

U.S. Army Corps of Engineers, Baltimore District
Record of Environmental Consideration
Documentation for Categorical Exclusion under the National Environmental Policy Act

June 2024

Francis Scott Key Bridge Wreckage Removal from the
Fort McHenry Federal Navigation Channel

I. Background

A key and longstanding mission of the U.S. Army Corps of Engineers (USACE) is to provide safe, reliable, and efficient waterborne transportation systems (channels, harbors, and waterways) for movement of commerce, national security needs, and recreation. Since 1824, USACE has been actively involved in constructing and maintaining a navigation system to allow large, deep-draft commercial shipping vessels to call on the Port of Baltimore (Port) for the transportation of a wide variety of products. Commercial vessels reach the Port located on the Patapsco River by traveling one of two routes: from the northern end of the Chesapeake Bay via the 42-foot channel which extends from the Chesapeake and Delaware (C&D) Approach Channels to the Patapsco River, or from the southern end of the Chesapeake Bay via the 50-foot channel, which extends 150 nautical miles from the mouth of the Chesapeake Bay in Virginia to the Port (Figure 1). This Record of Environmental Consideration (REC) focuses on the Fort McHenry Federal Navigation Channel (Fort McHenry Channel or federal channel), which is part of the 50-foot Baltimore Harbor Anchorages and Channels (BHAC) Project. The 50-foot channel was authorized under Section 101 of the River and Harbor Act of 1970 (Public Law 91-611), as amended, which provides authorization for a uniform main channel 50 feet deep and generally 800 feet wide in Maryland and 1,000 feet wide in Virginia.

On March 26, 2024, the Francis Scott Key Bridge [(Key Bridge), (Interstate 695 (I-695))] collapsed into the Patapsco River after the M/V Dali struck the southwest main truss pier. Much of the bridge, including the center span, collapsed into the Fort McHenry Channel. Wreckage blocked the waterway making this portion of the 50-foot channel impassable and blocking access to and from the Port. In response to the Key Bridge collapse, the governor of Maryland declared a state of emergency on March 26, 2024. In the days following the M/V Dali allision and bridge collapse, a Unified Command (UC) was established, led by the United States Coast Guard (USCG) and comprised of an assortment of federal and state agencies, as well as other stakeholders (such as the ship owner and insurers/salvors). The UC established a Priority 1 Mission of reopening and restoring navigation to the 50-foot Fort McHenry Channel. That mission was assigned to USACE and is the focus of this REC.

While the Fort McHenry Channel is authorized to a depth of 50 feet mean lower low water (MLLW) and 800 feet wide, it is maintained to a depth of 50 feet MLLW and 700 feet wide. The channel is 3.8 miles long and is located inside of the North Point-Rock Point line of the Patapsco River (Figure 2). The 50-foot channel was authorized prior to construction of the Key Bridge in 1977, but deepening and widening of the channel did not commence until 1987 after the bridge was built.

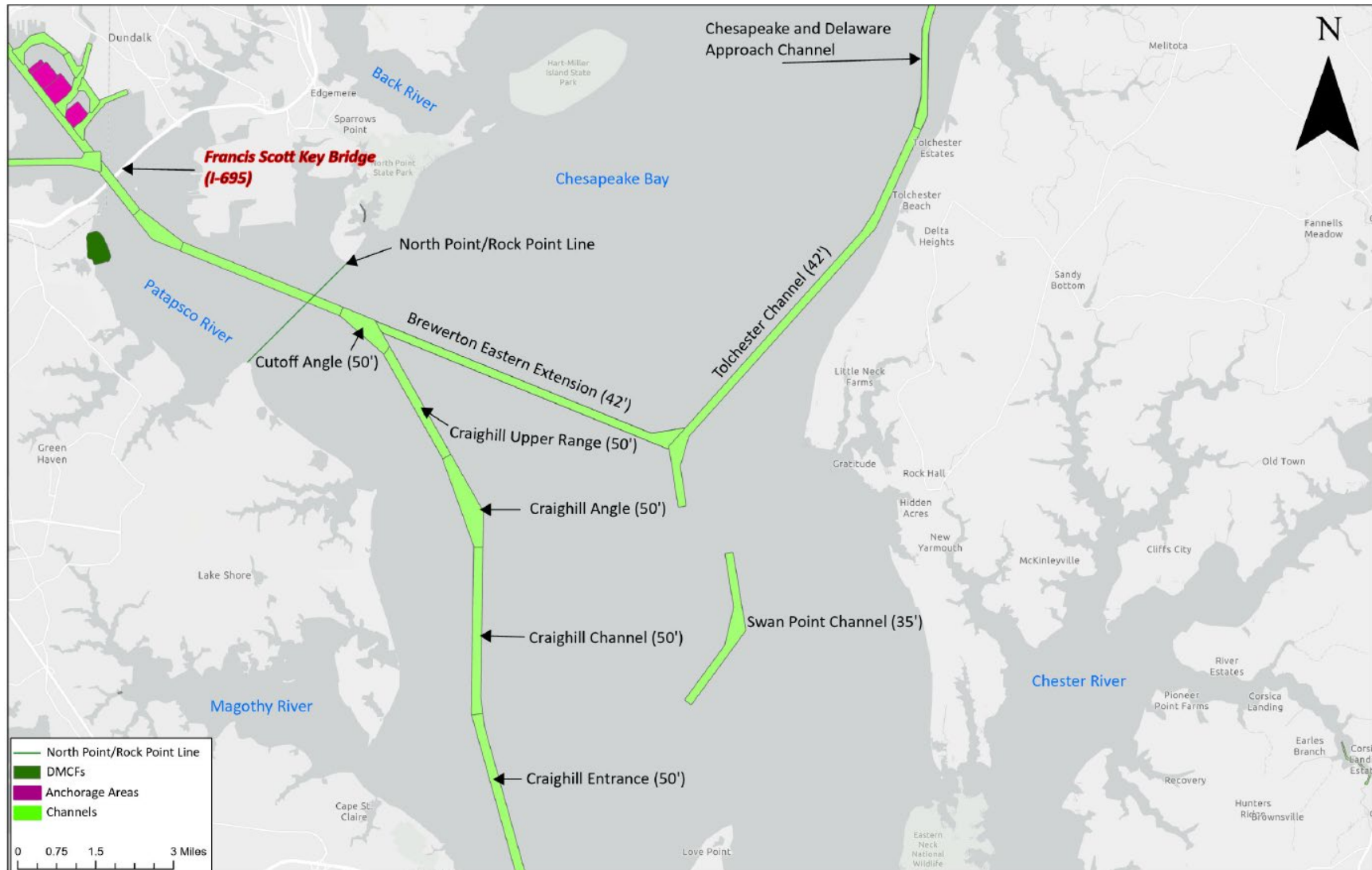


Figure 1. Map of the 42-Foot and 50-Foot Channels in the Chesapeake Bay.

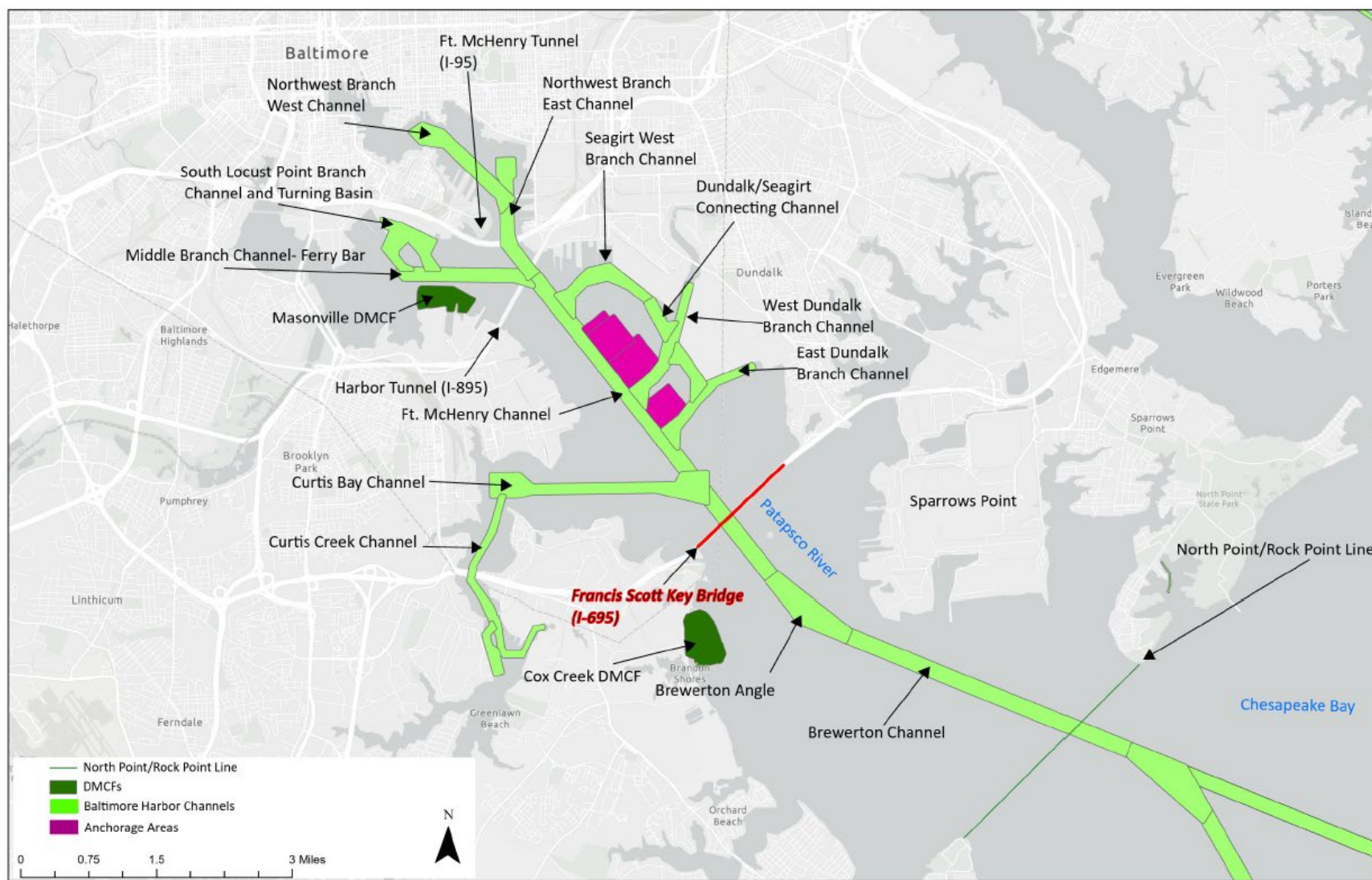


Figure 2. Map of the Baltimore Harbor Federal Navigation Channels, Anchorages, and Dredge Material Containment Facilities.

II. Action

In accordance with the BHAC Project, the Rivers and Harbors Act of 1899 (33 U.S.C. Sec. 401 *et seq.*), and Section 102 of Pub. L. 80-858, USACE is authorized to safely reopen the Fort McHenry Channel to navigation. Under an inter-agency agreement, USACE placed Economy Act orders with a component of the U.S. Navy (Navy), known as the Supervisor of Salvage and Diving (SUPSAL or SUPSALV), to remove the bridge wreckage in the Fort McHenry Channel. SUPSAL used an existing indefinite delivery indefinite quantity (IDIQ) contract to hire Donjon Marine Co., Inc. (Donjon) to perform a range of activities to remove bridge wreckage and reestablish the channel to its maintained dimensions (50 feet deep and 700 feet wide). The wreckage consists of large sections of highway bridge trusses, steel girders, the bridge deck, and concrete parapets. Wreckage is removed by lifting the large and mangled steel bridge structures from the water using cranes that are situated on large barges. Where the pieces are too heavy, bulky, or intertwined to be lifted by cranes, they are cut onsite to reduce their size. A variety of cutting tools including gas torches, specialty diamond saws, pinchers, etc. are used for cutting the pieces.

The large pieces of wreckage are loaded into scows for transport to a temporary sorting and processing site owned by Tradepoint Atlantic on Sparrows Point (Figure 3). The site was established and is operated by the Maryland Transportation Authority (MDTA). MDTA received an emergency stormwater management and sediment and erosion control approval and entered into a consent order with the Maryland Department of the Environment (MDE) on April 12, 2024, for the temporary site. The wreckage placed at this site is processed by MDTA's contractor, Skanska. Smartfence (a structurally enhanced heavy duty silt fence) has been installed around the perimeter of the temporary refuse site to prevent discharge of sediment laden water into the Patapsco River. Decant water is pumped to Humphreys wastewater treatment plant, operated by Tradepoint Atlantic and located on Sparrows Point. Because the MDTA processing and sorting site is not a USACE-funded activity, the effects from this activity are not further analyzed in this REC.

Mixed wreckage, also referred to as "mixed material", consists of small pieces of bridge wreckage intermixed with displaced sediment. Because this mixed material contains bridge wreckage, it is unsuitable for placement at the Cox Creek Dredged Material Containment Facility (DMCF) as normal dredged material. Mixed material is removed from the Fort McHenry Channel using a clamshell bucket and placed directly into sealed American Bureau of Shipping (ABS) class dump or hopper scows (oversized open ocean scows that are built to the requirements set by the USCG and ABS) in order to be towed to an offloading and processing facility in Newark, New Jersey (NJ). During the early stages of channel clearing, ABS class scows were not yet available. Therefore, the Navy's contractor, Donjon, loaded mixed material into river scows. The river scows were staged in the Patapsco River near Sparrows Point while the Navy and Donjon were in the process of identifying a placement site for the mixed material. Mixed material staged in the river scows were loaded into ABS class scows for transport to NJ. Approximately 70,000 cubic yards (cy) of mixed material (including some sediment that is up to 20 feet deep in the footprint of the federal channel and 50 feet on either side of the channel) is estimated to be removed from the Fort McHenry Channel and transported to NJ.

The mixed material is transported to Donjon's NJ processing facility approximately 250 nautical miles through the C&D Canal, the Delaware River, and north along the Atlantic Coast to Newark, NJ. The mixed material is sorted and processed at a 3-acre site located at Berth 36 at the Port Newark Marine Terminal (Figure 4). This site is owned by the Port Authority of New York and NJ and leased by Donjon. Location maps of the Donjon processing facility and the transportation route from the Key Bridge collapse site to the processing facility in NJ are included in Donjon's Displaced Material Processing Plan in Appendix A.

Prior to offloading the mixed material, Donjon rakes the scows to remove any debris. Any recovered debris is placed into roll-off boxes staged in a containment area at the site for management as solid waste. The material is mixed with cement within the cargo compartment of the scow and allowed to cure for approximately 24 hours prior to offloading. Once the material is bulked (mixed with cement), it is removed from the scow and placed into a 200-foot by 150-foot bermed area for loading into trucks. The final product is a soil-like material suitable for structural fill or capping purposes. The material is taken to Kinsley's Landfill, Inc. (KLI) located in Sewell, NJ. KLI is approved to accept materials for regrading activities at the landfill in accordance with KLI's Material Acceptance Protocol (MAP).

An Acceptable Use Determination (AUD) for use of the Donjon processing facility as a dredged material offloading and processing facility was issued by the NJ Department of Environmental Protection's (NJDEP) Office of Dredging and Sediment Technology on June 30, 2008. An Out-of-State AUD was issued by NJDEP's Office of Dredging and Sediment Technology on May 10, 2024, for processing and staging of 50,000 to 70,000 cy of mixed material from the Key Bridge Response at the Donjon facility in Newark, NJ or at the Bayshore Recycling Corps Facility in Keasbey, NJ. Since the issuance of the Out-of-State AUD, additional samples of the mixed material were collected and analyzed to satisfy the requirements of KLI's MAP. Due to elevated levels of arsenic in 3 of the 42 samples collected, additional approval from NJDEP's Bureau of Solid Waste Permitting was required. Said approval was granted on May 31, 2024. NJDEP's Office of Dredging and Sediment Technology issued an updated Out-of-State AUD on June 4, 2024. The updated Out-of-State AUD stated that in accordance with KLI's MAP, the samples meet non-residential standards, and 70,000 cubic yards of material may be placed at KLI as non-residential material. As a condition of this acceptance, the material must arrive to KLI in a compactable state. The above-referenced AUDs are located in Appendix A.

Transportation of mixed material to the Donjon facility in NJ began in mid-May 2024, and is expected to continue for approximately two months. Because sorting and processing activities at the Donjon facility in NJ, as well as the disposition at authorized landfills, are funded by USACE, the effects from these activities are analyzed in this REC.

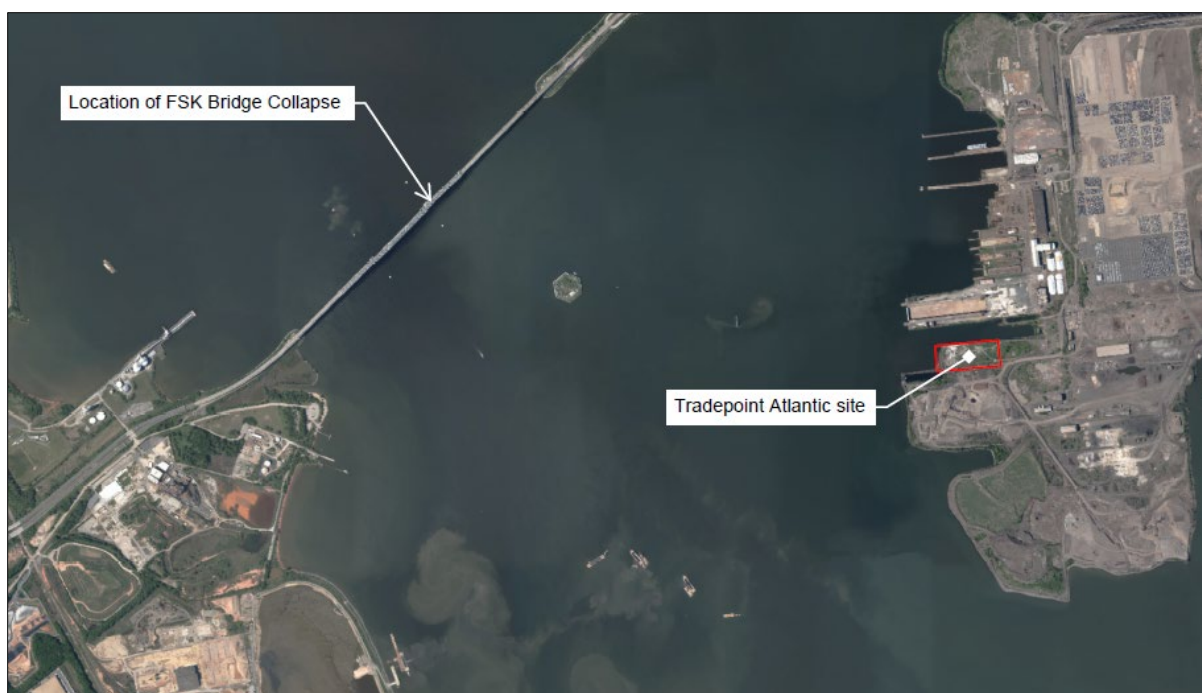


Figure 3. Maryland Transportation Authority's temporary sorting and processing site at Sparrows Point owned by Tradeport Atlantic.

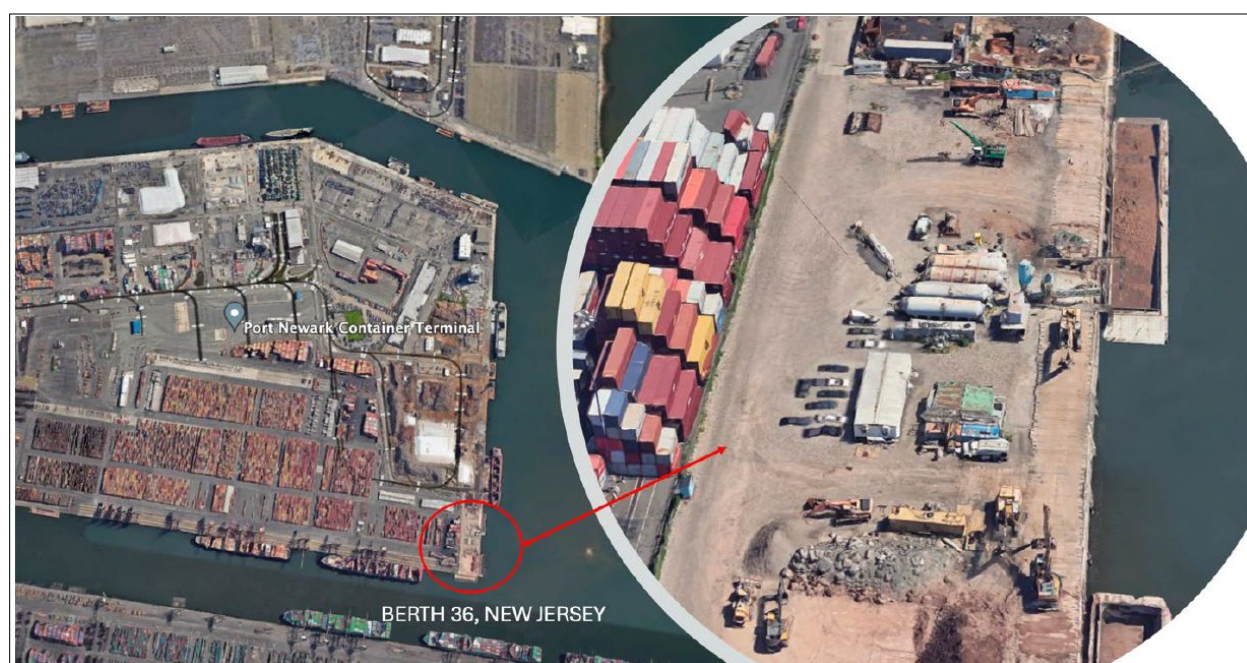


Figure 4. Donjon Marine Co. Inc. sorting and processing site at Berth 36, Port Newark Marine Terminal, New Jersey, owned by the Port Authority of New York and New Jersey.

Initially, wreckage and mixed material were removed from the northeast side of the Fort McHenry Channel to establish the Fort McHenry Limited Access Channel. The limited access channel was 300 feet wide, 3,000 feet long, and 38 feet deep MLLW (Figure 5) with a vertical clearance of 214 feet due to adjacent powerlines. The limited access channel was temporarily opened on April 25, 2024, for inbound and outbound traffic for commercially essential vessels with approval from the USCG. The channel was established via removal of bridge wreckage and mixed material and was fully located within the authorized federal channel footprint. The limited access channel was closed on April 29, 2024, to continue removal of wreckage and mixed material in the remainder of the federal channel and to safely remove the M/V Dali. Beginning on May 14, 2024, the limited access channel was reopened for commercial vessel traffic daily from 8 p.m. to 6 a.m. The reopened channel was 350 feet wide and 48 feet deep. The M/V Dali was refloated and moved out of the collapse area to the Seagirt Marine Terminal on May 20, 2024. Following the refloat and removal of the M/V Dali, the Fort McHenry Limited Access Channel reopened 24 hours daily to commercial vessel traffic. The reopened channel was 400 feet wide and 50 feet deep. Deep draft traffic had priority use of the limited access channel. Similar to the limited access channel, the rest of the federal channel was reopened via removal of wreckage and mixed material to reestablish a depth of 50 feet. The Fort McHenry Channel was fully restored to its maintained dimensions (700 feet wide and 50 feet deep) on June 10, 2024. Mixed material below the mudline of the federal channel will continue to be removed until the end of June 2024.

This REC only includes activities that are the responsibility of USACE (i.e., reopening of the federal channel and the processing and staging of mixed material at the Donjon facility). Activities outside of the federal channel including removal of the M/V Dali, removal and processing of bridge debris outside the federal channel by others, and MDTA's processing of steel, concrete and other bridge debris at the Sparrows Point site are not the responsibility of USACE and are not evaluated in this REC.

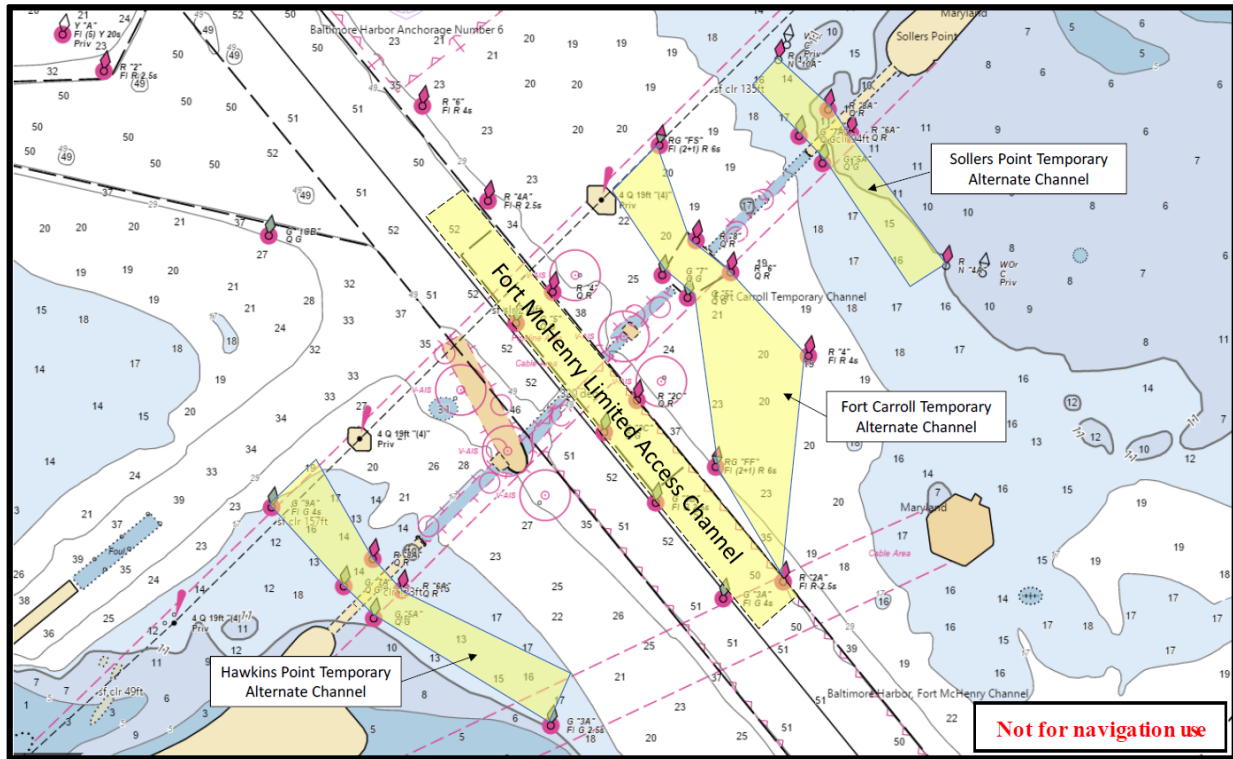


Figure 5. Location of the Fort McHenry Limited Access Channel. Note that the Sollers Point, Fort Carroll, and Hawkins Point Temporary Alternate Channels are located outside of the federal channel and are not covered in this REC.

III. Action Area

The action area includes the portion of the Fort McHenry Channel in the Key Bridge collapse site, locations of transloading activities in the Patapsco River adjacent to Sparrows Point (loading and offloading of mixed material from river scows to ABS class scows), and the mixed material processing and staging facility in NJ.

The Fort McHenry Channel located in Baltimore Harbor and the processing and staging facility located at the Port Newark Marine Terminal within Newark Bay are both situated in highly industrialized working harbors with considerable port facilities and waterfront industries. Both the Port of Baltimore and Port Newark's marine facilities include various private and public terminals and can accommodate some of the largest container ships in the world. The Patapsco River is in poor condition for overall ecosystem health (UMCES, 2024). Newark Bay and the surrounding areas suffer from habitat loss, sediment contamination, degraded water quality, and are under fish and shellfish consumption bans and advisories (USEPA, 2024a). Cultural resources within 0.5 miles of the Fort McHenry Channel include Fort Carroll and Fort Armistead. Disadvantaged communities surround the action areas (CEQ, 2022).

IV. Purpose and Need

The purpose of the action is to reopen the Fort McHenry Channel to its maintained dimensions by removing wreckage and mixed material currently blocking the channel. This is an emergency action that is needed to reestablish a safe, reliable, and efficient channel to maintain waterborne commerce and national defense.

The action is also needed to revitalize the region's economy. Closure of the channel has disrupted port operations resulting in a loss of up to \$15M per day for the regional economy. The Port directly supports approximately 15,000 jobs with an additional 140,000 jobs that are dependent on port activity. Disruption of port operations has resulted in lost wages for many of these workers. This puts an additional burden on workers who live in surrounding economically disadvantaged communities. Closure of the channel will have an impact on agriculture and construction equipment shipments affecting farmers and construction projects as far away as the Midwest. Rerouting of ships to other ports may result in higher freight shipping costs due to increased distances and potential congestion at alternate ports. Reopening the waterway is vital to the recovery of the Greater Baltimore region and the nation.

V. Affected Environment and Environmental Consequences

a. Aquatic Resources

Submerged Aquatic Vegetation (SAV)

No SAV is present in or near the action areas. The closest SAV beds to the Fort McHenry Channel are located approximately 1.5 miles away in the Swan Creek wetlands located on the south side of the Cox Creek DMCF (MDDNR, 2021). There is no SAV in Newark Bay near the Donjon processing facility. The action will have no direct, indirect, or cumulative effects on SAV due to the distance between the SAV and the action area.

Oysters

The action areas in Baltimore Harbor are located in an MDE restricted shellfish harvest area (MDDNR, n.d.). Restricted means that no direct harvesting of oysters is allowed at any time (MDE, n.d.). Several active oyster restoration sites are located around Fort Carroll. These areas receive ongoing plantings of oysters, including the most recent planting that occurred last year (B. Callam/MDDNR, personal communication, 2024). The vicinity around Fort Carroll is also considered an oyster sanctuary (MDDNR, n.d.). The closest active oyster restoration site is located approximately 2,000 feet from the Fort McHenry Channel action area. Oysters are found in Newark Bay (Arcadis, 2022), but it is unlikely that they are present within the deep waters adjacent to Port Newark.

The action will have no direct effects on oysters. The Maryland Department of Natural Resources (MDDNR) requires at least a 500-yard buffer for hydraulic dredging activities between June 1 and September 30, and a 500-yard buffer for mechanical dredging activities between December 16 and March 14 from a known oyster boundary. Since the action will take place approximately 2,000 feet (667 yards) from the closest active oyster restoration site and outside of MDDNR required buffers, the action is not expected to result in any indirect or cumulative effects to oysters.

Benthic Macroinvertebrates

The benthic macroinvertebrate community in Baltimore Harbor is substantially poorer in biomass and species diversity compared to historical conditions and to other areas in the Chesapeake Bay. A 2017 study reviewing benthic data from 1985 to 2016 concluded that abundance, number of species, and the biomass of large benthic species have declined in the Chesapeake Bay, and specifically in Baltimore Harbor, due to hypoxia. Although hypoxia and other factors such as turbidity and nutrient runoff have resulted in degradation to benthic communities, the study suggests that year to year variability in benthic assessments shows benthic community resilience to stress and response to improvements in water quality (Versar, Inc., 2017).

The layer of fluid mud that exists in most of the action area constitutes a poor substrate for many benthic species. The benthic communities that survive in the action area are made up of mostly pollution tolerant species (EA EST, 2003). The tubifex worm, a species tolerant of pollution, is common in the harbor, but crustaceans and mollusks, species relatively intolerant of pollution, remain scarce. The low biomass and diversity of benthic organisms indicate that conditions in the area can be characterized as semi-polluted to polluted (Versar, Inc., 2017). The benthic community in the action area is likely to be colonized by species that are more tolerant of greater seasonal oxygen stress, silty conditions, and deeper water depths.

Benthic communities found throughout Newark Bay are dominated by polychaete worms, oligochaete worms, and small bivalves. These communities have historically shown low abundance and diversity caused by stress from various pollutants and anoxic conditions but have displayed improvement in recent years likely due to recovering bay conditions. Large invertebrates primarily include the blue crab (*Callinectes sapidus*), which are present year round in Newark Bay (Arcadis, 2022).

Removal of wreckage and mixed material will cause direct adverse effects to the macroinvertebrate community resulting from removal or entrainment, strikes or crushing, and turbidity/siltation effects that could include burial and potentially impact respiration of benthic organisms. Adverse indirect effects include alterations to the movements and foraging habitats of individuals related to disturbed benthic habitats. Direct and indirect effects to benthic macroinvertebrates are expected to be minor and will be temporary. Minor adverse cumulative effects would occur to benthic macroinvertebrates due to past, present, and reasonably foreseeable future maintenance dredging activities throughout the harbor. However, the benthic community is expected to recolonize the impacted areas within 1.5 years (Schaffner, 2010) by means of down current organism drift and migration from adjacent undisturbed areas. Since maintained dredged areas encompass a fraction of the entire water body, and similar habitat occurs immediately adjacent to these maintained areas, overall cumulative effects to benthic macroinvertebrates in the region as a result of ongoing dredging activities are expected to be minor. Processing and sorting activities at the Donjon facility in NJ will not result in direct, indirect, or cumulative effects to benthic invertebrates. Catch basins at the site prevent sediment laden water from entering Newark Bay, thereby preventing turbidity/siltation effects on benthic invertebrates.

Fish

Resident and transient fish in the action areas are typical of large coastal estuaries and inshore waterways located in the Mid-Atlantic region. Migratory species, particularly alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), and American eel (*Anguilla rostrata*) migrate through the Patapsco River estuary to the upper freshwater section of the river. Migration times vary from spring through autumn depending on the species. Other migratory and resident fish found in Baltimore Harbor include white perch (*Morone americana*), bay anchovy (*Anchoa mitchilli*), hogchoker (*Trinectes maculatus*), Atlantic silverside (*Menidia menidia*), bluefish (*Pomatomus saltatrix*), channel catfish (*Ictalurus punctatus*), hickory shad (*Alosa mediocris*), American shad (*Alosa sapidissima*), and striped bass (*Morone saxatilis*). White perch is the most abundant migratory species, with large numbers of both adults and juveniles present. Migratory species found in Newark Bay include striped bass, winter flounder (*Pseudopleuronectes americanus*), summer flounder (*Paralichthys dentatus*), bluefish, white perch, Atlantic silverside, and bay anchovy. Resident species include the mummichog (*Fundulus heteroclitus*) and striped killifish (*Fundulus majalis*) (Arcadis, 2022).

Species for which essential fish habitat (EFH) have been designated in Baltimore Harbor include windowpane flounder (*Scophthalmus aquosus*) (juvenile, adult), bluefish (juvenile), Atlantic butterfish (*Peprilus triacanthus*) (eggs, larvae, juvenile, adult), and black sea bass (*Centropristis striata*) (juvenile, adult). Species for which EFH have been designated in Newark Bay include Atlantic butterfish (larvae), Atlantic herring (*Clupea harengus*) (larvae, juvenile, adult), bluefish (juvenile, adult), clearnose skate (*Rostroraja eglanteria*) (juvenile, adult), little skate (*Leucoraja erinacea*) (juvenile, adult), longfin inshore squid (*Doryteuthis pealeii*) (eggs), red hake (*Urophycis chuss*) (eggs, larvae, juvenile, adult), summer flounder (larvae, juvenile, adult), windowpane flounder (eggs, larvae, juvenile, adult), winter flounder (eggs, larvae, juvenile, adult), and winter skate (*Leucoraja ocellata*) (juvenile, adult) (NOAA, 2021). EFH for these species includes the bottom and the water column. In addition, several important EFH prey species also use these areas including spot (*Leiostomus xanthurus*), bay anchovy, and blue crab. Initial coordination with NMFS Habitat and Ecosystem Services Division is included in Appendix B.

No direct adverse effects to individual fish are expected during wreckage removal because fish will most likely avoid the action area and relocate to other areas of the river due to ongoing disturbance and noise in the water associated with the action. It is possible that some bottom dwelling prey species, including blue crab, could be impacted by removal or entrainment and strikes or crushing. Removal of wreckage and mixed material would result in direct effects to EFH, including disturbance to the water column and the bottom. These effects will be temporary, and this habitat will be available after the action is complete. Indirect effects include temporary degradation of the water column from increased turbidity and underwater noise generated as part of the wreckage removal. Turbidity may clog fish gills resulting in the loss in some individuals. The action will take place during the spawning period for some migratory fish (March to June). MDDNR requires a time-of-year restriction be followed to protect migratory fish that are migrating up the Patapsco River to spawn. However, due to the emergency nature of the action, the action will be conducted during the normal time-of-year (TOY) restriction. During wreckage removal, migratory fish would likely use adjacent areas in the waterway that provide for sufficient safe passage. However, some migratory fish may be deterred from going upstream. These fish would

not make it to the freshwater spawning areas. However, long-term adverse indirect effects to the migratory fish population that use the Patapsco River to spawn is not expected to occur as a result of the action. Only minor cumulative effects are expected as TOY restrictions to protect migratory fish would normally be followed. Processing and sorting activities at the Donjon facility in NJ will not result in direct effects to fish. Catch basins at the site prevent sediment laden water from entering Newark Bay, thereby preventing turbidity/siltation effects on fish. Indirect and cumulative effects include noise from raking, scraping, and banging of the scow during offloading activities along with other noise in the waters of the working harbor. It is expected that fish generally avoid areas adjacent to the terminal due to ongoing disturbance and noise.

b. Threatened and Endangered Species

Threatened and endangered species under the purview of the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) as having the potential to occur in the action areas are the endangered Atlantic sturgeon (*Acipenser oxyrinchus*) and the endangered shortnose sturgeon (*Acipenser brevirostrum*) (NOAA NMFS, 2022). Both species are also listed as endangered by the States of Maryland and New Jersey. Sea turtles are not expected to be in Baltimore Harbor (NOAA NMFS, 2013) or in Newark Bay (NOAA NMFS, 2022). Atlantic and shortnose sturgeon are only known to use the Patapsco River at the mouth of the river in the Chesapeake Bay, and in Newark Bay near the Port Newark Marine Terminal for migratory and opportunistic foraging behaviors. No known spawning occurs in these areas (C. Vaccaro/NOAA NMFS, direct communication, April 2024; NOAA NMFS, 2022). There is no critical habitat for federally listed species in the action areas (NOAA NMFS, 2022).

Adverse effects to sturgeon are not expected from wreckage and mixed material removal in the Fort McHenry Channel. Sturgeon are most likely to be in the Chesapeake Bay and not in the river (C. Vaccaro/NOAA NMFS, direct communication, April 2024). Direct effects (impingement or capture by a dredge bucket, striking by a piece of equipment) is highly unlikely. Any individuals in the action area would likely use adjacent areas in the waterway that provide for sufficient safe passage to avoid the work area during wreckage removal. Indirect effects including noise and turbidity may impact some individuals transiting through the area. Turbidity is most likely to affect sturgeon if a plume causes a barrier to normal behaviors. However, sturgeon would most likely swim through the plume to avoid the area with no adverse effects. Impacts to sturgeon due to increased release of contaminants during removal of wreckage are not expected to have an effect. The Atlantic and shortnose sturgeon are primarily benthic feeders. Removal of wreckage would result in a temporary reduction in the amount of benthic prey in the action area. However, these impacts are not expected to be significant since the benthic population in the action area is less abundant and diverse than the near-shore population; and, over time the disturbed areas will recolonize. Furthermore, sturgeon opportunistically foraging in or near the action area would be able to forage in other areas of the harbor and the Chesapeake Bay where benthic communities are more abundant. NOAA NMFS requires a TOY restriction be followed to protect Atlantic and shortnose sturgeon (March to November). However, due to the emergency nature of the action, the action will be conducted during the normal TOY restriction. No cumulative impacts are expected because activities would normally be conducted outside of the TOY restriction to protect sturgeon. Processing and sorting activities at the Donjon facility in NJ will not result in direct effects to sturgeon. Catch basins at the site prevent sediment laden water from entering Newark Bay, thereby

preventing turbidity/siltation effects on fish. Indirect and cumulative effects include noise from raking, scraping, and banging of the scow during offloading activities along with other noise in the waters of the working harbor. It is expected that sturgeon would generally avoid areas adjacent to the terminal due to ongoing disturbance and noise. Based on this analysis of effects, USACE has determined that the action may affect but is not likely to adversely affect the Atlantic sturgeon and the shortnose sturgeon. Initial coordination with NMFS Protected Resource Division is included in Appendix B.

c. Birds

Four known nesting sites exist near the Fort McHenry Channel action area. An established colony of black-crowned night heron (*Nycticorax nycticorax*), consisting of approximately 350 breeding pairs, nest at Sollers Point near the northern end of the Key Bridge. Approximately 500 pairs of herring gulls (*Larus argentatus*) nest at a site on Sparrows Point. Annual nesting by various species of gulls, double-crested cormorants (*Nannopterum auritum*), and a mixed heronry is identified at Fort Carroll, which is located approximately 2,300 feet from the action area. Masonville Cove hosts the only breeding pairs of bald eagles (*Haliaeetus leucocephalus*) in Baltimore City. An offshore barge just north of the Masonville Cove hosts the only known common tern colony north of the Chesapeake Bay Bridge. Approximately 40 to 80 pairs of terns nest on the barge annually. Common terns, listed as endangered by the State of Maryland, is the only state-listed bird species found in the action area (MDDNR, 2023). Resident species such as great blue herons (*Ardea herodias*), double-crested cormorants, and osprey (*Pandion haliaetus*) can be found traversing the action area. Additionally, a variety of waterfowl species winter in the harbor.

Waterfowl (ducks and geese), wading birds (herons and egrets), shorebirds (sandpipers and plovers), seabirds (gulls, terns, and cormorants), and birds of prey (osprey) are found in Newark Bay. Many water bird species that utilize Newark Bay and the adjacent forested areas are migratory. Adequate nesting grounds are limited due to the highly developed shoreline. Therefore, most waterbirds primarily build their nests on offshore islands.

There will be no direct adverse effects to birds as a result of the action. Indirect effects to birds from the action would be minor and temporary. Operation of vessels and heavy equipment may flush wildlife, such as waterfowl or other birds foraging or resting in or near the open waters of the action area or nesting on Fort Carroll. Increased turbidity may temporarily disrupt foraging abilities for some birds. However, these effects would be minor due to the already disturbed nature of the action area and the amount of other available habitat for prey species in the harbor. No cumulative effects to birds are expected as a result of the action.

Black-crowned night herons breed in May and June at Sollers Point, which is located approximately one mile from the action area. I-695 runs along the south side of Sollers Point so it is normally loud in this area due to traffic noise from the highway. Due to the distance from the action area to Sollers Point and the already disturbed nature of the site where the herons breed, the action is not expected to have any effects to the black-crowned night heron.

Masonville is located approximately 4 miles from the action area. Therefore, the action will not have any effects on bald eagles.

d. Water Quality

Water quality in the action areas is poor. Water quality in both Baltimore Harbor and Newark Bay is impacted by a heavy volume of urban runoff, in combination with industrial and commercial discharges. Polluted discharge and runoff from land activities have degraded the overall water quality as well as the bottom habitat. Nutrient levels are relatively high, and algae blooms are frequent. Salinity in the action area typically ranges from 7.6 to 10 parts per thousand. During the summer months, harbor waters separate into two layers: warm, lower salinity surface waters and cool, higher salinity deeper waters. Saline waters at greater depths frequently become hypoxic during the summer months.

The action will result in no direct adverse effects to water quality. Implementation of the action will result in indirect adverse effects to water quality including increased turbidity and nutrient levels that would be localized, minor, and temporary during wreck removal. Erosion and sediment control measures are used at the Donjon staging and processing site to prevent any discharges of decant water from the mixed material. No cumulative effects to water quality from the action are expected. MDE has determined that a Section 401 Clean Water Act Water (CWA) Water Quality Certification (WQC) is not required if mechanical means are used to clear the channel and if the removed wreckage and mixed material is placed at an approved upland containment site. Decant water from the mixed material will not be discharged back into the Patapsco River. Therefore, a Section 401 CWA WQC is not required. Donjon will follow the conditions of the AUDs for sediment and erosion control at the staging and processing site.

e. Hazardous, Toxic, and Radioactive Waste (HTRW)

Bottom sediments in the Baltimore Harbor channels are predominantly comprised of silt and clay. The percent of silt and clay throughout the Baltimore Harbor Channels ranges from 70.9 to 99.1 percent. Sediment sampling of the Baltimore Harbor Channels completed in 2019 indicate that sediments are contaminated (USACE, 2019). More recent sediment sampling was conducted in May 2024 of the mixed material removed from the Fort McHenry Channel. As mentioned in Section II above, the mixed material was required to be tested prior to final disposal at KLI. Three of the 42 samples tested for elevated levels of arsenic. After review and approval by NJDEP's Bureau of Solid Waste Permitting, an Out-of-State AUD was issued by NJDEP's Office of Dredging and Sediment Technology to authorize disposal of up to 70,000 cy of material at KLI. The Out-of-State AUD issued by NJDEP is located in Appendix A.

Sediment Quality Guidelines (SQGs) are used to identify potential adverse biological effects associated with contaminated sediments. Threshold effects levels (TELs) typically represent concentrations below which adverse biological effects are rarely observed, while probable effects levels (PELs) typically represent concentrations in the middle of the effects range and above which effects are more frequently observed. Sediment samples taken from areas within the Fort McHenry Channel located under the Key Bridge showed concentrations of dioxins, polychlorinated biphenyl (PCBs), zinc, and lead that exceed PEL values. Concentrations between SQG/TEL and PEL were also detected within the Fort McHenry Channel for cadmium, chromium, copper, mercury, and nickel. Additionally, some common organic contaminants found in harbor sediments included DDD, DDE, and DDT polynuclear aromatic hydrocarbons (PAHs). These contaminants originated from several industrial and municipal sources, as well as from nonpoint sources, which would be

expected in an urbanized/industrialized region (USACE, 2019). Recent sampling of the bridge wreckage indicated that the bridge does not contain asbestos or lead-based paint that could contaminate the water.

Wreckage removal from the action area is expected to temporarily disturb and resuspend sediments in the surrounding water column. Release of contaminants in the water column will degrade water quality and may affect fish and other aquatic resources. These effects will be temporary and localized. Cumulative effects from the action in combination with other past, present, and reasonably foreseeable future actions will consistently disturb contaminated sediments and result in poor water quality in Baltimore Harbor.

There is a potential for uncovering historic, unexploded ordnance (UXO) and other munitions during the wreckage removal around the Key Bridge collapse area. A probability assessment was prepared by USACE to evaluate the potential for munitions and explosives of concern (MEC) to be encountered based on historical activities in the harbor. Historical activities that could be a potential source for discarded military munitions in the Patapsco River include the Battle of Baltimore, activities from Fort Armistead, Fort Carroll, and the Curtis Bay Ordnance Depot. Areas under the bridge within and adjacent to the Fort McHenry Channel have been determined to have a “moderate to high” probability of encountering MEC. Operations that involve mechanical (clam shell or excavator) means to remove wreckage have the potential to contain material from “moderate to high” probability areas. Any MEC recovered during wreckage removal operations would be handled and disposed of in an appropriate manner to prevent safety threats or detrimental impacts to the environment, in accordance with established safety protocols. Therefore, recovery of MEC is not expected to have direct, indirect, or cumulative effects on the environment or safety of the workers and the public.

The Bear Creek Sediment Site located on the north side of Sparrows Point is listed on the U.S. Environmental Protection Agency’s (USEPA) Superfund National Priorities List, a list of the sites eligible for long-term cleanup financed under the federal Superfund Program (Figure 6). More than 100 years of steelmaking on Sparrows Point has left behind a legacy of contamination on both land and in the waters surrounding the peninsula. Sediments in Bear Creek were contaminated primarily by the migration of hazardous substances from the steel making process and the effluent discharges from processed wastewater and stormwater that discharged to Bear Creek (USEPA, 2024b). Land sources of the contamination are being addressed by the current owner under other cleanup programs. The Tin Mill Canal, which is a major source of contamination to Bear Creek, has undergone extensive work to remove contamination. There have been no response activities to remove contamination in the Bear Creek Sediment Site.



Figure 6. Location of the Bear Creek Sediment Site (USPEA, 2024a).

There will be no further contamination of the Bear Creek Sediment Site from the action. Vessels transporting mixed material will not be transiting through the Bear Creek Sediment Site. Therefore, no sediments in the Bear Creek Sediment Site will be resuspended during the action.

In addition, the removal of wreckage and mixed material from the Fort McHenry Channel will not affect the Curtis Bay USCG Yard Superfund Site located approximately two miles from the channel on the southeast side of Hawkins Point.

There will be no effects to existing contaminated or superfund sites from staging and processing of mixed material at the Donjon facility in NJ.

f. Air Quality and Greenhouse Gas (GHG) Emissions

The Baltimore, MD area (includes Anne Arundel County, Baltimore County, Baltimore City, Carroll County, Harford County, and Howard County) is in moderate nonattainment with the National Ambient Air Quality Standards (NAAQS) for 8-hour ozone (2008 and 2015 standards). Anne Arundel and Baltimore Counties are in nonattainment for sulfur dioxide (2010 standard). Baltimore City is in maintenance for carbon monoxide (1971 standard) (USEPA, 2024c). Major GHG contributors in the Baltimore region include the Brandon Shores Power Plant (USEPA, 2022). Newark, NJ is in moderate nonattainment with the NAAQS for 8-hour ozone (2015 standard) and severe nonattainment for 8-hour ozone (2008 standard) (USEPA, 2024c). New York City, NY and Essex, County, NJ have 7 power plants that emitted approximately 4 million metric tons of carbon dioxide in 2022 (USEPA, 2022).

Direct effects to air quality include emissions from equipment used to remove wreckage (i.e., heavy lift floating cranes, a barge mounted metal shear, tugs, a large capacity grabber, salvage

vessels, mechanical/hydraulic dredge, scows, pumps, etc.). Other direct air emissions include emissions from survey and safety vessels in the action area, transportation of scows to the NJ processing facility, and transportation of material via trucks from the NJ processing facility to KLI. Vehicles used to transport workers to the action area and emissions from mobilization of all necessary equipment to conduct the work are considered indirect air effects from the action. Equipment is expected to operate seven days a week during daytime hours. Work is expected to be complete in less than 90 days but may take longer if any obstacles are encountered during the work. Due to the emergency nature of the action, an air conformity analysis was not conducted to determine if air emissions from the action would exceed de minimis thresholds for each NAAQS pollutant in maintenance or nonattainment. However, based on similar projects of this magnitude, it is not expected that air emissions from the action will exceed de minimis thresholds. Air emissions from ships and operation of the Port and other waterfront facilities have decreased until the channel reopens. Therefore, cumulative effects to air quality will be minor and temporary. There will be no long-term effects to air quality from the action.

Due to the emergency nature of the action, a GHG analysis was not conducted. However, the action is not expected to significantly contribute to GHG emissions. The action will result in no long-term GHG emissions.

g. Navigation

An estimated 50,000 tons of concrete and steel bridge wreckage blocks the waterway across the entire collapsed span (USACE, 2024). A series of temporary shallow-draft channels (Figure 5) are operational for authorized vessels only. The federal channel is anticipated to be fully restored by mid-June. The action will restore navigation for all vessels that use the Port and the other waterfront facilities in the harbor. Therefore, the action will have direct, indirect, and cumulative beneficial effects on navigation. A letter from the USGC dated April 5, 2024, provides authorization to remove bridge wreckage from the federal channel and provides conditions for work in the waterway (Appendix B).

h. Recreation

Recreation in the action area is predominantly water related such as fishing and boating in the Patapsco River. The action area is used by recreational and commercial boating and fishing enthusiasts. Sport fish frequently known to occur in the Patapsco River include white perch, channel catfish, striped bass, bluefish, and blue crab. An active pound net is located on the north side of Sparrows Point approximately 1.4 miles from the Fort McHenry Channel (MDDNR, n.d.).

Both the Captain John Smith Chesapeake National Historic Trail and the Star-Spangled Banner National Historic Trail run through the action area. National historic trails are trails or routes of travel that have been identified by the National Park Service (NPS) as travel routes of national historic significance. NPS protects these historic routes, remnants, and artifacts for public use and enjoyment. The NPS estimates that there are approximately 110,000 combined users of the Captain John Smith Chesapeake National Historic Trail and the Star-Spangled Banner National Historic Trail annually (NPS, 2024).

The Fort Armistead Park is located on the southwest side of the Key Bridge in the City of Baltimore approximately 2,000 feet from the action area. Visitors can fish and walk around the fort. However, due to the Key Bridge collapse, the park was temporarily closed (Baltimore City DOT, 2024). The park has recently reopened. Early in the wreckage removal, pieces of the bridge were staged at Fort Armistead Park in order to characterize the material (e.g., lead testing) for future wreckage removal efforts. Staging of wreckage at Fort Armistead was temporary and occurred prior to establishment of the MDTA sorting and processing site at Sparrows Point. Fort Armistead Park was also used to stage media and for loading boats for tours of the bridge collapse area.

The action will result in no direct effects to recreation. Adverse indirect effects include obstruction of the waterway and the historic trails to recreational vessels including kayakers during wreckage removal. A safety zone within a 2000-yard radius of the Key Bridge collapse is in effect during wreckage removal activities and removal of the M/V Dali. Only authorized vessels are allowed to be within the safety zone. Blocking off the channel precludes recreational users from accessing the Chesapeake Bay for boating, fishing, and other activities. Effects to recreation will be temporary while wreckage is being removed. Temporary cumulative effects to recreation include closure of the waterway and closure of nearby parks due to the bridge collapse. Vessels associated with the action are not expected to disturb the active pound net located north of Sparrows Point.

i. Aesthetics

The viewshed within and surrounding the action area is typical of a commercial/industrial port. The area includes industrial, commercial, urban, residential, recreational, and tourist sites, as well as bridges, highways, and the waters of Baltimore Harbor. There are numerous towering cranes and related land-side infrastructure used for loading and unloading ships along the waterfront. Container vessels, tankers, bulk carriers, general cargo vessels, and other large commercial vessels use the anchorages, navigation channels, and port berths in the harbor. Normally, there is general and constant activity as large vessels arrive and depart, and many smaller commercial vessels, including smaller tugboats and service vessels, and large and small recreational vessels move around the harbor. However, with a blocked channel, activity in the harbor has significantly decreased. Bridge wreckage can also be seen in the water in the footprint of the former center span of the Key Bridge.

Multiple cranes and barges will be used to remove the wreckage, which would result in temporary adverse direct effects on the visual resources within the action area during wreckage removal. Indirect effects to aesthetics include work equipment in the viewshed of nearby properties. However, the equipment will remove the bridge wreckage which is also located in the viewshed. The aesthetic environment of the action area would continue to be that of a working waterfront with a mix of industrial, commercial, highway transport, naval, marine, and urban shoreline uses. The removal of wreckage from the channel would allow for deep-draft commercial vessels to continue to transit the action area. The emergency action to remove bridge wreckage would have long-term beneficial effects to the aesthetics of the area. No adverse cumulative effects will occur.

j. Noise

Noise levels within and around the action area are consistent with an urban, industrial setting. The action areas are working harbors with adjacent land use characterized largely by industrial,

commercial, and residential uses, along with significant roadways and associated truck and car noise. Noise sources for vessels include cranes, whistles, and various motors for propulsion, while adjacent dockside noise sources include cranes, trucks, cars, and loading and unloading equipment. The action will result in adverse direct and indirect effects to noise levels. The action will contribute to ambient noise levels. Loud noise can occur when wreckage gets placed on the barge and generated from equipment sorting and processing the mixed material at the Donjon NJ facility. However, noise from the action will be temporary and will only occur during wreckage removal and during sorting and processing activities. The action will result in cumulative impacts to noise levels. Noise in the action area temporarily decreased with no traffic noise from the Key Bridge, less ship traffic, and less noise from land side port facilities and other waterfront facilities. Therefore, cumulative noise levels are minor. Ambient noise from a working harbor will return after the channel is reopened.

k. Environmental Justice

Baltimore City, Baltimore County, and Anne Arundel County in MD and Essex County in NJ contain disadvantaged communities that surround the action areas. These communities are characterized as low income with other indicators of burden including housing cost, health conditions (asthma, heart disease, low life expectancy), proximity to legacy pollution sites (hazardous waste facilities, superfund sites), and proximity to contaminated wastewater discharge. Some of these communities are above the 90th percentile (nationally) for poverty with over a quarter of the population (over the age of 25) whose high school education is less than a high school diploma (CEQ, 2022).

The action will have no direct effects on disadvantaged communities. Temporary indirect adverse effects during wreckage removal and sorting and processing activities may occur to communities near the action area. Indirect adverse effects during construction include increased air and GHG emissions, increased noise, limits to some recreational opportunities (access to the Chesapeake Bay from the harbor), diminished aesthetics, and the loss or reduced hours of port jobs and jobs that rely on the port and the federal channel. Long-term beneficial indirect effects from reopening of the federal channel include reestablishment of port jobs and jobs that rely on the port and the federal channel, and the return of recreational opportunities and aesthetics of the area.

Reopening the channel along with other past, present, and reasonably foreseeable future actions to maintain navigation in the harbor may have temporary adverse cumulative effects to disadvantaged communities during construction. Adverse short-term cumulative effects include air and GHG emissions from the action along with other pollution emitters in the region, minor noise effects (ambient noise was reduced due to temporary closure of the port), and diminished aesthetics due to multiple ongoing actions in the collapse area (multiple cranes, barges, survey and safety vessels, scows, etc.). Adverse long-term cumulative effects from reopening the federal channel include increased air and GHG emissions and noise from resuming harbor and port operations, and from commercial vessels that can resume using the restored federal channel. Most of the disadvantaged communities surrounding the action area are above the 95th percentile (compared to state) for exposure to ground-level ozone (USEPA, 2024d). Diminished air quality may contribute to the health of these communities. Most people at risk of breathing air containing ozone include people

with asthma and most of the disadvantaged communities surrounding the action area are above the 90th percentile for current asthma cases (USEPA, 2024d and 2024e).

Long-term beneficial effects from reopening the channel would occur. Closure of the channel has disrupted port operations resulting in a loss of up to \$15M per day for the regional economy. The Port directly supports approximately 15,000 jobs with an additional 140,000 jobs that are dependent on port activity. Disruption of port operations has resulted in lost wages for many of these workers, and businesses are at risk of laying off employees due to a loss of revenue and increased costs relating to the Key Bridge collapse. This puts an additional burden on workers that live in economically disadvantaged communities. Increased burdens on economically disadvantaged communities presents food insecurity and health concerns (some workers may be ineligible for unemployment insurance benefits). For some of the population that relies on fish for food and stores their vessel inside of the Key Bridge, closure of the channel blocks off access to the Chesapeake Bay. Additional burdens resulting from the Key Bridge collapse include traffic and longer travel distance (approximately 35,000 people used the bridge each day), and the potential for hazardous chemicals to be transported using residential streets (hazardous chemicals cannot be transported through the tunnels). Closure of the channel will have an impact on agriculture equipment shipments affecting farmers. A backlog in equipment may impact crop production. This could have far-reaching impacts to economically disadvantaged communities around the nation, particularly in the Midwest as the collapse happened during peak planting season. Therefore, reopening of the channel is critical to revitalize the economy and will provide long-term benefits to disadvantaged residents that rely on the waterway for work and food.

The UC developed the “Key Bridge Response 2024” website to keep affected communities informed of the cleanup efforts, provide available facts on the incident, and offer community specific resources. In addition, Anne Arundel County government led a weekly meeting with representatives from various jurisdictions to capture concerns and offer support for disadvantaged communities and the public.

I. Cultural Resources

The Fort McHenry Channel was archaeologically surveyed by Koski-Karell in 1979 and by USACE in 1992 to determine the presence of any cultural resources significant for listing in the National Register of Historic Places (NRHP). Neither survey identified any resources within or adjacent to the action area. Additionally, only four cultural resources have been identified within 0.5 miles, but beyond 1,000 feet, of the action area. These include the NRHP-listed Fort Carroll and the unevaluated Fort Armistead, CURTIS-QF13, and CURTIS-QF14. Given the lack of previously identified resources within the action area and its use as a routinely dredged and maintained navigation channel, the action would have no effects on cultural resources.

In accordance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR Part 800, this determination will be coordinated with the Maryland State Historic Preservation Office (MD SHPO), Delaware Tribe of Indians, and Delaware Nation for review and comment. Initial coordination with the MD Historical Trust is included in Appendix B.

VI. Compliance with Laws, Regulations, Executive Orders, and Memorandums

Table 1. Status of Compliance with Relevant Laws, Executive Orders, and Memorandums.

| Law, Executive Order, Memorandum | Compliance Status | Reason for Compliance |
|---|--------------------------|---|
| Archeological Resources Protection Act | Pending | No effects to archeological resources expected. Coordination with MD SHPO is ongoing. |
| Bald and Golden Eagle Protection Act | Full | Action will not affect bald eagles. |
| Clean Air Act | Full | Temporary effects to air quality during wreckage removal. No mitigation for effects to air quality is proposed. |
| Sections 401 and 404 Clean Water Act | Full | A Section 401 WQC is not required by MDE for the action. Therefore, a Section 404(b)(1) analysis is not required. |
| Coastal Barrier Resources Act (CBRA) | N/A | The action area is not located in the CBRA system. |
| Coastal Zone Management Act | Pending | USACE has determined that the action is consistent with the enforceable policies of the MD Coastal Zone Management Plan. Coastal zone consistency documentation is located in Appendix B. Coordination with MDE is ongoing. |
| Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) | Full | No effect to the Bear Creek Sediment Site from the proposed action. |
| Section 7 of the Endangered Species Act | Pending | The action may affect but will not adversely affect threatened and endangered species. Coordination with NMFS is ongoing. |
| Farmland Protection Policy Act | N/A | The action area is not located in an area with prime farmland or farmland of statewide importance. |
| Fish and Wildlife Coordination Act | Pending | Fish and wildlife will be temporarily disturbed during wreckage removal. Coordination with NMFS and the U.S. Fish and Wildlife Service is ongoing. |

| Law, Executive Order, Memorandum | Compliance Status | Reason for Compliance |
|--|--------------------------|---|
| Magnuson-Stevens Fishery Conservation and Management Act | Pending | Temporary effects to EFH during wreckage removal. Coordination with NMFS is ongoing. |
| Marine Mammal Protection Act | N/A | No marine mammals are found in Baltimore Harbor (NOAA NMFS, 2022). |
| National Environmental Policy Act (NEPA) | Full | This REC has been prepared in accordance with NEPA of 1969, the Council on Environmental Quality (CEQ) NEPA implementing regulations dated July 2020 and April 2022, Engineer Regulation 200-2-2: Procedures for Implementing NEPA, and USACE regulations published in 33 CFR 230.9 for Categorical Exclusions. |
| National Historic Preservation Act | Pending | No effects to historic resources expected. Coordination with MD SHPO is ongoing. |
| Noise Control Act | Full | Noise levels will be temporarily increased during construction. Ambient noise from a working harbor will return after the channel is reopened. |
| Rivers and Harbors Act of 1899 | Full | The action will remove the obstruction from the navigable waterway. |
| Wild and Scenic Rivers Act | N/A | The Patapsco River is not an NPS wild and scenic river. |
| EO 11990 – Protection of Wetlands | Full | No effects to wetlands are expected from the action. |
| EO 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations | Full | Temporary and minor effects from increased air quality and noise during wreckage removal and sorting and processing activities. Long-term beneficial effects with a reopened channel and working port. |
| EO 13990 – Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis | Full | The action will not contribute to climate change. |
| EO 14008 – Tackling the Climate Crisis at Home and Abroad | Full | The action will not contribute to climate change. |

| Law, Executive Order, Memorandum | Compliance Status | Reason for Compliance |
|--|--------------------------|--|
| EO 14091 – Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government | Full | Temporary and minor effects from increased air quality and noise during wreckage removal and sorting and processing activities. Long-term beneficial effects with a reopened channel and working port. |
| EO 14096 – Revitalizing Our Nation’s Commitment to Environmental Justice for All | Full | Temporary and minor effects from increased air quality and noise during wreckage removal and sorting and processing activities. Long-term beneficial effects with a reopened channel and working port. |
| EO 13175 – Consultation and Coordination with Indian Tribal Governments | Pending | No effects to tribal resources are expected. Coordination with tribal nations is ongoing. |
| EO 13186 – Responsibility of Federal Agencies to Protect Migratory Birds | Full | Minor and temporary effects during wreckage removal and sorting and processing activities. No long-term adverse effects to migratory birds. |
| EO 11593 – Protection and Enhancement of Cultural Environment | Pending | No effects to cultural resources from the action. Consultation with MD SHPO is ongoing. |
| Interim CEQ NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change issued January 9, 2023 | Full | No permanent increase in greenhouse gas emissions. |
| Assistant Secretary of the Army for Civil Works Memorandum for Commanding General, U.S. Army Corps of Engineers, Subject: Implementation of Environmental Justice and the Justice40 Initiative, 15 March 2022. | Full | Temporary and minor effects from increased air quality and noise during wreckage removal and sorting and processing activities. Long-term beneficial effects with a reopened channel and working port. |

VII. Categorical Exclusion

The action is covered under 33 CFR Part 230.9 (b) because the action will be carried out at a completed USACE project (federally authorized channel). The action is the restoration of a portion of the BHAC project to its condition prior to the allision. This portion of the Fort McHenry Channel was surveyed in February 2024 and supported safe navigation at the authorized 50-foot-deep by 700-foot-wide dimensions. The action restores those dimensions. All wreckage and mixed material removed from the channel will be properly disposed of at an upland location.

VIII. Summary of Effects

This is an emergency action that is critical to reopening the Fort McHenry Channel and the Port. The action will reestablish jobs and revitalize the regional and national economy. Many Port workers and workers that rely on the Port for their jobs live in disadvantaged communities. Reestablishing these jobs will relieve some of the burden on these communities. The action will result in temporary environmental effects including effects to fish and wildlife, air quality, and localized water quality degradation. Increased noise and visual disturbance, and some effects to recreation would occur during implementation of the action. However, no long-term environmental or physical effects are expected. The action will result in minor and temporary cumulative effects. No extraordinary circumstances preclude the use of the categorical exclusion.

Approved by:

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Appendix A – Donjon Marine Displaced Material Processing Plan and Approvals (63 pages)

Appendix B – Agency Coordination (16 pages)

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