

**U.S. Army Corps
Of Engineers
Baltimore District**

Public Notice

**In Reply to Application Number
CENAB-OP-RMN (HRE Sparrows Point, LLC/Dredging)
2013-61758-M02**

PN 14-17

Comment Period: March 21, 2014 – April 21, 2014

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army (DA) Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 as described below.

APPLICANT: HRE Sparrows Point, LLC
c/o Mr. Brandon Bonanno
1430 Sparrows Point Boulevard
Sparrows Point, Maryland 21219

LOCATION AND WATERWAY: Patapsco River, at Sparrows Point, Baltimore County, Maryland.

WORK: To mechanically dredge two areas; one of approximately 5.17 acres is proposed to be dredged to 36 feet below mean low water; the other area of approximately 4.14 acres is proposed to be dredged to 40 feet below mean low water. The approximately 20,000 cubic yards of dredged material is to be deposited at the Maryland Port Administration's (MPA'S) Cox Creek Dredged Material Containment Facility (DMCF), Anne Arundel County, Maryland, or the Masonville DMCF, Baltimore City, Maryland, subject to approval by the MPA. A permit for this project, if issued, would authorize periodic maintenance dredging subject to the prior approval of the District Engineer. Prior to conducting dredging, the applicant proposes to take six bottom samples of sediment for material testing purposes. The sediment sampling would be authorized by the DA Maryland State Programmatic General Permit-4, Category A.1.e.(3), for core sampling and other survey activities.

The purpose of the project is to provide safe vessel access at the applicant's marine terminal facility. All work is to be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Mr. Jon Romeo at (410) 962-6079 or at jon.romeo@usace.army.mil.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably 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, economics, 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, and, in general, the needs and welfare of the people.

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 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 District Engineer, U.S. Army Corps of Engineers, Baltimore District, [ATTN: Mr. Jon Romeo, CENAB-OP-RMN] P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period specified above.

ESSENTIAL FISH HABITAT (EFH) ASSESSMENT: The Magnuson-Steven Fishery Conservation Act (MSFCA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), 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 EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999 include EFH for a number of species in various life stages. This waterway has EFH listed for juvenile and adult windowpane flounder (*Scopthalmus aquosus*), summer flounder (*Paralichthys dentatus*), and bluefish (*Pomatomus saltatrix*); egg, larva, juvenile and adult life stages of king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), and red drum (*Sciaenops ocellatus*). These are managed species under the MSFCA. A preliminary assessment indicates that the proposed work would not have a substantial adverse effect on either managed species or prey species. Therefore, no EFH conservation measures have been developed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

COASTAL ZONE MANAGEMENT PROGRAMS: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. Public comments relating to consistency must be received by the Maryland Department of the Environment, Wetlands and Waterways Program, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period specified above to receive consideration. MDE has a statutory limit of 6 months to concur or object to the

applicant's consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed 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.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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 by the District Engineer, US Army Corps of Engineers, Baltimore District, [ATTN : Mr. Jon Romeo CENAB-OP-RMN], P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period specified above to receive consideration. Also, the request must clearly state forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

Joseph P. DaVia
Chief, Maryland Section Northern

Sparrows Point Channel, MD

HRE Sparrows Point
Kinder Morgan
13-WL-0966
201361758



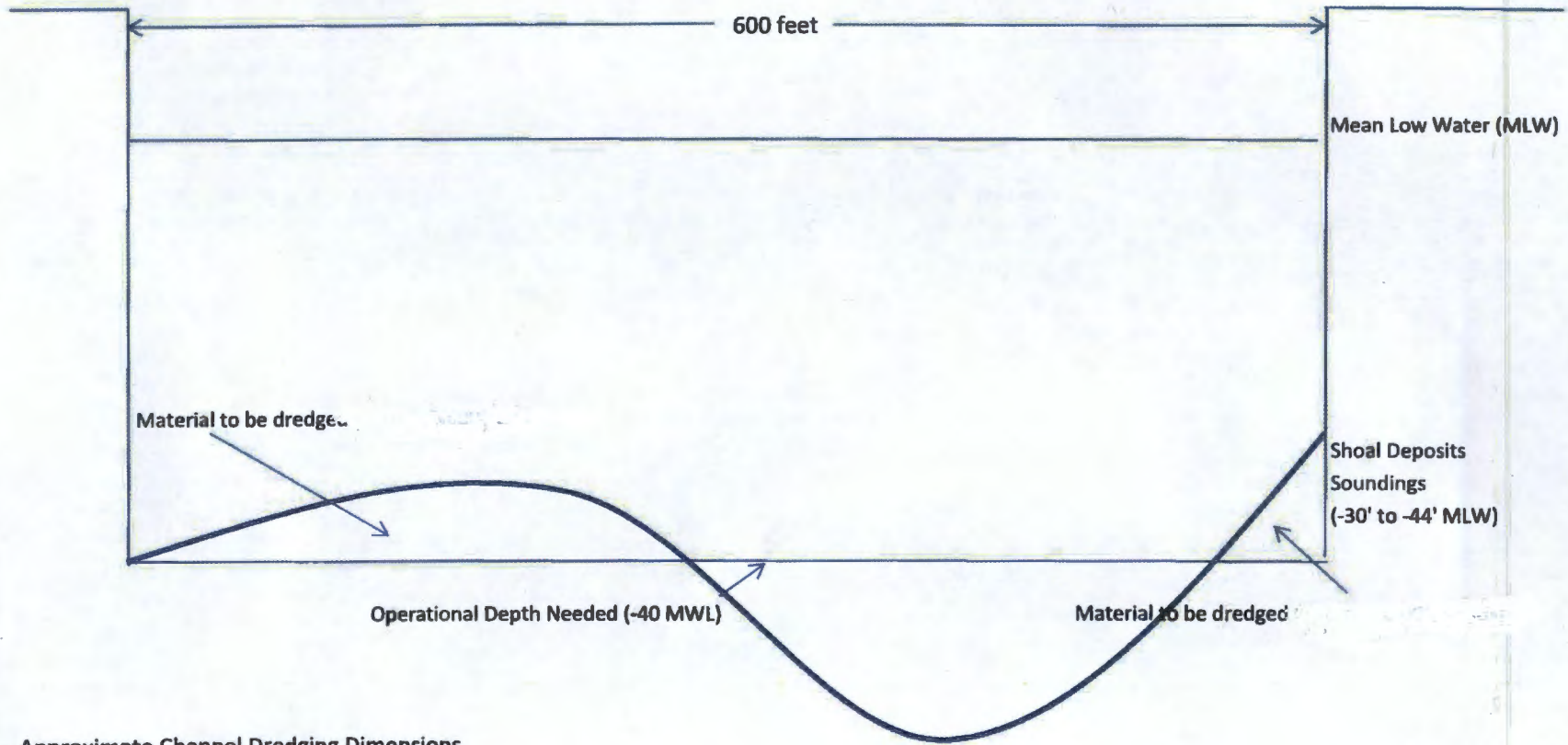
PROPOSED DREDGING AREA – SPARROWS POINT PROPERTY

Proposed Dredge Area
1,800 ft. x 125 ft. Depth of 36 ft.



Proposed Dredge Area
600 ft. x 300 ft. Depth 40 ft.

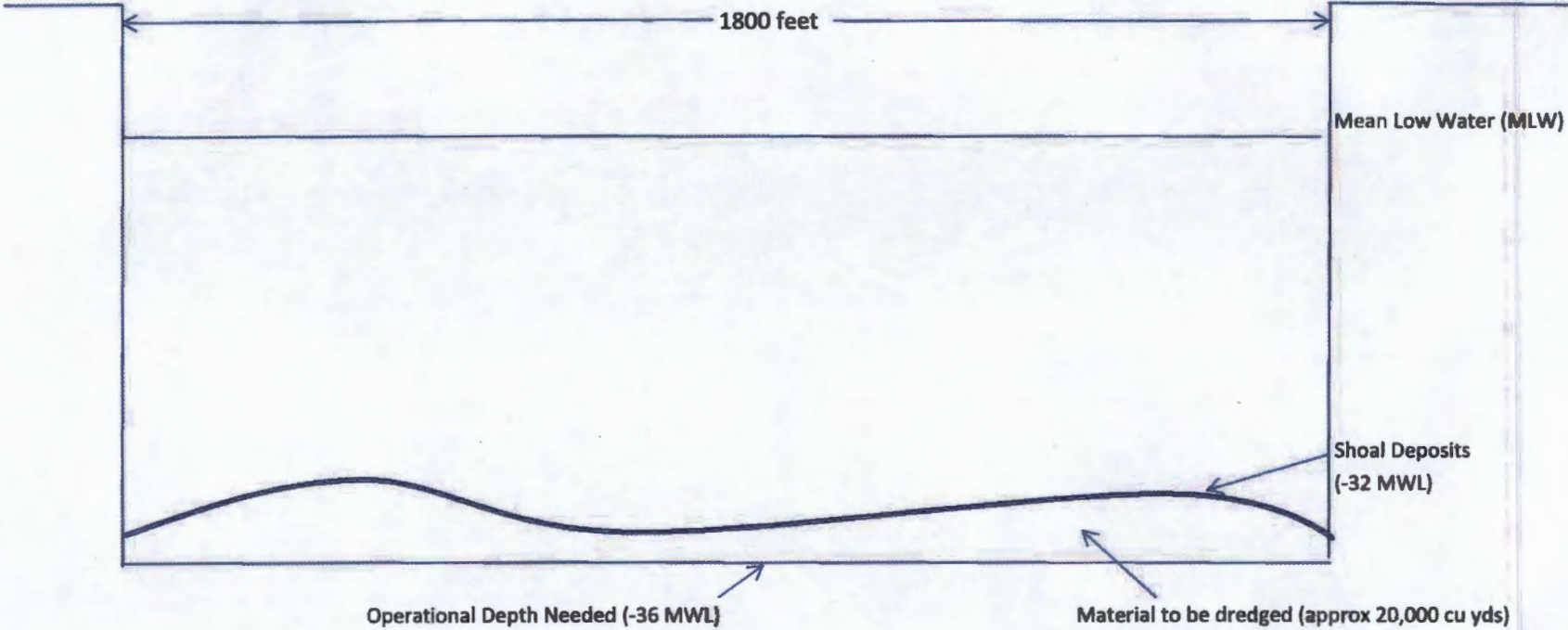
Incoming Channel



Approximate Channel Dredging Dimensions
600 ft wide
300 ft long
40 ft depth

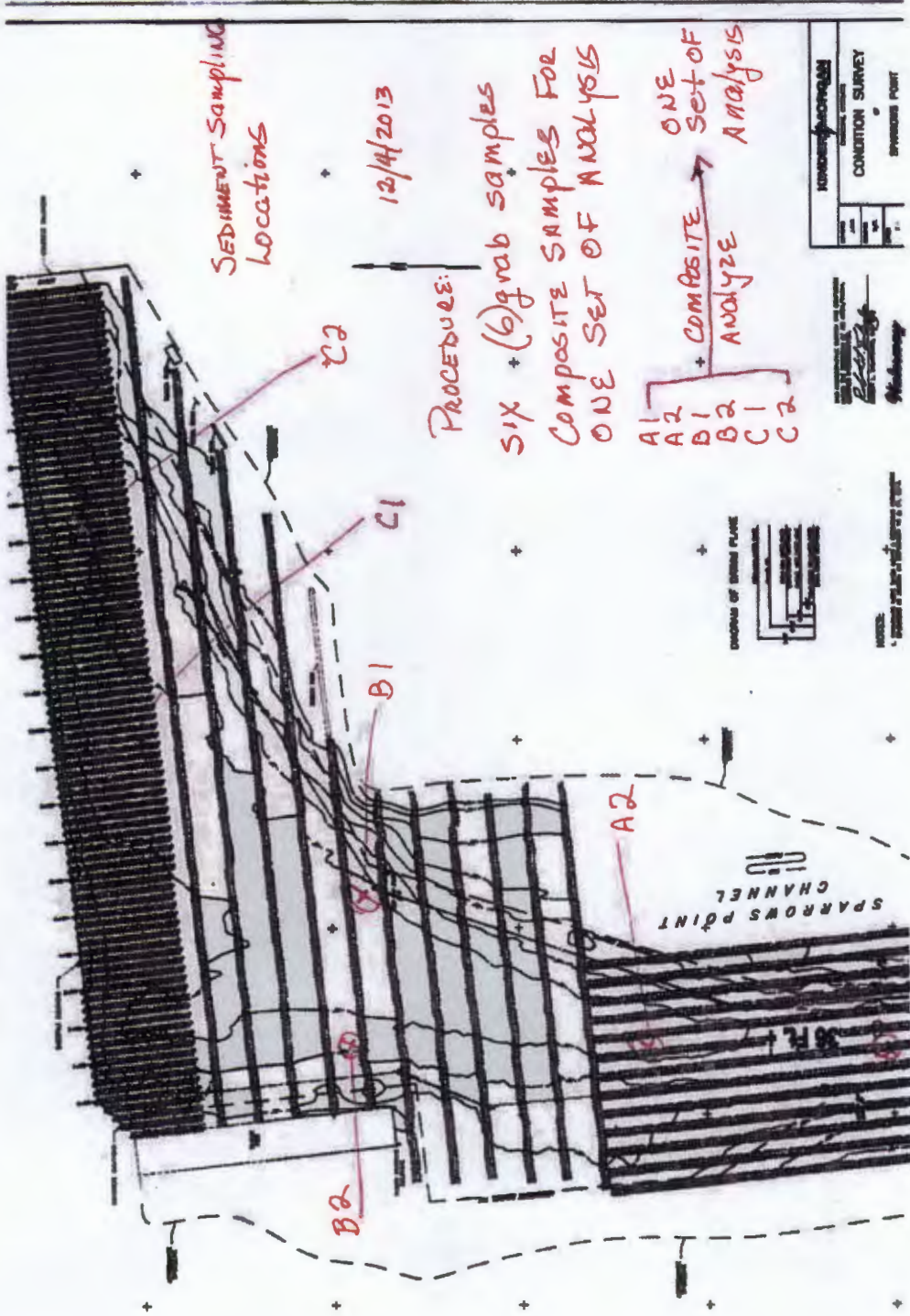
Proposed Maintenance Dredging
Channel (Between Buoys 7 & 8)
HRE Sparrows Point
12/24/2013

Turning Basin



Approximate Channel Dredging Dimensions
125 ft wide
1,800 ft long
36 ft depth

Proposed Maintenance Dredging
Turning Basin
HRE Sparrows Point
12/24/2013



PROCEDURES:
 SIX (6) grab samples
 COMPOSITE SAMPLES FOR
 ONE SET OF ANALYSIS

A1
 A2
 B1
 B2
 C1
 C2

+ COMPOSITE
 ANALYZE →
 ONE SET OF
 ANALYSIS

KIMBERLY-CLARK	
DATE	12/4/2013
TIME	
BY	
NO.	
CONDITION SURVEY SPARROWS POINT	



NOTES:
 1. SPARROWS POINT CHANNEL