



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-MN (BC / HARBOR EAST MARINA / DREDGING)
2016-61311-M07

PN 17-48

Comment Period: October 10, 2017 to November 10, 2017

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

This District has received an application for a Department of the Army permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344)** as described below:

APPLICANT: Mr. Dan Taylor
Mayor & City Council of Baltimore
c/o Baltimore Development Corporation
36 Charles Street, Suite 2100
Baltimore, Maryland 21201

WATERWAY AND LOCATION: The proposed project is located in the Patapsco River, Baltimore City, Maryland.

PROPOSED WORK: The applicant proposes to mechanically or hydraulically maintenance dredge the existing Harbor East Marina by dredging an approximate 7.5 acre irregular shaped boat basin to a depth of -9 feet below mean low water.

A maximum of approximately 22,000 cubic yards of dredged material would be deposited at either the Masonville or Cox Creek Dredged Material Containment Facility. A ten year maintenance dredging clause is requested.

The purpose of the project is maintenance dredging to improve navigable access. All work will be completed in accordance with the enclosed plans dated July 15, 2016 and revised August 16, 2017.

If you have any questions concerning this matter, please contact Ms. Maria N, Teresi, CENAB-OPR-M, 10 South Howard Street, Baltimore, Maryland, 21201 or maria.teresi@usace.army.mil

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people.

The evaluation of the impacts of the work described above on the public interest will include application of the Clean Water Act 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 provided will become part of the public record for this action. 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: Ms. Maria N. Teresi, CENAB-OPR-M], 10 South Howard Street, Baltimore, Maryland, 21201 or maria.teresi@usace.army.mil within the comment period specified above.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scopthalmus aquosus*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralichthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*), all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The Baltimore District has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

WATER QUALITY CERTIFICATION: The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. 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: Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management (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 (MDE), Wetlands and Waterways Program, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as 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.

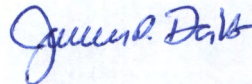
A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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 request permit.

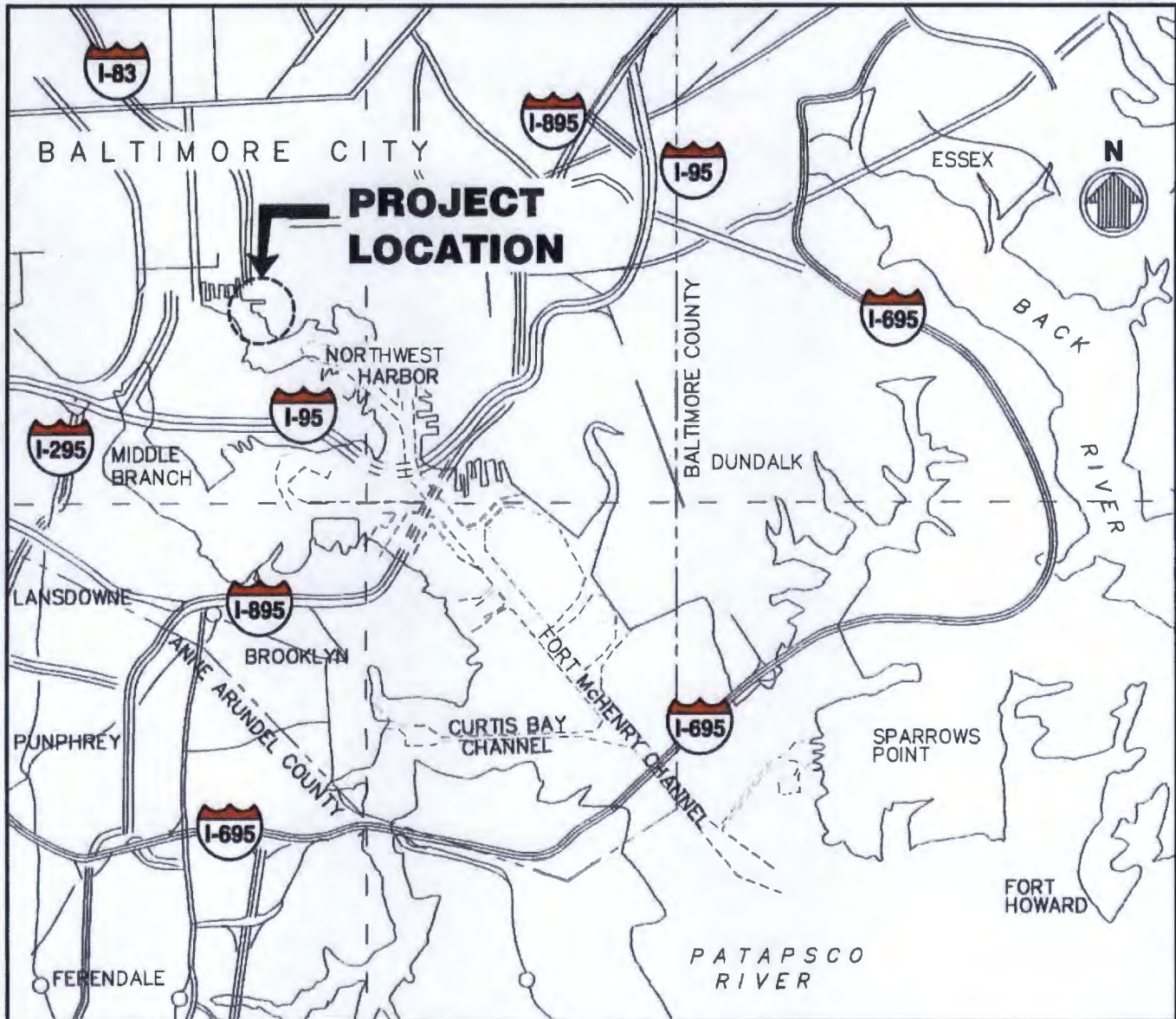
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Ms. Maria N. Teresi, CENAB-OPR-M], 10 South Howard Street, Baltimore, Maryland 21201, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate this information concerning the proposed work to any persons know 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



A VICINITY MAP
 SHT-01 SCALE: NTS

SUMMARY:

MAINTENANCE DREDGE APPROX 22,000 CY

DATUM: MEAN LOW WATER (MLW) = 0.00

APPLICATION BY:
 MAYOR AND CITY COUNCIL, C/O
 BALTIMORE DEVELOPMENT CORP
 36 CHARLES STREET, SUITE 2100
 BALTIMORE, MD 21201

AGENT/ENGINEER:



HARBOR EAST MARINA
 MAINTENANCE DREDGING

PROJECT LOCATION:
 PATAPSCO RIVER
 BALTIMORE, MD 21202

DATE: JULY 15, 2016

SHEET 01 OF 05

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A LOCATION MAP
 SHT-02 SCALE: 1"=500'

ADJACENT PROPERTIES

- ① MAYOR AND CITY COUNCIL C/O PREVAS/ ATTN SIDDIQI,
 800 S CENTRAL AVE, BALTIMORE, MD 21202
 MAILING ADDRESS: 232 E BALTIMORE ST, BALTIMORE, MD 21202
- ② HARBOR EAST PARCEL D – RETAIL 2 LLC,
 700 PRESIDENT ST, BALTIMORE, MD 21202
 MAILING ADDRESS: 650 S. EXETER ST, STE 200, BALTIMORE, MD 21231
- ③ HARBOR POINT PARCEL 1 HOLDINGS LLC,
 1000 WILLS ST, BALTIMORE, MD 21231
 MAILING ADDRESS: 1300 THAMES ST #10, BALTIMORE, MD 21231

LEGEND:

- PROPERTY LINE
- - - PROJECT AREA
- X -17.8 EXISTING DEPTH (FEET)



DATUM: MEAN LOW WATER (MLW) = 0.00

APPLICATION BY:
 MAYOR AND CITY COUNCIL, C/O
 BALTIMORE DEVELOPMENT CORP
 36 CHARLES STREET, SUITE 2100
 BALTIMORE, MD 21201

AGENT/ENGINEER:



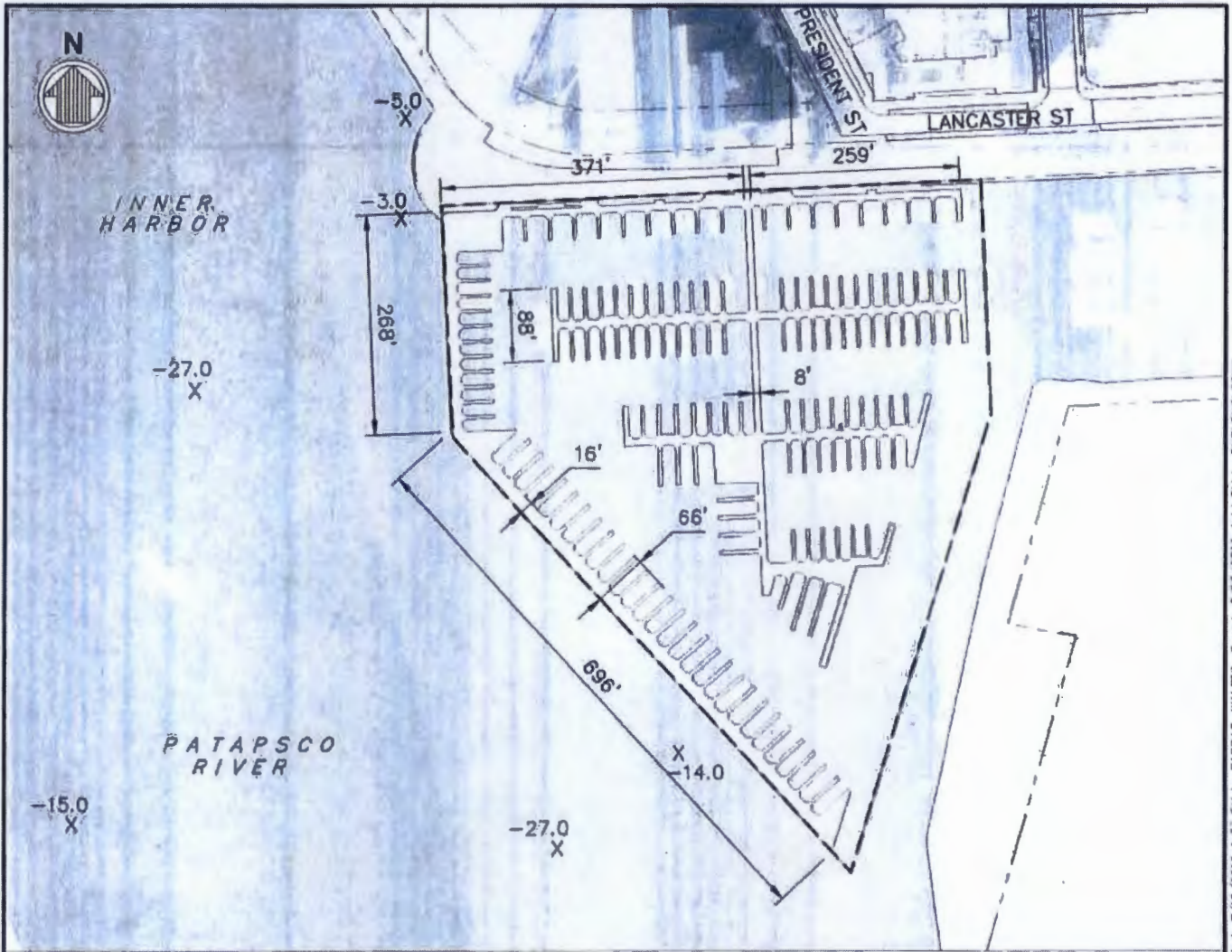
**HARBOR EAST MARINA
 MAINTENANCE DREDGING**

PROJECT LOCATION:
 PATAPSCO RIVER
 BALTIMORE, MD 21202

DATE: JULY 15, 2016

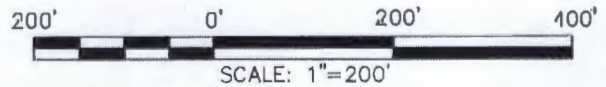
SHEET 02 OF 05

15 JUL 2016 10:52 AM BY: J. HANNA; WEL: JEA; SNOOD: 7770; 2016 # 13 MAP BY: RFP/NSG/CSK




A PLAN - EXISTING MARINA
 SH1-03 SCALE: 1"=200'

- LEGEND:**
- - - - - PROPERTY LINE
 - - - - - PROJECT AREA
 - x -17.8 - EXISTING DEPTH (FEET)



DATUM: MEAN LOW WATER (MLW) = 0.00

APPLICATION BY:
 MAYOR AND CITY COUNCIL, C/O
 BALTIMORE DEVELOPMENT CORP
 36 CHARLES STREET, SUITE 2100
 BALTIMORE, MD 21201

AGENT/ENGINEER:
 **moffatt & nichol**

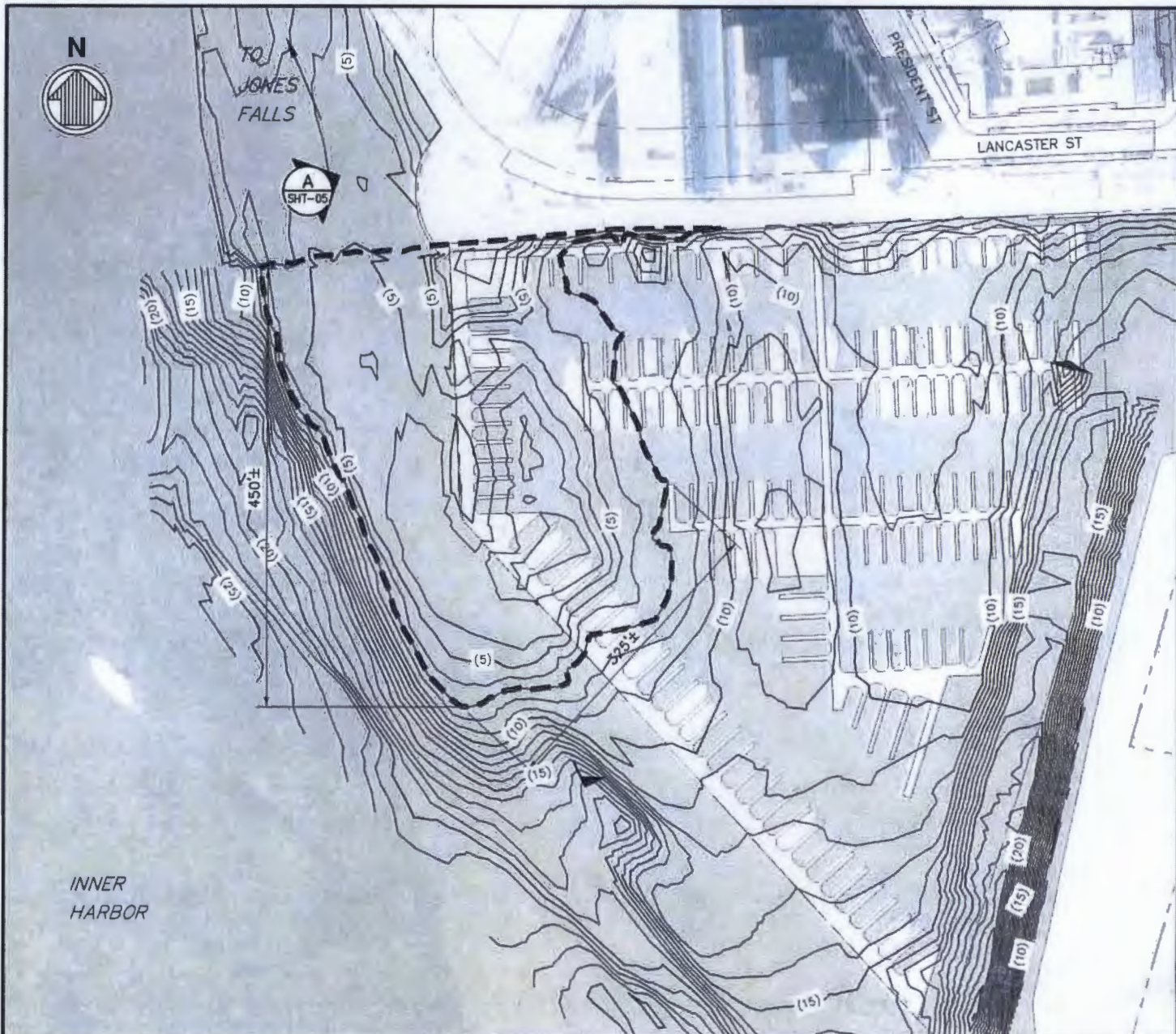
**HARBOR EAST MARINA
 MAINTENANCE DREDGING**

PROJECT LOCATION:
 PATAPSCO RIVER
 BALTIMORE, MD 21202

DATE: JULY 15, 2016

SHEET 03 OF 05

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A
PLAN - DREDGING
SHT-04
 SCALE: 1"=160'

NOTES:

1. MECHANICALLY OR HYDRAULICALLY MAINTENANCE DREDGE APPROXIMATELY 22,000 CY (3.1 ACRES) OF RIVER SILT TO BE DREDGED TO ELEV -9 FEET AT MEAN LOW WATER AND DISPOSED OF AT THE MASONVILLE OR COX CREEK DMCF.
2. SOUNDINGS ARE IN FEET AND REFER TO MEAN LOW WATER (MLW) = 0.00' BASED ON 5/12/2016 SURVEY BY GBA ENGINEERING.

LEGEND

PROPOSED DREDGING TO ELEV -9 FEET MLW



SCALE: 1"=160'

DATUM: MEAN LOW WATER (MLW) = 0.00

APPLICATION BY:
 MAYOR AND CITY COUNCIL, C/O
 BALTIMORE DEVELOPMENT CORP
 36 CHARLES STREET, SUITE 2100
 BALTIMORE, MD 21201

AGENT/ENGINEER:



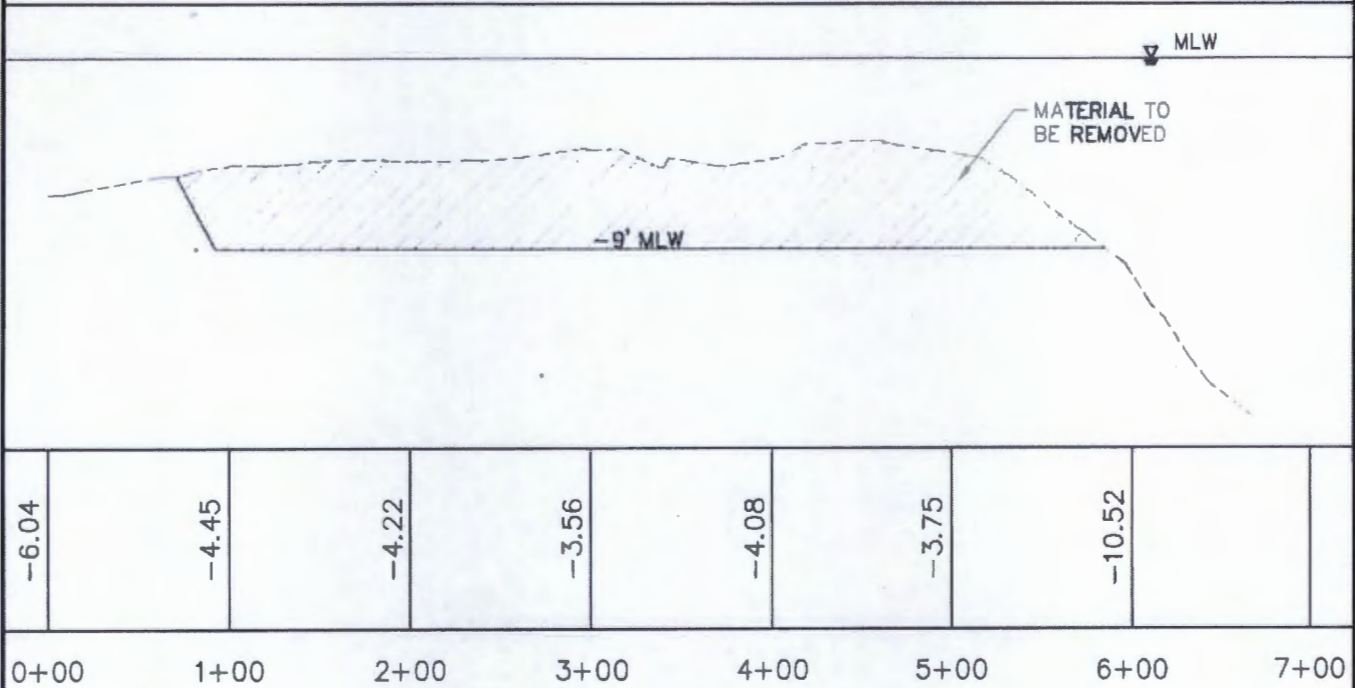
**HARBOR EAST MARINA
 MAINTENANCE DREDGING**

PROJECT LOCATION:
 PATAPSCO RIVER
 BALTIMORE, MD 21202

REVISED AUG 16, 2017
 DATE: JULY 15, 2016

SHEET 04 OF 05

DREDGING PROFILE



A SECTION - DREDGING
 SHT-05 HORIZONTAL SCALE: 1"=100'
 VERTICAL SCALE: 1"=10'

DATUM: MEAN LOW WATER (MLW) = 0.00

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 BALTIMORE, MD 21201

AGENT/ENGINEER:



HARBOR EAST MARINA
 MAINTENANCE DREDGING

PROJECT LOCATION:
 PATAPSCO RIVER
 BALTIMORE, MD 21202

DATE: JULY 15, 2016

SHEET 05 OF 05

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