

U.S. Army Corps  
Of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OP-RMN (Consol Energy/CNX Marine Terminal)  
2014-61768-M02

PN 15-02

Comment Period: January 12, 2015 – February 11, 2015

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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 Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below.

**APPLICANT:** Mr. Patrick Mangin  
Consol Energy  
3800 Newgate Avenue  
Baltimore, Maryland 21224-6404

**LOCATION AND WATERWAY:** Patapsco River, at Newgate Avenue, Baltimore City, Maryland.

**WORK:** To hydraulically or mechanically maintenance dredge a 12.9 acre area to 39 feet below mean low water, a 24.5 acre area to 44 feet below mean low water, and an 8.64 acre area to 52 feet below mean low water and to deposit the approximately 721,500 cubic yards of dredged material at either the Maryland Port Administration's Cox Creek or Masonville Dredged Material Containment Facilities.

The purpose of the project is to maintain navigable access at a coal exporting terminal. A permit for this project would authorize periodic maintenance dredging for ten years, subject to the prior approval of the District Engineer. 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](mailto: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.

An evaluation of the work described above on the public interest will include application of the Clean Water Act Section 404 (b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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 (*Scophthalmus 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.

**SECTION 401 WATER QUALITY CERTIFICATION:** The applicant is required to obtain a water quality certification from the Maryland Department of the Environment in accordance with Section 401 of the Clean Water Act. Any written comments concerning the work described above which relate to water quality certification must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

**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 Wetlands and Waterways Program, Maryland Department of the Environment, 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.

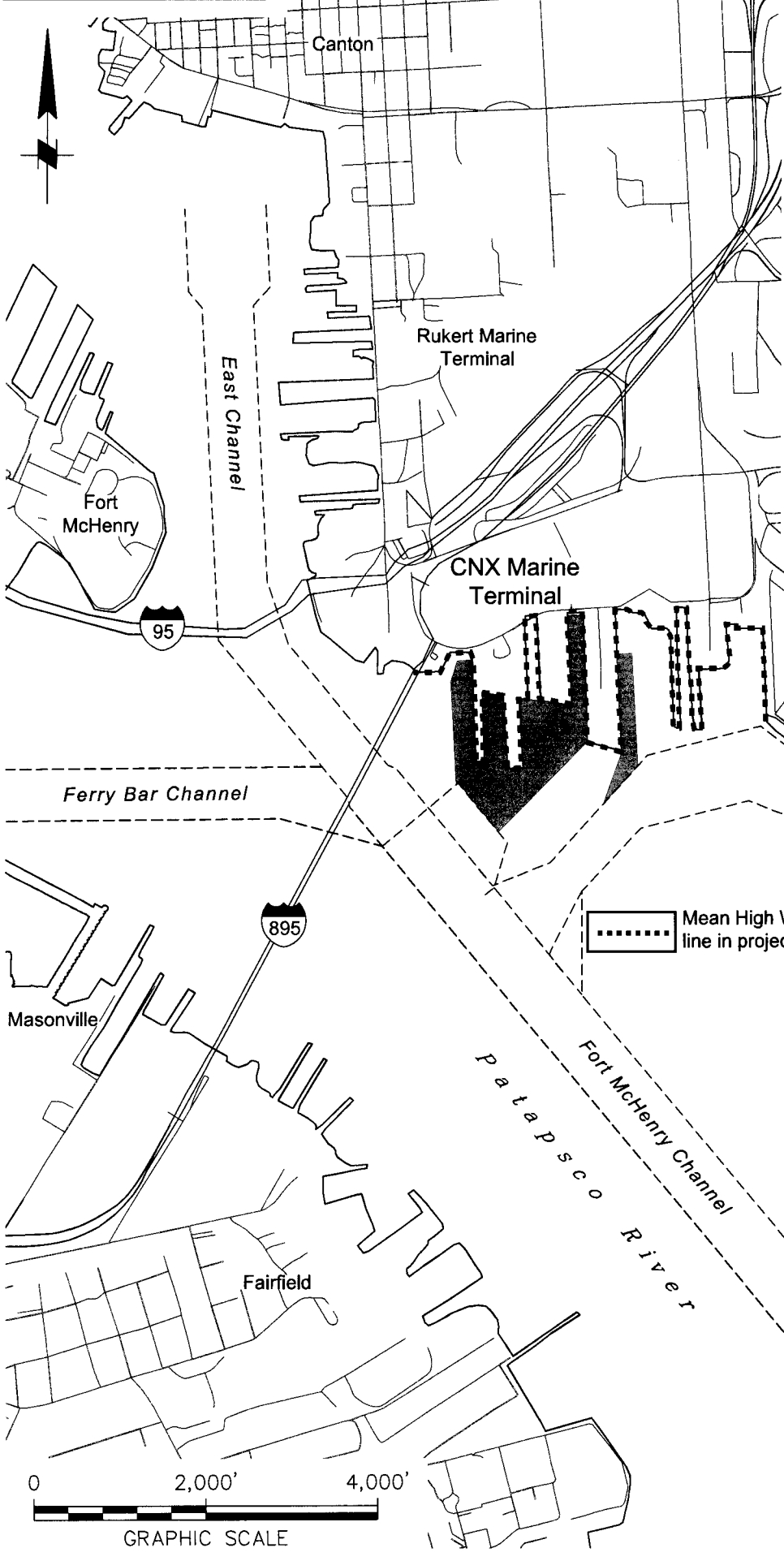
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, [ATTN : Mr. Jon Romeo CENAB-OP-RMN], P.O. Box 1715, 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.

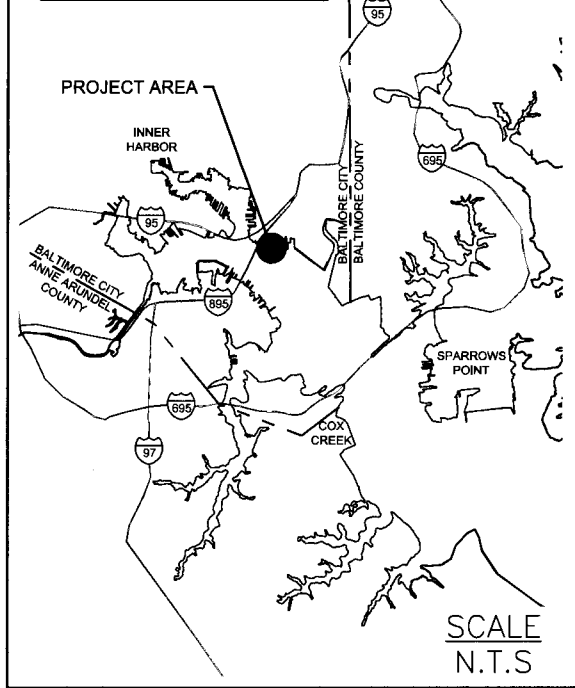
FOR THE DISTRICT ENGINEER:

Joseph P. DaVia  
Chief, Maryland Section Northern

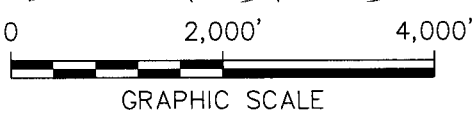
# LOCATION MAP



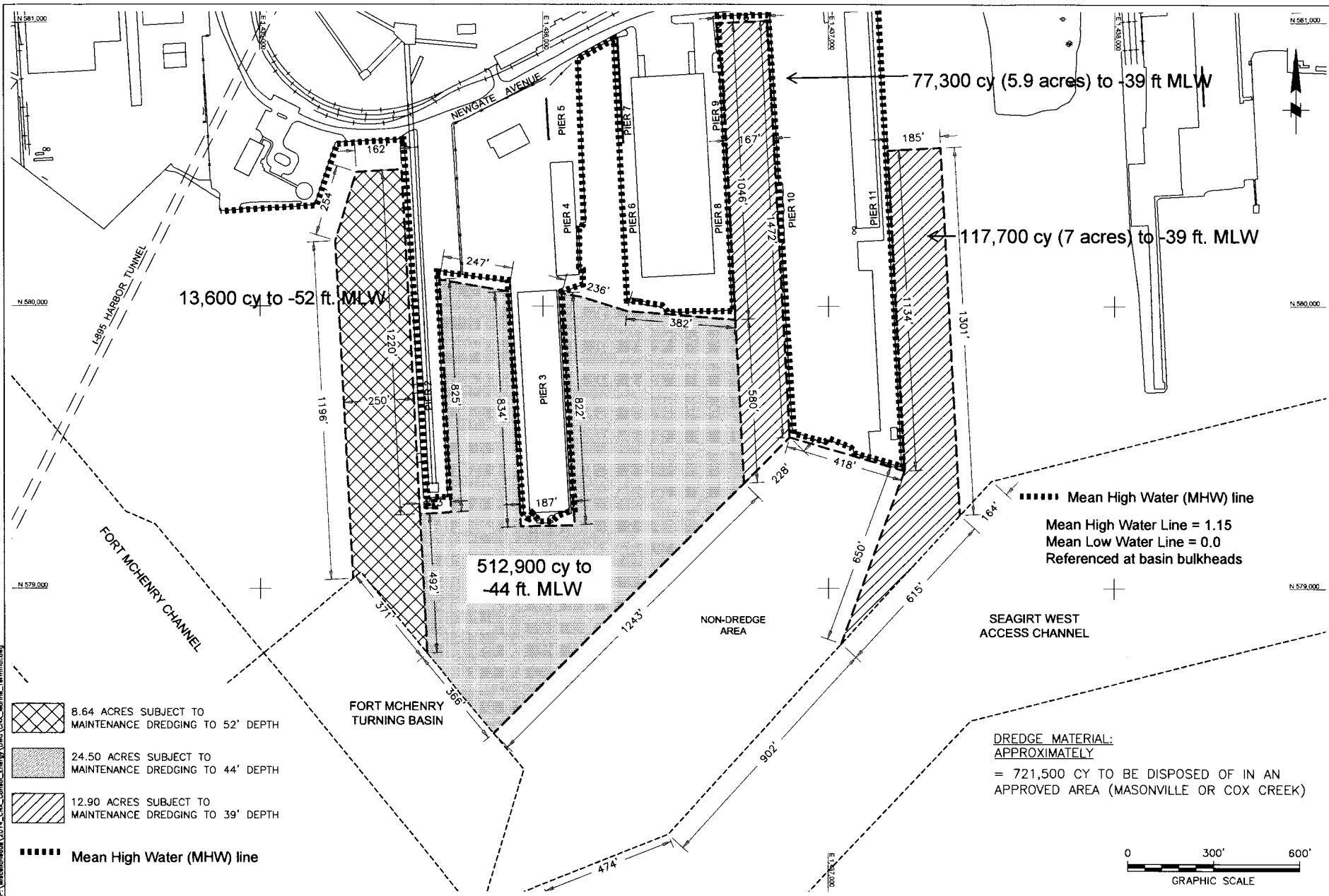
# VICINITY MAP



..... Mean High Water (MHW) line in project area



P:\Miscellaneous\2014\_CNC\_Contract\_Energy\_DMC\CNC\_Marina\_Terminal.dwg



NO.	DESCRIPTION	DATE	BY	CHK'D

Date: OCT. 2014 Scale: AS SHOWN Plot scale: 1" = 100'	Drawn by: BSM Checked by: DCU Reviewed by: CJS Submitted by: DCU
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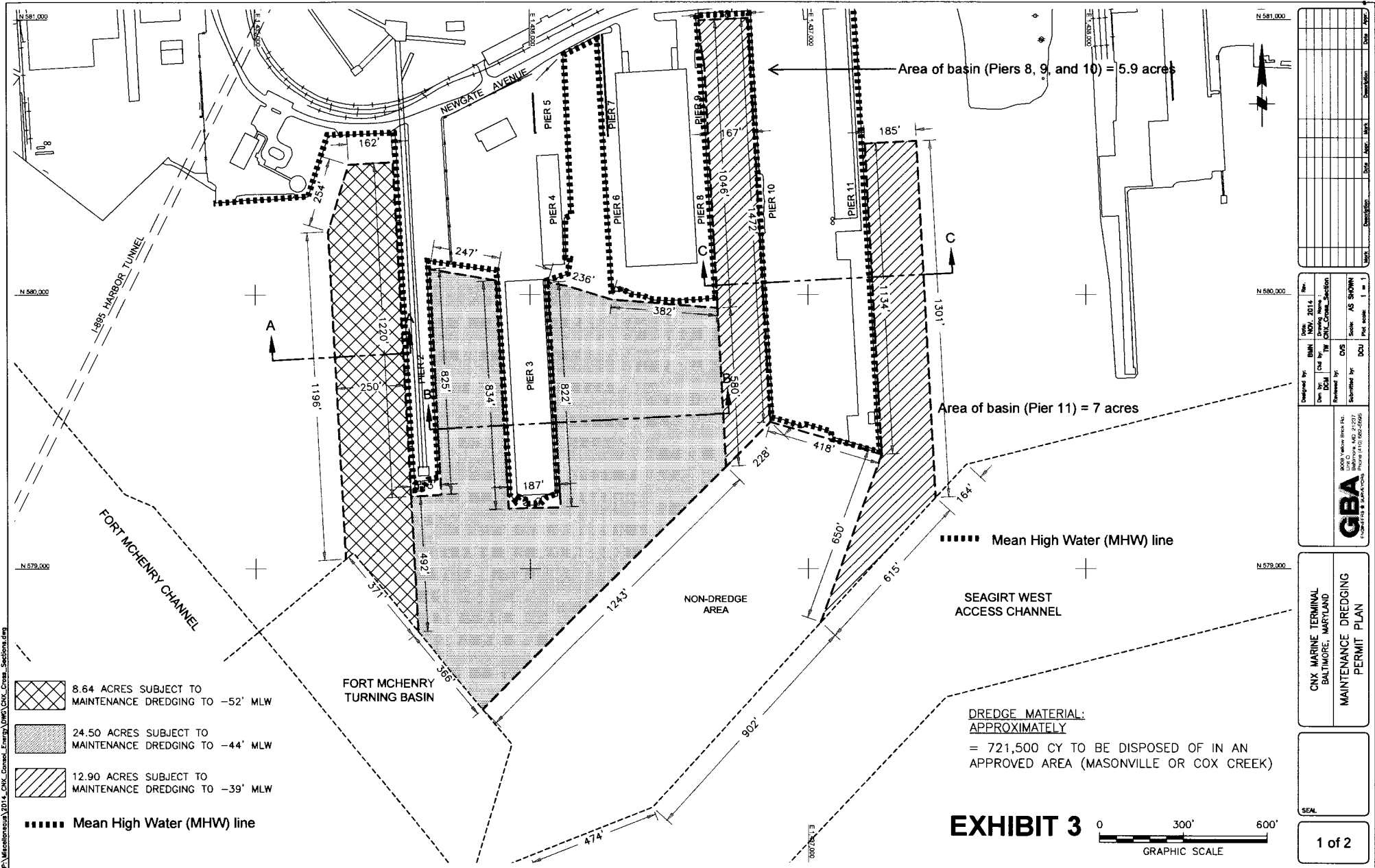
8003 - Marina - 2014 - 10 - 10  
 1000 - 1000 - 1000 - 1000 - 1000 - 1000  
**GBA**  
 GEOTECHNICAL & FOUNDATION ENGINEERS

**CNX MARINE TERMINAL**  
**BALTIMORE, MARYLAND**  
**MAINTENANCE DREDGING**  
**PERMIT PLAN**

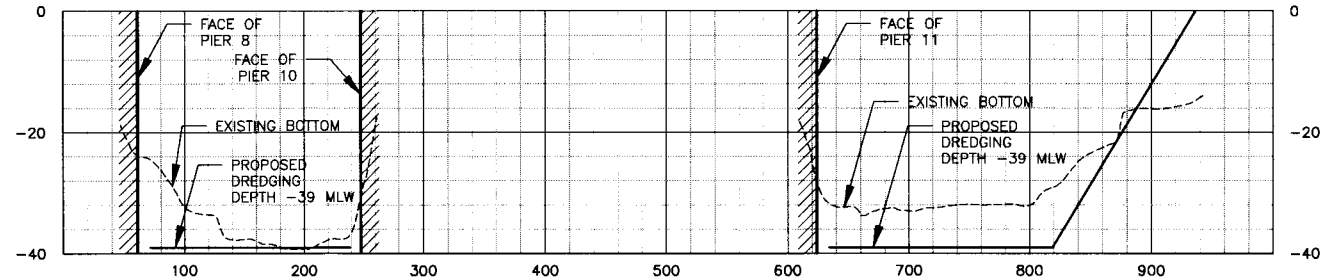
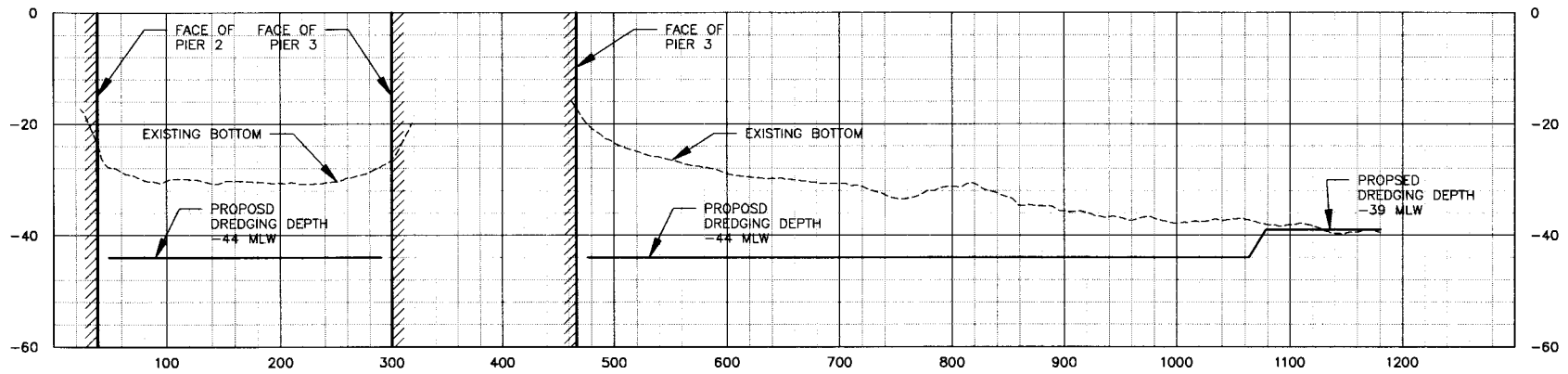
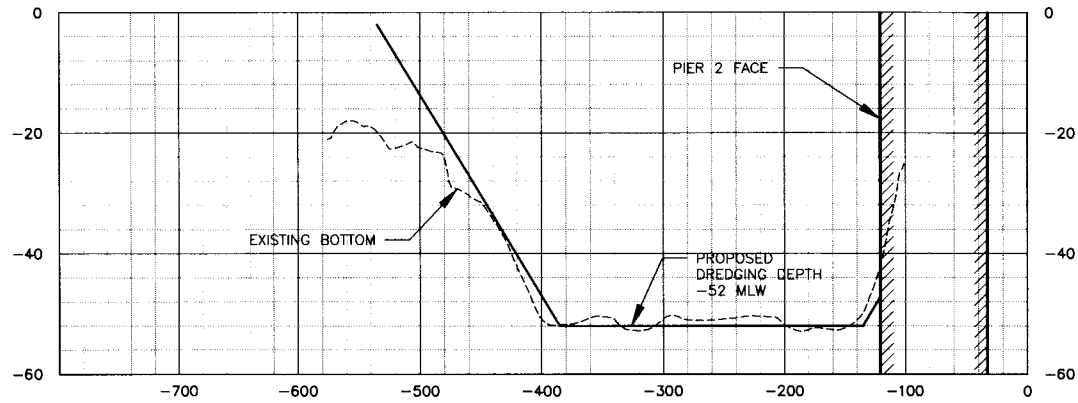
SEAL

**Exhibit 1**

P:\Miscellaneous\2015\_CNX\_Connect\_Energy\DWG\CNX\_Creek\_Sections.dwg



P:\Miscellaneous\2014\CNX\_Corridor\_Energy\DWG\CNX\_Cross\_Sections.dwg



Rev.	Description	Date	Appr.	Mark.	Description

Date: NOV. 2014  
 Rev: 1  
 Title: CNX\_Cross\_Sections  
 Drawn by: JCH  
 Checked by: JCH  
 Reviewed by: JCH  
 Submitted by: JCH  
 Scale: AS SHOWN  
 Plot scale: 1" = 1'  
 Designated by: DOU

**GBA**  
 6833 Wilshire Drive, Suite 100  
 Los Angeles, CA 90048  
 Phone: (310) 552-5566  
 Fax: (310) 552-5567  
 www.gba.com

CNX MARINE TERMINAL  
 BALTIMORE, MARYLAND  
 MAINTENANCE DREDGING  
 CROSS SECTIONS

SEAL

EXHIBIT 3