

Public Notice

U.S. Army Corps
Of Engineers
Baltimore District
PN 15-46

In Reply to Application Number
CENAB-OPR-M (MPA/South Locust Point) 2014- 61871-M02

Comment Period: July 10, 2015 – August 08, 2015

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: Maryland Port Administration
c/o Mr. Michael W. Bozman, P.E.
401 East Pratt Street, Suite 1653
Baltimore, Maryland 21202

LOCATION AND WATERWAY: Patapsco River, Baltimore City, Maryland

WORK: to mechanically dredge a 310-foot by 150-foot area, within an area previously used for ship berthing, to 38 feet below mean low water, and to deposit the approximately 16,000 cubic yards of dredged material at either the Masonville or Cox Creek Dredged Material Containment Facility, and to backfill this dredged area with 16,000 cubic yards of granular fill material, obtained from an upland source or from dredging a previously-authorized area. Also, to complete the filling of this approximately 1.5-acre former ship berthing area to create fastland, using 50,000 cubic yards of granular fill material obtained from an upland site or from a previously authorized dredge area; to construct a 300 linear foot stone revetment to extend a maximum of 400 feet channelward of the approximate mean high water shoreline; to construct a 270-foot long, 66-inch diameter storm drain 110 feet channelward of the mean high water shoreline; and to perform 15 offshore soil borings within the proposed fill area for geotechnical investigations. The purpose of the project is to provide fastland for a port facility.

The Corps authorized the filling of the entire 3.6 acre ship berthing area in June 2003 under a previous Department of the Army permit. However, the permittee did not complete the project and the current application is to complete the previously-authorized project. For compensatory mitigation the applicant conceptually proposes to contribute funds for either a trash collection project in Baltimore Harbor or for removal of a dam in the Patapsco River watershed.

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.

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 (*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.

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.

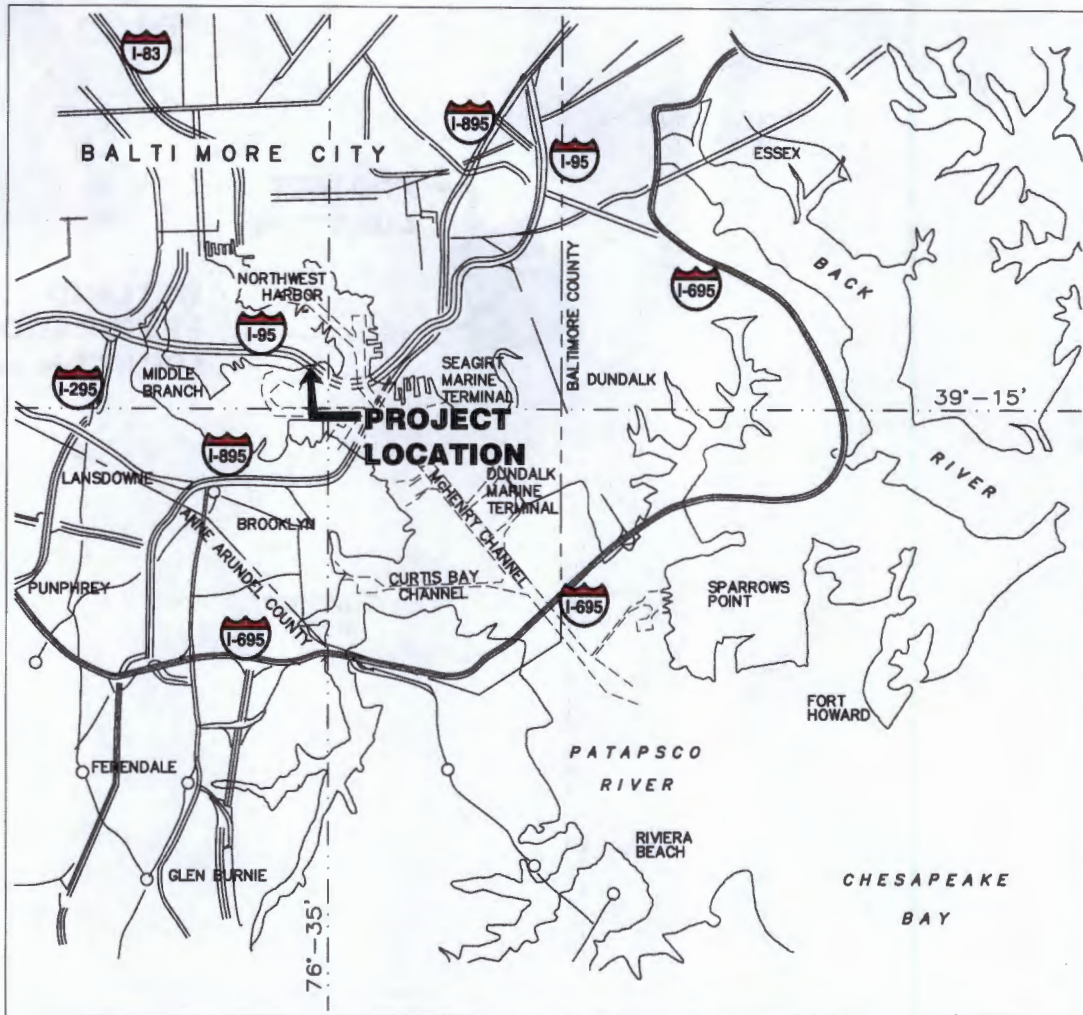
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or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



VICINITY MAP
NOT TO SCALE

APPLICATION BY:
 MARYLAND PORT ADMINISTRATION
 WORLD TRADE CENTER
 401 EAST PRATT STREET
 BALTIMORE, MD 21222

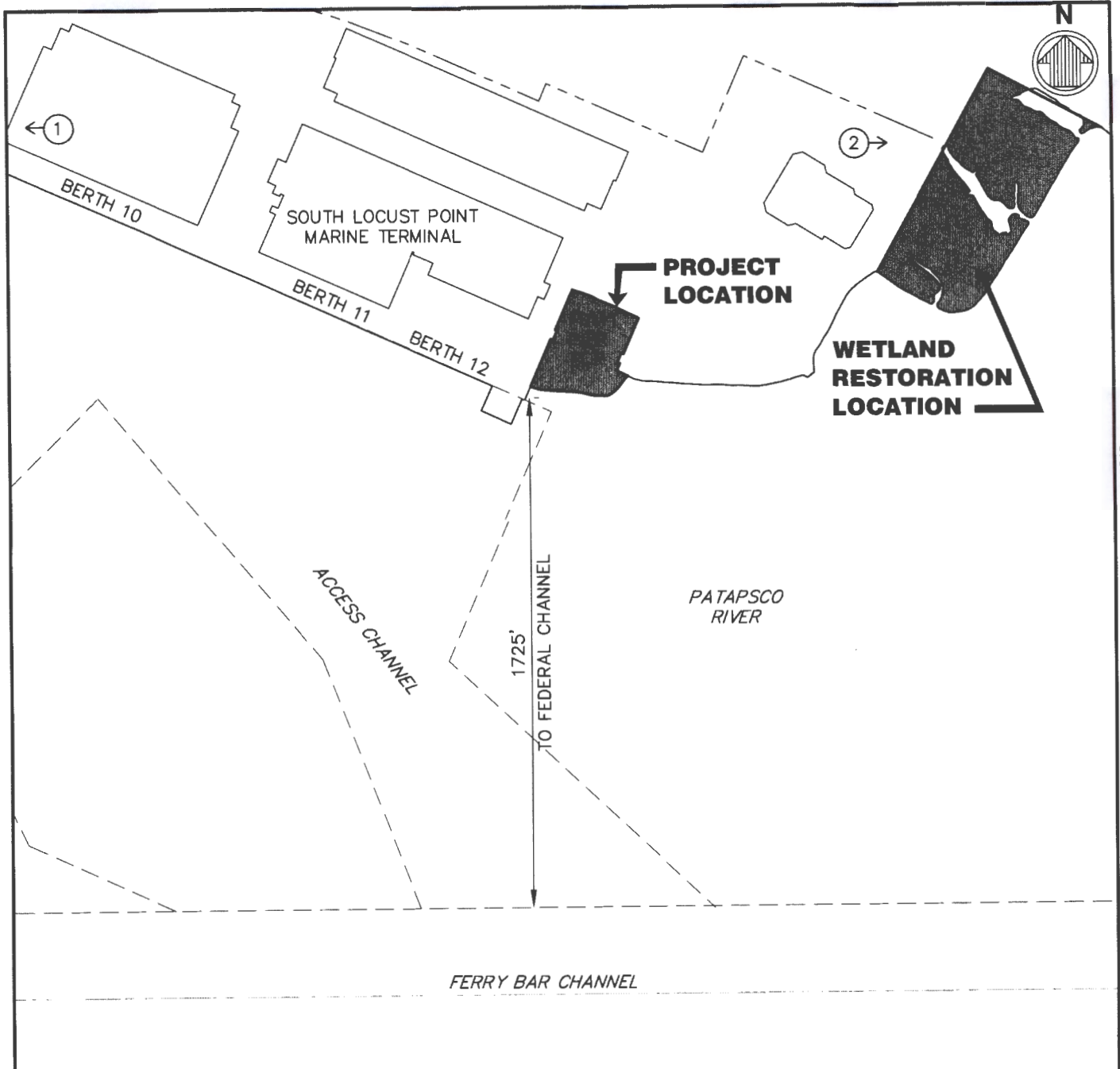
AGENT/ENGINEER:
 **moffatt & nichol**

**SOUTH LOCUST PT MARINE TERMINAL
 FRUIT PIER SLIP FILLING**

PROJECT LOCATION:
 PATAPSCO RIVER
 BALTIMORE, MARYLAND

DATE: JUNE, 2015

SHEET 1 OF 7



LOCATION MAP

ADJACENT PROPERTIES

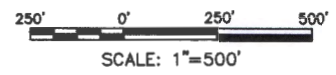
- 1. TRANSOCEANIC CABLE SHIP CO.
- 2. UNITED STATES OF AMERICA (FORT MCHENRY)

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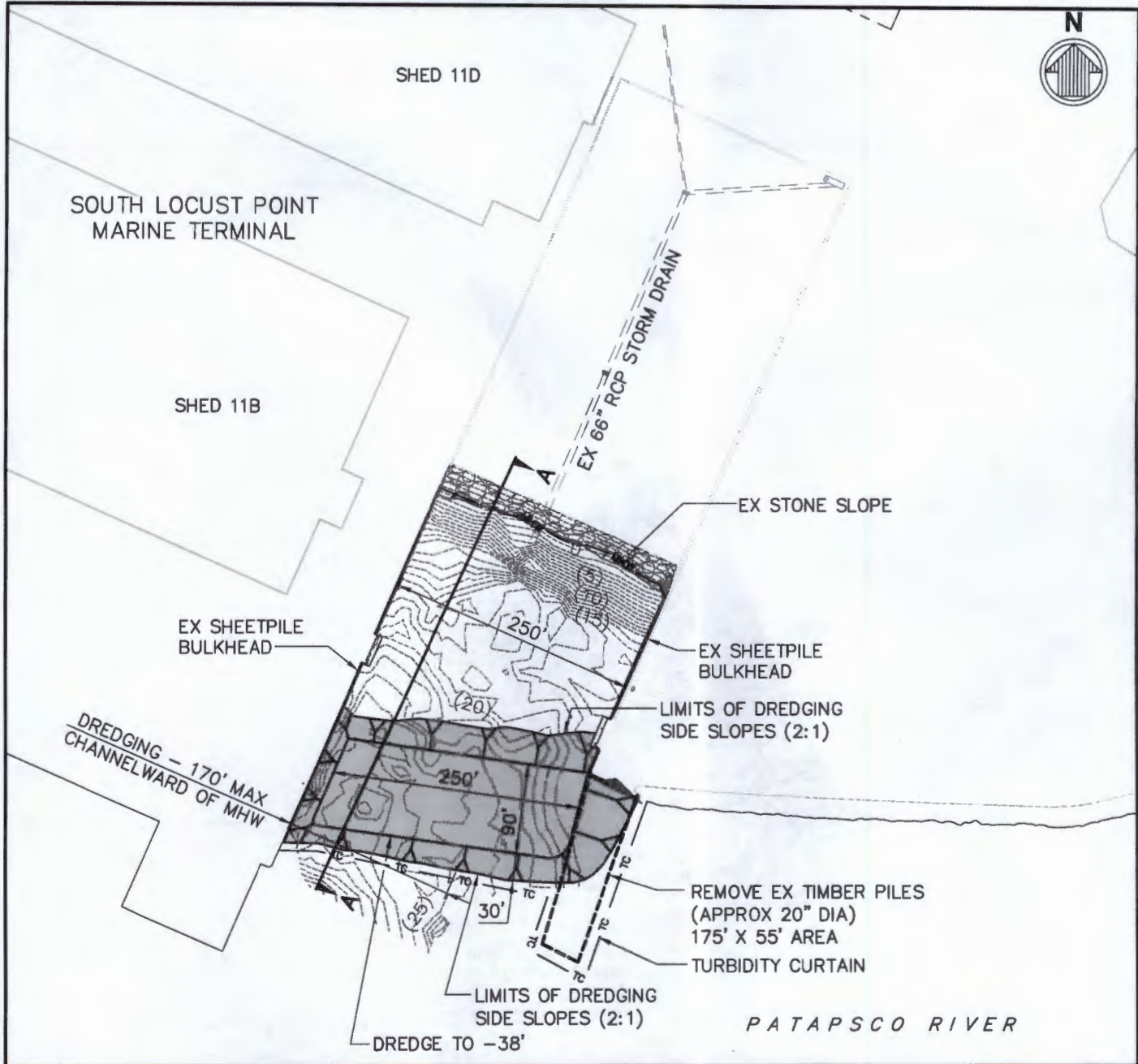
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SHEET 2 OF 7




PLAN – DREDGING AND DEMOLITION

NOTES

1. REMOVE EXISTING TIMBER PILES FROM AREA SHOWN (APPROX. 115 TOTAL) AND DISPOSE OF PROPERLY AT OFFSITE LOCATION.
2. MECHANICALLY UNDERCUT DREDGE APPROX 16,000 CY OF UNSUITABLE MATERIAL IN AREA SHOWN (0.9 ACRES) TO A DEPTH OF -38 FEET AT MEAN LOW WATER AND DISPOSE OF AT THE MASONVILLE OR COX CREEK DMCF.
3. BACKFILL UNDERCUT DREDGING AREA WITH APPROX 16,000 CY OF CLEAN GRANULAR FILL (DREDGED BORROW OR UPLAND SOURCE). DREDGED BORROW SHALL BE FROM SEAGIRT CHANNEL WIDENING (WETLANDS LICENSE 14-0371).

UNDERCUT DREDGING AREA

 (0.9 ACRES)

DATUM

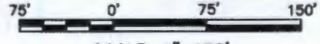
MEAN LOW WATER (MLW) = 0.0 SOUNDINGS IN FEET

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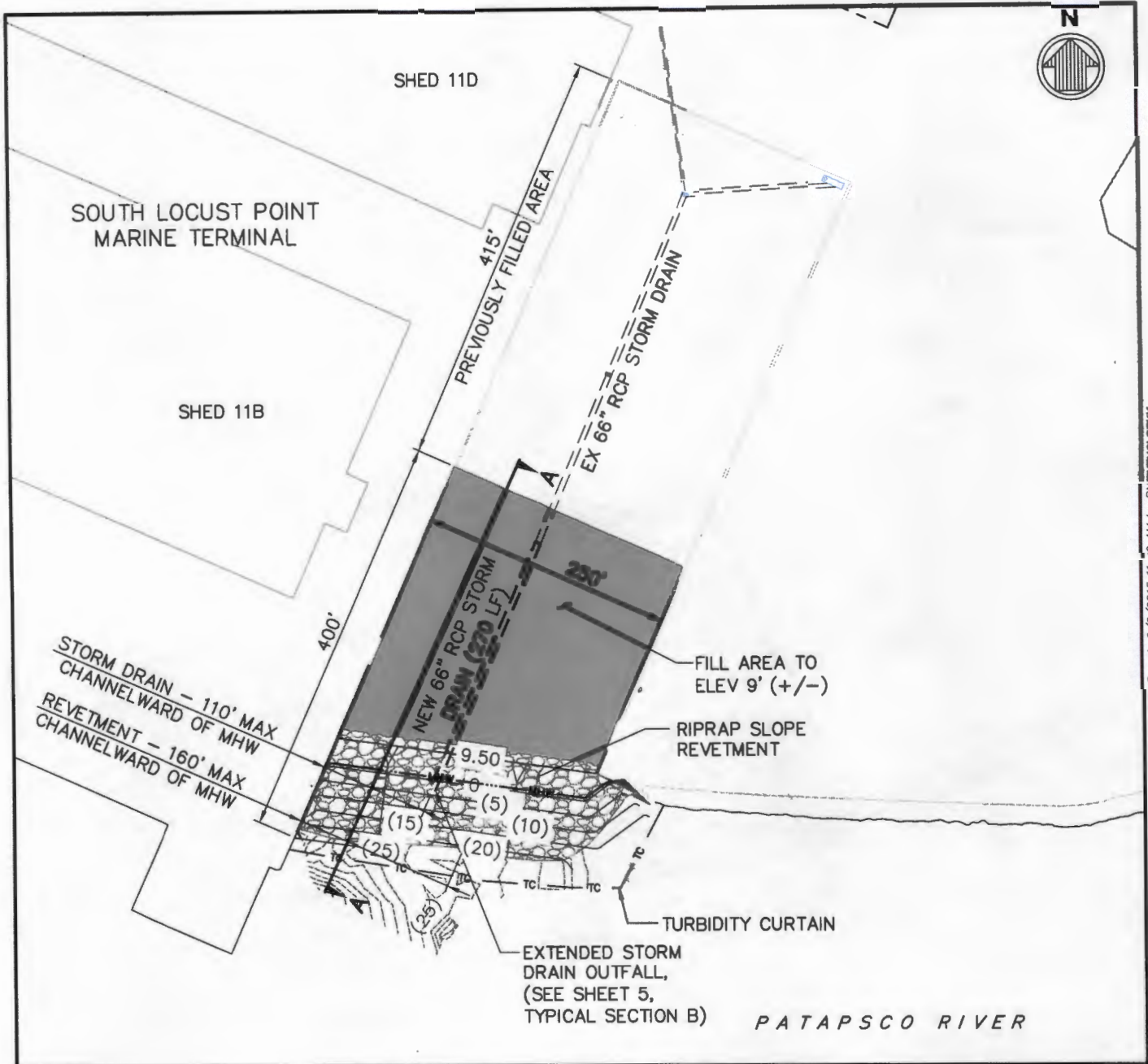
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 SCALE: 1"=150'

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SHEET 3 OF 7



PLAN – FILL AND REVETMENT

NOTES

1. PERFORM UP TO 15 OFFSHORE SOIL BORINGS WITHIN THE FILL AREA FOR GEOTECHNICAL INVESTIGATION. SEE TYPICAL BORING PROCEDURES, SHEET 6.
2. FILL THE FRUIT PIER SLIP AREA WITH CLEAN GRANULAR FILL (DREDGED BORROW OR UPLAND SOURCE) TO LIMITS SHOWN (APPROX 50,000 CY, 1.5 ACRES ABOVE MHW). DREDGED BORROW SHALL BE FROM SEAGIRT CHANNEL WIDENING (WETLANDS LICENSE 14-0371).
3. CONSTRUCT RIPRAP SLOPE REVETMENT (300 LF). SEE SHEET 5, TYPICAL SECTION A.
4. EXTEND STORM DRAIN OUTFALL THROUGH REVETMENT. SEE SHEET 5, TYPICAL SECTION B.

FILL AREA



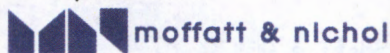
(1.5 AC ABOVE MHW)

DATUM

MEAN LOW WATER (MLW) = 0.0
SOUNDINGS IN FEET

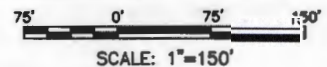
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AGENT/ENGINEER:



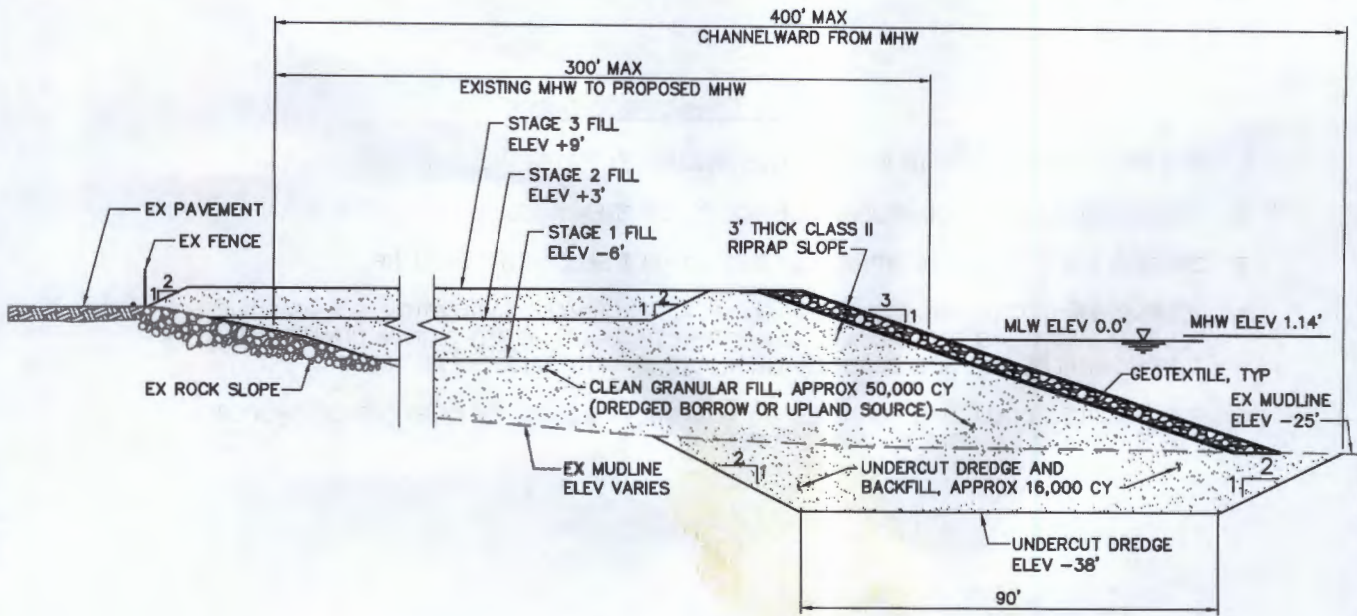
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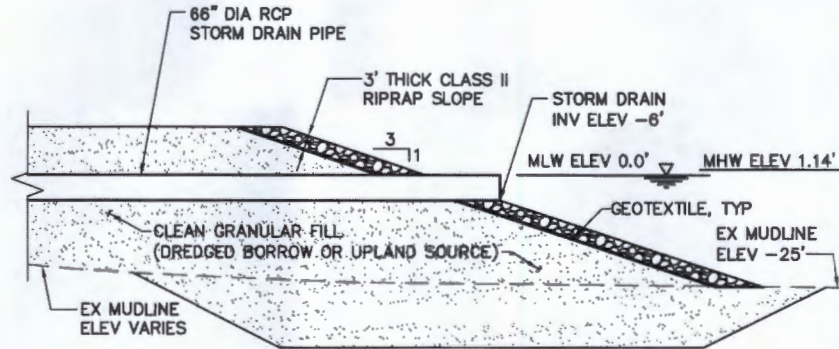


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SHEET 4 OF 7




TYPICAL SECTION A - FILL AREA



TYPICAL SECTION B - STORM DRAIN OUTFALL

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SHEET 5 OF 7

TYPICAL BORING PROCEDURES

1. CONSTRUCTION ACCESS TO BORING SITES WILL BE BY WATER.
2. DRILLING SHALL BE ACCOMPLISHED USING HOLLOW STEM AUGERS.
3. DRILLING DEPTH SHALL BE APPROXIMATELY 70 FEET BELOW THE MUD LINE.
4. TESTING MAY INCLUDE PHYSICAL AND CHEMICAL SOIL CHARACTERIZATION, STANDARD PENETRATION TESTS TO EVALUATE SOIL STRENGTH, UNDISTURBED 3-INCH DIAMETER SHELBY TUBES SAMPLES FOR SOIL CLASSIFICATION, AND IN-SITU VANE SHEAR TESTS.
5. SOIL SAMPLES COLLECTED FOR LABORATORY ANALYSIS SHALL BE DISPOSED OF PROPERLY PER STANDARD LABORATORY PROCEDURES.

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