



U.S. Army Corps
of Engineers

Baltimore District
PN 22-29

Public Notice

In Reply to Application Number
**NAB-2021-62190-M07 (MPA/Fairfield Marine Terminal/
Berth 4/Pier & Bulkhead Replacement & Artificial Reef)**

Comment Period: September 27, 2022 to October 27, 2022

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit modification pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT:

Mr. Jeffrey Neumayer
Maryland Port Administration
401 E. Pratt Street, Suite 253
Baltimore, Maryland 21202

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in the Patapsco River at Fairfield Marine Terminal (FMT), Berth Four, 2900 Childs Street, Baltimore City, Maryland. Latitude: 39.249458; Longitude: -76.57947.

OVERALL PROJECT PURPOSE:

To demolish and replace an existing deteriorating marine terminal berth and deposit the resulting concrete rubble under the new skeletonized pier structure for improved infrastructure and marine habitat creation and replace an existing deteriorating bulkhead for erosion control along FMT Berth 4 within the Patapsco River, 2900 Childs Street, Baltimore City, Maryland.

PROJECT DESCRIPTION:

To demolish and replace the existing marine terminal berth, replace the existing bulkhead, and create marine habitat with the following work:

- Demolish an existing approximate 900 feet long berth with widths varying between 50 feet and 115 feet.
- Construct approximately 50 linear feet of replacement steel sheet pile bulkhead extending a maximum of approximately 2 feet channelward of the existing bulkhead.
- Emplace the resulting approximate 5,400 cubic yards of concrete rubble along the substrate below the approximate 48,000 square foot berth footprint within a maximum of 940 feet channelward of the approximate mean high-water line.
- Construct an approximate 75-foot long by 50-foot-wide landing platform both landward and channelward of the replacement bulkhead extending a maximum of approximately 64 feet channelward of the replacement bulkhead.
- Replace and construct FMT Berth 4 with a “skeletonized” pier consisting of the following structures:
 - Dolphin A: An approximate 35-foot long by 33-foot-wide dolphin.
 - Dolphin B: An approximate 32-foot long by 37-foot-wide dolphin.
 - Dolphin C: An approximate 32-foot long by 37-foot-wide dolphin.
 - Catwalk A & B: Two, approximate 28-foot long by 5-foot-wide catwalks between the existing berth and dolphins.
 - Catwalk C: An approximate 117-foot long by 5-foot-wide catwalk.
 - Catwalk D: An approximate 84-foot long by 5-foot-wide catwalk.
 - Catwalk E: An approximate 65-foot long by 5-foot-wide catwalk.
 - Catwalk F: An approximate 59-foot long by 5-foot-wide catwalk.
 - Catwalk G: An approximate 34-foot long by 5-foot-wide catwalk.

All work is proposed in accordance with the attached plans dated July 2022. All dolphins will be supported with both plumb and batter piles. All catwalks and dolphins will be constructed within approximately 914 feet channelward of the replacement bulkhead.

EFFECTS ON AQUATIC RESOURCES:

| Activity | WoUS Impact (SF) | Authority |
|----------------------|------------------|----------------|
| Pier Replacement | 9,348 | Section 10 |
| Artificial Reef | 48,000 | Section 10/404 |
| Bulkhead Replacement | 100 | Section 10/404 |

LEAD FEDERAL AGENCY:

The United States Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. The proposed project purpose is to demolish and replace an existing deteriorating marine terminal berth and deposit the resulting concrete rubble under the new skeletonized pier structure for improved infrastructure and marine habitat creation, and to replace an existing deteriorating bulkhead for erosion control. The applicant designed the project to the minimal footprint necessary to achieve the project purpose successfully. No compensatory mitigation is proposed. No wetlands or SAV will be impacted as a result of the proposed project.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people. The evaluation of the

impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work will have no effect federally listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

ESSENTIAL FISH HABITAT:

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will have no adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no adverse effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):

All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:
<https://www.nab.usace.army.mil/section408/>.

WATER QUALITY CERTIFICATION:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

COASTAL ZONE MANAGEMENT PROGRAMS:

Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement. The applicant must obtain any state or local government permits which may be required.

SUBMISSION OF COMMENTS:

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition,

or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action and are subject to release to the public through the Freedom of Information Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the application number NAB-2021-62190-M07.

PUBLIC HEARING REQUESTS:

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

Ms. Maria N. Teresi
maria.teresi@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice. General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Ms. Maria N. Teresi, maria.teresi@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.