



**U.S. Army Corps
of Engineers**

Baltimore District
PN-24-07

Public Notice

**In Reply to Application Number
NAB-2022-62098-M46 (McClean Contracting Co.,
Inc./Bulkhead & Relieving Platform Project)**

Comment Period: February 27, 2024 to March 28, 2024

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 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:

McLean Contracting Company
6700 McLean Way
Glen Burnie, Maryland 21060

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in Curtis Bay, in Baltimore, Maryland.
(Latitude: 39.219227, Longitude: -76.578489).

OVERALL PROJECT PURPOSE:

To provide shoreline erosion protection and to create and improve infrastructure along the shoreline at the existing Norcur, Inc. waterfront yard located on Curtis Bay at 2001 Benhill Avenue, Baltimore, Maryland

PROJECT DESCRIPTION:

To discharge dredge or fill material into waters of the United States to construct approximately 1,164 linear feet of concrete sheet-pile bulkhead, which includes 606 linear feet of replacement bulkhead to extend a maximum of 18 inches channelward of the existing bulkhead and 558 linear feet of new bulkhead to extend a maximum of 18 inches channelward of the existing relieving platform and to fill approximately 38,000 square feet of tidal waters with 24,000 cubic yards of clean fill, all work extending a maximum of 159 feet channelward of the approximate mean high water shoreline in Curtis Bay, at 2001 Benhill Avenue, Baltimore, Maryland.

EFFECTS ON AQUATIC RESOURCES:

Activity (i.e. culvert)	Open water Impact (sq.ft)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404)
Bulkhead	1,746	Section 10/404	Bulkhead
Fill	38,000	Section 404	Fill

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 bulkhead replacement and new bulkhead are proposed to be placed a maximum of 18 inches channelward of the existing bulkhead or mean high water line, respectively, thereby minimizing impacts to the river bottom. The proposed fill will be located landward of the new bulkhead, in an area that is currently beneath the existing timber relieving platform, which was constructed over 75 years ago. Alternative designs considered include no action, repair of the existing infrastructure, replacement in-kind, and the proposed alternative design described above.

No wetlands or submerged aquatic vegetation would be permanently impacted as a result of the proposed project. The applicant is proposing to provide mitigation for unavoidable impacts to open tidal waters at a 2:1 ratio. In consultation with the Maryland Department of Natural Resources, a minimum of 1.75 acres is proposed for development of the Hackett Point (Dolly's Lump) Reef. This 50-acre artificial reef site is currently partially developed and has sufficient undeveloped reef to support this mitigation project. Reef development at the Hackett Point reef would entail the deployment of 410 unreinforced concrete reef pyramids weighing approximately 300 pounds. The concrete pyramids would be loaded onto a deck barge for transport by tugboat from McLean Contracting to the Hackett Point reef for deployment. Deployment would be performed by a water-based crane on barge. Deployment would be performed under the supervision of and in coordination with Maryland Department of Natural Resources Artificial Reef Program utilizing GPS geo-location within designated grids. Pyramids would be placed in accordance with reef density requirements as directed by

Maryland Department of Natural Resources Artificial Reef Program. The Corps provided authorization to Maryland Department of Natural Resources to place suitable reef material at Hackett Point reef site in 2016 under Corps permit number NAB-2015-60904-M13.

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 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 the United States Army Corps of Engineers. 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/Missions/Regulatory/Section-408-Requests/>.

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-2022-62098-M46.

PUBLIC HEARING REQUESTS:

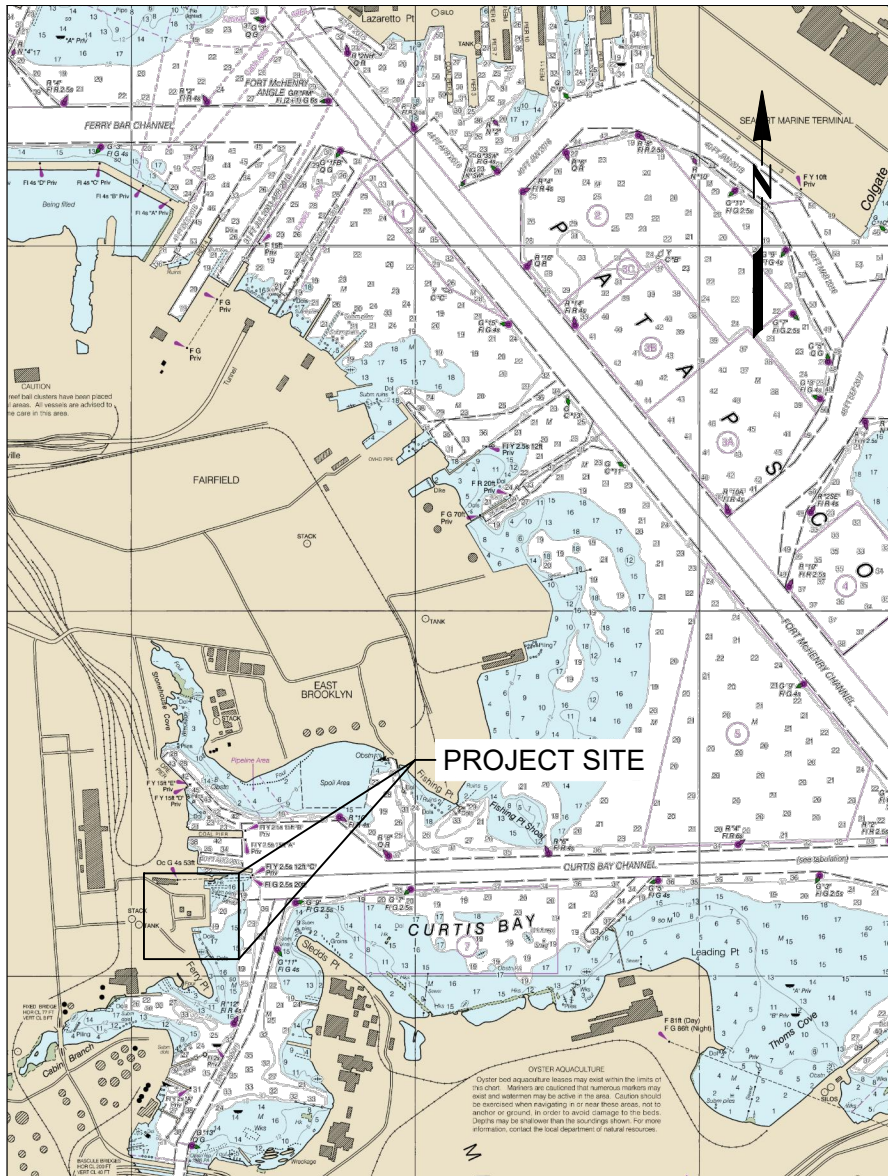
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it

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. Nicole Nasteff
nicole.m.voelker@usace.army.mil
United States 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. Nicole Nasteff, of this office, at (410) 962-1847 or nicole.m.voelker@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.

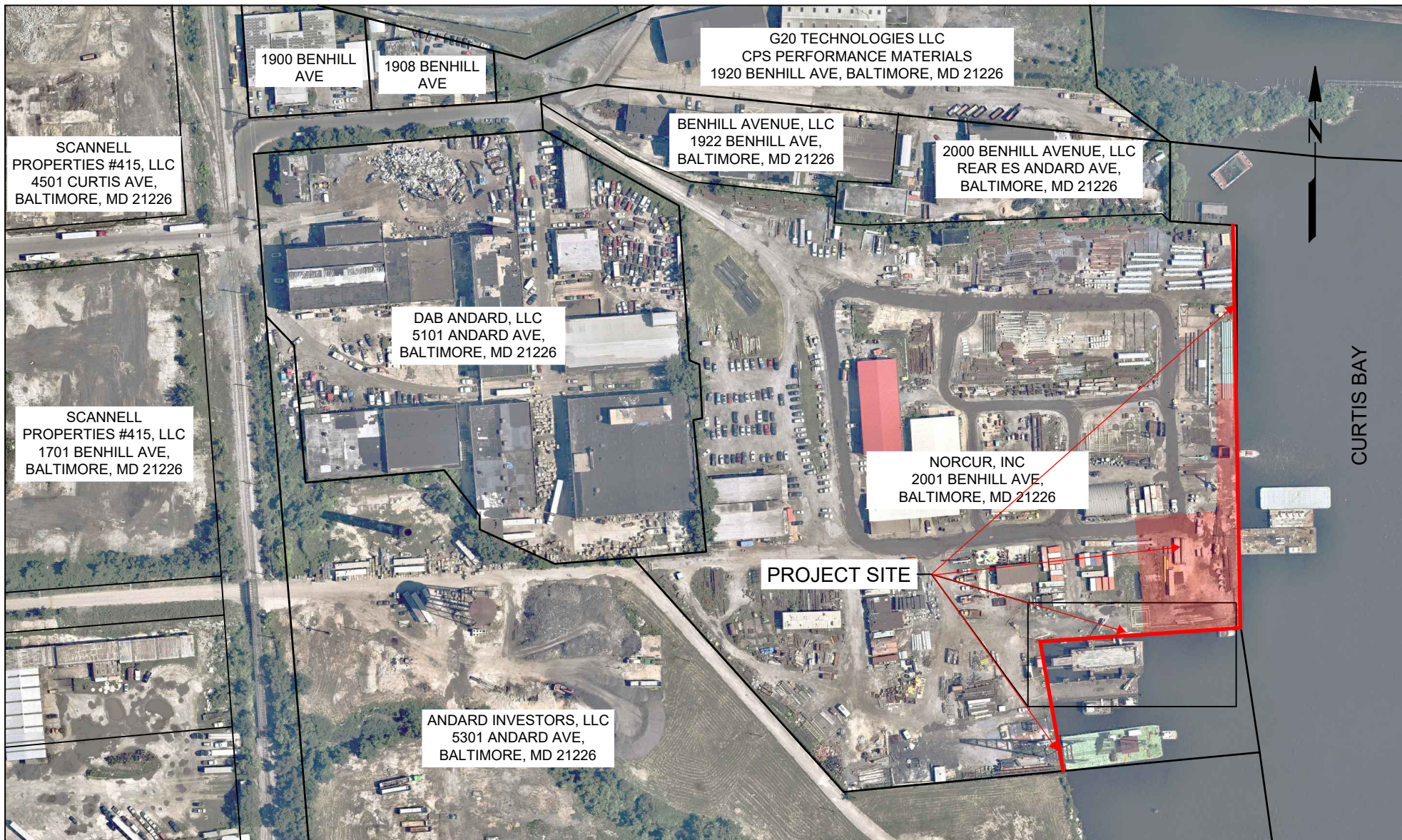


VICINITY MAP



AERIAL MAP

<div> <div>McLean</div> <div> PROPOSED PROJECT FOR: MCLEAN CONTRACTING CO., INC 6700 McLEAN WAY, GLEN BURNIE, MD 21060 TEL. 410-553-6700 FAX 410-553-6718 </div> </div>	
VICINITY MAP AND AERIAL PHOTO	
PROJECT: BULKHEAD REPLACEMENT	DATE: 10/05/2022
LOCATION: BALTIMORE CITY, MD	JOB #: 0121
DRAWN BY: JW	CHECKED BY: SHEET NO. 1 of 9



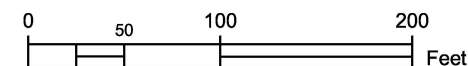
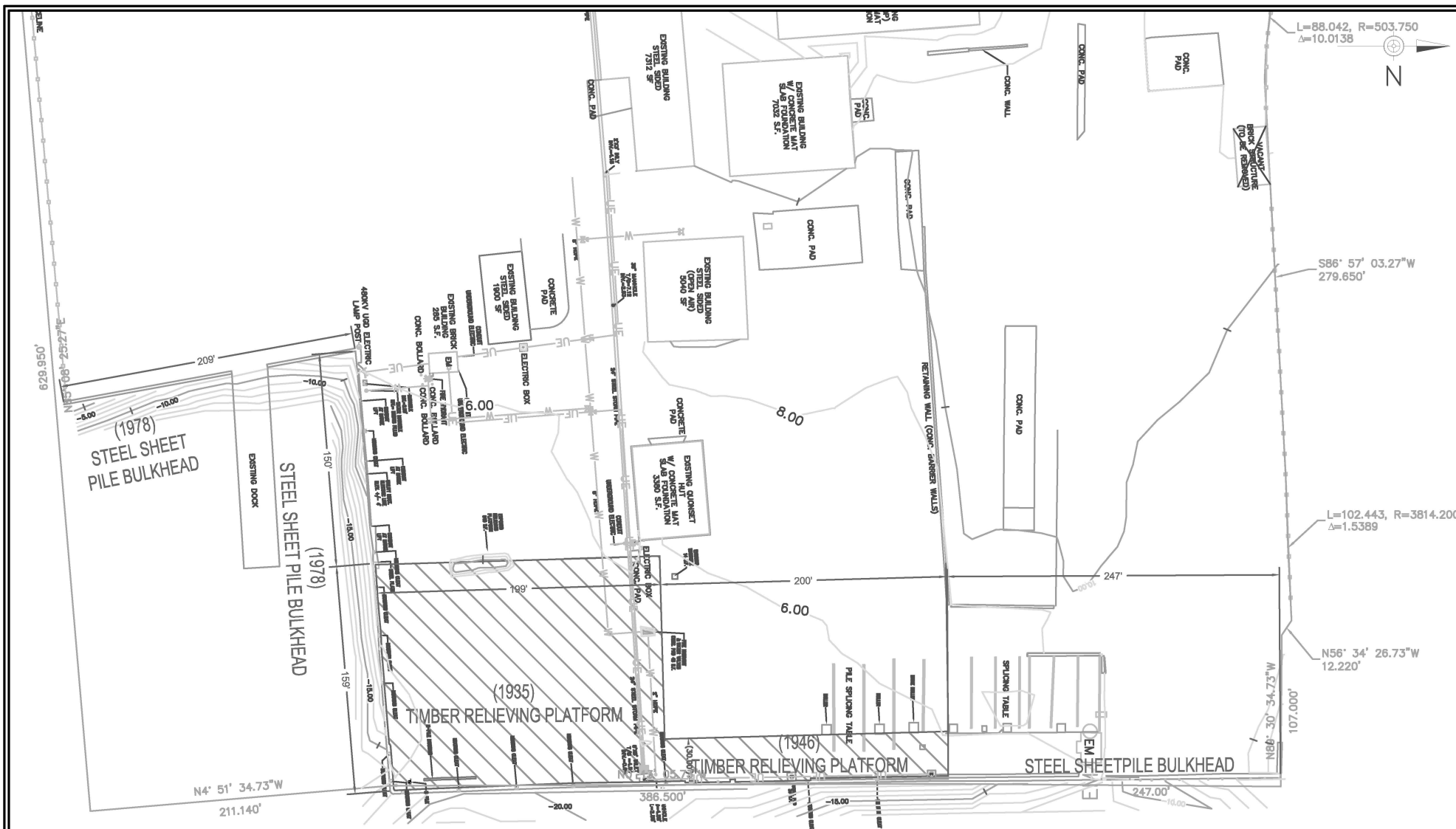
AERIAL MAP W/ ADJACENT PROPERTY INFORMATION

McLean

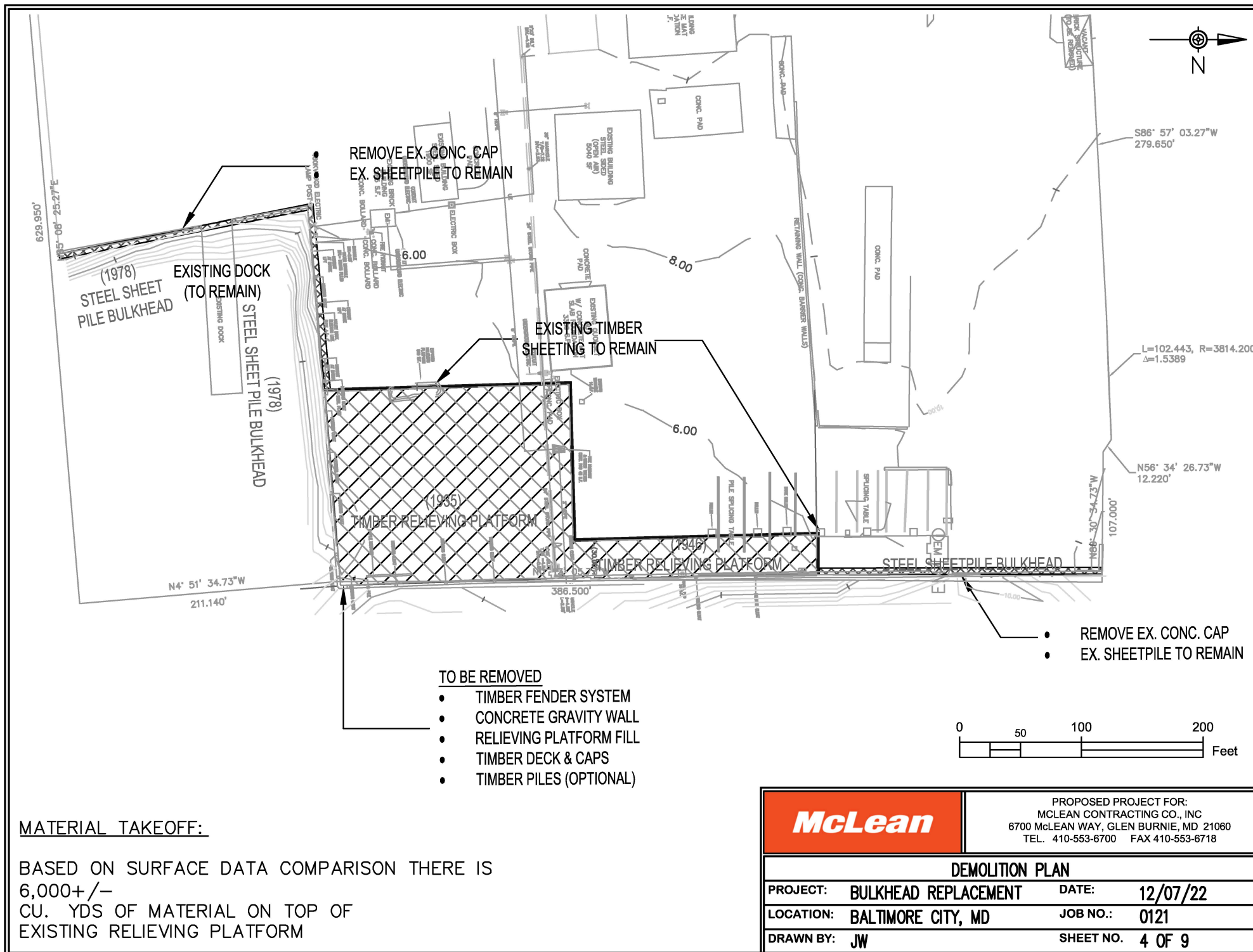
PROPOSED PROJECT FOR:
MCLEAN CONTRACTING CO., INC
6700 McLEAN WAY, GLEN BURNIE, MD 21060
TEL 410-553-6700 FAX 410-553-6718

AERIAL PHOTO - ADJACENT PROPERTY OWNERS

PROJECT:	BULKHEAD REPLACEMENT	DATE:	10/05/2022
LOCATION:	BALTIMORE CITY, MD	JOB #:	0121
DRAWN BY:	JW	CHECKED BY:	SHEET NO. 2 of 9



McLean	PROPOSED PROJECT FOR: MCLEAN CONTRACTING CO., INC 6700 MCLEAN WAY, GLEN BURNIE, MD 21060 TEL. 410-553-6700 FAX 410-553-6718		
	EXISTING CONDITIONS PLAN		
PROJECT:	BULKHEAD REPLACEMENT	DATE:	12/07/22
LOCATION:	BALTIMORE CITY, MD	JOB NO.:	0121
DRAWN BY:	JW	SHEET NO.	3 OF 9

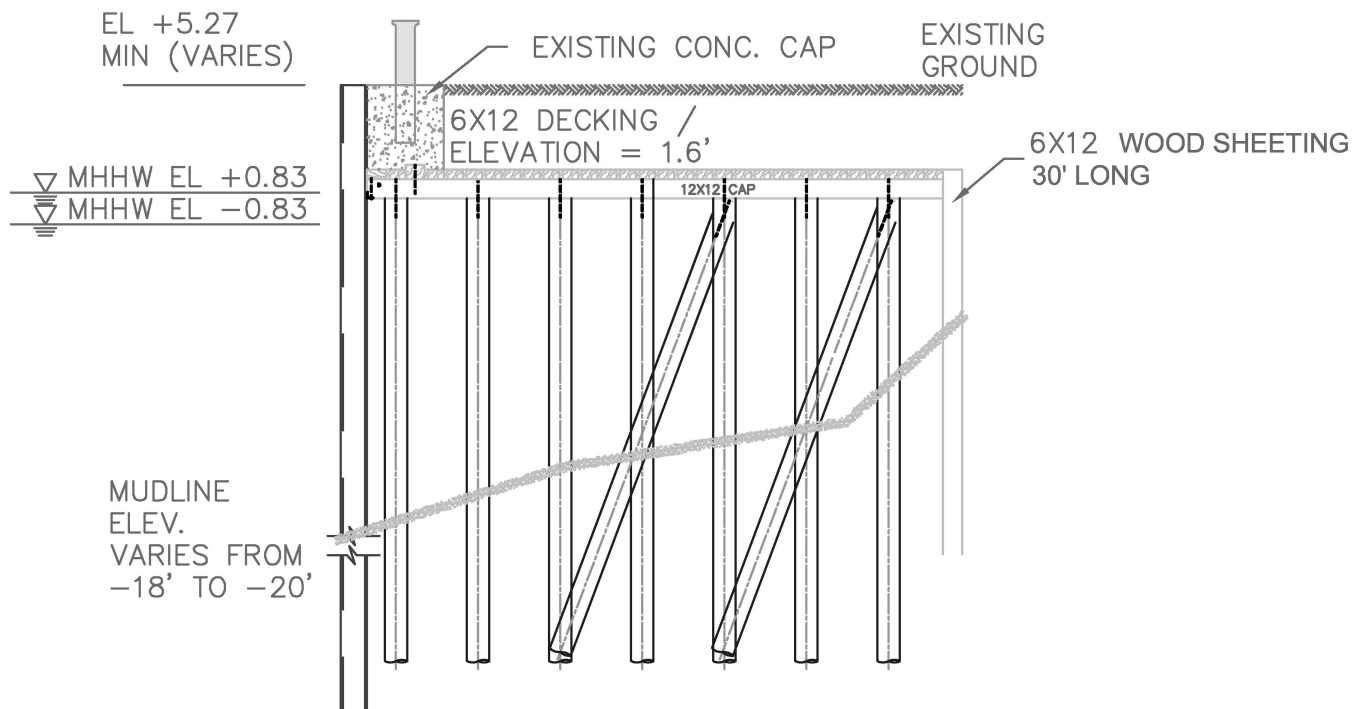






EXISTING SECTION - SHEETPILE WALL AND TRANSFER PLATFORM (1946)

SCALE: 1" = 10'



McLean

PROPOSED PROJECT FOR:
MCLEAN CONTRACTING CO., INC
6700 McLEAN WAY, GLEN BURNIE, MD 21060
TEL. 410-553-6700 FAX 410-553-6718

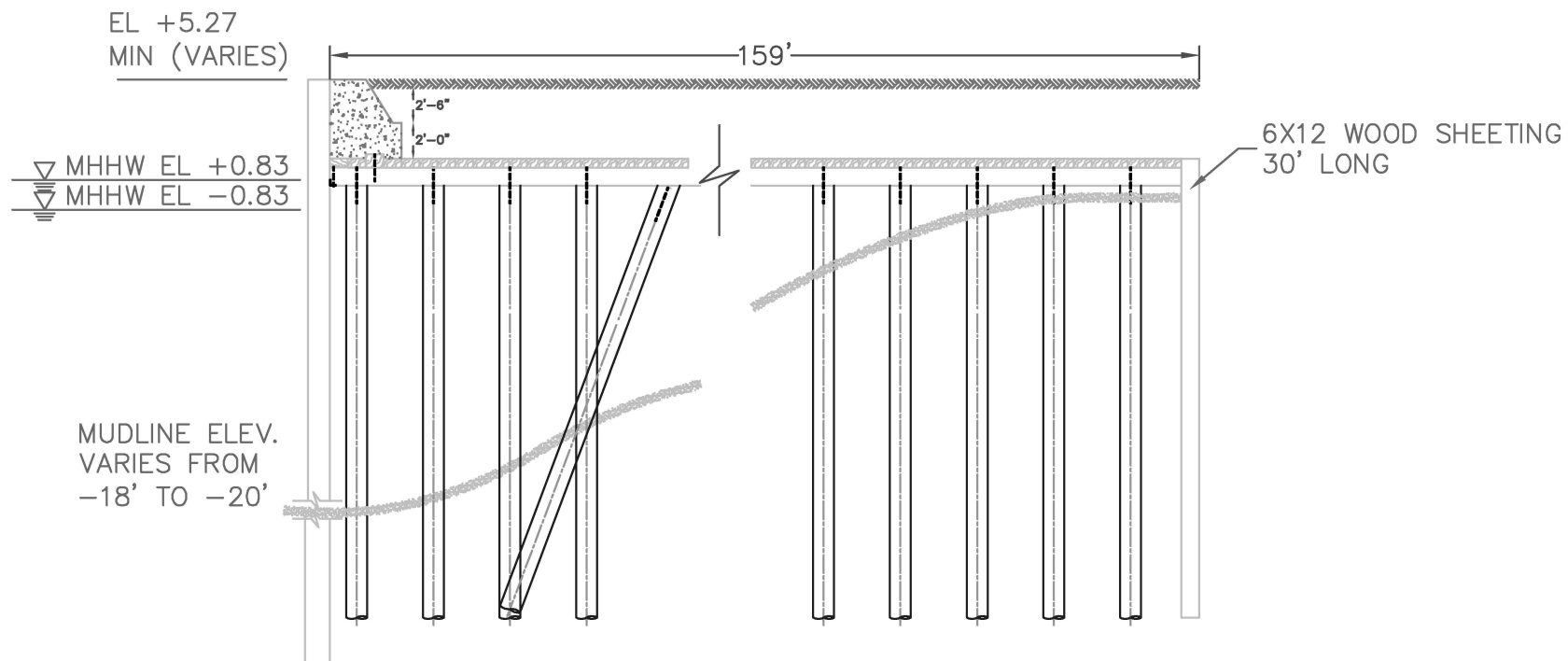
TYPICAL SECTIONS

PROJECT:	BULKHEAD REPLACEMENT	DATE:	12/07/22
LOCATION:	BALTIMORE CITY, MD	JOB NO.:	0121
DRAWN BY:	JW	SHEET NO.	6 OF 9



EXISTING SECTION - SHEETPILE WALL AND TRANSFER PLATFORM (1946)

SCALE: 1" = 10'



McLean

PROPOSED PROJECT FOR:
MCLEAN CONTRACTING CO., INC
6700 McLEAN WAY, GLEN BURNIE, MD 21060
TEL. 410-553-6700 FAX 410-553-6718

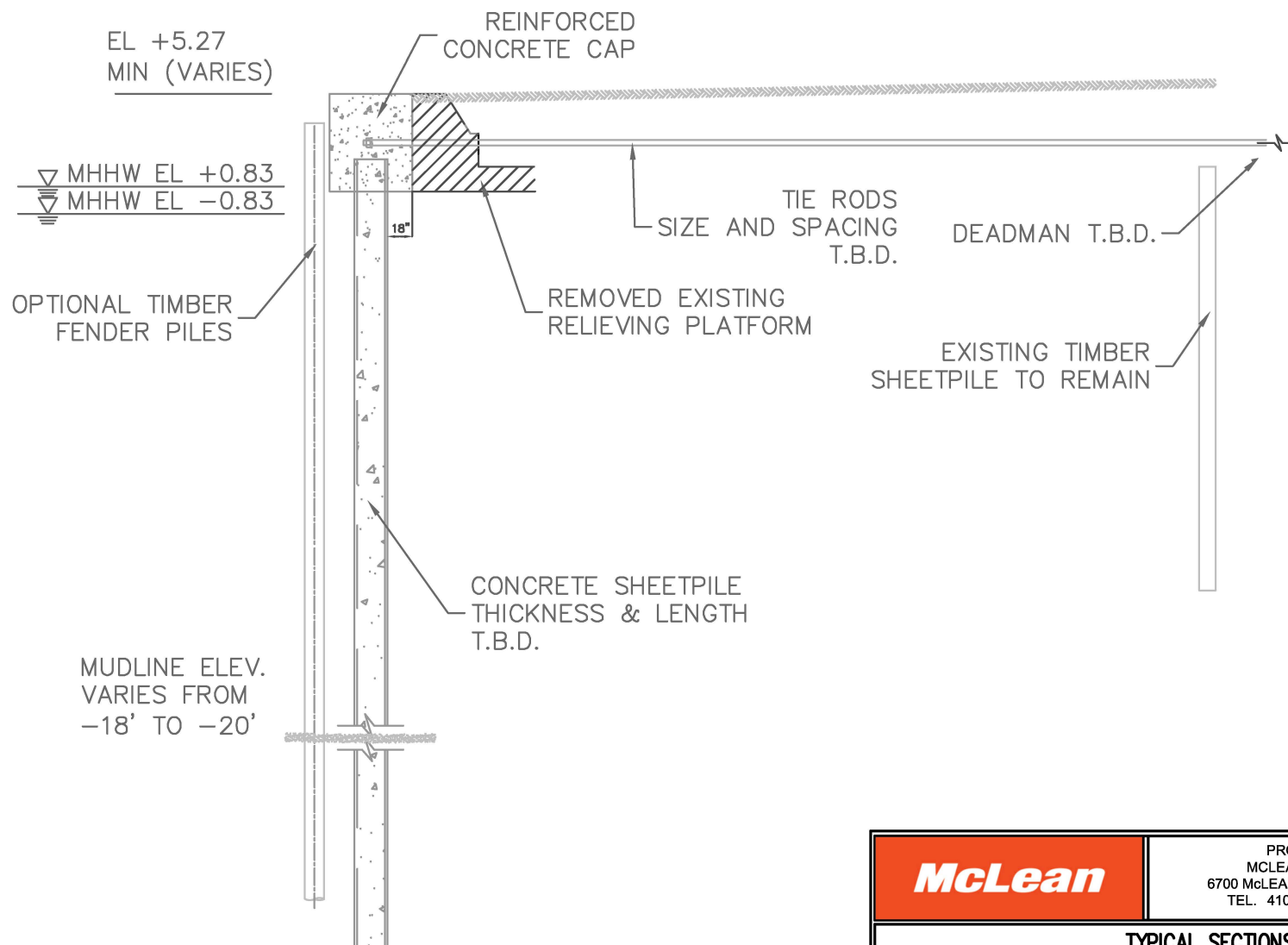
TYPICAL SECTIONS

PROJECT:	BULKHEAD REPLACEMENT	DATE:	12/07/22
LOCATION:	BALTIMORE CITY, MD	JOB NO.:	0121
DRAWN BY:	JW	SHEET NO.	7 OF 9



SECTION — PROPOSED NEW CONSTRUCTION

SCALE: 1" = 10'

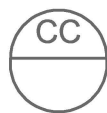


McLean

PROPOSED PROJECT FOR:
MCLEAN CONTRACTING CO., INC
6700 McLEAN WAY, GLEN BURNIE, MD 21060
TEL. 410-553-6700 FAX 410-553-6718

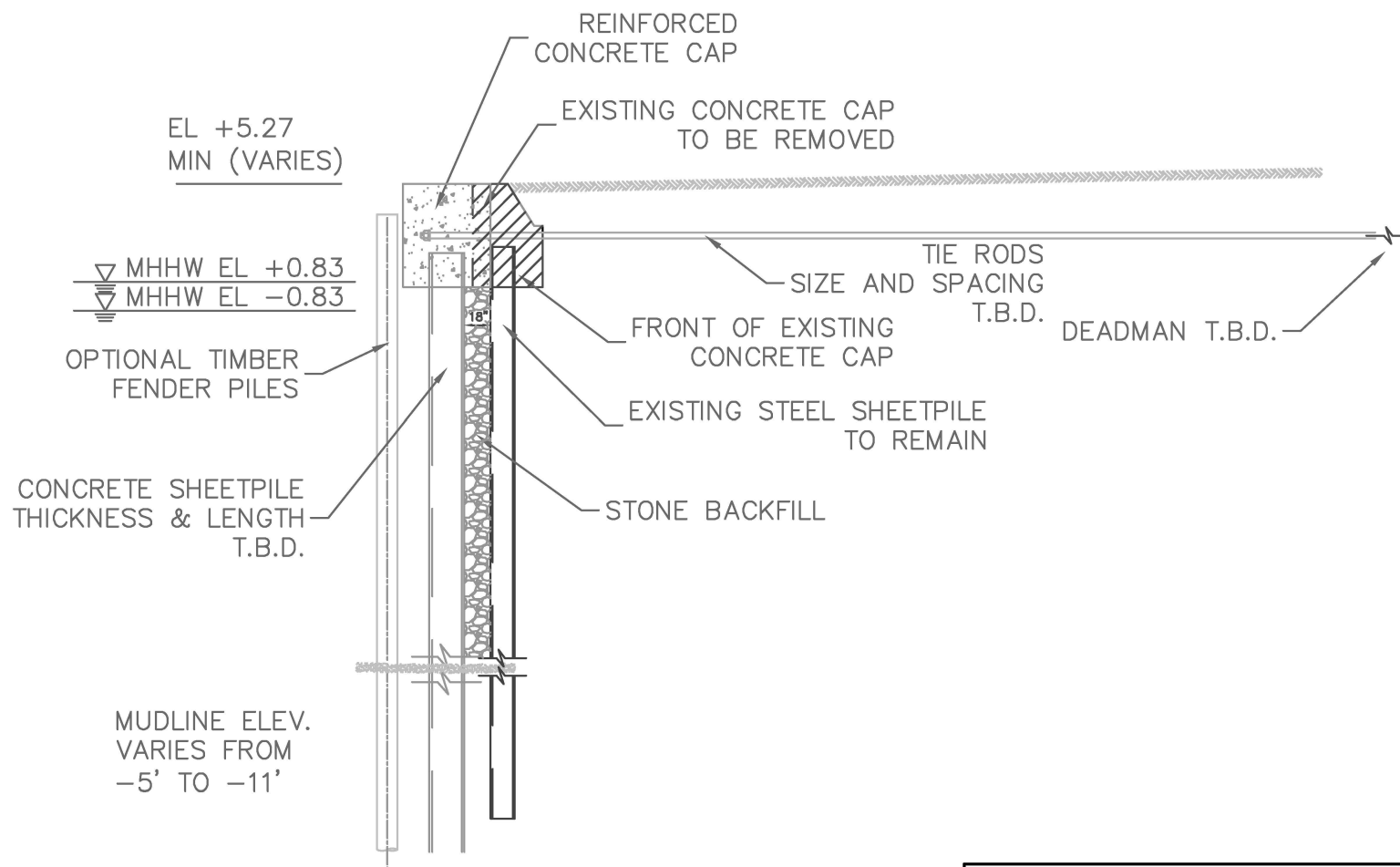
TYPICAL SECTIONS

PROJECT:	BULKHEAD REPLACEMENT	DATE:	12/07/22
LOCATION:	BALTIMORE CITY, MD	JOB NO.:	0121
DRAWN BY:	JW	SHEET NO.	8 OF 9



SECTION — PROPOSED NEW CONSTRUCTION

SCALE: 1" = 10'



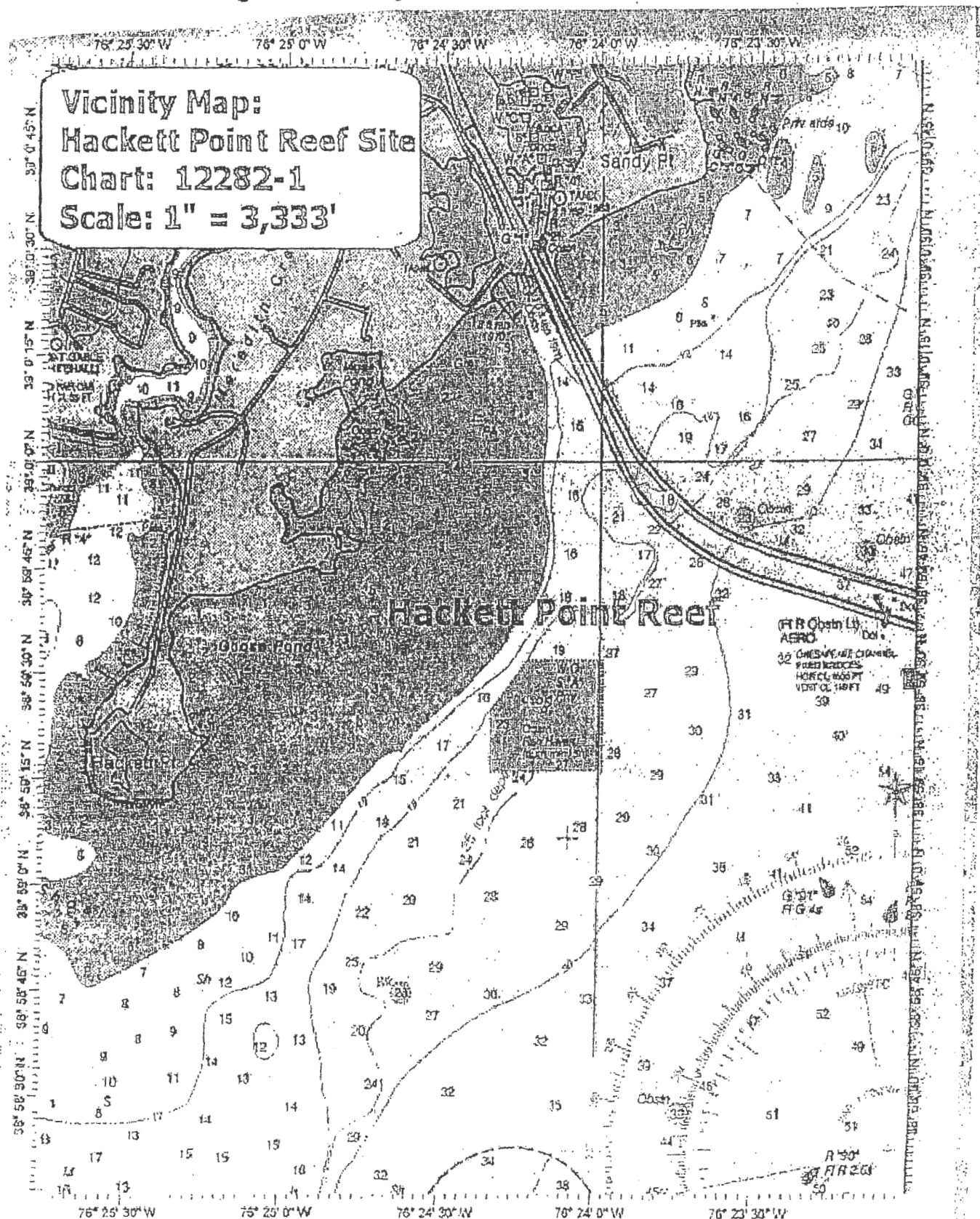
McLean

PROPOSED PROJECT FOR:
MCLEAN CONTRACTING CO., INC
6700 McLEAN WAY, GLEN BURNIE, MD 21060
TEL. 410-553-6700 FAX 410-553-6718

TYPICAL SECTIONS

PROJECT:	BULKHEAD REPLACEMENT	DATE:	12/07/22
LOCATION:	BALTIMORE CITY, MD	JOB NO.:	0121
DRAWN BY:	JW	SHEET NO.	9 OF 9

Site #5 Dolly's Lump aka Hackett's Point



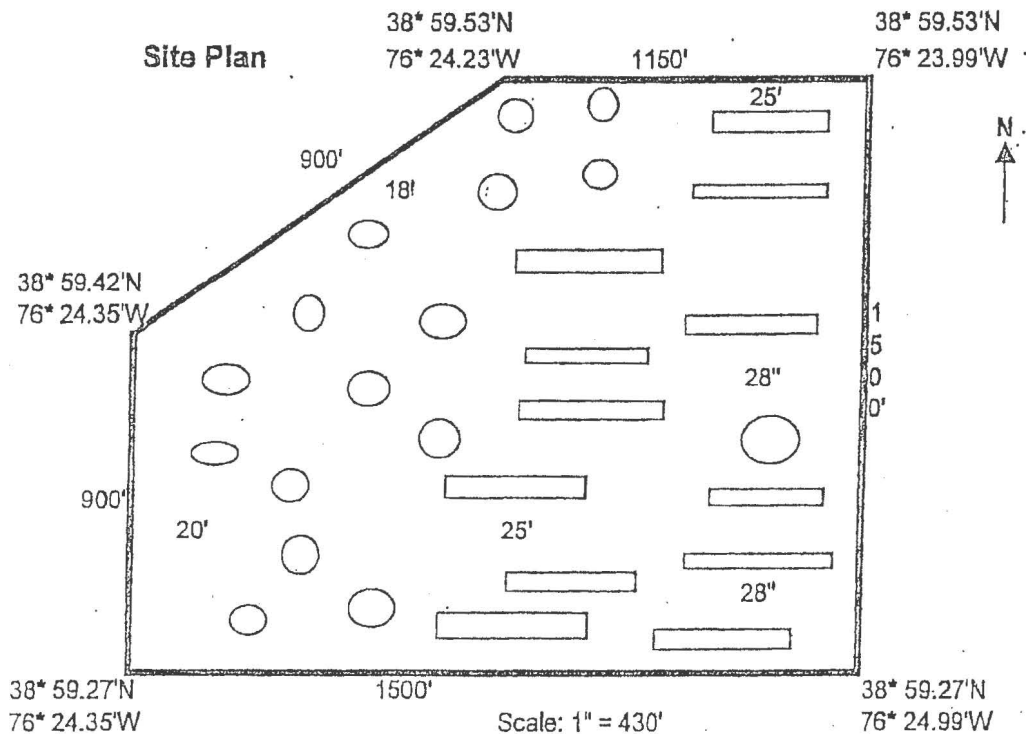
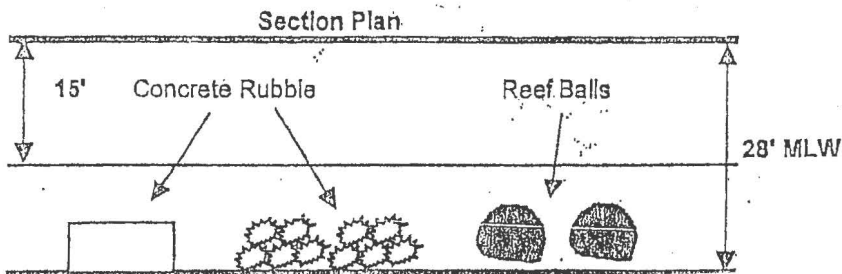
Site #5 Dolly's Lump aka Hackett's Point

HACKETT POINT ARTIFICIAL REEF SITE

50 Acres

Proposed 15 foot clearance MLW

Depth: 18'-28' MLW



Legend:

Materials of Opportunity:

Existing
Proposed

Reef Balls:

Existing
Proposed

Note: Existing material includes concrete pipe.

Proposed reef material includes materials of opportunity and Reef Balls	Maryland Environmental Service 259 Najoles Rd. Millersville, MD 21108 Date: January, 2005	Existing Artificial Reef 1NM of Hackett Point Anne Arundel County, Md.
---	--	---