

FINDING OF NO SIGNIFICANT IMPACT

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

The U.S. Army Corps of Engineers, Baltimore District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The Final Integrated Feasibility Report and Environmental Assessment (IFR/EA), dated February 2023, for the Baltimore Harbor Anchorages and Channels (BHAC) Modification of Seagirt Loop Channel Feasibility Study, Maryland addresses the need to identify technically feasible, economically justifiable, and environmentally acceptable recommendations for a federal navigation improvement project in Baltimore Harbor. The final recommendation is contained in the report of the Chief of Engineers, dated 22-June-2023.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would result in improved navigation efficiencies at the Port of Baltimore (Port) to meet future demand capacity at the Port facilities, including efficient handling of increased container volume at Seagirt Marine Terminal (SMT) and faster and safer movement of vessels transiting the channels in the study area. The Recommended Plan is the National Economic Development (NED) Plan and includes:

- Deepening and widening of the West Seagirt Branch Channel (WSBC) to complete the Seagirt Loop Channel at an authorized depth of 50 feet mean lower low water (MLLW) and widening to an authorized dimension of 760 feet on average with additional widening at bends to allow for safe handling of vessels. Dredging of an estimated 1.94 million cubic yards of dredged material from Baltimore Harbor and placement at an approved upland placement site.

The final array of alternatives was evaluated, which included the “no action” plan and completion of the Seagirt Loop (deepening and widening of the WSBC) to -50 feet MLLW. A summary assessment of the potential effects of the Recommended Plan are shown in Table 1.

Table 1: Summary of Potential Effects of the Recommended Plan

	Less than significant effects	Less than significant effects as a result of mitigation*	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic Resources/Wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and Wildlife Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous, Toxic, and Radioactive Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Navigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise Levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Benthic Fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Essential fish habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greenhouse Gases (GHG)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Recommended Plan. The following mitigation measures will be implemented to minimize impacts to essential fish habitat: (1) a time-of-year restriction from March 1 to June 15, and (2) a mechanical dredge with an environmental bucket will be used with slow bucket retrieval speed near water surface to the maximum extent practicable. Best management practices as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts.

No compensatory mitigation is required as part of the Recommended Plan.

Public review of the draft IFR/EA and FONSI was completed on 11 March 2022. A public meeting was conducted on 24 February 2022. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 30-day state and agency review of the Final IFR/EA was completed on 26-April-2023.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Corps determined that the Recommended Plan may affect but is not likely to adversely affect the following federally-listed species or their designated critical habitat:

- Atlantic sturgeon
- Shortnose sturgeon

The National Marine Fisheries Service (NMFS) concurred with the Corps' determination, including time of year restrictions, in a letter dated 9 November 2022.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, the Corps has determined that the recommended plan would not have substantial adverse effect to Essential Fish Habitat (EFH) or Habitats of Particular Concern.

Pursuant to Section 106 of the National Historic Preservation Act, as amended, the Corps determined that cultural resources may be adversely affected by the recommended plan. The Corps and the State Historic Preservation Office entered into a Programmatic Agreement (PA) on January 10, 2023. All terms and conditions resulting from the agreement shall be implemented to minimize and mitigate for adverse effects to historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the Recommended Plan has been found to be compliant with Section 404(b)(1) guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) evaluation is included in Appendix A2 of the IFR/EA.

Pursuant to Section 401 of the Clean Water Act of 1972, as amended, a water quality certification will be obtained from the Maryland Department of the Environment (MDE) prior to construction. In a letter dated 11 July 2022, the MDE stated that the Recommended Plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase and upon completion and submission of a Joint Federal/State Permit application. All conditions of the water quality certification will be implemented to minimize adverse impacts to water quality.

Pursuant to the Coastal Zone Management Act of 1972, as amended, a determination of consistency with the Maryland Coastal Zone Management Program (CZMP) pursuant to the Coastal Zone Management Act of 1972 will be obtained from the MDE prior to construction. In a letter dated 11 July 2022, the MDE stated that the Recommended Plan appears to be consistent with the state Coastal Zone Management Plan, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the consistency determination shall be implemented to minimize adverse impacts to the coastal zone. A Coastal Zone Management Act Evaluation is included in the IFR/EA as Attachment A3.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed

Technical, environmental, economic, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies." All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other federal, state and local agencies, tribes, input of the public, and the review by my staff, it is my determination that the Recommended Plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

7 February 2024

Date

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Commander and District Engineer