RO/RO cargo.	Section 5.4.1.1

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
20	Rebecca Kolberg, concerned citizen	Public Hearing, 6/21/06	1	"I have a few concerns in the Environmental Impact Statement. The first is loss of 0.6 percent of the tidal portion of the Patapsco River with associated benthic resources and fisheries habitat. That does not sound like a lot, but if you figure the Port of Baltimore has been in business 300 years and is probably planning to be in business for another three centuries, if we continue filling in the River with dredged spoil at this rate, 12 percent of the tidal Patapsco will be filled in the next time the Port celebrates their 300th anniversary. That's not a future that I want for the Patapsco River, so I urge and underscore the Harbor Team's recommendation for recycling of dredged material, for shrinking of footprints of dredged disposable projects, anything we can do so we still have Patapsco River.	The MPA has considered numerous upland sites to avoid open water placement sites since 1970. In 1970, two upland placement sites were considered and determined unsuitable dur to the presence of MEC and navigation obstruction. In 1989, the Master Plan screened 87 upland alternatives, most of these were eliminated from consideration due to environmental factors. The Site 104 analysis screened 17 upland options including the rescreening of several options from the 1989 Master Plan. The State DMMP considered several innovative reuses, none of which were able to be implemented in time to meet the short-term dredged material placement need. The Harbor team considered these innovative reuses before recommending the three sites considered in the DEIS. Upland sites at Sparrows Point are still being considered, but placement of dredged material at Sparrows point is statutorily prohibited because of its proximity to the HMI DMCF. Innovative reuses, including a specific mine reclamation site in Tamaqua, PA are being studied by the Innovative Reuse Committee developed by the MPA. The MPA is actively pursuing innovative reuse options and has committed to developing a plan for innovative reuse by 2023. Creation of future dredged material placement facilities should be minimized by the innovative reuse of dredged material and the avoidance of in-water placement sites to the maximum extent practicable while still meeting the dredged material placement need.	Chapter 3, specifically Section 3.4.2 (subsections 3.4.2.2 and 3.4.2.2 discuss innovative reuse and upland placement sites)
21			Chapter 5 - Section 5.1.2	I'm also concerned about the maps that show increased sedimentation rates to the west of the dredged disposal facility. I'm concerned about impact that might have on this beautiful wildlife area. If you get shoaling at the mouth, you might end up with a rather stagnant pond and you might have to be continually clearing it out and dredging it. Who is going to pay to keep that from shoaling in?	Figure 5-13 shows the change in sedimentation that the model predicts would result from construction of the project. The model results show that the maximum increase in sedimentation within Masonville Cove where the reef habitat would be is about 0.4 inches per year with an average of about 0.2 inches per year. The figure also shows that there are areas where no change occurs, and where erosion at a rate of about 0.2 inches per year occurs. The model shows that existing sedimentation in the Masonville Cove is between 0.25 and 0.5 inches per year (see Figure 5-12). Field data collection of sedimentation rates are consistent with these modeled rates. Reef structures (reefballs) that would be placed within Masonville Cove as part of the reef creation are designed to be 4 to 6 feet tall.	Section 5.1.2

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
22			Chapter 5 - Section 5.4.1	There's also at least two marinas with some relatively nice boats to the west of Masonville Cove. I don't see any people from those marinas here. I'm not sure if they're really aware of the impact of an increase sedimentation rate on recreational boats in that area, and kind of echoing what Patrick said, I'm very encouraged if the State Critical Areas Commission or whoever is in charge of monitoring the creation of new fastland in the State requires creation of a hundred foot, preferably forested buffer or vegetative buffer with native species of plants, hopefully both here, except for the area where the ships have to unload, and also at Cox Creek. That would be a great contributor to water quality and also a good example for residents. A lot of people see the marine terminals paved to the edge and they say, Why am I having to keep a buffer when they can pave right to the edge and not plant one tree or one buffer? So please keep that in mind."	There would be no increase in sedimentation in the marina areas resulting from construction of the Masonville DMCF (see Figure 5-13). The proposed Masonville DMCF dikes would be planted with grasses and then the area would not be mowed, allowing herbaceous plants to grow along the dikes. The 100 ft critical area buffer would be planted with native plant species, to the extent possible. The 100 foot critical area buffer vegetation would be limited by the slope of the dike and the structural constraints of the dike. It is unlikely that trees would be planted on the dikes because they may adversely affect the structural integrity of the containment dikes. Additionally, there would be a six-foot vegetative screen grown around the perimeter of the developable area of the proposed Masonville DMCF after the DMCF closes. This vegetative screen would likely be composed of native species.	5.1.2, 5.4.1.1
23			General - ties into Chapter 9	"So I fully support the views of the residents who are most impacted by these dredged disposal sites." "I'm just concerned that there's no one here from Cherry Hill, and I really think that people need to be doing outreach to Cherry Hill because they look out at this water and the bridge. And when there was a proposal to put even a senior citizen home right here at Harbor Hospital, people who lived in the housing at Cherry Hill spoke out about loss of water view and things like this, and I'm not getting a good feeling that as close as they are that there's no one here at this meeting. So I think there should be some outreach to Cherry Hill."	Bob Hoyt, from EcoLogix Group, made contact to Bishop Soule and Cathy McClain who are residents and leaders in the Cherry Hill community. After this contact an email was sent to Mr. Hoyt from Cathy McClain that stated: “Thanks for all your information - I now have a more complete idea of the project and we really don't need a presentation since we will not be directly impacted. Bishop Soule did attend the public hearing and brought information to our meeting last evening. Good luck on you project! Cathy McClain.” Other outreach efforts targeted Cherry Hill residents but there was no response.	
24	Bonnie Riley, Brooklyn Resident	Public Hearing, 6/21/06	General - ties into Chapter 6	1) "I don’t think you're giving us something equivalent to what you're taking away from us"	A Habitat equivalency Analysis (HEA) was completed to determine whether or not the mitigation projects adequately replace the area that would be lost by the development of the project. The model relied on initial and final habitat conditions to assess the loss and gain of habitat functions for all of the mitigation options but focused on the aquatic functions. The model has been reviewed by local resource agencies on the BEWG and JE.	Chapter 6, Appendix J
25			General - ties into Chapter 6	2) Go out and complete more outreach to community - one-on-one - find out what they think	Numerous meetings and discussions were conducted between the June 21, 2006 meeting and the close of the public comment period by Bob Hoyt and others on behalf of MPA. Some of the community individuals contacted include David Charles Monoogian, Kennard Ayers, Linda Bardo, Bonnie Riley, Kathleen Hogan, Patrick Moylan, Carol Eshelman, and others.	Chapter 9, Appendix P

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
26			Chapter 2, Chapter 4	3) Concerned about contaminants and size of the facility	The MPA has spent considerable effort in looking into avoiding and minimizing in-water placement. Chapter 3 details the process MPA followed in determining to pursue an in-water facility at Masonville and the necessary size of the facility. In addressing the contaminate leaching concern, a leachate barrier with a permeability of 5x10-6 cm per second would be used to line the dikes. Though migration of contaminants through the dike is not anticipated to be an issue, based on experience at the HMI DMCF (URS 2004), this barrier would further minimize the chance for movement of any contaminants through the dike to the Patapsco River or Patapsco aquifer.	Chapter 3, Chapter 6
27			Chapter 5 - Section 5.8.4	4) End use of the site	The oversight committee would have input on the end use of the project site. The MPA has indicated that it intends to use the site as a port facility. A port-related function would provide a water-dependent use for the site. The elevation of the site does not make it suitable for use as a container terminal; the site would likely be used for RO/RO cargo. The area would be unlikely to be used for buildings or other facilities since the soils created would be prone to subsidence.	Chapter 5
28	Ivan Leshinsky, Brooklyn Resident	Public Hearing, 6/21/06	General - ties into chapter 6	"I view this project as something that would enhance their future in terms of their educational and recreational opportunities." "I would want to echo Kathleen Hogan's comments. Baltimore, in general, and Brooklyn and Curtis Bay and the surrounding neighborhoods, in particular, need more meaningful and interesting places to walk to, and I would hope that the powers to be would make this area as accessible as possible to pedestrians and, hopefully, everything will go well and it will bring more positive attention to the neighborhood."	The project team acknowledges that access is one of the key issues for community utilization of the Masonville Cove enhancement/improvements. A plan is being formulated and details are included in the Mitigation section.	
29	Fran Taylor, Chair of the State of Maryland DMMP Citizens' Advisory Committee	Public Hearing, 6/21/06	General - ties into Chapter 6 and Chapter 4 - Section 4.9.2	"As has already been publicly stated, based on presented information and discussion, CAC endorses the proposed Masonville containment facility. We view this project as an opportunity to ensure capacity for future dredging needs while also providing a benefit to the environment and the local communities. This project will potentially clean up abandoned industrial sites and will remediate 25 derelict vessels."	The work of the CAC was essential to identifying this project as one of the management options necessary to meet the Port's dredging needs.	Project Need - 1.2, 1.4; Proposed Mitigation - Chapter 6; derelict vessel remediation - Section 7.3

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
30	Kennard Ayers, Brooklyn Resident	Public Hearing, 6/21/06	Chapter 6	"It seems like a good project when you look at the mitigations that are being built into it so far as the habitats and the marshes, etcetera. It seems so good I'm wondering why does it stop where you're saying it does? Why can't we have the same mitigation done along the River bank towards where the stream of the Patapsco River comes into the Harbor basin? This area has junk, a cement company, other unenjoyable aspects to it that could have, you actually could create decent beautiful land for the community you work with to live with and you could have a place for more dredging material and at the same time a place, more of a place for ecological impact in a positive way."	The property in question is currently owned by the Arundel Corporation and is in use. Due to ownership issues, mitigation cannot be expanded to include this site. Acquisition of the property would require a time intensive process and negotiations through the Maryland Department of General Services. These negotiations could not be completed during the proposed project time frame to meet the dredged material placement need. If the property owner (Arundel Corporation) is not interested in selling the property there would be an even longer process to exercise the power of eminent domain. There is no guarantee that the appropriate approvals would be obtained to acquire the property in that manner. Mitigation projects may not fulfill the "public use" requirement for eminent domain proceedings.	Eminent Domain - 3.2.2.4
31	Mary Rosso, Glen Burnie Resident	Public Hearing, 6/21/06	1	"I think they need to consider actually the families in poverty, since that seems to be one of the criteria for environmental justice, and the Masonville Cove, out of all of the ones here, has the highest percentage of poverty line in the area of all of the dredged material sites, and I would leave this or I can send you a copy of this. I just received it today."	Though the area does contain a disproportionate number of low income families/individuals, there is no evidence that these individuals have been treated unfairly or excluded from the project development. The Harbor Team, composed of representatives from local governments, business interests, community groups, and environmental organizations, considered many options for placement of Baltimore Harbor dredged material and made recommendations including the construction of a DMCF at Masonville. Public scoping meetings, public hearings, and outreach to community groups have also been completed in an effort to involve members of the surrounding community in the process. Additionally, community enhancement projects have been included in the mitigation package that would positively affect the area have been linked to the project. Through citizen participation and community enhancement, disproportionate impacts to low-income persons and households associated with the proposed Masonville DMCF were avoided or mitigated.	Section 5.3.4
32			General - ties into Chapters 2 and 5	"I have concerns about contaminated dredge spoil sites. I have always had that. I know there are hot spots. I'm not sure you're just doing maintenance dredged material, if that's all you're putting there, and if it's being checked so it is not toxic or have any high contamination."	The proposed Masonville DMCF would be used for the placement of material dredged with the Baltimore Harbor. This material is statutorily required to be placed in a confined placement facility because it may be contaminated. The material may come from maintenance dredging of existing channels or new work projects. The material deposited in this DMCF would be similar to the material deposited at the HMI DMCF. A leachate barrier will be placed along the dikes to minimize the amount of material that migrates through the dike.	Sections -7.4, 5.1.1.4, 5.1.4

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
33			General - ties into Chapter 9	"The community spoke beautifully, I mean, between Kathleen and access, Patrick and some of the things he mentioned about having the aesthetics, which they're not used to getting, and it shouldn't be a perk. It shouldn't be something, Oh, we're doing a favor for you. No. It's time the communities got the best they could get. They need the best buffers. They need guarantees, just like Bonnie had talked about. They need guarantees that they're going to be treated correctly, that what they, you all say you're going to do, you're going to do. Not have us reporting violations after, for instance, a specific plant cited no odors, we promise we have state of the art. We got odors. We called for violations ourselves. You're getting the picture, if you have not already gotten it. This is factual. It's all documented. I'm not making it up. So I'm here to speak to you to say please take what the community says seriously, and Rebecca Kolberg made a great comment, too, about shrinking the footprints of those dredged sites, because we are -- even though we're a wonderful Port, and I support the Port as well, I think that we need to look at between the health of the Patapsco River and the health of the Chesapeake Bay, everything is interconnected."	The mitigation and community enhancements would be linked with public documents, several of which are binding. These public documents include any permits issued and the Record of Decision (ROD) for the permit. The aquatic mitigation requirements for the proposed project will be written in the Federal Permit requirements. The community enhancements would be written, to the extent possible, into the Record of Decision (ROD), which finalizes the EIS. The mitigation and some of the community enhancements (to the extent possible) would be included in the Board of Public Works tidal wetlands license as a requirement. The Critical Areas Commission for the Chesapeake and Atlantic Coastal Bays will require the 100-foot critical area buffer.	See Section 5.1.12 and Chapter 6, Appendix M
34			General - ties into Chapter 9	"So I urge you to use everything in your power to make sure the community gets the most effective, and possibly the best, I don't want to call it a perk, but they deserve the best of that. They deserve the best sanctuary, the best access, every buffer you could possibly give them and they don't deserve any contaminated sludge and I think you need to take that into consideration. The environmental justice issue for the State I'm a little bit concerned about, because the Board of Public Works gentleman who spoke didn't mention that as one of your criteria. It was mostly -- I wrote down some of them, but you know what you said, but I do know that that was not on the agenda for consideration, and I thought how sad that's not one of the things that you think about when you come to give money to a project. So I would urge you to maybe think about that and see if maybe we could get that in part of your criteria."	See the response to comments 31 and 33.	Section 5.3.4, Chapter 6, Appendix M
35	Richard Anderson, President, Brooklyn Curtis Bay Coalition	Public Hearing, 6/21/06	General - ties into Chapter 6	"The Brooklyn/Curtis Bay Coalition is in favor of the project that has been unfolded so far. We see it as vital to reaching some of the goals in our Strategic Neighborhood Action Plan, which is to build a bridge between industry and then also expand the area in the Masonville Cove as a nature center.	Comment noted.	Chapter 9, Appendix P

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
36			General - Ties into Chapter 6	In addition, we see it as a vital economic recovery in the area. We see that there's potential for jobs and commerce in the area, whether it's bait stores, kayak shops, some restaurants in this area as the Masonville Cove unfolds. We're very much excited about the prospect of a nature center being developed there, and we're very much excited about the prospect of relationships with the classroom, Harbor Classrooms and also some of the local schools being involved in learning centers. We also very much like the idea of an oversight committee being created. We recognize that while no one organization can be the voice of a community as diverse as Brooklyn and Curtis Bay with 13,000 residents, we would like to see the Committee comprised of people who represent the gender, represent the race and represent the age of the area and very much look forward to see how things unfold."	Comment noted.	Chapter 6, Chapter 9, Appendix M, Appendix P
37	Maryland Department of Planning - State Clearinghouse	Letter dated 6/29/06	General	Comments from Baltimore City - request a meeting with the USACE concerning the feasibility or advisability of water main and storm drain relocation.	The MPA met with Opinder Singh of the City Bureau of Water and Wastewater on July 15, 2004 to discuss the proposed Masonville DMCF project and its potential impact on the City water main and storm drain. The MPA further notified the City Department of Public Works via letter dated September 7, 2004 regarding plans for the DMCF which could affect the City 48-inch water main and City storm drain. Jaswant Dhupar of the Water and Wastewater Engineering Division responded on October 18, 2004 regarding the City's concerns about the water main. Subsequent meetings were held on February 1, 2005 with Mr. Singh and Tejpal Ahuja, and on several other occasions in 2005 and as recently as July 26, 2006 and August 25. 2006. During these meetings, engineering details of the proposed water main and storm drain relocation were shared and reviewed with the City and its contractors, and the City has indicated its preferences regarding engineering solutions to the outstanding issues. The MPA met with the City's Site Plan Review Committee on July 12, 2006.	
38	Maryland Environmental Service - Charles Madison	Letter Dated 6/30/06 - enclosed with MD Planning Letter from 8/4/06	General	Defers to other state agencies for concurrence on their components. The preferred action in the Tiered DEIS is consistent with the Agency's plans, programs, and objectives.	Comment noted.	NA
39	U.S. Coast Guard Sector Baltimore, Waterways Management Division	E-mail notification - 7/7/06 and 7/19/06	General	Will be completing an initial risk assessment for the proposed Masonville DMCF	Comment noted.	NA
40	L.H. Weems,	Memo Dated	General	Notice of intent to prepare a risk assessment for the Masonville	Comment noted.	NA

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
	USCG	7/26/06		Project		
41	Patricia A. Kurkul, Regional Administrator, NOAA NMFS	Letter dated 7/28/06	Chapter 5 - Section 5.1.7	Concurrence with USACE's determination that the construction of the DMCF is unlikely to adversely affect listed sea turtles or shortnose sturgeon. NMFS recommends reinitiating consultation if/when the use of the cargo terminal is determined because of effects to listed whale species.	Comment noted.	Appendix D, Section 2.1.9, Section 5.1.8
42	Carol Eschelman, Brooklyn Curtis Bay Coalition	Public Hearing, 7/31/06 Testimony also submitted via email to Jon Romeo on 8/17/06	Chapter 6	Additional mitigation should be considered, create a pedestrian access route that connects "gateway project" and project site, long-term funding of nature center and programs (~$150 to 200K/yr), emphasized importance of easement on property to protect mitigation sites in perpetuity, interactions between MPA and citizens should be maintained.	The MPA has continued to work with the community to develop effective community access to the Masonville Cove area. The MPA has committed to contributing, as part of the proposed mitigation plan, up to $200,000 annually for five years, matched by community-originated funds, for funding the nature center and its programs. The MPA has also committed to placing the land areas surrounding the Masonville Cove, east of the Arundel Corporation and west of the developed portions of the existing Masonville Marine Terminal, into a conservation easement held by a third party. The aquatic mitigation projects including in the proposed plan will be maintained in perpetuity by the State, much as the State has committed to maintaining the Hart-Miller Island DMCF in perpetuity. A Masonville Citizens Oversight Committee will be organized and supported by the MPA.	Chapter 6, Appendix M
43	David Manoogian, board member, Concerned Citizens for a Better Brooklyn	Public Hearing, 7/31/06	Chapter 6	Thinks an oversight committee is critical, presumes the sand quality at Seagirt is good (and therefore supports its use), wants a significant vegetative screen around the perimeter of the DMCF, wants to have a green cap of the site, plant the area with native plants, innovative use should be implemented, wants to make sure the site is constructed so as not to affect drainage in the area, thinks access to Masonville Cove is critical- sidewalk of at least double with, prefers triple width, echoed Carol E.'s funding concerns	The MPA has helped to establish working groups for many of its projects and expects to be doing so for this one as well. The amount of vegetation that can be planted on the dikes is limited due to dike safety issues in that trees with significant root systems can cause breaches in the dikes. However, grasses can be planted along the tip of the dike away from the side slopes. The end use of the site has not been completely determined at this point so the ability to employ a green cap cannot be committed to at this point. If the site is developed as a Port facility, the cap would need to be of material that could withstand vehicular usage. The site is being engineered to include standard stormwater management techniques so that drainage will not be negatively impacted. See comment 17 for a response to access issues. Funding for community-based maintenance and education is included in the mitigation package.	Public Involvement in addressed in Chapter 9. Dike vegetation issues are addressed in Section 5.4. Construction and drainage issues are included in 5.1.3 and Chapter 7. Access and mitigation issues are covered in Chapter 6.

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
44	Rose Bowen, member of the Concerned Citizens for a Better Brooklyn	Public Hearing, 7/31/06	General	Spoke to USACE- it is a high crime area and it is MPA's job to police the area, wants added protection for the area because of drifters, wants added committees [oversight] for cleanup, would like gazebos and a bench at the Environmental Center	The Maryland Transportation Authority police patrol the Maryland Port Administration's undeveloped and under construction land-based facilities such as the Cox Creek DMCF, and it is anticipated that they will continue to provide this service for the Masonville DMCF once construction activity begins on the site. During construction and filling of the DMCF and during construction of the mitigation projects, MPA personnel and contractors will be on-site during normal working hours. The Masonville Citizens Oversight Committee's areas of responsibility will include all mitigation projects at the site, including cleanup. The Environmental Center design is still in the preliminary phase and details of ancillary features such as a gazebo and benches have not been addresses, but this comment will be taken into account when the design progresses to a more finished phase.	Chapter 6, Chapter 9, Appendix M, Appendix P
45	Kennard Ayers, Brooklyn Resident	Public Hearing, 7/31/06	General	Wants the DMCF area to be increased to include the Arundel Corporation Property at 200 Frankfurst Ave, could be included under eminent domain	In order for the State to condemn property through its eminent domain powers it needs to establish that there is a public necessity for taking the property. At this point in time, the State does not need the Arundel Corporation property in order to construct the Masonville DMCF. Additionally, even if there was a public need for this property, the time it takes to condemn private property would be too long to meet the short-term dredged material placement need as set forth in Section 1.2 of this EIS. *See generally* Section 3.2.2.4 of the EIS (discussing time associated with condemnation of property pursuant to Maryland Code Annotated, Title 12, Subtitle 1 of the Real Property Article).	Section 3.2.2.4
46	Maryland Department of Planning - State Clearinghouse	letter dated 8/4/2006	General	Comments were requested from Maryland Depts. Of Health and Mental Hygiene, State Police, Natural Resources, General Services, the Environment, the Maryland Environmental Service, Agriculture, Transportation, Baltimore City, and the Maryland Department of Planning including the Maryland Historical Trust. No comments from Departments of Health and mental Hygiene or Natural Resources. No comments from State Police	Comment noted.	NA
47			General - Chapters 4 and 6	Baltimore City - adverse comments. Problems with compatibility with plans programs and objectives. City Dept. of Public Works and MPA will be meeting.	See Response to Comment 37	
48			General - Chapter 7	MDE - must comply with COMAR 26.22.06.03D (requires reasonable precaution to prevent particulate matter from becoming airborne	Should dust be created due to construction activities, reasonable precaution will be taken to prevent particulate matter from becoming airborne. This precaution may include measures such as dust control with water trucks.	Chapter 7
49			General	Agriculture, General Services, Transportation, MES - consistent with their plans, programs, and objectives. MES noted its role as writer and editor of some of the EIS.	Comment noted.	NA

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
50			General - Chapter 5, Section 5.2	MHT - no effect on historic properties and that federal and/or State historic preservation requirements have been met.	Comment noted.	Section 5.2
51	Maryland Department of Natural Resources	Letter dated 8/10/06	General - Chapter 5 and 6	Requests time-of-year (TOY) restrictions to protect anadromous and resident fish species from 15 February to 15 June for pre-dredging activities. Material dredged from Seagirt should not be placed during the same period unless it is behind already constructed containment dikes in a similar procedure to what was done at Poplar Island for the perimeter dikes.	These TOY restrictions will be put in place to protect anadromous fish. Construction activities may be completed during this time as long as the dike perimeter is fully in place and the construction activities are occurring within the dike structure.	Section 5.1.5
52			General - Chapter 5 and 6	No Bald Eagle TOY restrictions required at this time. If the eagles reestablish a nest, then TOY restrictions would be requested.	Comment noted.	Section 5.1.7
53			General	Project is correctly identified as being in the State's Critical Area. Coordination with State's Critical Area Commission should continue.	Comment noted.	Section 5.1.12
54			General - Chapter 9	MDNR urges MPA to actively continue seeking input from both the public and private sectors in developing innovative reuse projects for Baltimore Harbor dredge material.	The MPA is facilitating the continued working of the Innovative Reuse (IR) subcommittee. This subcommittee includes regulators as well as members of the private sector. The subcommittee is actively screening options and will be making recommendations on the most viable options for further study in early 2007.	Section 3.4.2.2
55	David Charles Manoogian, Member-at-Large C.C.B.B	Letter dated 8/16/06	General - Chapter 5	Our acceptance of this hazard into our community is based, in part, upon the presumed truth of the assertion that the Masonville D.M.C.F. shall act as an impermeable container for the dredged materials placed into it.	In addressing the impermeable container concern, a leachate barrier with a permeability of 5x10-6 cm per second would be used to line the dikes. Though migration of contaminants through the dike is not anticipated to be an issue, based on experience at the HMI DMCF (URS 2004), this barrier would further minimize the chance for movement of any contaminants through the dike to the Patapsco River or Patapsco aquifer. We are modeling the groundwater movement through the dikes and designing them to prevent migration of material from the inside to the outside.	Sections 5.1.1.4, Section 5.1.3, Section 5.1.4
56			Chapter 5, Section 5.1.7	We want firm assurances that the design of the Masonville D.M.C.F. shall be engineered to withstand the periodic storm flooding it shall undoubtedly receive because the site lies upon a flood plain (albeit a "100 Year Flood Plain").	The site is designed to withstand storm events and flooding, similar to those designed for Cox Creek which withstood Hurricane Isabel and suffered no damage.	Section 5.1.2
57			Chapter 6	We strongly support the creation of a bird and marine animal sanctuary with a Nature Center and hiker/biker trails, but only if the primary means for accessing Masonville Cove is other than by automobile. A broad, safe pedestrian/bicyclist byway should be created to reduce or eliminate automobile travel to and from the bird and marine animal sanctuary.	See response to comment 17.	Chapter 6

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
58			Chapter 4	We are very disturbed to read in § 4.7 and elsewhere in the D.E.I.S. that "[t]he end use of this site is anticipated to be an expansion of the M.M.T. [Masonville Marine Terminal]. The area would serve as additional storage facility for Roll On-Roll Off (RO-RO) cargo or automobiles." See page 4-29, lines 671-672. Many Brooklyn and Curtis Bay community members at many times have expressed their staunch opposition to paving or building on the new land created by the Masonville D.M.C.F. We cannot underscore enough that creating an approximately 140-acre parking lot less than one nautical mile from Fort McHenry is completely unacceptable to the community at large.	The end use of the site is anticipated to be an expansion of the Masonville Marine Terminal. This anticipated end use of the DMCF site has been reported to the community at each of the many meetings reported in the DEIS. The majority of the community who spoke out at these meetings appeared to accept a balance of additional future commercial use of the DMCF site as a marine terminal (with the prospect of additional jobs), with adjacent restoration and preservation of the adjacent undeveloped Masonville Cove and surrounding land areas. The MPA has reiterated its intention to restore and preserve the land areas around Masonville Cove under the terms of a conservation easement. The MPA intends to work with the community toward minimizing the aesthetic impacts of any future terminal development at the Masonville DMCF, but the MPA cannot eliminate this anticipated use from the plan.	Section 4.7
59			Chapter 6, Chapter 5 - Section 5.8	In the interests of aesthetics and preserving as natural an environment as possible we respectfully request that when the time comes to close the Masonville D.M.C.F. that the site receive a "green cap" of multiple feet of clean fill dirt, subsequently covered with native plant species, including, but not necessarily limited to, white oak trees, if possible. Furthermore, the biker/hiker trail should be extended though the wooded space created by the closed "green capped" Masonville D.M.C.F. site.	See Response to Comment 58	
60			General	We feel strongly that dredged materials should be used for the fabrication of inexpensive bricks, and those bricks should then be used for inexpensive yet beautiful sidewalks in communities surrounding the harbor, e.g., Brooklyn, Curtis Bay, Federal Hill, etc. In any event, we want assurances that innovative uses for dredged materials are currently being actively pursued, including periodic updates into the various investigations into innovative uses for dredged materials.	See response to comment 54	See Section 3.4.2.2
61			Chapter 6	We respectfully request firm assurances that the Masonville Cove, including the Nature Center, will receive sufficient budget assistance from the State for operations and maintenance, in perpetuity, so that the Cove and Nature Center can be the simple natural attraction and educational opportunity we are confident it could become in the coming decades.	The compensatory mitigation package includes approximately $150K annually for the first five years and approximately $100K annually in perpetuity to fund community-based education and maintenance programs.	Chapter 6, Appendix M
62			Chapter 5, Section 5.1.2	We respectfully request firm assurances that slowed water currents and increased sedimentation can be tolerated by the Patapsco River and Baltimore Harbor. In the alternative, we respectfully request that site design be reconfigured to eliminate the slowing of water currents and the increasing of sedimentation which the D.E.I.S. data indicates shall occur.	Currents in the Patapsco River are already slow, with maximum in the project area of 10 cm/sec. Current velocities are not significantly slowed by construction of the DMCF, and sedimentation is not significantly increased (see response to no. 21 above).	Section 5.1.2

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
63			Chapter 6, Chapter 7	A large citizens' oversight committee (accommodating a broad cross-section of citizens actually domiciled in Brooklyn and Curtis Bay) should be kept fully informed by contemporaneous copies of all reports which are generated in the usual course of the implementation, constructions, and all later operations of the Masonville D.M.C.F. As discussed above, the formation of, and reporting to, the citizens' oversight committee should be substantively similar to the citizens' oversight committee for Hart-Miller Island ("H.M.I.").	See response to comment 19.	Chapter 9, Appendix P
64	USEPA, William Arguto (summarized, letter in Appendix P)	Letter dated 8/16/06	Chapter 5	LO (Lack of Objection) to the No Action Alternative, EC (Environmental concerns) with the 3 remaining alternatives - Masonville, BP-Fairfield, Sparrows Point. EIS Adequacy rated "2" (Insufficient Information).	Comment noted.	NA
65			Chapter 3	Find preferred alternative justifiable.	Comment Noted.	Chapter 3
66			Chapter 5	serious concerns with the environmental impacts of the proposed project - loss of tidal water , EFH, and benthic communities. Permanent loss of SAV (0.38 acres).	Efforts have been made to minimize both the footprint of the site and the magnitude of the impacts. The alternatives analysis rejected several larger footprints for the proposed Masonville DMCF that would have encroached upon Masonville Cove. Minimization techniques to prevent environmental impacts outside of the proposed project foot print include the use of turbidity curtains and TOY restrictions. These minimization techniques are discussed in Section 7.4	Section 7.4
67			Appendix I	Requests the opportunity to review the Section 404 Evaluation before the FEIS is issued.	The Corps submitted the draft 404 (b) (1) assessment to EPA in late September.	Appendix I
68			Chapter 6	Mitigation Package - recommends a continual funding source for maintenance of the restoration project. Would like mitigation that is adequate and equitable taking into consideration the economic value of the land created by this fill.	The MPA has committed to fund maintenance of aquatic projects in perpetuity. The Corps is working on developing a project trust with annual contributions that could potentially be managed by a 3rd party. The adequacy of the aquatic mitigation has been assessed using a Habitat Equivalency Analysis based on habitat condition factors. This analysis is included in Chapter 6.	Chapter 6, Appendix M
69			Chapter 5, Section 5.8.4.8	Requests opportunity to review Federal Conformity assessment prior to inclusion in the FEIS	The Corps submitted the conformity assessment to EPA in late September.	Appendix K
70			Chapter 5, Section 5.8	EPA is extremely concerned with the potential loss of up to 4.9% of the Patapsco River for dredged material placement. EPA recommends the permit issued have a condition requiring that the applicant vigorously pursue viable innovative use alternatives.	See response to comment 54.	Section 5.8

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
71			General	Recommend that regulatory agencies and MPA collaboratively develop a memorandum of agreement to achieve innovative uses and reuses of larger quantities of dredged materials in a shorter time frame.	Development of a memorandum of agreement addressing quantities and schedules for reuse of dredged material may not be necessary at this time, in light of the ongoing work of the Innovative Reuse Committee (IRC) The IRC is currently evaluating potential uses and gathering information on a number of factors that will affect the Maryland's ability to implement innovative reuse. Topics the committee has reviewed include landfills, top soil, placement of material at mines, light-weight aggregate for base material for roads, among others. Thirteen options in all were evaluated. The MPA appointed in February 2006 this committee of 23 individuals and charged them to analyze innovative reuse options. They represent the Port's business community; local governments; environmental interests; community activists; other state agencies (Maryland Departments of Business and Economic Development, Natural Resources, Environment, and Agriculture); the Corps of Engineers; the Environmental Protection Agency; and the Maryland General Assembly. The committee brings experience, practicality, and commitment and innovation to the effort. MPA also created a team composed of staff and expert consultants to assist the IRC. The IRC has accumulated a significant amount of information on potential innovative uses. The Committee has ranked the options to reflect their evaluation of the relative merits of each. The ranking process was defined by; technical feasibility, cost and social acceptability of these options. The Committee agreed not to disregard any options at this point, but rather present them in rank order with their rationale. The Committee is aware that full implementation of any option will not be immediate, because more in-depth technical analysis will be needed. However, a number of possibilities which could accommodate significant amounts of dredged material and which may be implementable in the fairly near term have emerged. There are also options which appear viable but require a more long term approach. In addition, the IRC is investigating approaches in other jurisdictions, notably Virginia and New Jersey, which may provide ideas for ways in which Maryland could improve its ability to manage dredged material for innovative reuse by making policy changes reflecting better definition of the suitability of material for various applications. The Committee is scheduled to have this report on the first screening study ready for MPA review by March, 2007.	

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
72	Otis Rolley, City of Baltimore Department of Planning	Letter Dated 8/16/06	Chapter 6	Recommendations re: mitigation - concur with findings of BEWG re: Gwynns Falls, Seton Keogh High School and Ft. Holabird Park.	Comment noted.	Chapter 6, Appendix M
73			Chapter 6	Despite BEWG rankings, still would like the following to be considered: additional trash interceptors, critical stream restoration projects, watershed 263 restoration plan implementation. long term operation and maintenance of the nature center and trail system.	Additional trash interceptors and stream restoration projects have been added to the current mitigation package. A list of potential second tier options, which would be implemented in lieu of first tier options in case of failure, has been developed. The options on this list have been added. These will be screened by the BEWG and JE.	Chapter 6, Appendix M
74			Chapter 6	New mitigation projects (not reviewed by BEWG): 1) Staff support - liaison between MPA and community 2) PURRI Funding 3) Screening and planting of a 100' wide buffer around edge of dike.	See response to comment 73 for additional projects (including PURRI). MPA has contractors that currently act as liaisons with the citizens on behalf of the MPA and it is anticipated that they will continue in that role. As noted previously, planting on the dike is limited due to stability issues. Some planting of shrubs on the top of the dike is limited due to stability issues. Some planting of shrubs on the top of the dike is possible, however, the dike itself (within the 100 ft buffer) is going to be allowed to vegetate naturally with grasses and shrubs. Trees cannot be planted on the dike due to stability issues.	Chapter 6, Appendix M
75			Chapter 6	Connections to community - evaluate access; rail lines around Masonville preclude pedestrian and bike connections	See response to comment 17.	Information on the proposed compensatory mitigation package can be foun in Chapter 6 and Appendix M.
76			Chapter 4, Chapter 7	Support use of clean dredge material from Seagirt as long as the material does not present any hazards to the community or the environment	Comment noted.	Section 2.1.4
77			Chapter 7	Sequence of construction must allow for limited shut down of the waterline during its reconnection after the alignment	Comment noted.	Chapter 7
78			Chapter 7	No street closings or blocking of Rights-of-way will occur	Comment noted.	Chapter 7
79			Chapter 6	Construction of all mitigation projects will be finished by the date of the containment dike completion or 2010, whichever is earlier.	It is anticipated that the mitigation projects would be completed by the end of 2010. All projects that can be constructed prior to construction of the proposed DMCF would be, however some mitigation projects cannot be initiated until other phases of the project have been completed. Most projects can be constructed/implemented by 2010. However, some of the off-site mitigation are multi-year design/build/implementation efforts that will likley not be totally completed by the end of 2010. Shad/herring restoration, for example, is proposed for 3 consecutive years of stocking after expansion of the hatchery and development of larval stocks (which could take a year or two). Even if constuction began	Chapter 7, Appendix N

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
					immediately, stocking wouldn't be completed until at least 2011.	
80	John Nichols, NMFS	Memo Dated 8/17/06	Chapter 5, Chapter 7	Recommends TOY restrictions from February 15 to June 1for dredging of overburden material and construction of exterior dikes. Construction within the containment dike after it is isolated from the Patapsco can occur during the TOY restriction.	The current project schedule includes TOY restrictions for anadromous fish from February 15 to June 15 until the containment structure has isolated the interior of the DMCF from the Patapsco River.	Chapter 7, Appendix N
81			Chapter 7	Monitor SAV in Masonville Cove during construction, adjust silt curtains as needed to minimize impacts to SAV	SAV within the Cove is likely to be ephemeral as the latest survey indicated that the beds seen previously were not there in August 2006. Turbidity monitoring is planned during construction. The Cove will be monitored throughout the construction process and if SAV returns, turbidity in the area of the SAV will also be monitored. It is anticipated that the silt curtains around the discharge point on the dike will protect the mainstem of the river and the Cove.	Chapter 7
82			Chapter 7	and in addition to those comprising the proposed compensatory package). Phase II options, once adopted, should be subject to the same monitoring and appraisal protocol as Phase I actions." See the list of suggested monitoring components from Nichols Memo.	Monitoring plans, measures of success, and adaptive management plans are currently being developed. It is expected that a special working group will likely be formed, including members of the BEWG and/or JE committee. All of the suggestions on this list will be considered during that process.	Chapter 7
83			Chapter 6	"Given a low probability of success, proposed in-kind SAV establishment (plantings) should not be afforded credit as part of the compensatory mitigation package. However, we do recommend that the applicant monitor the health and resilience of existing SAV within Masonville Cove as part of the 5-year water quality monitoring protocol, as part of the appraisal of the environmental health of the cove. Included in such monitoring would be distribution and health of new beds that have resulted from natural volunteer colonization."	All SAV planting has been removed from the proposed mitigation package. Water quality monitoring of the Cove (for constituents that affect SAV health such as turbidity and nutrients) is planned. Continued SAV surveys within the Cove are also planned.	Chapter 6, Appendix M
84			General	"1) During the duration of the authorized permit for Masonville, MPA must demonstrate to the federal regulatory agencies that positive advances are being made toward development of an Innovative Use strategy (and/or a strategy that develops local upland disposal options) that will be able to accommodate at least 0.5 MCY of Inner Harbor material by the year 2023, restore capacity to existing DMCFs, and reduce the need for displacing additional aquatic habitat in the tidal Patapsco River. To “map out” a strategy, we suggest development of a protocol (e.g., in flow chart or matrix format) which outlines goals and objectives of developing the more promising Innovative Use options, and identifies “Action Dates” by which goals and objectives will be met."	This recommendation will be passed on to the Innovative Reuse Committee noted in Comment 54.	N/A

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
85			General	"2) MPA should provide annual reports to the federal regulatory agencies summarizing IRC activities as well as progress made toward development of an Innovative Use (and/or upland disposal) strategy."	MPA has committed to providing period updates on the progress of the Innovative Reuse Committee to the BEWG and the JE.	N/A
86	Michael T. Chezik, DOI	Letter Date, 8/8/06	General	1) Due to non-water dependency and lack of adequate mitigation, recommend that a permit not be issued 2) If project is constructed, a portion of future profits should be added to mitigation package	1) Every attempt was made to locate upland placement alternatives and avoid impacts to the waterway but no suitable sites were available or could be made avaialbe to meet the project construction schedule (and placement need). Masonville was identified as the most practicable opton if impacts could not be avoided completely and several footprints were evaluated to minimize impacts. The alternatives analysis (in the EIS) and the 404 (b) (1) analysis indicated that the LEDPA to meet the short-term dredging need is Masonville (alignment FFA 3 with some borrow from Seagirt). It will require mitigation of 131 acres of open water and wetlands and 10 acres of upland in the critical area. Justification of the level of mitigation required has been coordinated with all of the pertinent agencies via the Joint Evaluation committee and the Critical Area Commission; the general mitigation plans have been accepted as sufficient by both groups. 2) There are no "future profits" from the proposed project to the MPA. The MPA is a state agency, not a private corporation. Revenues from the MPA's projects are used to offset operations or capital expenditures that would otherwise be taken from either the Transportation Trust Fund, or legislative appropriations which ultimately are funded by taxpayer dollars.	Alternatives Analysis: Chapter 3 & Appendix F. Mitigation: Chapter 6 & Appendix M
87	LH Weems, LCDR	Memo Dated 8/10/06	General	1) Preliminary Risk Assessment Completed - no significant issues	Comment noted.	Chapter 9, Appendix O
88				2) Little potential for increased risk to the waterway as a result of approving this project	Comment noted.	Chapter 9, Appendix O
89				3) Most likely mishaps to occur are: allision, collision, and grounding. Mitigating factor of making the structures and relocated sunken barges, notify entity responsible for mooring buoy and have them relocate or discontinue use-- for all of this a coast guard application CG-2554 is required.	This application will be submitted.	Chapter 7
90				4) recommend issuing a permit with conditions (mitigating factors)	The mitigating factors described in Comment 91 would be implemented with the proposed Masonville DMCF project. Efforts will be made by the MPA to ensure that there is a safe construction site and that ship passage within the Patapsco River safely continues during the construction and operation of the proposed Masonville DMCF.	Chapter 7
91	Albert L. Grimes III, U.S. Coast Guard	Letter Dated 8/21/06	Chapter 7	"The applicant will be required to temporarily mark the proposed dike construction area every three hundred (300') feet with a slow flashing amber (yellow) light and permanently mark the 'relocated	The mitigating factors described in this comment would be implemented with the proposed Masonville DMCF project. Efforts will be made by the MPA to ensure that there is a safe construction	Chapter 7

DEIS COMMENT / RESPONSE TABLE (continued)

Comment Number	Commenter	Comment Forum	Section Referenced	Comment	Response	Section Revised (if applicable)
				sunken barges' area. IN association with these requirements the applicant will also be required to prepare and provide for Coast Guard approval a Private Aids to Navigation Application (CG 2554). The Coast Guard will require an advance notice of thirty (30) days to move any Federal Aid to Navigation that are within the scope of this project. Also, the contractor must notify this office with pertinent information so it can be included in the Local Notice Mariners (LNM)."	site and that ship passage within the Patapsco River safely continues during the construction and operation of the proposed Masonville DMCF.	
92	Maryland Department of Planning - State Clearinghouse	Letter Dated 9/28/06	Chapter 7	Additional Comments on the relocation of the waterline	See response to comment 37	NA
93	Bob Zepp, USFWS	E-mail dated 10/6/06	HCA Modeling, Chapter 6	Comments on inputs and outputs of the HCA Model	Changes made as suggested.	Chapter 6, Appendix M

Please note that the transcripts from the Public Hearings are available in Appendix P.

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MAY 23 2006
By

JOINT EVALUATION COMMENT FORM
U.S. ARMY ENGINEER DISTRICT, BALTIMORE

COMMENTING AGENCY: MDE, USFWS, NMFS, EPA, DNR, MHT

APPLICATION: CENAB-OP-R(MPA/MASONVILLE DMCF PROJECT)06-63743 Romeo

DESCRIPTION OF WORK: **SEE ATTACHED PUBLIC NOTICE**

LOCATION: At Patapsco River, Baltimore City County, Maryland.

DATE: May 10, 2006 ✓

COMMENT PERIOD: 19 May 2006 to July 7, 2006

COMMENT:

1. X NO COMMENT
2. __ NO OBJECTION
3. __ CONCUR
4. __ WILL SEND LETTER INDICATING COMMENTS
5. __ STANDARD MARINA CONDITIONS (EPA)
6. __ STANDARD FILL CONDITIONS (EPA)
7. __ STANDARD DREDGE CONDITIONS (EPA)
8. __ STANDARD DREDGE AND/OR FILL CONDITIONS (EPA)
9. __ STANDARD WETLAND CONSTRUCTION CONDITIONS
10. __ WATER QUALITY CERTIFICATION APPROVED W/ FOLLOWING CONDITIONS:

_____

_____

WETLANDS LICENSE/PERMIT:

__ HAS BEEN ISSUED
__ WILL PROBABLY BE ISSUED WITH THESE SPECIAL CONDITIONS:

_____

_____

OTHER COMMENTS: _____

_____

_____

_____

_____ (ATTACH SHEET TO CONTINUE)

SIGNATURE: Eji J Cole DATE: 5/30/06

The Maryland Historical Trust has determined that there are no historic properties affected by this undertaking.

Eji J Cole Date 5/30/06

TIERED DRAFT ENVIRONMENTAL IMPACT STATEMENT for the PROPOSED MASONVILLE DREDGED MATERIAL CONTAINMENT FACILITY, Baltimore, Maryland, May 2006
(Review Comments)

Monday, October 09, 2006

Submitted by: Nathaniel K. Brown, Harbor Development
Maryland Port Administration

Volume Reference	Page Number or Section	Comments
Volume 1 of 2	Cover Sheet, Page 1, ABSTRACT	Please correct and change reference to the State's DMMP. The appropriate reference should be the State's Dredged Material Management Program. It is not a plan.
Same as above	Same as above, next to last & last sentence	The font in these sentences appears to be different from most of the paragraph.
Table of Contents	Page xiv, number 5-8	Please correct page number and change to page 5-20.
Glossary	Page GL-5	Include glossary definitions for the federal and state DMMPs.
NEPA Index	Page IN-2	Change Dredged Material Management Plan – State to Dredged Material Management Program
Chapter 1 Introduction	Page 1-10, line 336	Correct and change from 2000 t to 2000 ft.
Chapter 7, Implementation of Recommended Plan	Page 7-2, lines 82 and 83	The sentence referencing the project schedule in Appendix N seems ambiguous and could mislead. In reviewing the schedule in Appendix N, it does not indicate a full timetable for these permits.
Appendix C, Ecological Studies	Figure C-2	The black labeling on the map should be sharpened and cleared up to match the clear labeling on the preceding map for Figure C-1.
Appendix C, Ecological Studies	Figure C-3	Same as above.
Appendix C,	Figure C-4	Same as above.

Ecological Studies		
Appendix N, Project Construction	Project Schedule, line 23	This item on this schedule should be specifically named, as well as all other appropriate permits. A separate schedule specific for permit applying should be develop, as this table does not completely reference each permit.

McCormick, Kaitlin

From: Romeo, Jon NAB02 [JON.ROMEO@nab02.usace.army.mil]
Sent: Monday, May 22, 2006 10:34 AM
To: McCormick, Kaitlin
Subject: FW: Addition Review Comments on the Masonville DMCF DEIS
Follow Up Flag: Follow up
Flag Status: Completed

From: Nat Brown [mailto:nbrown2@marylandports.com]
Sent: Friday, May 19, 2006 9:49 AM
To: Romeo, Jon NAB02
Cc: Steve Storms
Subject: Addition Review Comments on the Masonville DMCF DEIS

Hello Jon:

Please accept these additional review comments on the Masonville DMCF DEIS.

- There did not seem to be apparent reference in the document indicating whether there was landside groundwater contamination at Masonville.
- In Volume 1 of 2 in the Chapter 11 Distribution List, page 11-3, please affix the following changes:

- 1st column- Delete the listing for Mary Abrams at the Maryland Department of Planning. She is no longer working for that Department.
- 1st column - Change the title for Frank L. Hamons to Deputy Director for Harbor Development.
- 1st column - The letters J.D. follow the name of Linda Janey. Her job title is Director, State Clearinghouse. Room number is 1104. Last part of the zip code is 2305.
- 3rd column - listing of my name. Please include Harbor Development.

Thank you.

Nat Brown
Harbor Development
MPA

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

June 29, 2006

Mr. Jon Romeo
Project Manager, CENAB-OP-RMN
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

STATE CLEARINGHOUSE REVIEW – ADVERSE COMMENTS RECEIVED

State Application Identifier: MD20060515-0469
New Reply Due Date: 07/14/2006
Project Description: Tiered Draft Environmental Impact Statement: Proposed Masonville Dredged Material Containment Facility: application for alteration of a waterway: proposed compensatory mitigation measures: filling open water in the Patapsco River
Project Location: Baltimore City
Clearinghouse Contact: Bob Rosenbush

Dear Mr. Romeo:

The State Clearinghouse received the enclosed comments regarding the referenced project from the Baltimore City Department of Public Works.

The comments indicate the need for further study concerning the feasibility or advisability of water main, and storm drain relocation in the vicinity of the proposed action. Baltimore City requested a meeting with the U.S. Army Corps of Engineers. See the attached response form and memorandum.

Consideration of the comments will require an extension of the initial review period. The new reply date is noted above. We encourage you to make an effort to provide clarifying information or resolve conflicting concerns. You may consult directly with the commenting parties. Please send a copy of any correspondence between you and the reviewing agencies. Upon request, the Clearinghouse can provide assistance to resolve conflicting concerns.

The Clearinghouse requests a response to the enclosed comments by July 14, 2006 to allow us to expeditiously conclude this review. Your cooperation and attention to the review process is appreciated. Should you have any questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. Your cooperation and attention to the review process is appreciated

Sincerely,

Linda C. Janey

Linda C. Janey, J.D., Director
Maryland State Clearinghouse for Intergovernmental Assistance

LCJ:BR
Enclosure (Comments Received)
cc: Nathaniel Brown – MPA*
Terry Royce - BCIT

06-0469_OACR.OTH.doc

MARYLAND ENVIRONMENTAL SERVICE

Robert L. Ehrlich, Jr., Governor

James M. Harkins, Director

June 30, 2006

Linda C. Jansey, J.D., Director
MD State Clearing House
for Intergovernmental Assistance
Maryland Department of Planning
301 West Preston Street, Room 1104
Baltimore, MD 21201-2305

Re: State Application ID MD20060515-0469
Tiered Draft Environmental Impact Statement: Proposed Masonville Dredged Material Containment Facility (DMCF)

Dear Ms. Jansey,

Maryland Environmental Service (MES) has received a request for review and recommendations for the above-referenced report.

Our response to the request for review and recommendations is based on our involvement with the report, including writing and editing some of the text, and reviewing the complete document as distributed. It is MES' position that the preferred action identified in the Tiered Draft EIS for the Proposed Masonville DMCF is consistent with the Agency's plans, programs and objectives.

While MES is pleased to have had the opportunity to participate in the completion of the Tiered Draft EIS for the Proposed Masonville DMCF, the regulations affecting the proposed plan are regulated or enforced by other State and Federal agencies. Therefore, MES defers to each responsible agency for concurrence on these specific components (US Fish and Wildlife Service for Endangered species concerns, Maryland Department of the Environment for water quality concerns, etc.).

Thank you for providing MES with an opportunity to comment on the proposed project. Please direct any questions regarding this correspondence or additional requested information to Cecelia L. Donovan of my staff at (410) 729-8200.

Attachments

Sincerely,

Charles Madison
Executive Director
Technical and Environmental Services

CC: Mr. James Harkins
Mr. John O'Neill
Ms. Cecelia Donovan

259 Najoles Road • Millersville, Maryland • 21108
phone 410-729-8200 • fax 410-729-8220 • www.menv.com

McCormick, Kaitlin

From: Romeo, Jon NAB02 [JON.ROMEO@nab02.usace.army.mil]
Sent: Wednesday, July 19, 2006 10:44 AM
To: McCormick, Kaitlin
Cc: Hobbs, Vance G NAB02
Subject: FW: MPA/Masonville DMCF (CENAB-OP-RMN 200663743/06-WL-1653)

FYI

From: Laura.H.Weems@uscg.mil [mailto:Laura.H.Weems@uscg.mil]
Sent: Monday, July 17, 2006 9:43 AM
To: Houck, Ronald
Cc: Grimes, Albert; Romeo, Jon NAB02
Subject: RE: MPA/Masonville DMCF (CENAB-OP-RMN 200663743/06-WL-1653)

Ron, If you recommend it, I concur. Thank you for bringing to my attention. v/r, lhw

---

From: Houck, Ronald
Sent: Friday, July 07, 2006 9:13 AM
To: Weems, Laura LCDR
Cc: Grimes, Albert; 'JON.ROMEO@nab02.usace.army.mil'
Subject: MPA/Masonville DMCF (CENAB-OP-RMN 200663743/06-WL-1653)
Importance: High

Commander,

Given the location and scope of the proposed project, recommend the COTP do a USCG initial risk assessment, per the guidance found at:

* August 15, 2000 G-MWP Policy Letter (.pdf)
Section 10 Permit Review Guidance Section 10 Permit Review Risk Assessment Model

The Public Notice, dated 30 JUNE 2006, can be found at:

http://www.nab.usace.army.mil/Regulatory/PublicNotice/Masonville/PN06-37.pdf

Please advise.

Ron Houck, BOSN3 (Ret.), USCG
Marine Information Specialist
U.S. Coast Guard Sector Baltimore
Waterways Management Division
Office: 410-576-2674, Fax: 410-576-2553,
24-Hrs: 410-576-2693 http://homeport.uscg.mil

U.S. Department of Homeland Security

United States Coast Guard

Commander
U. S. Coast Guard
Sector Baltimore

2401 Hawkins Point Road
Baltimore, MD 21226-1791
Staff Symbol: PRV
Phone: (410) 576-2519
Fax: (410) 576-2553

16601
JUL 26 2006

MEMORANDUM

From: L.H. Weems, LCDR
Chief, Prevention Department
CG SECTOR Baltimore

Reply to Waterways Management Division
Attn of: Mr. Ron Houck
(410) 576-2674

To: Commander, U.S. Army Corps of Engineers Baltimore District (CENAB-OP-RMN)

Subj: REVIEW OF U.S. ARMY CORPS OF ENGINEERS PERMIT APPLICATION

1. I am writing concerning USACE Notice of Availability and Joint Public Notice with the Maryland Department of the Environment dated June 30, 2006. In accordance with the USCG/USACE Memorandum of Agreement dated June 2, 2000, we have reviewed the Joint Public Notice. As a result of the review of this public notice, *we intend to conduct a risk assessment* for the permit application in the Joint Public Notice listed as *MPA/Masonville DMCF (2006-63743/06-WL-1653/06-NT-0193)* in the Patapsco River (Middle Branch), Baltimore Harbor, in Baltimore, Maryland. In addition, the application for the proposed dredged material containment facility has been sent via electronic mail to our Fifth Coast Guard District, Waterways Management Section, for intra-Coast Guard coordination.

2. If you have any questions concerning this matter, please feel free to contact Mr. Ron Houck at 410-576-2674 or Ronald.L.Houck@uscg.mil.

#

Copy: CGD FIVE (dpw)
Maryland Department of the Environment

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

JUL 2 8 2006

Vance G. Hobbs
Chief, Maryland Section Northern
Operations Division
Baltimore District, US Army Corps of Engineers
PO Box 1715
Baltimore, Maryland 21203-1715

Dear Mr. Hobbs,

This is in response to your letter dated May 2, 2006 regarding the proposed Masonville Dredged Material Containment Facility (DMCF). The purpose of the proposed project is to create a dredged material containment facility to help meet the 20-year Baltimore Harbor dredging need to place 1.5 million cubic yards (MCY) of dredged material per year. The proposed Masonville DMCF would meet anticipated shortages in placement capacity beginning with placement of dredged material in 2009 at the site. Once the facility reaches capacity (in 2029), it will be converted to a cargo terminal. The proposed project is located in the middle branch of the Patapsco River, across from South Locust Point near the Baltimore Harbor Tunnel. NOAA's National Marine Fisheries Service (NMFS) provided information on the presence of listed species in the action area in letters dated October 11, 2005 and March 23, 2006. The Army Corps of Engineers (ACOE) has requested continued consultation and has made the preliminary determination that the proposed project will have no effect or is unlikely to have an effect on species listed under the jurisdiction of NMFS.

As noted in the above referenced letters, several threatened and endangered species under the jurisdiction of NMFS can be found in the Chesapeake Bay and its tidal tributaries. Several species of sea turtles are known to be present in the Chesapeake Bay from April 1 – November 30 each year. However, as noted in that letter, sea turtles are most commonly found in the waters south of the Potomac River and no sea turtles are known to occur in the Patapsco River or Baltimore Harbor.

The federally endangered shortnose sturgeon (*Acipenser brevirostrum*) is known to be present in the Chesapeake Bay. As noted in the January 30 letter, during the 1996-2005 time period, the incidental capture of seventy-two different shortnose sturgeon in the Chesapeake Bay and its tributaries had been reported via the US Fish and Wildlife Service Atlantic sturgeon reward program. This number includes four shortnose sturgeon captured incidentally in fishing gear at the mouth of the Patapsco River, approximately 7 miles downstream of the proposed project. While no shortnose sturgeon have been captured in Baltimore Harbor, shortnose sturgeon occur

in other heavily industrialized areas (i.e., Philadelphia, New York Harbor) and the best available information suggests that rare transient shortnose sturgeon may occur in Baltimore Harbor.

The habitat characteristics of Baltimore Harbor are not consistent with the habitats used by shortnose sturgeon for spawning. Additionally, the area to be affected by the proposed project is an existing marine terminal that is subject to constant scouring and disturbance and is not known to support forage items for shortnose sturgeon. As such, it is unlikely that it is used by shortnose sturgeon for foraging or overwintering and, as noted above, shortnose sturgeon occurrence at the project site is likely to be rare.

The discharge of dredged material at the site has the potential to affect fish eggs and larvae through burial. However, as noted above, the Patapsco River is not consistent with preferred shortnose sturgeon spawning habitat and no shortnose sturgeon eggs or larvae are likely to be present in the area. As such, no effects to shortnose sturgeon are likely as a result of the discharge of fill associated with this project.

Due to the low likelihood of shortnose sturgeon occurring at the project area, the likelihood for any effects to shortnose sturgeon is discountable. As noted above, no direct effects to sea turtles are expected from the construction of the facility as these species are not likely to occur in the Patapsco River.

Once filled, the Masonville DMCF will be used to construct a container terminal. Operation of the terminal is not expected to occur until 2029. The additional capacity for receiving cargo is expected to lead to an increase in shipping traffic in the Chesapeake Bay and Baltimore Harbor. These vessels will travel in and out of the Chesapeake Bay using existing shipping channels.

Sea turtles are likely to occur in the lower Chesapeake Bay and the area of the Atlantic Ocean where cargo ships will be transiting on their way to and from the Masonville DMCF terminal. While sea turtles have been reported with injuries consistent with propeller wounds, these interactions are likely from small, fast moving vessels, such as recreational boats. Based on the best available information, sea turtles are thought to be able to avoid large vessels or to be pushed out of the impact zone by prop wash or bow wake and the likelihood of an interaction between a sea turtle and a large cargo vessel using the terminal is discountable.

Right whale sightings data from 1974 – 2002 reported between 13 and 15 right whales within 30 nautical miles of the entrance to the Chesapeake Bay, with 2 whales reported within the nearshore shipping channels and none reported in the inshore shipping channels. All commercial vessels operating in the area receive whale sighting information from the US Coast Guard and the ACOE has indicated that vessel operators participate in voluntary reporting of whale sightings. Based on the low frequency of whale sightings in the shipping channels and the participation of commercial vessels in voluntary reporting when traveling in the region, the ACOE has made the determination that the potential for vessel strikes as a result of the construction of the expansion and the future operations of a marine terminal are negligible. However, as the facility will not begin receiving vessel traffic until 2029, it is difficult for NMFS to reasonably predict what impacts this increase in traffic will have on whale populations. This

uncertainty is based on a lack of information on the likely routes that the cargo ships will be taking to and from the terminal and an inability to forecast the condition of the whale populations at that time as it is outside of the reasonably foreseeable future. NMFS will need to consider the impact of increased shipping traffic over the entirety of the route, and not just within the Baltimore shipping channels and the immediate project vicinity.

Based on the above analysis, at this time NMFS is able to concur with the ACOE's determination that the construction of the Masonville DMCF is not likely to adversely affect listed sea turtles or shortnose sturgeon. However, due to the fact that the use of the facility as a cargo terminal will not begin until 2029 and the likely routes that the cargo vessels will be using are not yet known, NMFS is not able to reasonably predict what effect this project will have on listed whales. Therefore, NMFS recommends that the ACOE reinitiate consultation when more details on the vessels that will be using the cargo terminal are available. The details needed will include the size and speed of the vessels, the origin of the vessels, and the routes that the vessels will be taking to and from the facility. Should you have any questions regarding the comments pertaining to sea turtles or shortnose sturgeon please contact Julie Crocker at (978)281-9300 x6530. To discuss the whale-vessel interactions, please contact Kristen Koyama at (978)281-9300 x6531.

Sincerely,

for Patricia A. Kurkul
Regional Administrator

Cc: Scida, F/NER3
Nichols, F/NER4
Williams, GCNE

File Code: Sec 7 ACOE NAB Masonville DMCF Baltimore Harbor

PCTS F/NER/2006/02086

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

August 4, 2006

Mr. Jon Romeo
Project Manager, CENAB-OP-RMN
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

STATE CLEARINGHOUSE RECOMMENDATION

State Application Identifier: MD20060515-0469
Applicant: U.S. Army Corps of Engineers, Baltimore District
Project Description: Tiered Draft Environmental Impact Statement: Proposed Masonville Dredged Material Containment Facility: application for alteration of a waterway: proposed compensatory mitigation measures: filling open water in the Patapsco River
Project Location: Baltimore City
Approving Authority: U.S. Department of Defense
Recommendation: **Consistent with Qualifying Comments, and Contingent Upon Certain Actions**

Dear Mr. Romeo:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter, with attachments, constitutes the State process review and recommendation based upon comments received to date. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Departments of Health & Mental Hygiene, State Police, Natural Resources, General Services, the Environment, the Maryland Environmental Service, Agriculture, Transportation, Baltimore City, and the Maryland Department of Planning, including the Maryland Historical Trust. As of this date, the Maryland Departments of Health & Mental Hygiene, Natural Resources have not submitted comments. **This recommendation is contingent upon the applicant considering and addressing any problems or conditions that may be identified by their review. Any comments received will be forwarded.** The Maryland Department of State Police had no comments.

Baltimore City submitted adverse comments to portions of this proposal. Baltimore City raised problems concerning compatibility with its plans, programs, and objectives. The Baltimore City Department of Public Works sought a meeting with the Applicant to discuss its concerns about the feasibility or advisability of isolating and relocating the City-owned 48-inch water main, and a storm drain. It is understood that a meeting is being arranged between the Maryland Port Administration, and Baltimore City. See the attached response form, and comments.

The Maryland Department of the Environment found this project to be generally consistent with their plans, programs, and objectives, but included these qualifying comments.

1. Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations pertaining to "Particulate Matter from Materials Handling and Construction" (COMAR 26.11.06.03D), requiring that during any construction and/or demolition work, reasonable precaution must be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.

The Maryland Departments of Agriculture, General Services, Transportation, and the Maryland Environmental Service, found this project to be consistent with their plans, programs, and objectives. The Maryland Environmental Service clarified its role as a writer, and editor of some of the Draft Environmental Impact Statement. See attached letter.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. **Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known.** ***Any substitutions of this form must include the State Application Identifier Number.*** **This will ensure that our files are complete.**

Thank you for your cooperation with the MIRC process.

Sincerely,

Linda C. Janey

Linda C. Janey, J.D., Director
Maryland State Clearinghouse
for Intergovernmental Assistance

LCJ:BR
Enclosure(s)
cc: Terry Royce - BCIT
Elizabeth Barnard – DHMH*
William Ebarc - MDSP
Ray Dintaman - DNR
Nelson Reichart - DGS
Joane Mueller – MDE*
James Harkins – MES*
Beth Cole - MHT
Sandy Redmer - MDA
Cindy Johnson - MDOT

06-0469_CRR.CLS.doc

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

August 8, 2006

ER 06/464 & 669

U.S. Army Corps of Engineers
Attn: Mr. Jon Romeo
CENAB-OP-RMN
P.O. Box 1715
Baltimore, Maryland 21203-1715

Dear Mr. Romeo:

The Department of the Interior has reviewed the Tiered Draft Environmental Impact Statement for the Proposed Masonville Dredged Material Containment Facility, Baltimore, Maryland and the Supplement, dated May 2006 and June 2006, respectively. Please consider the following comments in completing the Final Environmental Impact Statement.

GENERAL COMMENTS

We are disappointed that the Maryland Port Administration (MPA) is proposing to fill 127 acres of Chesapeake Bay bottom for a non-water dependent fill. At a time when a multi-state/federal partnership is attempting to restore the Bay, we believe that the message is being sent that such efforts are unimportant. While the site is heavily contaminated by past industrial abuse, this is not justification for filling it. We believe that upland alternatives, such as Sparrows Point uplands, may exist that would have less adverse impact to the environment. The need for capacity could be reduced if beneficial re-use was more aggressively pursued. We believe that the mitigation is inadequate for an impact of this magnitude, the largest in recent history. Although MPA has made mitigation a high priority, there are few opportunities in the urban/industrial setting around the site to accomplish meaningful projects and will be even harder to achieve if future projects, e.g. BP-Fairfield and Sparrows Point, are pursued. All of the mitigation is out-of-kind. In order to enhance the inadequate mitigation package, we suggest that a portion of future profits from Masonville and/or other port facilities be dedicated to beneficial re-use implementation.

COMMENTS ON THE CORPS SECTION 10/404 PERMIT

For the reasons cited above, e.g., non-water dependency and lack of adequate mitigation, we recommend that a permit not be issued for this project.

Thank you for the opportunity to provide these comments. Any questions or further coordination on fish and wildlife resource issues should be directed to Bob Zepp of the U.S. Fish and Wildlife's Chesapeake Bay Field Office at (410) 573-4536.

Sincerely,

Michael T. Chezik
Regional Environmental Officer

cc: Bob Zepp- FWS-CBFO

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*
C. Ronald Franks, *Secretary*

August 10, 2006

Mr. Vance Hobbs, Chief
Maryland Section Northern
Regulatory Branch
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Attn: Jon Romeo

Subject: CENAB-OP-RMN (MD MPA/Masonville DMCF); 06-63743; Patapsco River; Patapsco River Area; Baltimore City

And

Modification of CENAB-OP-RMN (MD MPA/Harbor Wide Dredging); 04-60754-1; Patapsco River; Patapsco River Area; Baltimore City

Dear Mr. Hobbs:

The above referenced project has been reviewed by the Department of Natural Resources for associated ecological impacts. The applicant proposes to construct a 141-acre dredge material containment facility to the east of Masonville Cove in the Patapsco River and within Baltimore Harbor. The proposed facility will require the filling of 127 acres of open water and will require mitigation. An additional three acres of unauthorized legacy fill will also require mitigation. An additional acre of vegetated wetlands will be impacted by dike construction or storm drain relocation and will require mitigation. The proposed facility will have a capacity of 16 million cubic yards (mcy). The annual placement capacity is expected to be 0.5 to 1.0 mcy. The applicant is also proposing a modification to their existing Harbor-wide dredging permit to allow for the use of 0.5-0.8 mcy of sandy material to be dredged from the area of the Seagirt Marine Terminal in the construction of the proposed Masonville Dredged Material Containment Facility (DMCF). The sandy material is proposed to be obtained as part of a proposed deepening of the Seagirt basin and access channels from a maximum of minus 36 feet at Mean Low Water (MLW) to a maximum of minus 52 feet at MLW.

The documents, *Tiered Draft Environmental Impact Statement for the Proposed Masonville Dredged Material Containment Facility, Baltimore, Maryland, May 2006* and the Supplemental

Notice regarding modification of the existing dredging permit, were submitted for internal review within the Department by the Environmental Review Unit. Comments received from that review are provided below:

1. The Patapsco River, upstream of the proposed Masonville DMCF, has been documented as an important anadromous fish spawning area for herring (*Alosa* sp.), white perch (*Morone americana*) and yellow perch (*Perca flavescens*). The proposed removal of unsuitable foundation material at the Masonville site will result in the resuspension of sediments that could negatively impact these species as they move past the Masonville site to their upstream spawning locations and again during outmigration. The Department requests that the proposed pre-dredging at the Masonville site not occur during the period 15 February through 15 June of any year to protect spawning anadromous and resident fish species. In addition, the proposed placement at the Masonville site of sandy material dredged at the Seagirt Marine Terminal should not occur during the same time period unless the material is placed behind already constructed containment dikes similar to the procedure that was used in the construction of the perimeter dikes at the Poplar Island Environmental Restoration Project.

2. A Bald Eagle nest had been located on the west side of Masonville Cove. However, the nest site, which was documented as being used in 2004, has fallen down. A survey on 6 April 2006 by Departmental biologists found no active eagle nest although one adult was observed flying from the area. Based on the recommendations of our biologists, the Department is not requesting a time-of-year restriction on construction activities at the Masonville site at this time. However, the applicant should be aware that if the eagles reestablish a nest near the site, the Department would request that time-of-year restrictions be placed on construction and operational activities at the Masonville site to minimize disturbance to the nesting eagles. The area of the project site that would be subject to the eagle time-of-year restrictions would depend on the new location of the nest and would encompass an area of 0.25-mile radius around the nest tree.

3. The proposed project site is correctly identified in the Tiered Draft EIS as being in the State's Critical Area. The applicant should continue to coordinate with the State's Critical Area Commission in their review of the proposed project.

4. The Department is concerned that meeting the future placement needs for material dredged from Baltimore Harbor will result in proposals to fill additional open water areas within the harbor. The Tiered Draft EIS states that the MPA is committed to "developing a strategy to process 0.5 mcy of dredged material annually through cost-effective and safe innovative reuses by 2023". The Department is aware that the Maryland Port Authority (MPA) is proceeding to study possible innovative reuse ideas. It is our hope that innovative reuse will become a reality and thus minimize the need for any future filling of open water habitat for a DMCF. The Department urges MPA to actively continue seeking input from both the public and private sectors in developing innovative reuse projects for Baltimore Harbor dredge material.

5. The Department has been actively involved in the various inter-agency workgroups that have reviewed potential disposal sites for Baltimore Harbor dredge material and the potential mitigation projects proposed in the Conceptual Mitigation Plan. The Department views the proposed Conceptual Mitigation Plan as an excellent start and looks forward to continued involvement in the process to develop the final mitigation plan. The difficulty in developing the mitigation plan for this project highlights the need for innovative reuses of dredged material to hopefully avoid any future need to fill open water habitat within Baltimore Harbor for a dredge material containment facility.

Should you require additional information on this project, please feel free to contact Roland Limpert of my staff at 410-260-8330.

Sincerely,

Ray C. Dintaman, Jr.

Ray C. Dintaman, Jr., Director
Environmental Review Unit

RCD:RJL

cc: Frank Dawson, Acting Assistant Secretary
Dave Goshorn, DNR-RAS
Howard King, DNR-FS
Lori Byrne, DNR-WHS
Regina Esslinger, DNR-CAC
Bob Cuthbertson, MDE-Tidal Wetlands (06-WL-1653 & 04-WL-0693)

McCormick, Kaitlin

From: Romeo, Jon NAB02 [JON.ROMEO@nab02.usace.army.mil]
Sent: Friday, August 11, 2006 9:45 AM
To: Frazier, Mary A NAB02; Boraczek, Jane; Hobbs, Vance G NAB02; McCormick, Kaitlin; McKee, Jeffrey A NAB02; Steve Storms
Subject: FW: MPA/Masonville DMCF (CENAB-OP-RMN 200663743/06-WL-1653) - USCG risk assessment

Attachments: Scan001.PDF

Scan001.PDF (290 KB)

To all-

For your information.

Jon

-----Original Message-----
From: Ronald.L.Houck@uscg.mil [mailto:Ronald.L.Houck@uscg.mil]
Sent: Friday, August 11, 2006 9:35 AM
To: Romeo, Jon NAB02
Cc: Grimes, Albert; rcuthbertson@mde.state.md.us; asigillito@mde.state.md.us; Weems, Laura LCDR
Subject: MPA/Masonville DMCF (CENAB-OP-RMN 200663743/06-WL-1653) - USCG risk assessment

Jon,

The Coast Guard's initial risk assessment for this proposed project is attached (no fax to be sent). The original will be placed in the mail today, to your attention. For any comments or questions, please don't hesitate to contact me.

v/r,

Ron Houck, BOSN3 (Ret.), USCG
Marine Information Specialist
U.S. Coast Guard Sector Baltimore
Waterways Management Division
Office: 410-576-2674, Fax: 410-576-2553,
24-Hrs: 410-576-2693 http://homeport.uscg.mil

For each area of concern, assess the risk to the structure or project based on where it is located on a waterway.

Area of concern	Mishap		Risk Factors	Category related risk estimates				
				Likelihood Score			RIN	Percent Cumulative Risk
				Cat I	Cat II	Cat III		
Public Safety Impact	A.	Allision	Scores reflect a possible increase in risk of injuries to facility personnel or vessel crew that would result from allision with project structures or collision with vessels maneuvering alongside the proposed facility, due to its proximity to existing federal navigation projects. Change to risk is the result of proposed project's existence beyond established pierhead/bulkhead lines, providing approximately 135' between the Ferry Bar Channel and the armored dike at the proposed facility.	1	0	0	1.0811	6.47%
	B.	Collision		1	0	0	1.0811	6.47%
	C.							
	D.							
Total estimate of risk to public safety associated with project location							*2.162*	*12.94%*
Environmental Impact	A.	Allision	Scores reflect no change in risk to marine environment or sensitive areas, including oil/hazmat spill or other physical damage, to the proposed facility resulting from a vessel allision with the proposed facility or a collision with another vessel berthed at or operating near it.	0	0	0	1.0000	5.99%
	B.	Collision		0	0	0	1.0000	5.99%
	C.							
	D.							
Total estimate of risk to the marine environment associated with project location							*2.000*	*11.97%*
Economic Impact	A.	Allision	Scores reflect a possible increase in risk to proposed facility and disruption of port operations resulting from a vessel allision or collision where the proposed facility or adjacent facilities might sustain structural damage, or either are not safe to be occupied or operated due to possible mishaps. Damage due to proposed project location includes wake damage, storm surge and the formation and movement of ice. Safety of navigation in the immediate vicinity of the Ferry Bar and Fort McHenry Channels may be reasonably impacted by the proposed facility.	1	0	0	1.0811	6.47%
	B.	Collision		1	0	0	1.0811	6.47%
	C.							
	D.							
Total estimate of risk to economic loss associated with project location							*2.162*	*12.94%*
TOTAL RISK ESTIMATE FOR PROJECT LOCATION							**6.324**	**37.86%**

U.S. Department of Homeland Security

United States Coast Guard

Commander
U. S. Coast Guard
Sector Baltimore

2401 Hawkins Point Road
Baltimore, MD 21226-1791
Staff Symbol: PRV
Phone: (410) 576-2519
Fax: (410) 576-2553

16600
AUG 10 2006

MEMORANDUM

From: L. H. Weems, LCDR
Chief, Waterways Management Division
CG SECTOR Baltimore

Reply to: Navigation Branch
Attn of: Mr. Ron Houck
(410) 576-2674

To: Commander, U.S. Army Corps of Engineers Baltimore District (CENAB-OP-RMN)

Subj: REVIEW OF U.S. ARMY CORPS OF ENGINEERS PERMIT APPLICATION

1. I am writing concerning a Department of the Army permit application listed as *MPA/Masonville DMCF (2006-63743/06-WL-1653/06-NT-0193)* in the Patapsco River (Middle Branch), Baltimore Harbor, in Baltimore, Maryland. In accordance with the USCG/USACE Memorandum of Agreement dated June 2, 2000, I have reviewed the applicant's plans for the Masonville Dredged Material Containment Facility. A preliminary risk assessment (risk screening) for the proposed facility, which is enclosed, was conducted by this office and has revealed no significant issues.

2. On the enclosed preliminary risk assessment report, two Risk Index Numbers (RIN) are provided. This index helps to highlight where the greatest potential risk exists. A RIN of 1 indicates that there is no increased risk as a result of the project, while a RIN of .0001 and 10,000 represents the respective minimum and maximum levels of risk that could be identified using this system. The Risk Index Numbers from this report, **6.3** and **10.4**, indicate little potential for increased risk to the waterway as a result of approving this project.

3. As a result of the risk assessment, the most likely mishaps to occur were identified and are the following: *allision, collision, and grounding*. For each of these potential mishaps, the following mitigating factor is recommended as a condition for a USACE permit.

a. To mitigate the risk of an *allision, collision* or *grounding*, the construction of the proposed rock armor dike (3800' in length) and bulkhead (1200' in length) structures should include markings at sufficient intervals along the dike wall and at the northernmost corner of the bulkhead; the proposed relocation of sunken barges to an area previously known to be free of such hazards, should only be allowed if proper wreck marking is conducted and NOAA chart updates are applied; and the owner of the existing charted mooring buoy within the limits of the proposed facility be notified to relocate or discontinue buoy. For all of these, as well as the establishment of any access channel Private Aids to Navigation deemed necessary following the completion of the proposed facility, the Coast Guard will require the preparation and submission for Coast Guard approval, a Private Aids to Navigation Application (CG-2554). The Commander, Fifth Coast Guard District, Waterways Management Section, is the best office to

assist with such coordination. The point of contact for this issue is Mr. Albert Grimes, who can be reached using the following information:

Commander (dpw)
Fifth Coast Guard District
Waterways Management Section
431 Crawford Street
Portsmouth, VA 23704-5004

Email: Albert.L.Grimes@uscg.mil
Phone: 757-398-6360
Fax: 757-398-6303

4. This project does not appear to significantly increase the risk posed to port or waterway safety. As a result of the preliminary risk assessment, my recommendation is: **Issue permit with conditions**. The customary presence of recreational vessels and large passenger vessels in the area during much of the year may require that further study be necessary in preventing such mishaps. The type and location of existing federal aids to navigation in or near the waterway may also be affected. In addition, the Maryland Boat Act Advisory Committee should consider extending the existing Baltimore Inner and Northwest Harbors year-round 6-knot speed limit to include a portion of the waterway adjacent to the proposed project site.

5. If you have any questions concerning my recommendations, please feel free to contact Mr. Ron Houck at 410-576-2674 or Ronald.L.Houck@uscg.mil.

#

Enclosure

Copy: CGD FIVE (dpw), (dpi)
Maryland Dept. of the Environment
Maryland Boat Act Advisory Committee

Report of USACE Permit Application Risk Assessment

USCG COTP Zone:	Baltimore, Maryland
USACE District Engineer Office:	Baltimore, Maryland
Structure or Project:	MPA/Masonville DMCF
Location:	Patapsco River (Middle Branch), Baltimore, MD

New Structure or Project

Application Number:	CENAB-OP-RMN 2006-63743
Date of Public Notice:	30 Jun 2006

Existing Structure or Project

Date USACE Permit Issued:	N/A

Recommended Action: Issue permit with conditions

Comments (must be included when it is recommended that a permit be issued with conditions or that the permit be denied as well as whenever it is recommended that an existing permit be modified, suspeneded or revoked)

For each of the possible risks, mitigating factors are recommended and should be considered:
1. The proposed rock armor dike (3800' in length) and bulkhead (1200' in length) structures, indicated on the Patapsco River Encroachment Plan (sheet 02 of 25), should be marked in accordance with Title 33 Code of Federal Regulations (CFR) Part 64 at sufficient intervals along the dike wall and at the northernmost corner of the bulkhead. 2. The proposed relocation of sunken barges located on the western limit of the proposed dike wall, indicated on the project plans (sheets 02, 04, 05, 09 and 25 of 25), to an area previously known to be free of such hazards (location west of the proposed dike wall) should be allowed only if proper marking is conducted in accordance with Title 33 CFR Part 64. 3. The owner of the existing mooring buoy found on NOAA Chart 12281 and indicated on the project plan (sheets 05 and 09 of 25), located within the limits of the proposed facility, should be notified for relocation or discontinuance of the commercially-used mooring buoy.

For all of these mitigating factors, as well as the establishment of any access channel Private Aids to Navigation deemed necessary following the completion of the proposed facility, the Coast Guard will require the applicant to prepare and provide for Coast Guard approval, a Private Aids to Navigation Application (CG-2554); the Commander, Fifth Coast Guard District, Waterways Management Section, would assist in coordination. The point of contact for this issue is Mr. Albert Grimes, at 757-398-6360 or Albert.L.Grimes@uscg.mil.

Summary of Completed Risk Assessment

	RIN	Percent Cumulative Risk
Project Location	**6.3**	**38%**
Public Safety Impact	2.2	13%
Environmental Impact	2.0	12%
Economic Impact	2.2	13%
Vessel Traffic / Port Operations	**10.4**	**62%**
Public Safety Impact	3.2	19%
Environmental Impact	3.2	19%
Economic Impact	4.0	24%

For each area of concern, assess the risk to the port or waterway based on the structure or project's impact on vessel traffic or port operations.

Area of concern	Mishap		Risk Factors	Category related risk estimates				
				Likelihood Score			RIN	Percent Cumulative Risk
				Cat I	Cat II	Cat III		
Public Safety Impact	A.	Allision	Scores reflect possible increase in risk to vessel passengers and crew resulting from a vessel allision with the proposed facility or collision with another vessel berthed at or near the proposed facility. Change to risk is result of several large passenger vessel (length 916 ft, beam 106 ft, capacity 2446 persons) calls to/from South Locust Point cruise terminal from May through November annually (29 departures scheduled for 2007).	1	0	0	1.0811	6.47%
	B.	Collision		1	0	0	1.0811	6.47%
	C.	Grounding		1	0	0	1.0811	6.47%
	D.							
Estimate of risk to public safety associated with impact on vessel traffic / port operations							*3.243*	*19.42%*
Environmental Impact	A.	Collision	Scores reflect a possible increase in risk of environmental impact on the waterway and surrounding shoreline that would occur (and affect port operations) as a result of collision, allision or grounding is not significant. Any material release due to proposed project structural failure, or oil/hazmat spill from moored vessel, would likely be of small quantity, short duration, and little impact.	1	0	0	1.0811	6.47%
	B.	Allision		1	0	0	1.0811	6.47%
	C.	Grounding		0	0	0	1.0000	5.99%
	D.							
Estimate of risk to marine environment associated with impact on vessel traffic / port operations							*3.162*	*18.93%*
Economic Impact	A.	Collision	Scores reflect probable increase in risk to existing volume and type of waterway users and waterfront activity resulting from an allision, collision and grounding. Use of commercial mooring buoy, owned by Arundel Corp./Salisbury Towing, would be disrupted. Sunken barges would be relocated. A temporary increase in marine traffic due to project construction anticipated. Traffic density increases during peak boating season, proposed project would likely have some effect on the operation of vessels to/from nearby recreational waterfront facilities during daytime and nighttime.	1	0	0	1.0811	6.47%
	B.	Allision		2	0	0	1.8919	11.33%
	C.	Grounding		0	0	0	1.0000	5.99%
	D.							
Estimate of risk to economic loss associated with impact on vessel traffic / port operations							*3.973*	*23.79%*
TOTAL RISK ESTIMATE FOR PROJECT IMPACT ON VESSEL TRAFFIC / PORT OPERATIONS							**10.378**	**62.14%**

Maryland State Clearinghouse – Agency Review Request
Masonville Dredged Material Containment Facility
Baltimore, Maryland
MD20060515-0469

Description: Tiered Draft Environmental Impact Statement: Proposed Masonville Dredged Material Containment Facility: Application for Alteration of a Waterway: Proposed Compensatory Mitigation Measures: Filling Open Water in the Patapsco River

Applicant: U.S. Army Corps of Engineers, Baltimore District

Comments from Baltimore City Department of Public Works:

The Baltimore District of the U.S. Army Corps of Engineers has made available a draft Environmental Impact Statement for assessing the impact of and the feasibility for placement of dredged materials from Baltimore Harbor into a confined disposal facility to be created adjacent to the Masonville Marine Terminal. Creation of the facility would require filling 130 acres of tidal open water, filling or impacting up to 1 acre of vegetated wetlands, and burying or impacting up to 10 acres of area within the Chesapeake Bay Critical Area buffer.

The impact statement notes that the creation of this facility would require relocating a 48-inch City water main and a City storm drain, along with the installation of 3,200 linear feet of storm drain pipe to discharge to tidal waters. This Department is concerned about the impact of the proposed containment facility on City-owned utilities, in particular the 48-inch water main. Based on the information available, there is insufficient detail to determine the feasibility or advisability of water main and storm drain relocation, or even the ability to isolate and relocate the 48-inch water main. **Having had no prior notice of the Corps of Engineers possible need to relocate these facilities, it is strongly recommended that the Corps arrange a meeting with representatives of the Department of Public Works to examine in depth what can and cannot be accommodated.**

Please Complete Your Review & Recommendation Before June 27, 2006

Return Completed Form To: Linda C. Janey, J.D., Director, Maryland State Clearinghouse for Intergovernmental Assistance, Maryland Department of Planning, 301 West Preston Street, Room1104, Baltimore, MD 21201-2305
Phone: 410-767-4490 Fax: 410-767-4480

State Application Identifier: MD20060515-0469	**Clearinghouse Contact:** Bob Rosenbush, 410-767-4490 brosenbush@mdp.state.md.us
Location: BCIT	
Applicant: U.S. Army Corps of Engineers, Baltimore District	
Description: Tiered Draft Environmental Impact Statement: Proposed Masonville Dredged Material Containment Facility; application for alteration of a waterway; proposed compensatory mitigation measures; filling open water in the Patapsco River	

Based on a Review of the Information Provided, We Have Checked (X) the Appropriate Determination Below

CONSISTENT RESPONSES (FOR STATE AGENCIES ONLY)

	C1	It is **Consistent** with our plans, programs, and objectives
	C2	It is **Consistent** with the policies contained in **Executive Order 01.01.1992.27** (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), **Executive Order 01.01.1990.04** (Smart Growth and Neighborhood Conservation Policy), and our plans, programs, and objectives.
	C3	**(MHT ONLY)** It has been determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.
	C4	**(DNR ONLY)** It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.
	C7	**(MDP ONLY)** It is consistent with the requirements of State Finance and Procurement Article 5-7B-02; 03; 04 and 05 Smart Growth and Neighborhood Conservation (Priority Funding Areas).

CONSISTENT RESPONSES (FOR LOCAL COUNTY & LOCAL AGENCIES ONLY)

	C5	It is **Consistent** with our plans, programs, and objectives.
	C6	It is **Consistent** with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of 1992), State Finance and Procurement Article 5-7B – Smart Growth and Neighborhood Conservation (Priority Funding Areas), and our plans, programs, and objectives.

OTHER RESPONSES (FOR ALL)

	R1	**GENERALLY CONSISTENT WITH QUALIFYING COMMENTS:** It is generally **Consistent** with our plans, programs and objectives, but the attached qualifying comment is submitted for consideration.
	R2	**CONTINGENT UPON CERTAIN ACTIONS:** It is generally **Consistent** with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment(s).
X	**R3**	**NOT CONSISTENT:** It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act visions/policies; or it may duplicate existing program activities, as indicated in the attached comment(s). If a meeting with the applicant is requested, please check here: X
X	**R4**	**ADDITIONAL INFORMATION REQUESTED:** Additional information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here: ☐
	R5	**FURTHER INTEREST:** Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the Applicant.
	R6	**SUPPORTS:** Supports "Smart Growth" and Federal Executive Order 12072 (Federal Space Management), which directs federal agencies to locate facilities in urban areas.

Attach additional comments if necessary OR use these spaces: Meeting requested with Applicant; comments attached.

Name: George L. Winfield, Director
Organization: Baltimore City Dept. of Public Works
Address: Room 600 Abel Wolman Municipal Bldg.
200 N. Holliday Street
Baltimore, MD 21202

Signature: [signature]
Phone: (410) 396-3310

Date Completed: 6/23/06

X **Check here if comments are attached.**

RECD JUN 27

DAVID CHARLES MANOOGIAN, ESQ.

3835 SAINT MARGARET STREET
BROOKLYN, MD 21225-2211

P. O. BOX 788
GLEN BURNIE, MD 21060-0788

VOX: 443-618-1080 / FAX: 1-877-682-4811
DCMANOOGIAN@HOTMAIL.COM
DCMANOOGIAN@EARTHLINK.NET

Wednesday, August 16th, 2006

VIA E-MAIL: *Jon.Romeo@USACE.Army.Mil*
& VIA U.S. MAIL:
U.S. Army Corp. of Engineers
Attention: Jon Romeo, CENAB-OP-RMN
P. O. Box 1715
Baltimore, MD 21203-1715
Vox: 410-962-6079

CONCERNED CITIZENS FOR A BETTER BROOKLYN – WRITTEN COMMENTS

RE: THE MAY 2006 "TIERED DRAFT ENVIRONMENTAL IMPACT STATEMENT",

& THE JUNE 2006 SUPPLEMENT THERETO,

FOR THE PROPOSED MASONVILLE DREDGED MATERIAL CONTAINMENT FACILITY

Dear Mr. Romeo,

This document should be accepted as the formal public comments submitted on behalf of the Corporation of Concerned Citizens for A Better Brooklyn ("the C.C.B.B.")♦, a non-profit 501(c)(3) organization of resident volunteers which represents the interests of the approximately 9,000 to 10,000 residents of the Brooklyn community of Baltimore City. The C.C.B.B. has been in existence as an informal organization since the 1980's, and was first incorporated in 1991, prior to re-forming as a 501(c)(3) in 2004. The C.C.B.B. does not make the payment of dues a prerequisite for participation, and our mailing lists have nearly four hundred (~400) interested participants. The C.C.B.B. mission, in essence, is {1.} to create a safe, clean, and environmentally sound community, {2.} to maintain a family-friendly neighborhood that emphasizes development of our young people, and {3.} to ensure community stability for all citizens. To accomplish these goals, the C.C.B.B. provides a monthly forum where residents, school representatives, and business representatives, *et al.*, gather to discuss issues affecting the community in open deliberations that lead to proactive solutions, and the C.C.B.B. fosters leadership by initiating needed community improvement activities.

♦ *See www.BetterBrooklyn.com*

The purpose of this correspondence is to provide constructive criticism in hopes of positively influencing the U.S. Army Corp. of Engineers' (*hereinafter:* "U.S.A.C.E.") final Environmental Impact Statement (hereinafter: "E.I.S.") for the proposed Masonville Dredged Material Containment Facility (*hereinafter:* "Masonville D.M.C.F.")

* * *

I. INTRODUCTION:

We understand that this Draft Environmental Impact Statement ("D.E.I.S.") is to support a joint permit application submitted by the Maryland Port Administration ("M.P.A.") to the U.S.A.C.E. for the proposed Masonville D.M.C.F. which would affect at least one hundred thirty (130) acres of Patapsco River (tidal open water) and at least one (1) acre of vegetated tidal and/or non-tidal wetlands. Further, we understand an E.I.S. is required due to the significant size and certain impact of the proposed project upon the communities surrounding the Masonville D.M.C.F. Moreover, due to the approximately twenty (20) year span within which the Masonville D.M.C.F. may operate to accept placement of new harbor dredged material, site development and community mitigation issues must be considered as part and parcel of the E.I.S.

* * *

II. EXISTING CONDITIONS:

A. Environmental Resources – Due to our lack of time and resources to obtain and pay for independent expert analysis of the current environmental conditions, we are forced to take-as-given that "the Arundel clay formation prevents further intrusion in the area of the Masonville site" and that "[t]he Arundel formation is extremely dense, tight clay with very low hydraulic conductivities", and that "[i]t functions as an aquaclude preventing communication between the upper Patapsco formation and the lower Patapsco formation." *See* page 2-7, lines 195-198.

Our acceptance of this hazard into our community is based, in part, upon the presumed truth of the above assertion, and similar assertions (both orally and in writing), that the Masonville D.M.C.F. shall act as an impermeable container for the dredged materials placed into

it. If any evidence exists to the contrary, then we want to express our significant concern and strongly request that all measures be taken to design the D.M.C.F. to ensure that no contaminants leach or migrate off-site into the surface or ground water.

Furthermore, we want firm assurances that the design of the Masonville D.M.C.F. shall be engineered to withstand the periodic storm flooding it shall undoubtedly receive because the site lies upon a flood plain (albeit a "100 Year Flood Plain").

However, we wish to note that the C.C.B.B. heartily supports the U.S.A.C.E. and M.P.A. efforts to use the Masonville D.M.C.F. project to improve the conditions in the Patapsco River and shoreline, and we strongly encourage the U.S.A.C.E. and M.P.A. to ensure that the water and land are cleaner after the Masonville D.M.C.F. is complete than they were before, as the D.E.I.S. now purports.

* * *

B. Cultural Resources – Due to our lack of time and resources to obtain and pay for independent expert analysis of the potential cultural significance of the land or materials under the water, we are forced to take-as-given the repeated conclusion that "[n]o additional cultural investigation [is] recommended". *See* pages 2-97 and 2-98.

However, we feel very strongly that significant consideration should be given for the fact that Fort McHenry is less than one nautical mile from the Masonville D.M.C.F. site (*see* page 2-98, lines 2404-2405), and therefore we respectfully request that ongoing periodic re-investigation for cultural resources be regularly conducted, and that steps be taken to ensure the positive experience that comes from visiting Fort McHenry is not diminished in any way.

* * *

C. Socioeconomic Conditions – This section of the D.E.I.S. discusses, *inter alia*, local and regional land use. We wish to respectfully underscore that "Masonville Cove, which lies adjacent to the proposed project on its southwestern side, contains some of the only remaining

natural shoreline [for] the Patapsco [river]. However, access to Masonville Cove is limited due to … unsafe conditions …". *See* page 2-100, lines 2442-2444.

As multiple individuals discussed on the record at the June 21st, 2006, Public Hearing (as well as at later meetings), safe pedestrian and bicyclist access to Masonville Cove is an essential component of proper consideration for Brooklyn and Curtis Bay – the communities hosting the Masonville D.M.C.F. The promise of a bird and marine animal sanctuary with a Nature Center and hiker/biker trails rings hollow if there is no reasonable means for accessing Masonville Cove except by automobile. Although a bus, shuttle, or trolley should service Masonville Cove for those unable to walk or ride a bicycle, the primary focus should be on facilitating pedestrian and bicycle traffic so as to reduce and discourage automobile travel to and from the bird and marine animal sanctuary. Furthermore, this proposed pedestrian/bicyclist byway can be coupled with the current project to beautify the "gateway" to Brooklyn[♥] (*i.e.*, the intersections of South Hanover and Potee Streets at or about where they meet Frankfurst Avenue).

The logical locations for a pedestrian/bicyclist byway would be along the northern side (*i.e., the Cove side*) of Frankfurst Avenue from Shell Road west to South Hanover and Potee Streets (*i.e., to Reed Bird Island Park*), and along one side of Shell Road from Frankfurst Avenue to East Patapsco Avenue. A contiguous pedestrian/bicyclist byway from the intersection of Shell Road and East Patapsco Avenue, past Masonville Cove, to Reed Bird Island Park will effectively link the communities and the parks with each other.

In order for the above-proposed pedestrian/bicyclist byway to be safe from the heavy traffic (including significant amounts of heavy trucks) it must include a reinforced concrete barrier the full length of the pedestrian/bicyclist byway on the traffic-side of the byway. The precise height, width, and strength of this barrier can surely be determined by an expert in highway design, but the need for a barrier is not reasonably disputable.

In order for the above-proposed byway to be safe for pedestrians and bicyclists to travel in both directions simultaneously it must be at least two (2) "lanes" wide (*i.e.*, two (2) standard sidewalk widths, or about six (6) feet wide) for the full length of the byway. We also propose

♥ Please contact Patrick Moylan, C.C.B.B. president emeritus, regarding the gateway project: < *Pat@BetterBrooklyn.Com* >

that a third "lane" (*i.e.*, an additional three (3) feet) be added so that slower-moving bicyclists (*e.g.*, *children*) and pedestrians can stand-aside for others. Furthermore, a third "lane" as wide as a standard sidewalk will allow for benches to be placed periodically while still leaving two (2) "lanes" available for bicyclists and pedestrians – thus avoiding a dangerous "bottleneck" situation. Moreover, the pedestrian/bicyclist byway being three (3) standard sidewalk widths will likely have a psychological effect – the added distance from the traffic on Shell Road and Frankfurst Avenue should help people to feel safer walking or riding their bicycles to Masonville Cove.

Lastly, we respectfully suggest that the proposed pedestrian/bicyclist byway include one or more pedestrian/bicyclist bridges, for example, over the intersection of Shell Road and Frankfurst Avenue, and over the intersections of Potee Street, South Hanover Street and Frankfurst Avenue (taking one into Reed Bird Island Park).

* * *

D. Aesthetics & Recreation – Obviously the Masonville Cove could become a significant attraction for bird watchers, nature buffs, hikers, bikers, kayakers, canoers, *etc*. However, we are also concerned about how the Masonville D.C.M.F. will appear to those viewing it from elsewhere – *e.g.*, Fort McHenry – and we are concerned about preserving the focus on nature.

In the interests of aesthetics and preserving as natural an environment as possible we respectfully request {1.} that the Masonville Cove area be placed under an appropriate easement to preserve it as a bird and marine animal sanctuary, {2.} that the space to be occupied by the Masonville D.M.C.F. be zoned or otherwise designated appropriately to preclude paving or building structures of any kind, and {3.} we respectfully request that when the time comes to close the Masonville D.M.C.F. that the site receive a "green cap" of multiple feet of clean fill dirt, subsequently covered with native plant species, including, but not necessarily limited to the state tree, white oaks, if possible. Furthermore, the biker/hiker trail should be extended though the wooded space created by the closed "green capped" Masonville D.M.C.F. site.

We are very disturbed to read in § 4.7 of the D.E.I.S. that "[t]he end use of this site is anticipated to be an expansion of the M.M.T. [Masonville Marine Terminal]. The area would

serve as additional storage facility for Roll On-Roll Off (RO-RO) cargo or automobiles." *See* page 4-29, lines 671-672. Many Brooklyn and Curtis Bay community members at many times have expressed their staunch opposition to paving or building on the new land created by the Masonville D.M.C.F. We cannot underscore enough that creating an approximately 140-acre parking lot less than one nautical mile from Fort McHenry is completely unacceptable to the community at large.

* * *

III. U.S.A.C.E. ALTERNATIVES:

In brief – the above-titled section of the D.E.I.S. outlines, for approximately twenty (20) pages, how hard the powers-that-be have been looking for locations for this and future D.M.C.F. sites.

The difficulty of the search for this and future D.M.C.F. sites underscores for us, the Concerned Citizens for a Better Brooklyn, the imperative need for immediate implementation of innovative uses for dredged materials, rather than creating further containment facilities. Our understanding is that an Innovative Reuse Committee meets regularly[♣]; we encourage the Maryland Port Administration to direct more attention and resources into this committee and its efforts.

We feel strongly that dredged materials should be used for the fabrication of inexpensive bricks, and those bricks should then be used for inexpensive yet beautiful sidewalks in communities surrounding the harbor, *e.g.*, Brooklyn, Curtis Bay, Federal Hill, *etc.*

The dredged materials could also be used under the brick sidewalks, for drainage and leveling, and could also be used for aggregate in concrete. As a side note, it would be excellent public relations if a significant portion (if not all) of the sidewalks to and from the Masonville Cove were paved with concrete that contained dredged materials for aggregate.

♣ Please contact Carol K. Eshelman, Executive Director of the Brooklyn and Curtis Bay Coalition, Inc., regarding the Innovative Reuse Committee: < *BCBCInc@Verizon.Net; Admin@BayBrook.Net* >

In any event, we want assurances that innovative uses for dredged materials are currently being actively pursued, including periodic updates into the various investigations into innovative uses for dredged materials.

* * *

IV. U.S.A.C.E. RECOMMENDED PLAN & EVALUATION:

In brief – the above-titled section of the D.E.I.S. describes the recommended D.M.C.F. at Masonville, the existing site conditions, design criteria, and construction plans.

The existing site conditions, design criteria, and construction plans are highly technical, and we cannot pretend to understand them well enough to critique them at this time. However, we respectfully insist that periodic reports of the construction progress (including, but not limited to, any changes in the design or plans) be provided to a community oversight committee contemporaneously with the providing of those same reports to government authorities or other persons. And, in any event, we request a significantly detailed status report be provided to the community oversight committee no less than every thirty (30) days.

Furthermore, since the Masonville D.M.C.F. project shall last approximately twenty (20) years, we seek firm assurances that the Masonville Cove, including the Nature Center, will receive sufficient budget assistance from the State for operations and maintenance, in perpetuity, so that the Cove and Nature Center can be the simple natural attraction and educational opportunity we are confident it could become in the coming decades.

* * *

V. IMPACTS:

A. Environmental – In brief – the above-titled section outlines, *inter alia*, changes in water currents and sedimentation rates. Presuming the accuracy of the data provided, it seems clear to us that water currents in the relevant area around the Masonville D.M.C.F. will slow, and sedimentation rates for surrounding areas will increase. We respectfully request firm assurances that slowed water currents and increased sedimentation can be tolerated by the Patapsco River

and Baltimore Harbor. In the alternative, we respectfully request that site design be reconfigured to eliminate the slowing of water currents and the increasing of sedimentation.

Again, we wish to note that the C.C.B.B. heartily supports the U.S.A.C.E. and M.P.A. efforts to use the Masonville D.M.C.F. project to improve the conditions in the Patapsco River and shoreline, and we strongly encourage the U.S.A.C.E. and M.P.A. to ensure that the water and land are cleaner after the Masonville D.M.C.F. is complete than they were before, as the D.E.I.S. now purports.

* * *

B. Cultural Resources – As mentioned above: due to our lack of time and resources to obtain and pay for independent expert analysis of the potential cultural significance of the land or materials under the water, we are forced to take-as-given the repeated conclusion that "[n]o additional cultural investigation [is] recommended". *See* pages 2-97 and 2-98. Also due to our lack of time and resources to obtain and pay for independent expert analysis we are forced to take-as-given that "[n]o evidence has been documented or information recovered that suggests adverse impacts to cultural or historical resources from the proposed [Masonville D.M.C.F.] project." *See* page 5-65, lines 2128-2129.

However, we feel very strongly that significant consideration should be given for the fact that Fort McHenry is less than one nautical mile from the Masonville D.M.C.F. site (*see* page 2-98, lines 2404-2405) and after construction of the Masonville D.M.C.F. site it will be barely over a half-mile from Fort McHenry (*see* page 5-74, lines 2399-2402), and therefore we request that ongoing periodic re-investigation for cultural resources be regularly conducted.

* * *

C. Aesthetics & Recreation – Since approximately nineteen percent (19%) – *i.e.*, nearly one-fifth (1/5th) – of the "middleground view" from Fort McHenry will be dominated by the Masonville D.M.C.F. (*see* page 5-75) and since we are sure that "exposed earth would [significantly] contrast with the current vegetated … shoreline" (*Id.*) we can only agree that "some [and, we would argue, a *majority* of] viewers would consider construction activities [for

the Masonville D.M.C.F.] visually unappealing" (*Id*.) and we find it implausible that anything but a *minority* of viewers "would be interested to view the construction." (*Id*.)

Furthermore, given the close proximity of the Masonville D.M.C.F. to Fort McHenry, and given the significant percentage of the view taken-up by the Masonville D.M.C.F. as viewed from Fort McHenry, we find it even more compelling that upon closure the Masonville D.M.C.F. site should receive a "green cap" of multiple feet of clean fill dirt, subsequently covered with native plant species, including, but not necessarily limited to, white oak trees, if possible. Even if it were true that the proposed closure plan mentioned on page 4-29 (lines 671-672)♠ "would not represent a strong visual contrast with existing land use" (*see* page 5-75, line 2421) we find this to be a poor argument in favor of paving an approximately 140-acre parking lot approximately a half-mile from Fort McHenry. We are not convinced that the proposed closure plan found buried within this D.E.I.S. – *i.e., paving a parking lot* – "would be generally harmonious with the setting since it is an extension of an existing terminal … and consistent with existing shoreline use at the site." See page 5-79, lines 2484-2486. Instead, we are convinced that a wooded lot with hiker/biker trails would be a harmonious extension of the proposed bird sanctuary at Masonville Cove.

* * *

VI. PROPOSED MITIGATION:

In brief – the mitigation plans outlined in the above-titled section of the D.E.I.S. seem adequate, and we wish to see the suggestions outlined in this correspondence added to the mitigation plan – *e.g.*, a broad, safe pedestrian/bicyclist byway connecting the various communities and parks, a "green cap" on the closed Masonville D.M.C.F., funding support for maintaining the Nature Center programs, environmental education, and restoration projects, *etc*.

* * *

♠ *see also* page 5-95 (lines 2947-2949), page 5-106 (line 3419), page 5-108 (lines 3515-3517), and page 5-111 (lines 3631-3635)

VII. IMPLEMENTATION:

Our primary concern for implementation, at this time, is the formation of a citizens' oversight committee which is then kept fully informed by contemporaneous copies of all reports which are generated in the usual course of the implementation, constructions, and all later operations of the Masonville D.M.C.F.

The formation of, and reporting to, the citizens' oversight committee should be substantively similar to the citizens' oversight committee for Hart-Miller Island ("H.M.I.").

* * *

VIII. ENVIRONMENTAL COMPLIANCE:

Our primary concern for environmental compliance, at this time, is the formation of a citizens' oversight committee which is then kept fully informed by contemporaneous copies of all environmental monitoring reports which are generated in the usual course of implementation, constructions, and all later operations of the Masonville D.M.C.F.

The formation of, and reporting to, the citizens' oversight committee should be substantively similar to the citizens' oversight committee for Hart-Miller Island ("H.M.I.").

* * *

IX. PUBLIC INVOLVEMENT:

We are considerably concerned that public involvement, while perhaps significantly more active than in years past – due in no small part to the Herculean efforts of EcoLogix Group – has had noteworthy gaps, and therefore should not be labeled as satisfactory. For example, there was apparently only one (1) meeting with the Concerned Citizens for a Better Brooklyn (C.C.B.B.) to discuss the Masonville D.M.C.F. in or about August 2005; the D.E.I.S. indicates "the Association [*i.e.*, the C.C.B.B.] generally supported the project" (*see* page 9-13, lines 578-580) but this statement of support does not comport with the recollections of C.C.B.B. members. Given this background it is even more important to form a citizens' oversight committee, and it

is essential that this committee be large (*e.g.*, a dozen or more members) to accommodate a broad cross-section of citizens actually domiciled in Brooklyn and Curtis Bay. Furthermore, it is mission-critical that this committee be kept fully informed by contemporaneous copies of all reports which are generated in the usual course of implementation, constructions, and all later operations of the Masonville D.M.C.F.

As discussed above, the formation of, and reporting to, the citizens' oversight committee should be substantively similar to the citizens' oversight committee for Hart-Miller Island ("H.M.I.").

* * *

X. CONCLUSIONS:

The C.C.B.B. does not oppose the Masonville D.M.C.F., presuming the issues and concerns discussed in this correspondence are properly addressed. *To summarize the issues and concerns discussed in this correspondence –*

- Our acceptance of this hazard into our community is based, in part, upon the presumed truth of the assertion that the Masonville D.M.C.F. shall act as an impermeable container for the dredged materials placed into it.

- We want firm assurances that the design of the Masonville D.M.C.F. shall be engineered to withstand the periodic storm flooding it shall undoubtedly receive because the site lies upon a flood plain (albeit a "100 Year Flood Plain").

- We strongly support the creation of a bird and marine animal sanctuary with a Nature Center and hiker/biker trails, but only if the primary means for accessing Masonville Cove is other than by automobile. A broad, safe pedestrian/bicyclist byway should be created to reduce or eliminate automobile travel to and from the bird and marine animal sanctuary.

- We are very disturbed to read in § 4.7 and elsewhere in the D.E.I.S. that "[t]he end use of this site is anticipated to be an expansion of the M.M.T. [Masonville Marine Terminal]. The area would serve as additional storage facility for Roll On-Roll Off (RO-RO)

cargo or automobiles." *See* page 4-29, lines 671-672. Many Brooklyn and Curtis Bay community members at many times have expressed their staunch opposition to paving or building on the new land created by the Masonville D.M.C.F. We cannot underscore enough that creating an approximately 140-acre parking lot less than one nautical mile from Fort McHenry is completely unacceptable to the community at large.

- In the interests of aesthetics and preserving as natural an environment as possible we respectfully request that when the time comes to close the Masonville D.M.C.F. that the site receive a "green cap" of multiple feet of clean fill dirt, subsequently covered with native plant species, including, but not necessarily limited to, white oak trees, if possible. Furthermore, the biker/hiker trail should be extended though the wooded space created by the closed "green capped" Masonville D.M.C.F. site.

- We feel strongly that dredged materials should be used for the fabrication of inexpensive bricks, and those bricks should then be used for inexpensive yet beautiful sidewalks in communities surrounding the harbor, *e.g.*, Brooklyn, Curtis Bay, Federal Hill, *etc*. In any event, we want assurances that innovative uses for dredged materials are currently being actively pursued, including periodic updates into the various investigations into innovative uses for dredged materials.

- We respectfully request firm assurances that the Masonville Cove, including the Nature Center, will receive sufficient budget assistance from the State for operations and maintenance, in perpetuity, so that the Cove and Nature Center can be the simple natural attraction and educational opportunity we are confident it could become in the coming decades.

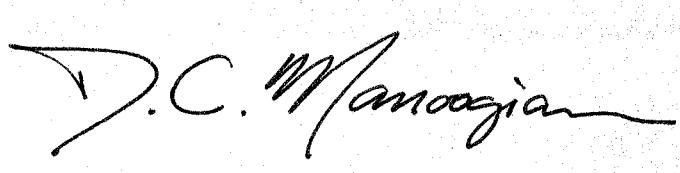
- We respectfully request firm assurances that slowed water currents and increased sedimentation can be tolerated by the Patapsco River and Baltimore Harbor. In the alternative, we respectfully request that site design be reconfigured to eliminate the slowing of water currents and the increasing of sedimentation which the D.E.I.S. data indicates shall occur.

- A large citizens' oversight committee (accommodating a broad cross-section of citizens actually domiciled in Brooklyn and Curtis Bay) should be kept fully informed by contemporaneous copies of all reports which are generated in the usual course of the

implementation, constructions, and all later operations of the Masonville D.M.C.F. As discussed above, the formation of, and reporting to, the citizens' oversight committee should be substantively similar to the citizens' oversight committee for Hart-Miller Island ("H.M.I.").

Sincerely,

CONCERNED CITIZENS FOR A BETTER BROOKLYN



David Charles "D.C." Manoogian, Esq.
Board Member At-Large

MARTIN O'MALLEY
Mayor

OTIS ROLLEY III
Director

August 16, 2006

Mr. Jon Romeo
Operations Division
Regulatory Branch
U.S. Army Corps of Engineers
ATTN: CENAB-OP-RMN
10 North Howard Street
P.O. Box 1715
Baltimore, MD 21203-1715

Mr. Brooks Royster
Executive Director
Maryland Port Administration
401 East Pratt Street
Baltimore, MD 21202

Mr. Robert Hoyt
Ecologix Group
410 Rowe Boulevard
Annapolis, MD 21401

Re: Masonville Dredge Material Containment Facility, Comments to the Draft Environmental Impact Statement (DEIS) and Supplement, Maryland Port Administration

Dear Sirs:

I am writing to comment on the United States Army Corps of Engineers Section 404 permit required for the proposed 2007 construction of the Maryland Port Administration (MPA) Masonville Dredge Material Placement Facility at Fairfield in Baltimore City. While the City of Baltimore supports this project of critical importance to the Port, we understand that the DEIS mitigation plan is still being finalized and that there may be more mitigation required for the project. Below are our general comments as well as a list of mitigation projects for possible funding. The mitigation projects are grouped below in the following manner:

I. **Mitigation Projects Not Ranked Highly by the Bay Enhancement Working Group (BEWG)**

II. **Previously Submitted Mitigation Projects for Potential Funding**

Mr. Romeo
Mr. Royster
Mr. Hoyt
8/16/2006

Re: Masonville Dredge Material Disposal Site, Public Input-Draft Environmental Impact Statement, Maryland Port Administration

III. New Mitigation Projects

I. Mitigation Projects Not Ranked Highly By BEWG

The Bay Enhancement Working Group, the State and Federal environmental panel of experts, has reviewed and ranked some of the projects put forth by the City and others. The following City projects received low rankings last year and are not included in the mitigation package in the DEIS.

1. Repair of five stormwater outfalls on the Gwynns Falls
2. Seton Keogh High School (Maidens Choice) Wetland Project
3. Reduction of Impervious Surfaces at Ft. Holabird Park

While these are important projects, we concur with the findings of BEWG.

II. Previously Submitted Mitigation Projects for Potential Funding

The following list of projects was submitted to BEWG last year. BEWG ranked trash interceptors as fairly high and three of them are funded in the DEIS mitigation package, which we strongly support and appreciate. The Western Run Stream restoration (both segments) received low rankings and were not recommended for funding due to the upland location of the segments. The Watershed 263 projects were not ranked and were not included in the mitigation package due to the upland nature of the project locations. Despite the rankings and because more mitigation may be needed, we would still like the following revised list to be considered for possible funding.

1. <u>Trash Interceptors</u>

While the funding of the three trash interceptors with five years of maintenance (see attached Table 1-Summary of Proposed Mitigation Package-May 2006, Item #15) is an excellent start towards reducing trash in the Middle Branch and the Patapsco, more is needed to address this problem, especially as it relates to affecting new restoration projects in the mitigation package at Masonville Cove. The precedent for using interceptors is also growing; the State is considering using trash interceptors as part of its strategy to reduce nutrients in its Total Maximum Daily Load (TMDL) program. Maryland and Baltimore are in the midst of establishing these federally mandated TMDL's and these interceptors would help in meeting the standards. We ask that additional interceptors be considered for funding at the following locations:

<u>Locations in the Middle Branch</u>

1) Cherry Hill Road and Waterview Avenue outfall
2) Wilkins Avenue outfall (south of Wilkins Avenue bridge) on the Gwynns Falls

3) Maidens Choice Run on the Gwynns Falls (two sites)
4) Baltimore Street-two sites
5) Bush Street-engineering is funded
6) Alluvian Street outfall

Additional locations in the Inner Harbor

1) Lakewood Avenue outfall
2) Thames Street outfall
3) Central Avenue outfall
4) Key Highway near the Harborview complex

2. Critical Stream Restoration Projects

The environmental benefits of stream restoration in urbanized areas are well documented. Restoration will reduce the harmful impacts of silt/sediment and nutrient loading. We have listed them in order of priority for funding.

1) Western Run Stream Restoration and Greenway construction -Two segments: a) 1,100' at Kelly Avenue and b) 3500' at Cross Country Boulevard and Western Run Greenway construction. (Approx. annual reductions: sediment/suspended solids 1,840 tons, phosphorous 1,380 pounds.)
2) Biddison Run Stream Restoration-5,700' upstream of Moravia Road. (Approx. annual reductions: sediment/suspended solids 2,280 tons, phosphorous 1,710 pounds.)
3) Powder Mill Run Stream Restoration-Two segments: a) 2,700' at the Seton Industrial Park and b) 1,000' between Liberty Heights Avenue and Powder Mill Lane (includes channel daylighting and BMP). (Approx. annual reductions: sediment/suspended solids 1,080 tons, phosphorous 810 pounds.)

3. Watershed 263 Restoration Plan Implementation

We request funding of a significant portion of the one-hundred stormwater Best Management Practices (BMP's) listed in this Plan (outline and map attached). These relatively low-cost BMP's (rain gardens, bioretention areas, swales, etc.) are already mapped in this 930-acre watershed in West Baltimore and if built, would reduce pollution and sediment flowing into the Bay. The watershed, encompassing 43 miles of storm drain systems in more than 10 neighborhoods including Sandtown-Winchester, Poppleton, Hollins Market, and Union Square

also need to be "greened" by the removal of unnecessary impervious surfaces-these areas have also been mapped in the Plan.

4. Long Term Operation and Maintenance

The DEIS addresses some of our earlier concerns related to long-term maintenance for the mitigation projects, but it is not readily apparent that 'perpetual care' is delineated in the mitigation package. Because there are numerous examples of failed restoration projects, we ask that a dedicated funding source for maintenance be delineated in the package.

Additionally, we support the request of the Brooklyn Curtis Bay Coalition that MPA provide $400,000 for the maintenance and operation of the Nature Center and trail system. We support the partnership that is being developed between the MPA, Living Classrooms Foundation and the National Aquarium for the operation and of the Center.

III. New Mitigation Projects Not Yet Reviewed by BEWG

1. Staff Support

We also support MPA funding a staff person to act as a community liaison between the Port and the community. We also support the community's desire to create an oversight committee to ensure that mitigation projects are funded, constructed and maintained and the operation of the facility in the future is an environmental and economic enhancement to the area.

2. Patapsco Urban River Restoration Initiative (PURRI)
This Corps of Engineers project includes several facets, one of the most important being improvements to navigation for the Port. Also linked to the "Navigation Improvement Plan" is a "Trash Management Plan", a "Contaminant Plan" and a "Restoration and Recreation Improvement Plan and Feasibility Study"(RRIPFS). Under the RRIPFS, conceptual environmental restoration projects have been identified in the Middle Branch (see attached map, "Middle Branch Patapsco Restoration Master Plan-Restoration Sites"). Funding is needed to construct these cypress marshes, upland enhancements, riparian vegetation, etc.-should more mitigation projects be needed, we strongly urge the MPA to review these sites .

3. Screening and planting a 100' wide Buffer around edge of dike-Community residents had asked for this in a public meeting. We are supportive of this request which would screen the facility from the neighborhoods of Locust Point and South Baltimore.

Mr. Romeo
Mr. Royster
Mr. Hoyt
8/16/2006

Re: Masonville Dredge Material Disposal Site, Public Input-Draft Environmental Impact Statement, Maryland Port Administration

IV. General Comments

1. Connections to Community-We understand that the Nature Center will be connected to the community and is covered under "Education Center/Trails" in the present mitigation package. Because the rail lines surrounding Masonville preclude pedestrian and biking connections now, it is important that these issues be thoroughly examined and funding is provided for a real solution.

2. Clean Dredge from Seagirt-We support the use of clean dredge material from the dredging at Seagirt Marine Terminal (DEIS Supplement) for the dike construction as long as the material does not present any hazards to the community or the environment.

3. Water Main-We understand that engineering work and Developer's Agreement for the 48" water main that must be moved is in process with the City's Department of Public Works. The sequence of construction must allow for limited shut down during its reconnection after the realignment.

4. Site Plan Review Committee-The facility has been reviewed by the Department of Planning's Site Plan Review Committee and it was reported that no street closings or blocking of Rights-of Way will occur.

5. Construction Schedule/Permits-As has been discussed and presented before MPA, we understand that all mitigation projects will be selected, designed and included in appropriate capital improvement programs and the necessary permits required for construction will be submitted to local, State and Federal agencies by the completion of FY07. Due to the long-term build-out/filling of these 120 acres of wetlands completely within the City of Baltimore (24 to 35 years), we understand that the construction of all mitigation projects will be finished by the date of the containment dike completion or 2010, whichever is earlier.

Mr. Romeo
Mr. Royster
Mr. Hoyt
8/16/2006
Page 6 of 7
Re: Masonville Dredge Material Disposal Site, Public Input-Draft Environmental Impact Statement, Maryland Port Administration

Thank you for solicitation of our comments. We understand that we have the right to submit additional comments as the calculation of mitigation to offset required impacts is finalized. Please contact Mr. Duncan Stuart at 410-396-5902 or by e-mail at Duncan.Stuart@BaltimoreCity.gov if you would like to discuss this further.

Sincerely,

Otis Rolley, III
Director

OR/DS

Enclosures:

1. Table 1-Summary of Proposed Mitigation Package-May 2006
2. Western Run stream assessment
3. Baltimore City Storm Sewer Watershed 263 Restoration and Demonstration Project
4. Patapsco Urban River Restoration Plan (PURRI)-Middle Branch Patapsco Restoration Master Plan (Restoration Sites)

cc: The Honorable Edward Reisinger, 10th District City Council
Mr. Frank Hamons, Maryland Port Administration
Mr. Gary Setzer, Maryland Department of the Environment
Mr. Robert Cuthbertson, Maryland Department of the Environment
Ms. Ren Serey, Critical Area Commission
Ms. Regina Esslinger, Critical Area Commission
Mr. Dolden Moore, Maryland Board of Public Works
Commissioner Peter Auchincloss, Baltimore Planning Commission
Mr. Clarence Bishop, Mayor's Office
Mr. George Winfield, Baltimore Department of Public Works
Ms. Shirley Williams, Baltimore Department of Public Works
Mr. Jay Sakai, Baltimore Department of Public Works
Ms. Marcia Collins, Baltimore Department of Public Works
Mr. Bill Stack, Baltimore Department of Public Works
Ms. Larisa Salamanca, Baltimore Development Corporation
Ms. Carol Eshelman, Brooklyn and Curtis Bay Coalition
Ms. Shari Wilson, Baltimore Law Department

Mr. Romeo
Mr. Royster
Mr. Hoyt
8/16/2006

Re: Masonville Dredge Material Disposal Site, Public Input-Draft Environmental Impact Statement, Maryland Port Administration

Mr. Bijan Yarjani, Baltimore Department of Planning
Mr. Brent Flickinger, Baltimore Department of Planning
Mr. Duncan Stuart, Baltimore Department of Planning
File

Table 1. Summary of Proposed Mitigation Package

Item #	Description	Quantification		Cost			Cumulative Acres
		Quantity	Units	Unit Cost	Item Cost	Cumulative Cost	
Recommended In-Ground Acreage Projects							
1	Wetland Enhancement	2.0	Acres	$150,000	$300,000	$300,000	2
2	Wetland Creation	3.1	Acres	$155,000	$480,500	$780,500	5
3	Non-Tidal Wetland	10.0	Acres	$100,000	$1,000,000	$1,780,500	15
4	Reef and Fish Habitat (subtotal)	92.0	Acres				107
a	*Reef and Fish Habitat (Inner Cove)*	30.0	Acres	$31,000	$930,000	$2,710,500	
b	*Reef and Fish Habitat (Outer Cove)*	42.0	Acres	$91,000	$1,302,000	$4,012,500	
c	*Shallow Water Substrate Improvement*	20.0	Acres	$20,000	$560,000	$4,572,500	
5	Terrestrial Habitat Enhancement and Diversification	10.0	Acres	$84,000	$840,000	$5,412,500	117
6	Beach Creation (in cove)	0.8	Acres	$140,000	$112,000	$5,524,500	127
7	Beach Creation (along dike)*	5.0	Acres	$40,000	$200,000	$5,724,500	132
8	Eel Passage (Bloede/Simpkins Dam, Daniels Dam, Sawmill Creek, Deep Run)	1.0	Project	$180,000	$560,000	$6,304,500	140
9	Shad and Herring Restoration	1.0	Project	$750,000	$750,000	$7,054,500	150
Recommended Additional Projects							
10	Landside and Water Phase I Cleanup**	25.0	Acres	$100,000	$2,500,000	$9,554,500	175
11	Education Center/Trails (Allocation)	1.0	Project	$750,000	$750,000	$10,304,500	185
12	Education / Research (Allocation)**	1.0	Project	$500,000	$500,000	$10,804,500	192
13	Water Quality Monitoring in and Habitat Assessment in Masonville Cove	1.0	Project	$194,000	$194,000	$10,998,500	194
14	Conservation Easement (Approximately 50 Acres in Easement)	25.0	Acres	$0	$0	$10,998,500	219
15	3 Trash Interceptors (including 5 years of maintenance @ $50,000/year)	3.0	Project	$500,000	$1,750,000	$12,748,500	242
Environmental Benefits from the Masonville DMCF							
16	Sediment Containment Encapsulation	123.0	Acres	$0			
17	Derelict Vessels (Remediation and Removal)	9.0	Acres	$3 - $5 Million			

* The sand beach replaces the otherwise necessary rock armament along the dike. The beach section costs the equivalent of $40,000 per acre of beach more than the rock.

** Those acres are not definite. This option was capped at $2.5 Million and the current estimate of the number of acres this will clean up is 25.

Notes:

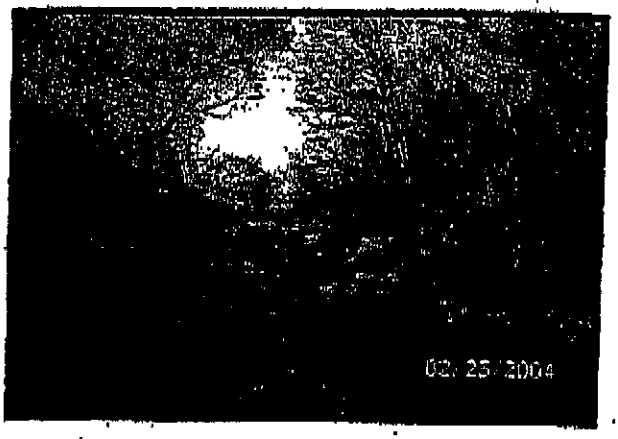
1 Items in blue were recommended by DNR or Baltimore City.

2 Items in red indicate options that do not add cost to the mitigation package. However, they are relevant and should be considered when evaluating the package.

3 Acreage for items having "Project" units are calculated by dividing the item cost by $75,000.

4 Item number corresponds to the fact sheet number.

Western Run Stream Assessment



Prepared for:
Baltimore City Department of Public Works
Bureau of Water and Wastewater
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Prepared by:
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and
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May 19, 2004

GPI PB

INTRODUCTION

STUDY OBJECTIVES

Baltimore City Department of Public Works (DPW) has retained Parsons Brinckerhoff Quade and Douglas, Inc. (PB) and Greenman-Pedersen, Inc. (GPI), in Joint Venture to perform a comprehensive stream assessment of the Western Run watershed in the northwestern portion of Baltimore City. The purpose of the project was to identify stream restoration needs on 5.3 miles of the Western Run mainstem and its tributaries within the Baltimore City limits. Specifically, the objectives of this Study were to:

- Investigate, catalog, and document existing stream conditions, channel characteristics, geomorphic features, and erosion problems on the Western Run Mainstem and tributaries;
- Create a database and GIS mapping of findings;
- Analyze stream restoration and stabilization needs;
- Prioritize restoration areas;
- Prepare concept restoration sketches and preliminary cost estimates for high priority restoration areas; and
- Prepare a report documenting and ranking restoration needs.

It is the intent of this report, accompanying database, and GIS mapping to serve as a permanent reference of the Western Run Watershed for use by Baltimore City. Ranking of restoration needs will lead to selection of stream improvement projects that can be undertaken by the City in the future.

WATERSHED DESCRIPTION

Landuse

The Western Run watershed is located in the northwest portion of Baltimore City (Figure 1). A portion of the watershed extends into Baltimore County. This study focused on the Baltimore City portion of the watershed.

Landuse for the Western Run watershed was taken from the Maryland Office of Planning GIS coverage of landuse from 2000. The watershed is essentially fully built out, with 78.1% urbanization, composed primarily of medium- and high-density residential areas. Residential landuse accounts for approximately 72% of the overall landuse. Open urban land and forest accounts for 16.5% of the watershed landuse. The landuse for the Western Run Watershed is shown in Figure 2. Basin composition and statistics for the drainage areas to each of the tributaries are included in Appendix A.

of 25-50%, 29% of the stream had a canopy cover between 50-75%, 9% had a canopy cover greater than 75%, and 5% had a canopy cover less than 10%.

Water Quality Impacts

Team members qualitatively assessed potential issues that may impact water quality, including leaking sewer lines, high sediment supply, or high thermal impacts. The Team identified two sites with a high potential for high thermal impacts, 11 locations with leaking sewers and one site with the potential to provide a high sediment supply to downstream reaches.

RECOMMENDATIONS AND CONSTRAINTS

The first screening for potential restoration sites occurred during the stream assessment. As the field crews collected the data above, they were also looking at the sites in terms of potential restoration projects and constructability, specifically ease of construction access and staging areas. Types of the potential restoration opportunities are listed below. Restoration projects that did not fit into the categories below were noted in the comments section of the form.

- Channel Restoration
- Grade Control
- BMP Creation
- Flow Redirection
- Floodplain Access Enhancement
- Bank Stabilization
- Buffer Enhancement
- Supplemental Bank Planting
- Outfall Stabilization
- Fish Passage
- Habitat Enhancement
- Utility Conflict Resolution

PROJECT IDENTIFICATION

INTRODUCTION

Potential projects in the Western Run watershed were identified based on the results of the field assessments of each reach. Due to the large amounts of data collected for each reach, three categories were established within which to rank the potential project sites. These three categories were:

- Geomorphic Stability
- Habitat Quality
- Infrastructure Integrity

An overall score for each reach was developed for each of the three ranking categories. A high score indicates poor conditions in need of attention, while a low score indicates good conditions. The scoring for each of the categories is described below.

GEOMORPHIC STABILITY RATING

Data for a variety of physical stream characteristics was collected during the field assessment. Those characteristics most indicative of geomorphic channel stability were used to determine the Geomorphic Stability Rating of each reach. The data used for this category included vertical and lateral channel stability, total unstable area, bank

height to bankfull ratio, bank angle, presence of bank vegetation, root density, infrastructure and debris impacts, and the amount of hard stabilization already present on the reach. Table 13 shows the field measurements and corresponding point values used in the rating:

Table 13 Scoring for Geomorphic Stability

Geomorphic Stability Field Assessment Parameter	Points
Vertical Channel Stability	
Stable	0
Incising	1
Aggrading	1
Lateral Channel Stability	
Stable	0
Toe Stable, Upper Bank Retreat	1
Widening	2
Rapidly Migrating Meanders	3
Total Unstable Area	
Less than 1000 ft^2	0
Between 1000 ft^2 and 2500 ft^2	1
Between 2500 ft^2 and 5000 ft^2	2
Greater than 5000 ft^2	3
Bank Height to Bankfull Ratio	
Low	0
Medium	1
High	2
Bank Angle	
Low	0
Medium	1
High	2
Root Density	
Dense Woody Roots Throughout Bank	0
Dense Woody Roots Upper Bank	1
Minimal Woody Roots	2

Geomorphic Stability Field Assessment Parameter	Points
Presence of Non-woody Vegetation	
Dense Vegetation Throughout Bank	0
Dense Vegetation Upper Bank	1
Dense Vegetation Lower Bank	2
Minimal Vegetation	3
Crossing Impacts Channel	
False	0
True	1
Percent Manmade	
>75%	0
50%-75%	1
25%-50%	2
0%-25%	3
Private Structure Threatened	
False	0
True	1
Debris Blockages	
None	0
Infrequent	1
Moderate	2
Numerous	3
Benefits Multiplier	
Low	1
Medium	2
High	3
Constructability Multiplier	
Low	1
Medium	2
High	3

The total unstable area was determined by multiplying the percent of unstable bank by the reach length and height of unstable bank as determined in the field assessments. The measurement of total unstable area was deemed to have the highest correlation to geomorphic stability, therefore the score for this parameter was assigned a multiplier of 2. The root density parameter was also given a multiplier of 2. All other parameters were assigned a multiplier of 1. The overall score for the Geomorphic Stability category was then determined by summing the products of the points and multiplier for each parameter. Then the sum was multiplied by the Benefit and Constructability multipliers based on the potential benefits of performing restoration and the constructability of a potential project.

HABITAT QUALITY RATING

The second category used to prioritize reaches in need of restorative measures was Habitat Quality. The Habitat Quality Rating was determined using field measurements for parameters most indicative of habitat, such as vegetative cover, presence and condition of in-stream structures, and presence of hard bank stabilization. While the percent of manmade channel was considered to be inversely proportional to geomorphic instability, it was considered to be directly proportional to habitat degradation. The complete list of parameters used in the habitat quality rating is shown in Table 14, along with the corresponding points assigned to each characteristic. The parameters in this category were weighted equally, and the overall score was determined by multiplying the sum of the points by the Benefits and Constructability multipliers.

Table 14 Scoring for Habitat Quality

Habitat Quality Field Assessment Parameter	Points
Riprap Lined	
False	0
True	1
Gabion Lined	
False	0
True	1
Piped	
False	0
True	1
Concrete Lined	
False	0
True	1
Crossing Blockage	
False	0

Infrastructure Integrity Field Assessment Parameter	Points
Low	1
Medium	2
High	3
Constructability Multiplier	
Low	1
Medium	2
High	3

RANKING RESULTS AND PROJECT IDENTIFICATION

The results of the reach rankings are shown in Table 16. The detailed scores for each reach are included in Appendix E.

Table 16 Ranking Results

ReachID	Geomorphic Score	ReachID	Habitat Score	ReachID	Infrastructure Score
WR-00-00-12	207	WR-00-00-07	162	WR-00-00-21	36
WR-00-00-05	153	WR-00-00-12	144	WR-05-00-07	36
WR-05-00-04	144	WR-00-00-14	135	WR-05-00-04	27
WR-05-00-07	135	WR-00-00-16	126	WR-00-00-12	18
WR-00-00-11	117	WR-04-00-02	126	WR-00-00-07	18
WR-04-00-02	117	WR-00-00-05	126	WR-00-00-05	18
WR-00-00-14	108	WR-05-00-04	117	WR-02-00-02	12
WR-02-00-02	108	WR-00-00-21	117	WR-00-00-11	9
WR-02-00-01	90	WR-00-00-11	99	WR-00-00-14	9
WR-00-00-21	72	WR-05-00-07	90	WR-04-00-02	9
WR-00-00-07	72	WR-00-00-08	78	WR-00-00-16	6
WR-05-00-03	64	WR-03-00-01	60	WR-00-00-03	6
WR-08-00-02	64	WR-05-00-03	56	WR-00-00-20	3
WR-00-00-16	60	WR-05-00-06	54	WR-00-00-09	3
WR-05-00-05	48	WR-00-00-13	48	WR-00-00-19	2
WR-00-00-09	45	WR-02-00-01	48	WR-00-00-17	2
WR-08-00-05	39	WR-00-00-17	42	WR-06-00-01	2
WR-03-00-01	30	WR-05-00-05	42	WR-05-00-02	1

WR-05-00-01	24	WR-08-00-02	42	WR-00-00-10	0
WR-00-00-20	24	WR-00-00-19	40	WR-00-00-16	0
WR-00-00-13	24	WR-08-00-04	39	WR-03-00-01	0
WR-05-00-06	24	WR-00-00-20	36	WR-04-00-01	0
WR-08-00-04	24	WR-08-00-01	36	WR-05-00-03	0
WR-00-00-18	22	WR-00-00-15	34	WR-05-00-01	0
WR-08-00-01	22	WR-00-00-06	34	WR-00-00-13	0
WR-00-00-17	20	WR-02-00-02	30	WR-00-00-15	0
WR-00-00-10	19	WR-08-00-03	30	WR-00-00-04	0
WR-00-00-19	18	WR-00-00-18	28	WR-00-00-06	0
WR-04-00-01	18	WR-06-00-02	28	WR-00-00-08	0
WR-00-00-06	18	WR-00-00-09	27	WR-02-00-01	0
WR-08-00-02	15	WR-05-00-01	25	WR-05-00-05	0
WR-05-00-02	11	WR-08-00-05	24	WR-05-00-06	0
WR-06-00-03	11	WR-00-00-10	20	WR-06-00-02	0
WR-00-00-03	9	WR-04-00-01	20	WR-06-00-03	0
WR-00-00-15	4	WR-06-00-01	20	WR-09-00-01	0
WR-00-00-04	2	WR-00-00-04	17	WR-09-00-02	0
WR-00-00-08	2	WR-00-00-08	16	WR-08-00-03	0
WR-08-00-01	0	WR-05-00-02	15	WR-09-00-04	0
WR-08-00-02	0	WR-06-00-03	10	WR-08-00-05	0

Based on these scores, the top 11 potential project sites were selected (noted in bold). Eight reaches ranked in the top eleven for all three categories and were selected. Three others, WR-02-00-02, WR-02-00-01, and WR-00-00-05 were selected based on a high ranking in one or more of the categories.

Reach WR-00-00-16 ranked high on each of the three categories. This is because it contained a combination of several sewer line crossings, gabion baskets, and bank erosion. This combination created a high score, but none of the problems within the reach warranted a top project site. Similarly, WR-00-00-08 ranked high in Habitat and Infrastructure but was not selected as a top project site. This is because it is an almost completely man-made channel running through downtown Mount Washington. Due to the close proximity of infrastructure and historical structures, limited work would be possible.

The results of the stream-based analyses were plotted on the watershed mapping to provide a clearer picture of the problems that were occurring in each reach. Based on the project ranking, groups of problem reaches, facilities, buffers, etc. were combined to create potential projects. The photographs taken of these areas were used to verify that the potential project was necessary. Because the photographs were taken at a typical

reach location, some photographs did not show the severity of erosion that was estimated during the reach assessment. In all cases, field visits were conducted to either confirm the erosion or make additional project recommendations. In addition, complex, multifaceted projects were also visited to confirm the project approach for each location.

PROJECT DESCRIPTIONS AND RECOMMENDATIONS

This section presents summaries of Potential Project developed for each priority project that was identified. In addition to the project summaries, conceptual design plans have been prepared and are included in Appendix F.

WR-00-00-21

Overall Reach Description

Reach WR-00-00-21 is the uppermost reach along the mainstem of Western Run between Cross Country Boulevard and Western Run Drive. It is an 850-foot, low gradient reach fed by a large storm drain system that serves the surrounding residential community. This storm drain outfall is stabilized by a long, concrete apron with stone sidewalls. Just downstream of this is gabion baskets on both banks, and then natural stream channel to the Clark Lane bridge crossing. The entire reach is confined on both sides by a roadway less then 20' from the top of banks. Because of this, the reach was probably straightened or realigned during the development of this area. Our field analysis determined it to be a Rosgen Class Gc stream type that has been down cut a few feet to a stable cobble/bedrock bed with moderate erosion along its cobble/gravel banks. Stable terraces have formed along the toes of each bank to stop lower bank retreat for the majority of the reach. There are significant bank lengths of erosion areas in the upper bank throughout the reach. Except for the problem described below in Area 1, these erosion areas are not currently contributing a major sedimentation load, are not threatening any infrastructure, and are reaching a stable angle of repose.

Description of Problems

There are two problem areas that can be combined as one project due to their proximity at the upper end of the reach.

Area 1

At the upper end of the reach on the left bank, two storm drain outfall structures are located approximately ten feet apart along a 70 feet long, ten feet high section of eroded bank. One structure is the outfall to an active storm drain system, and the other is bricked shut. Because of the downcut that has occurred in the stream bottom, both structures are hanging approximately 1.5 feet above the streambed.

There is no stable terrace at the toe along this section of bank, and both structures are undermined approximately two feet into the bank, making them potentially unstable. If the bank erosion and structural undermining continues, both structures could potentially fall into the stream, causing total bank failure. This could then cause roadway failure due to the proximity of the roadway to the top of bank, approximately ten feet. The upper bank is also failing, causing unsafe conditions. The city has already installed blaze orange safety fence around the area.

The left bank erosion is likely being caused by the constriction of the stream channel just upstream where rip rap was placed on the opposite right bank. This is causing the

Baltimore City Storm Sewer Watershed 263 Restoration and Demonstration Project

Background: This innovative project will undertake significant urban watershed forestry restoration research and demonstration projects building on the decade long partnership experience of the Parks & People Foundation, Baltimore City and community groups. This project will facilitate the coordination of current and additional resources in a program of innovative, water quality restoration treatments using urban forestry demonstration projects, applied research, training and evaluation in Watershed 263, a 900-acre storm sewer watershed in Baltimore City's Harbor Watershed that outfalls to the Middle Branch. The project will provide opportunities for public and private sector experts in ecosystem research and restoration to work cooperatively on innovate approaches worthy of replication.

The restoration plan development phase and initial demonstration projects are funded by the Chesapeake Bay Small Watershed Grants Program managed by the National Fish and Wildlife Foundation and Baltimore City Department of Public Works. US Forest Service Research and Baltimore Ecosystem study are funding assessment, research, monitoring and evaluation to measure environmental and social benefits and effects. USFS State and Private Forestry and Maryland Forest Service are providing management, plant, and technology transfer resources. A Congressional Initiative and additional City resources will help to fully implement the restoration plan with the aim of demonstrating the cost-effectiveness of urban forestry projects to improve water quality in urban settings. The initial products will include a community assessment, watershed ecological resource atlas, restoration plan and community participation, and demonstration site designs, several highly visible and unique restoration demonstration projects with research, training and evaluation value.

Need
Restoring urban forests is critical to reversing the decline in urban population centers (such as Baltimore City) as society today seeks connections with healthy, green environments. Baltimore's urban forest currently falls below important national thresholds for ecological values, including water quality, terrestrial and aquatic habitat, and open space for recreation and renewal. Restoring urban forest health and water quality to levels that adequately support ecosystem function and processes will require long-term partnerships that are ultimately directed by the values of local communities and ecological opportunities presented by the landscape.

Opportunity
The Watershed 263 project will apply and test the most innovative and efficient best management practices focusing on "low impact" nonstructural techniques applied to vacant and abandoned or underutilized properties. Watershed 263 has significant public park land composing about 15 percent of the watershed totaling 145 acres. There are specifically 25 small park properties equaling 46 acres, as well as one regional and 9 neighborhood parks composing the remaining 99 acres. Another 15 percent of the watershed is composed of 11 public school sites totaling 27 acres and 976 vacant lots owned by the City totaling 67 acres, as well as Maryland Transit Administration with 21 acres of parking lot and the B&O Railroad Museum with 25 acres of railroad ROW open space. There is also 12 major private industrial landholders with 73 acres and 2085 private residential vacant lots totaling 134 acres.

Purpose
- *Restoration Plan Development:* to prepare a model urban storm sewer Watershed Management Plan for Watershed 263 as an official municipal guide for restoration; to identify the universe of community-based restoration activities that can be matched to accomplish environmental and community quality of life measurable outcomes and including significant community involvement based on a watershed stakeholder engagement and training process.
- *Applied Research and Demonstration Projects:* to understand and guide implementation of urban watershed forestry resources to improve natural conditions and contribute to safe and healthy urban neighborhoods, metropolitan region, and Chesapeake Bay.
- *Evaluation, Technology Transfer and Training:* to collect evaluation and research data and develop methods and tools for decision making and management in order to improve the quality of urban land and water resources contributing to urban revitalization.

Partners
The Parks & People Foundation, watershed community organizations, Baltimore City agencies (including Public Works - Water Quality Section, Recreation & Parks, Planning, and Public Schools), the Maryland State Forest Service, and USFS Northeastern Research Station and the Northeastern Area, State and Private Forestry are all working together in a cooperative program as the primary partners with the Chesapeake Bay Program to implement this project.

Project Goals

- Prepare and implement an innovative urban watershed restoration plan

- Implement demonstration projects to affect environmental, community health and quality of life outcomes.
- Focus on nonstructural, low impact development (LID) restoration techniques to create pervious surfaces.
- Improve resource management outcomes by better coordinating existing public expenditures.

Participation Objectives

- Strengthen partnerships to sustain watershed restoration efforts.
- Build capacity and create useful planning and implementation tools and facilitate transferability.
- Train community and education leaders about watershed restoration practices to foster sustainability and improve the effective use of volunteers.

Education Objectives

- Establish waste recycling and conservation models in schools toward Green School certification.
- Empower our youth as leaders for positive change based youth mentoring, after school education, and youth organizations.
- Develop workforce skill and leadership programs as a fundamental strategy that builds life skills and opens up valuable career opportunities.

Research Objectives

- Quantify the effectiveness of best management practices to moderate storm flows and pollutant loads with three water quality monitoring stations.
- Model and measure result of environmental and quality of life outcomes.
- Assist people to understand how to apply ecosystem knowledge to help revitalize their communities.

Relationship to Other Projects

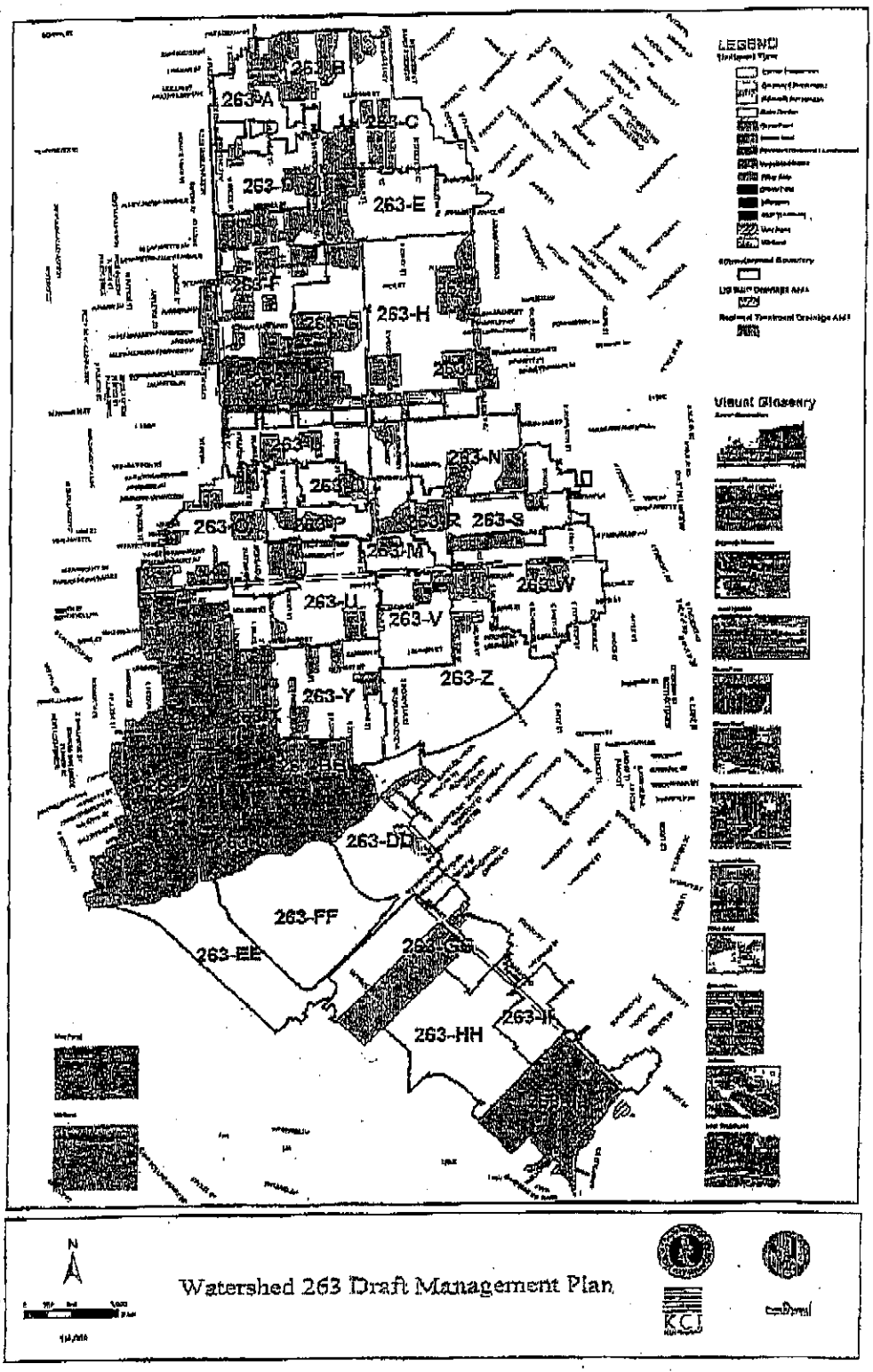
- URI Green Career Ladder in Washington Village and Sandtown-Winchester Youth Build
- Schoolyard greening project and water quality education by DPW, R&P, PPF and Living Classrooms
- BES education assessment and KidsGrow program enrichment
- Reveal Baltimore pilot neighborhoods
- PPF's Franklin Square community forestry and OROSW's vacant lots clean and green
- Baltimore Watershed Forestry Cooperative

Progress to Date:

- Organized project team and held work coordination meetings
- Organized community green infrastructure inventory, assessment, drafted greening and greenway strategy
- Established research design and collected existing conditions base data
- Continuing to develop community presentations, stakeholder participation and training sessions
- Initiated tree street planting and other greening activities with community groups
- Prepared draft restoration plan and model of watershed hydrology

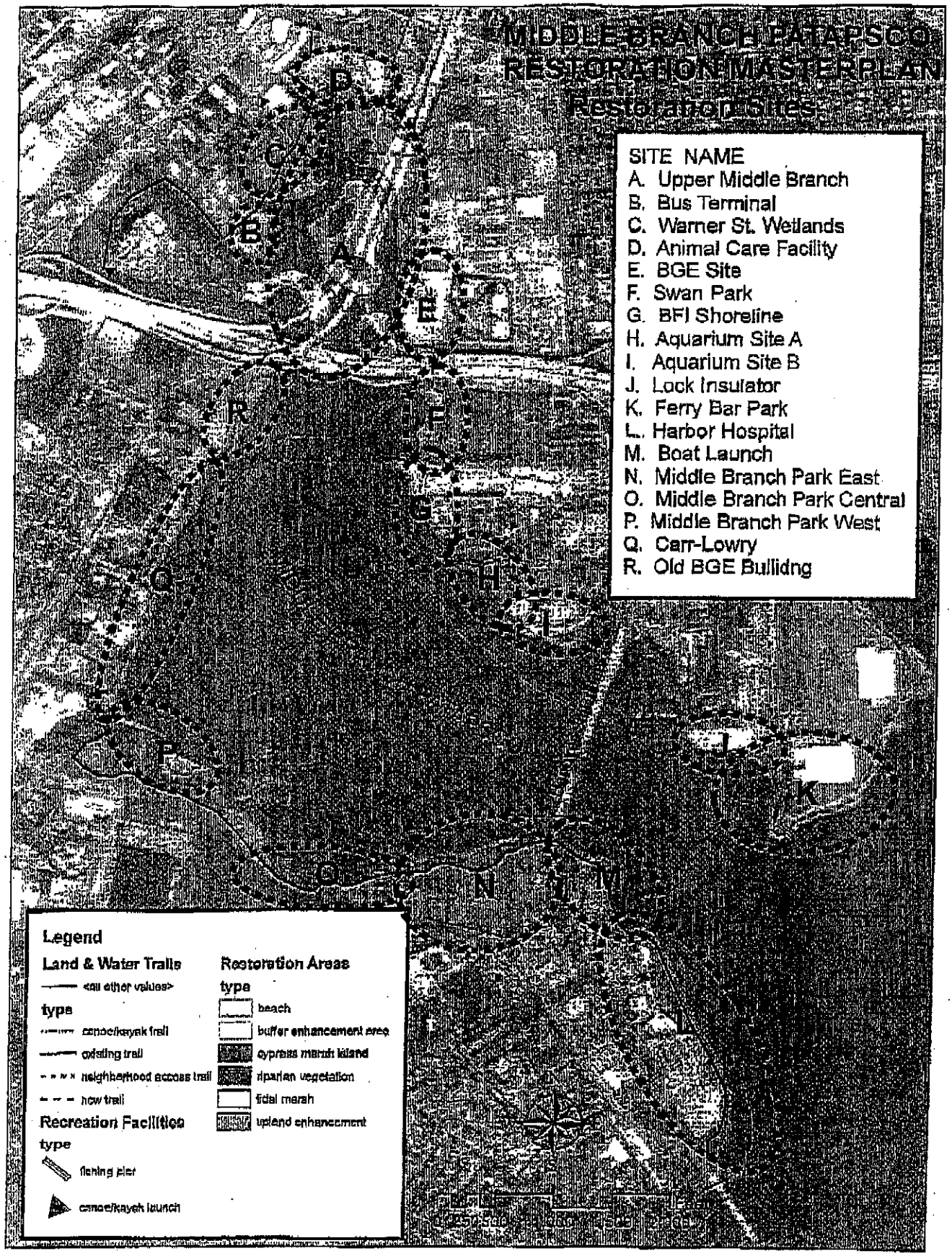
Next Steps

- Continue to refine and further develop restoration plan process and involve community groups and city agencies
- Continue to develop effectiveness of community watershed stakeholder group, training sessions, education outreach
- Continue to develop watershed greening strategy and greenway system, conclude assessment of public land holdings (parks and school sites), and determine opportunities for water quality treatments that support enhanced quality of life
- Continue coordinate with redevelopment projects including Camden-Carroll Industrial Park, UMB Bio-Tech Park, Harlem Park, Poppleton and Sandtown housing redevelopment, and OROSW vacant land management project
- Examine sustainable methods long-term maintenance and youth job and workforce development training
- Secure project implementation funding


LEGEND
263-A
263-B
263-C
263-D
263-E
263-H
263-N
263-P
263-R
263-S
263-U
263-V
263-Z
263-Y
263-DD
263-FF
263-EE
263-HH
263-II
Visual Glossary
N
Watershed 263 Draft Management Plan

BMP Drainage ID	Area (ac)	Treatment Type	NPV O&M Cost ($)	Capital Cost (Year 2005 dollars)	Total Cost
263-A-1	2.37	Sidewalk Bioretention	$111,658	$270,289	$381,947
263-A-2	1.45	Courtyard Bioretention	$75,953	$106,661	$182,614
263-A-3	0.32	Corner Bioretention	$16,764	$38,109	$54,873
263-B-1	1.89	Courtyard Bioretention	$91,989	$129,182	$221,171
263-B-2	1.09	Infiltration	$1,353	$12,326	$13,678
263-B-3	2.75	Courtyard Bioretention	$77,091	$108,259	$185,350
263-C-1	0.76	Inlet Filtration	$146,455	$8,910	$155,365
263-C-2	0.75	Inlet Filtration	$126,013	$8,910	$134,923
263-C-3	1.04	GravelPave	$2,229	$49,864	$52,092
263-C-4	0.76	GravelPave	$956	$21,392	$22,348
263-C-5	0.75	GrassPave	$956	$20,825	$21,781
263-C-6	2.13	GrassPave	$2,677	$58,347	$61,024
263-C-7	0.92	GrassPave	$1,752	$38,179	$39,931
263-C-8	2.62	GrassPave	$3,236	$70,516	$73,752
263-D-1_2	1.86	Courtyard Bioretention	$89,043	$125,044	$214,087
263-D-3	1.79	Courtyard Bioretention	$89,593	$97,731	$187,323
263-E-1	1.03	Corner Bioretention	$25,961	$59,017	$84,977
263-E-2	1.20	Corner Bioretention	$44,108	$100,270	$144,378
263-E-3	1.41	Infiltration	$2,366	$21,557	$23,922
263-E-5	0.65	Courtyard Bioretention	$21,318	$29,938	$51,256
263-E-7	0.74	Infiltration	$1,350	$12,304	$13,654
263-G-1	2.08	GrassPave	$3,710	$80,857	$84,567
263-G-2	2.22	Infiltration	$2,468	$22,487	$24,955
263-G-3	2.41	Rain Garden	$52,390	$73,571	$125,961
263-H-1	2.61	Infiltration	$5,324	$48,516	$53,841
263-H-2	1.07	Inlet Filtration	$91,956	$8,910	$100,866
263-I-1	0.77	Sidewalk Bioretention	$24,396	$59,054	$83,450
263-I-2	0.43	Sidewalk Bioretention	$11,916	$28,845	$40,762
263-I-3	0.67	Infiltration	$1,244	$11,337	$12,581
263-I-4	0.82	Sidewalk Bioretention	$43,105	$104,346	$147,451
263-I-6	2.44	Sidewalk Bioretention	$120,076	$290,667	$410,743
263-J-1	0.59	GrassPave	$929	$20,245	$21,174
263-J-2	1.02	GrassPave	$1,600	$34,869	$36,469
263-J-4	1.06	Courtyard Bioretention	$41,573	$58,381	$99,954
263-J-5	1.73	Inlet Bioretention	$80,227	$8,910	$89,137
263-K-1	2.35	GrassPave	$3,821	$83,275	$87,096
263-K-2	1.48	Corner Bioretention	$30,793	$70,002	$100,795
263-L-1	0.98	Corner Bioretention	$43,219	$98,250	$141,470
263-L-2	1.70	Corner Bioretention	$60,775	$138,158	$198,932
263-M-1	1.31	Courtyard Bioretention	$63,649	$89,384	$153,033
263-M-2	1.07	Sidewalk Bioretention	$29,954	$72,511	$102,466
263-M-3	0.97	Sidewalk Bioretention	$30,597	$74,065	$104,662
263-M-4	0.97	Rain Garden	$43,255	$60,743	$103,998
263-N-1	2.67	Infiltration	$5,004	$45,598	$50,601
263-N-2	2.80	Courtyard Bioretention	$74,693	$104,892	$179,586
263-P-1	1.25	Corner Bioretention	$36,806	$83,670	$120,476
263-P-2	1.18	Corner Bioretention	$51,143	$116,262	$167,405
263-Q-1	1.17	GrassPave	$2,562	$55,840	$58,402

263-Q-2	0.73 Rain Garden	$38,627	$54,244	$92,871
263-R-1	2.63 Corner Bioretention	$110,006	$250,074	$360,080
263-S-1	0.64 GrassPave	$1,124	$24,486	$25,610
263-S-2	3.17 Infiltration	$4,694	$42,773	$47,467
263-T-1	2.03 Corner Bioretention	$104,855	$238,365	$343,221
263-T-2	1.56 Corner Bioretention	$67,348	$153,101	$220,449
263-T-3	1.69 Corner Bioretention	$81,625	$185,556	$267,181
263-T-4	0.17 Corner Bioretention	$7,576	$17,222	$24,798
263-T-5	0.22 Corner Bioretention	$11,365	$25,835	$37,200
263-U-1	0.82 Filter Strip	$195	$14,221	$14,416
263-U-2	1.38 Infiltration	$2,955	$26,931	$29,887
263-V-1	0.40 GravelPave	$849	$19,001	$19,851
263-V-2	0.68 GravelPave	$1,455	$32,558	$34,013
263-V-3	0.39 Sidewalk Bioretention	$20,429	$49,453	$69,883
263-V-4	0.72 Sidewalk Bioretention	$37,822	$91,556	$129,378
263-W-1	1.45 Corner Bioretention	$75,962	$172,681	$248,643
263-W-1_2	1.92 Courtyard Bioretention	$66,986	$94,069	$161,056
263-X-1	0.23 Courtyard Bioretention	$12,136	$17,044	$29,180
263-X-2	0.12 Inlet Bioretention	$6,020	$8,910	$14,930
263-X-3	0.34 Corner Bioretention	$18,054	$41,041	$59,095
263-X-4	1.57 Sidewalk Bioretention	$81,115	$196,353	$277,468
263-X-5	1.50 Sidewalk Bioretention	$79,886	$193,383	$273,271
263-X-6	0.71 Courtyard Bioretention	$28,141	$39,519	$67,659
263-Y-1	0.83 Corner Bioretention	$41,513	$94,370	$135,883
263-Y-2	0.83 Rain Garden	$38,824	$54,521	$93,345
263-Y-3	0.22 Corner Bioretention	$8,067	$18,338	$26,405
263-Y-4	0.52 Corner Bioretention	$26,201	$59,561	$85,761
263-Y-5	0.41 Infiltration	$955	$8,702	$9,657
263-Y-6	0.12 Infiltration	$283	$2,574	$2,857
263-Y-7	1.40 Sidewalk Bioretention	$49,980	$120,986	$170,966
263-Z-1	3.10 Corner Bioretention	$164,655	$374,306	$538,961
263-Z-2	0.28 Corner Bioretention	$11,768	$26,752	$38,519
263-Z-3	1.02 Inlet Bioretention	$47,077	$8,910	$55,987
263-Z-4	0.31 Courtyard Bioretention	$15,988	$22,452	$38,440
263-AA-1	0.18 Corner Bioretention	$9,267	$21,067	$30,334
263-AA-2	0.78 Corner Bioretention	$39,560	$89,930	$129,490
263-AA-3	1.01 Corner Bioretention	$50,258	$114,251	$164,509
263-AA-4	1.56 Corner Bioretention	$79,840	$181,499	$261,340
263-AA-5	0.33 Corner Bioretention	$17,689	$40,211	$57,900
263-AA-6	0.05 Corner Bioretention	$672	$1,528	$2,200
263-AA-7	0.09 GrassPave	$176	$3,838	$4,014
263-AA-8	0.35 GrassPave	$740	$16,119	$16,859
263-BB-1	3.53 Corner Bioretention	$180,129	$409,483	$589,613
263-BB-2	1.75 Corner Bioretention	$89,346	$203,108	$292,453
263-DD-1	0.58 Courtyard Bioretention	$30,591	$42,960	$73,551
263-DD-2	0.75 Courtyard Bioretention	$39,040	$54,824	$93,863
263-GG-1	0.63 Corner Bioretention	$33,199	$75,470	$108,669
263-GG-2	14.06 Corner Bioretention	$693,509	$1,576,537	$2,270,046
		$4,398,562	$8,941,948	$13,340,509


MIDDLE BRANCH PATAPSCO
RESTORATION MASTER PLAN
Restoration Sites
SITE NAME
A. Upper Middle Branch
B. Bus Terminal
C. Warner St. Wetlands
D. Animal Care Facility
E. BGE Site
F. Swan Park
G. BFI Shoreline
H. Aquarium Site A
I. Aquarium Site B
J. Lock Insulator
K. Ferry Bar Park
L. Harbor Hospital
M. Boat Launch
N. Middle Branch Park East
O. Middle Branch Park Central
P. Middle Branch Park West
Q. Carr-Lowry
R. Old BGE Building
Legend
Land & Water Trails
<all other values>
type
canoe/kayak trail
existing trail
neighborhood access trail
new trail
Recreation Facilities
type
fishing pier
canoe/kayak launch
Restoration Areas
type
beach
buffer enhancement area
cypress marsh island
riparian vegetation
tidal marsh
upland enhancement

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

August 16, 2006

Mr. Vance Hobbs
CENAB-OP-RMN
U. S. Army Corp of Engineers
Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Draft Environmental Impact Statement (DEIS) for the Proposed Masonville Dredged Material Containment Facility, Baltimore, Maryland: CEQ No 20060184 and the Supplement to the Draft Environmental Impact Statement (SDEIS) for the Proposed Masonville Dredged Material Containment Facility, Baltimore, Maryland. CEQ No 20060269.

Dear Mr. Hobbs:

In accordance with the National Environmental Policy Act of 1969 (NEPA), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act (CWA); the U.S. Environmental Protection Agency (EPA) has reviewed the above referenced documents. The DEIS evaluates the potential to construct a Dredged Material Containment Facility (DMCF) capable of receiving material dredged from the Baltimore Harbor Channels north of the North Point-Rock Point line in the Patapsco River, evaluates a series of alternatives for this type of structure, the environmental impacts associated with the proposed alternative, and describes a compensatory mitigation plan for the proposed project. We offer the following comments.

The Baltimore Harbor and Channels Dredged Material Management Plan (DMMP) and Tiered EIS (USACE 2005) concluded that multiple DMCF's would be necessary to meet the Harbor placement need over the next 20 years. This DEIS evaluates the no action alternative and 3 alternative sites for DMCF's to satisfy Harbor material placement needs beginning in 2009. The three sites evaluated for the potential to meet the dredged material shortfall in the near term were Masonville, Sparrows Point and BP-Fairchild. The Masonville site (final feasibly alignment # 3) is identified as the preferred alternative for a DMCF in the DEIS and 404 permit application. EPA has rated the "no action" alternative which would not develop the Masonville DMCF as "LO" (Lack of Objection). The "no action" alternative as described would either potentially defer the scheduled dredging activities or result in the need to place materials at Hart and Miller Island or the Cox Creek DMCF's through 2009. We have assigned the rating of "EC" (Environmental Concerns) to the remaining three alternatives which include the proposed DMCF at Masonville and the potential DMCF's at Sparrows Point and BP-Fairchild in the Patapsco River. EPA has also

rated the overall adequacy of the DEIS as "2" (Insufficient information). A copy of the EPA EIS rating system is enclosed for your reference.

EPA recognizes the DEIS is the result of recommendations in the Dredged Material Management Plan (DMMP) which was developed over several years with significant agency and public input. Despite the fact that EPA has served on various committees involved in this process, we continue to have serious concerns with several major aspects of the Masonville proposed alternative; including the potential impacts associated with the placement of fill into a large area of the Patapsco River.

Alternatives

EPA appreciates that the Harbor Team and related Committees (e.g., the Bay Enhancement Work Group (BEWG)) spent considerable time and effort in developing, evaluating and screening alternatives for managing dredged material from the Harbor channels. The proposed project (i.e., dredged material disposal) does not require access or proximity to, or siting within, a special aquatic site to fulfill its basic project purpose (i.e., is not "water dependent"). However, given the legislative and operational constraints faced by the applicant, the need for disposal capacity in the near term, and the potential hazards to navigational safety which could occur without the proposed dredging; we believe that the applicant's identification of the Masonville site as the preferred alternative is justifiable.

Environmental Impacts

EPA has serious concerns with the environmental impacts of the proposed project on the Patapsco River and ultimately the Chesapeake Bay ecosystem. Construction and subsequent placement of fill at the Masonville site for Final Feasibility Alignment # 3 will result in the permanent loss of 130 acres of tidal open water habitat, 1 acre of vegetated wetlands, and 10 acres of upland in the Chesapeake Bay critical area buffer. The DEIS acknowledges that the proposed project will have significant long term adverse impacts to fisheries, essential fish habitat (EFH) and benthic communities from the placement of fill into tidal open water. Significant long term adverse impact will result to fisheries from the loss of tidal open water habitat. Although some benthic conditions in the area were determined to be degraded, other areas met restoration goals for the Harbor. There will be the permanent loss of 0.38 acres of submerged aquatic vegetation (SAV) and 10 acres of Tier I/II Habitat for SAV within the DMCF footprint. The ecosystem functions and values of this tidal open water habitat and associated aquatic resources will be permanently lost due to construction of the DMCF at Masonville.

CWA Section 404

A Section 404 evaluation is to be completed for the project and included in the FEIS. EPA requests the opportunity to review this evaluation prior to finalization of the FEIS and/or before any permit is issued for the proposed project.

The mitigation plan included in the DEIS for unavoidable impacts is currently still under development. The total cost of the draft conceptual mitigation plan provided in the DEIS was estimated to be $12.5 million. We understand concerns have been raised by other resource agencies and local interests regarding the adequacies of proposed mitigation and public access to Masonville Cove with which we are in agreement. Our review has determined that the proposed plan does not include the commitment of funds for the maintenance of the Masonville Cove portion of the mitigation plan. Concerns were raised during early coordination meetings with the Maryland Port Authority (MPA) and resource agencies that the Masonville Cove mitigation site would be continuously degraded by erosion and by sediment and trash deposition, reducing the long term mitigation value of the site. To address these concerns, EPA recommended MPA set aside a permanent fund to ensure a dedicated and continual funding source for maintenance of the restoration project. This recommendation is consistent with and meets the goals and intent of the Clean Water Act (CWA) which are "to restore and maintain the physical, chemical, and biological integrity of the nation's waters". Since the preferred alternative for the Masonville DMCF will permanently remove 130 acres of waters of the U.S., the mitigation proposed to offset this loss of aquatic resources should provide a permanently dedicated source of funds to maintain the proposed mitigation area. The dollar amount of the fund set-aside needs to be evaluated by the applicant and should reflect an adequate source of funding to continually maintain all components of the approved mitigation project. The mitigation plan should be developed, and final approval received by the resource agencies, prior to inclusion into the Final Environmental Impact Statement (FEIS) and before the issuance of the Section 404 permit for the project. EPA will work with the Corps and MPA to develop the final mitigation and maintenance plan that addresses our concerns and adequately mitigates for the environmental impacts of the proposed DMCF.

Consistent with the State of Maryland's approach with private applicants whereby a payment is required for the value of uplands created from filling regulated waters, we suggest that the funds set aside for the Masonville mitigation maintenance, when added to other proposed mitigation costs, should equate with the economic value of the upland created by the Masonville fill. The applicant should be willing to commit to an adequate and equitable mitigation plan taking into consideration the economic value of the land created by this fill. In the future EPA believes that the issue of the economic value of the land created by a fill, a cost to a private applicant, should be included in the comparative evaluation of the alternatives in order to evaluate all the alternatives fairly. It is incumbent upon MPA to assure that the projects which are undertaken by the Authority have minimal impacts to public resources and that the mitigation undertaken for these projects has real and long term effects with a goal of overall watershed improvements.

Air Impacts

A Conformity Study and Conformity Plan is required by the Clean Air Act since emissions during construction and placement of dredged materials will exceed the 100 tons per year (tpy) NOx threshold. A thorough assessment of emissions from the proposed project to meet the requirements for the Federal conformity decision should be included in the FEIS. It is requested that the plan be submitted to EPA for review and comment prior to inclusion into the FEIS.

Cumulative Impacts

Cumulative impacts result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions regardless of which agency or person undertakes such actions. The cumulative impacts analysis has determined that implementation of the DMMP, in conjunction with past placement activities, utilizing the Masonville, Sparrows Point and BP-Fairfield sites for dredged material over the next 20 years has the potential to result in the loss of 2,085 acres or 4.9 % of the tidal open water habitat in the Patapsco River. EPA is extremely concerned with the potential for such a large loss of tidal open water in the Patapsco River system or elsewhere in the Chesapeake Bay region. While an appropriate mitigation plan is being developed to offset the impacts of the Masonville DMCF, we strongly believe that future further filling of waters of the U.S. at the magnitude proposed would not comply with the applicable EPA and Corps regulatory review guidelines. Accordingly, EPA recommends that any dredge and fill permit issued for the Masonville DMCF have a condition requiring the applicant to vigorously pursue viable innovative use alternatives for the future disposal of dredged material (see below).

Innovative Use

Currently MPA is committed to identifying a strategy to manage 0.5 million cubic yards (mcy) of dredged material annually through cost-effective and safe innovative uses by 2023. New dredging and maintenance work generates approximately 1.5 mcy of dredged material annually. The development of innovative uses or reuse of dredged material has the potential to avoid and/or minimize impacts on the environment and aquatic resources by reducing or eliminating the future need for the additional DMCF's, e.g. Sparrows Point and BP-Fairchild DMCF sites. To this end we recommend that the regulatory agencies and MPA collaboratively develop a Memorandum of Agreement to achieve innovative uses and reuses of larger quantities of dredged materials in a shorter time frame. A dedicated source of funding needs to be committed to advance innovative use alternatives as well. Initial funding as part of the mitigation plan for the Masonville project needs to be seriously considered. EPA commits to be an active partner to develop an agreement that will protect our valuable natural resources in the Patapsco River and Chesapeake Bay watershed and provide a solution to dredged material disposal needs in the long term.

Thank you for the opportunity to provide comments on the DEIS and Joint Permit application for the Masonville DMCF. Until an appropriate mitigation and management plan is submitted and approved, EPA recommends that the Corps hold the Section 404 permit in abeyance. Should you have any questions regarding our comments concerning the NEPA process, please contact me at (215) 814 3367 or Marria O'Malley Walsh the principal reviewer of the project at (570) 628-9685. Should you have questions concerning Section 404 permitting issues please contact Jim Butch at (215) 814-2762.

Sincerely,

William Arguto
NEPA Team Leader

encl

Environmental Impact Statement (EIS) Rating System Criteria

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

LO (Lack of Objections) - The review has not identified any potential environmental impacts requiring substantive changes to the preferredalternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.

EC (Environmental Concerns) - The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.

EO (Environmental Objections) - The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental Objections can include situations:

1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;

2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;

3. Where there is a violation of an EPA policy declaration;

4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or

5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.

EU (Environmentally Unsatisfactory) - The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:

1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;

2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or

3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

1 (Adequate) - The draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

2 (Insufficient Information) - The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the final EIS.

3 (Inadequate) - The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating

McCormick, Kaitlin

From: Boraczek, Jane
Sent: Tuesday, August 22, 2006 9:42 AM
To: McCormick, Kaitlin
Subject: FW: Environmental Impact Statement Testimony

From: Ckesh@aol.com [mailto:Ckesh@aol.com]
Sent: Thursday, August 17, 2006 1:21 PM
To: Romeo, Jon NAB02
Subject: Environmental Impact Statement Testimony

Comments on the Environmental Impact Statement for the Masonville Dredge Containment Facility and Mitigation Project to the US Army Corps of Engineers.

Submitted by the Brooklyn and Curtis Bay Coalition August 17, 2006 via email to Jon.romeo@usace.army.mil

I am Carol Eshelman and I am the Executive Director for the Brooklyn and Curtis Bay Coalition, a nonprofit community development corporation whose mission is to revitalize the neighborhoods of Brooklyn and Curtis Bay. I am submitting this testimony on behalf of the Coalition's Board of Directors, which includes residents and/or representatives of local faith-based organizations and businesses.

The Brooklyn and Curtis Bay Coalition has been working with the Maryland Port Administration (MPA) to solicit input from the residents of Brooklyn and Curtis Bay with respect to the proposed dredge material containment facility and in particular on the restoration of the Masonville Cove. For more than 3 years, representatives of the port attended town meetings, community association meetings as well as meetings devoted exclusively to the project. These meetings have continued even since the last public hearing on this project on June 21.

As stated before the Coalition supports the open process that the port used to determine the location of the dredge containment facility and the recommendations of the Harbor Team with respect to alternative uses. In particular, the Coalition supports the recognition that the mitigation projects stay in the community to create an urban nature center and access to the water at Masonville Cove. The Coalition is supportive of the mitigation as outlined in the Environmental Impact Statement and we also agree with the community members who have stated that additional mitigation should be considered. In particular, the MPA needs to create a safe the pedestrian access route that complements the new gateway project that is being created by the Concerned Citizens for a Better Brooklyn.

In discussions with local residents and meetings with potential Cove partners, we believe that a minimum level of long-term funding to support the operation of the environmental education/urban nature center and the programs to be run out of the center is critical to the long-term success of the mitigation projects. This facility is going to provide the opportunities

for the school children in Brooklyn and Curtis Bay to have meaningful bay experiences by taking part in environmental education programs and in the creation and maintenance of this unique urban nature center. Additionally, community clean up days and other restoration events will be held in the Cove. It is also envisioned that community groups will also be able to hold meetings and events at the Nature Center.

The Coalition in partnership with the Living Classrooms Foundation and the National Aquarium has committed to raising long-term funding for operations and education programs, but we believe that the port should also provide half of the ongoing operating funds for this facility. It is early but our preliminary estimates have indicated that a relatively full schedule of programs can be run out of the environmental education center for between 3-4 hundred thousand dollars annually; this includes upkeep of the center. The construction of the dredge material placement facility will last for well over a decade and after that there will be port related activities on the site. The port should commit to annually supporting at least half of the expenses relating to the Environmental Education Center and its programs over the long term.

Residents have also expressed assurances that the land remain as a nature center in perpetuity. To ensure that this occurs the Coalition has been working with the Maryland Environmental Trust to create an easement and with other partners to create a new land trust for the Middle Branch of the Patapsco River that could accept the easement. The Board of the land trust will have members who are residents of Brooklyn and Curtis Bay. The MPA has agreed to allow an easement on the property to protect the center.

The experience of the last 3 years has proven the value to MPA and State of working directly with the citizens of the areas impacted by State projects. It is essential that the MPA continue this relationship as the project is implemented. Accordingly, the Coalition is seeking to hire a staff person whose job it will be to meet regularly with community members to continue to gather input, to attend meetings on the cove and to update community members on ongoing activities. As part of this ongoing communication, the Coalition is proposing to include regular information in our newsletter on the progress of the dredge facility and the mitigation. In order to ensure broader circulation of the newsletter we are including the cost of mailing the newsletter to all residents of Brooklyn and Curtis Bay as part of the operating expenses.

The Coalition also supports the creation of resident committees to work on the plans for the nature center and education programs and an oversight committee for the mitigation and dredge material placement facility. The committee members and partners, as well as the port, would be asked to submit unedited articles for our newsletter. This will ensure that residents will have access to ongoing and timely information.

Thank you.

Carol K. Eshelman
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Brooklyn and Curtis Bay Coalition, Inc.
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Habitat Conservation Division
Chesapeake Bay Program Office
410 Severn Ave., Suite 107A
Annapolis, Maryland 21403

August 17, 2006

MEMORANDUM TO: Mary Frazier, Jon Romeo
Baltimore District – Corps of Engineers,
Regulatory Branch, Maryland Permits – North

FROM: John S. Nichols

SUBJECT: Masonville Dredge Material Containment Facility

The National Marine Fisheries Service (NMFS) has reviewed the Corps of Engineers – Maryland Department of the Environment Joint Public Notice, dated May 19, 2006; and, the Draft Tiered Environmental Impact Statement (DEIS), dated May 2006, and DEIS Supplement, dated June 2006; and, your Essential Fish Habitat Assessment, attached to the DEIS, and submitted in accordance with the Magnuson – Stevens Fishery Conservation & Management Act, for the proposed Masonville Dredged Material Containment Facility (DMCF) in Baltimore, Maryland. The following is a synopsis of NMFS concerns and recommendations pertaining to this proposal. A formal letter with NMFS comments and recommendations on this project from the NMFS Habitat Conservation Division Field Office Supervisor will be forthcoming later during August 2006.

SHORT TERM CONSTRUCTION IMPACTS

The lower nontidal Patapsco River and lower Gwynns Falls are documented spawning and nursery grounds for anadromous fish, particularly white perch (*Morone americana*), and yellow perch (*Perca flavescens*). Distribution of early life stages of these species (i.e., eggs and larvae) are generally confined to the immediate waters of the spawning grounds, upstream of the project site. However, after acquiring more proficient swimming ability, young-of-the-year of these species move downstream into the tidal Patapsco River; i.e., during mid- through late spring. Existing conditions surveys of the project site have documented significant numbers of young-of-the-year white perch in the project area.

While young-of-the-year perch are generally less vulnerable to dredging related impacts than eggs and larvae, young-of-the-year vulnerability is a concern with a large-scale dredging-placement operation, such as that proposed. Approximately 0.6 million cubic yards of overburden material will be removed by mechanical method from the project site prior to construction of the exterior dikes. Overburden is comprised of 87 percent silty organic sediment and clay. Mechanical dredging tends to generated higher amount of re-suspended sediments in the water column than hydraulic dredging, and in the case of the proposed project, will affect a large area of the river, and extend over several months. Consequently, young-of-the-year perch using the project site will be subject to an extended period of elevated suspended solids, depressed dissolved oxygen concentrations, and disruption to their visual acuity and foraging behavior.

We anticipate that construction of the exterior dikes of the DMCF will produce similar impacts to young-of-the year perch. Identified sources of construction material (i.e., on-site borrow, and/or 0.5 million cubic yards of Seagirt dredge material) contain significant portions of fines (i.e., up to 29 percent), much of which will be re-suspended into the water column during open-water placement for dike construction. Seagirt material also contains significant amounts of metals; in particular, copper, which, if released into the water column during material placement at the project site, could create local toxic effects on aquatic life.

Both white and yellow perch are important to local recreational fisheries in the Patapsco River. Like other anadromous species, year-class strength is important to sustaining local stocks. Any degree of perch mortality that may be incurred as a result of the early construction phases is not acceptable, particularly

because exposure of young-of-the-year perch to construction impacts can be avoided through a seasonal restriction on in-water work. We, therefore, recommend the following.

1) Dredging of overburden material, and construction of exterior dikes (i.e., via borrow placement) should be restricted from February 15 through June 1, of any year. Once the exterior dike of the DMCF has been completed, isolating the interior of the placement facility from the river, work within the dike-contained area may proceed during the spring spawning season, provided that discharge from the work site abides by state water quality standards.

Overburden removal and exterior dike construction also has the potential to adversely affect submerged aquatic vegetation (SAV) in Masonville Cove. If the latter actions are to occur during the SAV growing season, we recommend that turbidity curtains be deployed during these construction phases to confine re-suspended sediments to the work area, and/or protect SAV beds from re-suspended materials that may drift into Masonville Cove. When dredging/exterior dike construction coincides with the SAV growing season, SAV beds in Masonville Cove should be monitored for increases in sediment deposition on vegetation, and turbidity curtains adjusted appropriately to minimize impacts to SAV.

LONG-TERM DMCF IMPACTS ON HYDROLOGIC REGIME AND SEDIMENT-DEPOSITION

Existing conditions data have well documented the poor water quality and sediment quality conditions that exist in the Middle Branch and project area. Coupled with this are anticipated effects that the DMCF will have on local hydrodynamic and sediment erosion/deposition patterns. For example, study modeling has predicted that the constructed DMCF will result in moderate depression of ebb surface currents, increased water residence time, as well as a 50 percent increase in annual sediment deposition in waters adjacent to the proposed facility. Consequently, the proposed DMCF will likely contribute to further decline of local environmental quality; e.g., increased Total Suspended Solids, increased concentrations of water column inorganic nutrients, decreased water clarity.

The Maryland Port Administration (MPA) has proposed an ambitious compensatory mitigation package for enhancing the ecological quality Masonville Cove, which includes amendments to local sediments and the subtidal water column, as well as efforts to promote SAV expansion within the cove. However, in the light of anticipated effects of the DMCF on local environmental quality, a more realistic approach should be taken relative to the make-up and design of the mitigation package, to ensure that significant habitat losses from this project are successfully off-set. NMFS recommended adjustments to several compensatory mitigation components are discussed below.

COMPENSATORY MITIGATION PACKAGE

NMFS approves of the diversity and potential ecological significance to the Patapsco River watershed of components that comprise the proposed comprehensive mitigation package. However, of paramount importance is the success of each mitigation component. We also note that success can best be achieved through an adaptive management protocol, which includes intensive monitoring of parameters affecting compensatory actions, adjustments to compensatory actions based on monitoring feedback, including timely replacement of failing actions with pre-identified Phase II compensatory actions.

We recommend that a 5-year monitoring protocol be developed for all mitigation components, which will begin on each component at the completion of the component's construction. For actions that will require perpetual maintenance following the 5-year monitoring period (i.e., fish passageways, trash interceptors), MPA must also re-arrange a perpetual maintenance plan with an appropriate state, local or private constituent.

Data derived from each monitoring protocol should be used to assess the progression and effectiveness of an action. This should include compiling monitoring results into annual reports that are submitted for regulatory/resource agency review and comment, and maintaining regular coordination channels with regulatory/resource agency staff to assess problems as they arise during a year. Regulatory/resource agencies should be afforded the final determination as to the success or failure of each action. Additionally, the applicant should identify and compile a listing of Phase II compensatory options that can be used to replace failing Phase I options (i.e., actions different from and in addition to those comprising

the proposed compensatory package). Phase II options, once adopted, should be subject to the same monitoring and appraisal protocol as Phase I actions.

For those proposed compensatory actions directly affecting our resources, we have identified parameters that should be included in a 5-year monitoring plan.

1. Wetland construction/enhancement
    a) Appropriate control of invasive plant species, including: 1) use of herbicides according to manufacturers' recommended protocol; and, 2) eradication of invasive species and their propagules in areas within and adjacent to the proposed wetland site.
    b) Vegetative cover and diversity (which includes a re-planting plan, where needed)
    c) Development of faunal community
    d) Trash/flotsam removal
    e) Vegetation predator control
    f) System hydrology (which includes adjustment of elevations, tidal channels, where needed)

2. Benthic/subtidal amendments in Masonville Cove
    a) Fish community development in area of fish reef modules, inter-module bottom, and stone dike exterior
    b) Fouling community development on reef structures
    c) Benthic diversity and abundance
    d) Sediment deposition rates, substrate and bathymetric changes

3. American eel passage
    a) Hydrologic functioning of passageways
    b) Successive re-introduction of eels to waters upstream of passageways

4. Shad and herring restoration
    a) Return of marked migratory adults (2-4 years following stocking) to the Patapsco watershed
    b) Functioning of existing fishways in passing target species

5. Trash interceptors
    a) Proper functioning of each interceptor
    b) Maintenance and trash disposal
    c) Appraisal of trash/flotsam levels in Masonville Cove

6. Water quality monitoring
    a) Parameters monitored should include Total Suspended Solids, Secchi disk depth, chlorophyll(a), dissolved oxygen, dissolved inorganic nitrogen, dissolved inorganic phosphorus, salinity
    b) Data should be collected prior to and following DMCF construction for a comparative analysis on the overall effects of the DMCF on environmental quality in Masonville Cove, and to appraise the success of Masonville Cove enhancements

Although SAV has colonized Masonville Cove, in habitat conditions within the cove are actually sub-par for SAV growth and expansion. Furthermore, the proposed DMCF will likely exacerbate the already poor conditions. Given a low probability of success, proposed in-kind SAV establishment (plantings) should not be afforded credit as part of the compensatory mitigation package. However, we do recommend that the applicant monitor the health and resilience of existing SAV within Masonville Cove as part of the 5-year water quality monitoring protocol, as part of the appraisal of the environmental health of the cove. Included in such monitoring would be distribution and health of new beds that have resulted from natural volunteer colonization.

NMFS also recommends that compensatory credit not be afforded to trash clean-up in Masonville Cove, unless it is required as part of a preparatory measure for a specific enhancement activity (e.g., wetland construction, fish reef amendments).

ESSENTIAL FISH HABITAT (EFH)

As discussed during our participation as a Cooperating Agency in the preparation of the DEIS, your EFH Assessment was comprehensive and very well prepared, as well as appropriately supplemented with existing conditions survey data on fisheries. In consideration of the marginal habitat conditions in the Middle Branch, including the project site, and its limited use by federal species, the construction and subsequent operational effects of the proposed DMCF should not adversely affect managed species and their EFH. Additionally, proposed maintenance and borrow actions within the Seagirt channel should not adversely affect these species.

Federal species tend toward greater abundance within the middle and lower regions of the tidal Patapsco River, relative to seasonal/annual salinity fluctuations. Consequently, they are more subject to the cumulative effects of the Port's holistic dredging/disposal operations throughout the Inner Harbor. Issues discussed below, therefore, pertain to both anadromous and federal fish resource conservation within the Patapsco watershed.

LONG-TERM CUMULATIVE IMPACTS OF THE PORT'S INNER HARBOR DREDGING/DISPOSAL OPERATIONS ON THE TIDAL PATAPSCO RIVER: AVOIDANCE & MINIMIZATION OF FUTURE IMPACTS

Fill activities related to Port of Baltimore Inner Harbor past, present and future operations already account for the displacement of more than 2,000 acres of the tidal Patapsco River. The proposed Masonville DMCF, itself, will result in changes to hydrologic and sediment deposition patterns in the Middle Branch. As the tidal river continues to be geographically constrained by future projects, such as Sparrows Point and BP-Fairfield, continued alteration of the hydrologic and other physical processes within the river and its tributaries will produce more dramatic and adverse effects on the ecology and resources of this system. The importance of curtailing future displacement of the river's aquatic system through incorporating Innovative Use and/or upland disposal options into the management of Inner Harbor dredge material cannot be over-emphasized.

Formation of the Innovative Reuse Committee (IRC) to formulate an Innovative Use strategy represents a positive move by MPA toward adopting the Harbor Options Team recommendation for incorporating Innovative Use into the long-term disposal plan for the Inner Harbor. Communication should be improved between IRC and the regulatory/resource agencies so that the agencies can be assured that realistic progress is being made toward development of a strategy as other DMCF projects are reviewed in the near future. We also recommend that the following measures be incorporated into the authorized permit for the Masonville DMCF as special conditions for avoiding and minimizing of cumulative impacts of the Long-Term Dredge Material Disposal Plan for the Inner Harbor.

1) During the duration of the authorized permit for Masonville, MPA must demonstrate to the federal regulatory agencies that positive advances are being made toward development of an Innovative Use strategy (and/or a strategy that develops local upland disposal options) that will be able to accommodate at least 0.5 MCY of Inner Harbor material by the year 2023, restore capacity to existing DMCFs, and reduce the need for displacing additional aquatic habitat in the tidal Patapsco River. To "map out" a strategy, we suggest development of a protocol (e.g., in flow chart or matrix format) which outlines goals and objectives of developing the more promising Innovative Use options, and identifies "Action Dates" by which goals and objectives will be met.

2) MPA should provide annual reports to the federal regulatory agencies summarizing IRC activities as well as progress made toward development of an Innovative Use (and/or upland disposal) strategy.

U.S. Department of Homeland Security

United States Coast Guard

Commander
United States Coast Guard
Fifth Coast Guard District

431 Crawford Street, Room 100
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16500
2006-63743
August 21, 2006

U.S. Army Corps of Engineers
Baltimore District
Attn. Mr. Jon Romeo
P.O. Box 1715
Baltimore, MD. 21203-1715

Dear Mr. Romeo:

After reviewing Public Notice: CENAB-OP-RMN, MPA/MASONVILLE DMCF, 2006-63743: the Coast Guard has the following requirement for this application, in accordance with 33 CFR 62 and 66.

The applicant will be required to temporarily mark the proposed dike construction area every three hundred (300') feet with a slow flashing amber (yellow) light and permanently mark the "relocated sunken barges" area. In association with these requirements the applicant will also be required to prepare and provide for Coast Guard approval a Private Aids to Navigation Application (CG 2554). The Coast Guard will require an advance notice of thirty (30) days to move any Federal Aid to Navigation that are within the scope of this project. Also, the contractor must notify this office with pertinent information so it can be included in the Local Notice Mariners (LNM). Theses request can be done either by email or letter:

Commander (dpw)
Fifth Coast Guard District
431 Crawford Street, Room 100
Portsmouth, VA. 23704-5504

If you have any questions please contact me, at 757-398-6360.

Sincerely,

Albert L. Grimes III

ALBERT L. GRIMES III
Marine Information Specialist
U.S. Coast Guard
By direction

16500
January 24, 2003

Copy: CG SECTOR Baltimore- R. Houck
CGC JAMES RANKIN (WLM 555)
CG ANT Baltimore
Maryland Port Administration- Harbor Development

McCormick, Kaitlin

From: Romeo, Jon NAB02 [JON.ROMEO@nab02.usace.army.mil]
Sent: Friday, September 22, 2006 1:44 PM
To: DCManoogian@HotMail.Com
Cc: McCormick, Kaitlin; Boraczek, Jane; Hobbs, Vance G NAB02; Frazier, Mary A NAB02; Mendelsohn, Mark NAB02
Subject: Masonville EIS and permit appliation

Mr. Manoogian,

This is a follow-up to our phone conversation today.

We received your comments on behalf of Concerned Citizens for a Better Brooklyn dated August 16, 2006 regarding the permit application and the Draft EIS on MPA's proposal to construct a dredged material containment facility at Masonville. Your comments were provided to those on the Baltimore District's team responsible for preparing the EIS and evaluating the permit application. The comments will be made a part of, and addressed in, the final EIS. They will also be considered in our evaluation of the application for a permit.

We now expect the Final EIS to be completed in November 2006. You will be provided a CD of this document and you will be given the opportunity to provide comments on the EIS during the 30-day circulation period. At some point after the close of the circulation period, a Record of Decision will be prepared. Included in the ROD will be how any comments on the Final EIS were addressed. We expect the ROD to be signed and a decision regarding the Department of the Army permit to be made at or about the same time.

Thank you for your comments and please call if you have any questions.

Jon Romeo

Baltimore District Corps of Engineers

Regulatory Branch

Phone: (410) 962-6079

Fax: (410) 962-6024

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

September 28, 2006

Mr. Jon Romeo
Project Manager. Attn: CENAB-OP-RMN
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

STATE CLEARINGHOUSE RECOMMENDATION

State Application Identifier: MD20060629-0702
Applicant: U.S. Army Corps of Engineers, Baltimore District
Project Description: Supplement to the Tiered Draft EIS: Proposed Masonville Dredged Material Containment Facility: new use of construction material at Masonville to include dredged material from channel deepening for Seagrit Marine Terminal (see MD20060515-0469)
Project Location: Baltimore City
Approving Authority: U.S. Department of Defense
Recommendation: **Consistent with Qualifying Comments and Contingent Upon Certain Actions**

Dear Mr. Romeo:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter, with attachments, constitutes the State process review and recommendation based upon comments received to date. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Departments of Agriculture, the Environment, Health & Mental Hygiene, Natural Resources, General Services, Transportation, State Police, the Maryland Environmental Service, Baltimore City, and the Maryland Department of Planning, including the Maryland Historical Trust. As of this date, the Maryland Department of Transportation has not submitted comments. **This recommendation is contingent upon the applicant considering and addressing any problems or conditions that may be identified by their review. Any comments received will be forwarded.** The Maryland Department of State Police had no comments.

The Maryland Department of Natural Resources, and Baltimore City found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

The Maryland Department of Natural Resources addressed issues relating to: time-of-year restrictions to protect spawning anadromous and resident fish species; possible time-of-year restrictions to protect bald eagles that have established a nest area in the past near the Masonville site; planning coordination with the Chesapeake Bay Critical Area Commission; the development of innovative reuse projects for material dredged from the Baltimore Harbor; and the desire to be involved in the review of the Final Mitigation Plan for the project. See the attached letter.

Please Complete Your Review & Recommendation Before August 10, 2006

Return Completed Form To: Linda C. Janey, J.D., Director, Maryland State Clearinghouse for Intergovernmental Assistance, Maryland Department of Planning, 301 West Preston Street, Room1104, Baltimore, MD 21201-2305
Phone: 410-767-4490 Fax: 410-767-4480

State Application Identifier: MD20060629-0702	**Clearinghouse Contact:** Bob Rosenbush, 410-767-4480 brosenbush@mdp.state.md.us
Location:	BCIT
Applicant:	Maryland Port Administration
Description:	Supplement to the Tiered Draft EIS: Proposed Masonville Dredged Material Containment Facility; new use of construction material at Masonville to include dredged material from channel deepening for Seagirt Marine Terminal (see MD20060515-0469)

Based on a Review of the Information Provided, We Have Checked (■) the Appropriate Determination Below

	C1	It is **Consistent** with our plans, programs, and objectives
	C2	It is **Consistent** with the policies contained in **Executive Order 01.01.1992.27** (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), **Executive Order 01.01.1998.04** (Smart Growth and Neighborhood Conservation Policy), and our plans, programs, and objectives.
	C3	**(MHT ONLY)** It has been determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.
	C4	**(DNR ONLY)** It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.
	C7	**(MDP ONLY)** It is consistent with the requirements of State Finance and Procurement Article 5-7B-02; 03; 04 and 05 Smart Growth and Neighborhood Conservation (Priority Funding Areas).
	C5	It is **Consistent** with our plans, programs, and objectives.
	C6	It is **Consistent** with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of 1992), State Finance and Procurement Article 5-7B – Smart Growth and Neighborhood Conservation (Priority Funding Areas), and our plans, programs, and objectives.
X	R1	**GENERALLY CONSISTENT WITH QUALIFYING COMMENTS:** It is generally **Consistent** with our plans, programs and objectives, but the attached qualifying comment is submitted for consideration.
	R2	**CONTINGENT UPON CERTAIN ACTIONS:** It is generally **Consistent** with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment(s).
	R3	**NOT CONSISTENT:** It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act visions/policies; or it may duplicate existing program activities, as indicated in the attached comment(s). If a meeting with the applicant is requested, please check here: ☐
	R4	**ADDITIONAL INFORMATION REQUESTED:** Additional information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here: ☐
	R5	**FURTHER INTEREST:** Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the applicant.
	R6	**SUPPORTS:** Supports "Smart Growth" and Federal Executive Order 12072 (Federal Space Management), which directs federal agencies to locate facilities in urban areas.

Attach additional comments if necessary OR use theses spaces: Comments attached.

Name: George L. Winfield, Director
Organization: Baltimore City Dept. of Public Works
Address: Room 600 Abel Wolman Municipal Bldg.
200 N. Holliday Street
Baltimore, MD 21202

Signature: [signature]
Phone: (410) 396-3910
Date Completed: July 14, 2006
✓ **Check here if comments are attached.**

ENTERED

Maryland State Clearinghouse – Agency Review Request
Masonville Dredged Material Containment Facility
Baltimore, Maryland
MD20060629-0702

Description: Supplement to the Tiered Draft Environmental Impact Statement: Proposed Masonville Dredged Material Containment Facility: New Use of Construction Material at Masonville to Include Dredged Material from Channel Deepening for Seagirt Marine Terminal (see MD20060515-0469)

Applicant: U.S. Army Corps of Engineers, Baltimore District

Comments from Baltimore City Department of Public Works:

The Baltimore District of the U.S. Army Corps of Engineers has made available a draft Environmental Impact Statement for assessing the impact of and the feasibility for placement of dredged materials from Baltimore Harbor into a confined disposal facility to be created adjacent to the Masonville Marine Terminal. Creation of the facility would require filling 130 acres of tidal open water, filling or impacting up to 1 acre of vegetated wetlands, and burying or impacting up to 10 acres of area within the Chesapeake Bay Critical Area buffer. Comments were provided on the first released draft (MD20060515-0469). The supplement to this draft statement was released in June, 2006, and is the subject of the following comments:

The original draft impact statement noted that the creation of this facility would require relocating a 48-inch City water main and a City storm drain, along with the installation of 3,200 linear feet of storm drain pipe to discharge to tidal waters. **The Department requested a meeting with representatives of the Corps of Engineers to discuss the impact of the proposed containment facility on City-owned utilities, in particular the 48-inch water main.**

The City is working directly with the Maryland Port Administration's consultant on a Developer's Agreement to address the City's concerns for certain utility relocations that will be incorporated in the final design of the containment facility. As has been previously noted and acknowledged by the Port Administration's consultant, **of foremost concern to the City is the sequence of construction which must allow for limited shut down of the 48-inch water main during its reconnection after its realignment.** The City recognizes the importance and supports the development of the Masonville facility. **The City's approval of the engineering of this project is contingent upon the Maryland Port Administration's commitment to the conditions set forth in the final Developer's Agreement.**

Baltimore City sought to meet with the U.S. Army Corps of Engineers to discuss the impact of the proposed containment facility on City-owned utilities. Baltimore City mentioned the creation of a Developer's Agreement that will address the City's concerns about utility relocations, and the limited shutdown of water service. The parties to the Developer's Agreement include the Maryland Port Administration, and Baltimore City. See the attached response form, and comments.

The Maryland Departments of Agriculture, the Environment, General Services, Health & Mental Hygiene, and the Maryland Department of Planning found this project to be consistent with their plans, programs, and objectives.

The Maryland Environmental Service stated that it served as an agency to write and edit some of the text of the Draft EIS. The Maryland Environmental Service affirmed that the modification to the preferred action is consistent with its plans, programs, and objectives. See the attached letter.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. **Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known.** ***Any substitutions of this form must include the State Application Identifier Number.*** **This will ensure that our files are complete.**

Thank you for your cooperation with the MIRC process.

Sincerely,

Linda C. Janey

Linda C. Janey, J.D., Director
Maryland State Clearinghouse
for Intergovernmental Assistance

LCJ:BR
Enclosure(s)
cc. Nathaniel Brown – MPA*
Elizabeth Barnard - DHMH
Ray Dintaman – DNR*
Nelson Reichart - DGS
Cindy Johnson - MDOT
William Ebare - MDSP
James Harkins - MES
Beth Cole - MHT
Gloria Minnick - MDA
Joane Mueller - MDE
Terry Royce – BCIT*

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McCormick, Kaitlin

From: Boraczek, Jane
Sent: Wednesday, October 11, 2006 10:17 AM
To: McCormick, Kaitlin
Subject: FW: Hab. Condition Analysis
Follow Up Flag: Follow up
Flag Status: Red

_____
Jane Boraczek
EA-Eastern Shore
9267 Pennywhistle Dr.
McDaniel, MD 21647
410-745-3433
cell: 410-746-6968

From: Bob_Zepp@fws.gov [mailto:Bob_Zepp@fws.gov]
Sent: Fri 10/6/2006 3:17 PM
To: Boraczek, Jane
Cc: john.nichlos@noaa.gov
Subject: Hab. Condition Analysis

Jane:
Sorry I missed BEWG this week. Here are our thoughts on the subject.

Wetland Enhancement. If this option is simply Phrag control, the final condition value should be decreased to 3 - 3.5. Reversion to phrag will be a continuing problem.

Reef. 1) The final condition score in the outer cove should be less than the inner cove. We suggest decreasing the value from 4.0 to 3.0.
2) Final condition score for shallow water substrate improvement (3.5), should be reduced since other important ecological factors that determine habitat value will remain the same. Over time the new substrate will become covered by fine sediment from the surrounding area and storm water inputs.

Trash Interceptors. Suggest reducing the final condition score to 2.5

Non-Aquatic Projects: Terrestrial Habitat Enhancement Since terrestrial habitat improvements are less desirable for mitigation aquatic losses, a weighting factor should be included that reduces the mitigation credits.

Hope these comments are useful.

BZ

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