NAB-2023-61200-M07 (Tradepoint TIL Terminals LLC – Sparrows Point Container Terminal)

RECORD OF DECISION

SUBJECT: Department of the Army Environmental Review and Statement of Findings for the Above-Referenced Individual Permit Application

This document constitutes the US Army Corps of Engineers (Corps) Baltimore District's Record of Decision (ROD) and review and compliance determination under 1) the National Environmental Policy Act (NEPA) of 1969, as amended; 2) Section 404 of the Clean Water Act (CWA) of 1972 (33 USC 1344), including the 404(b)(1) guidelines; 3) Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 USC 403); 4) Section 408, from Section 14 of the RHA (33 USC 408); 5) Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA); and 6) the public interest review in accordance with 30 Code of Federal Regulations (CFR) 320.4(a) for the Sparrows Point Container Terminal (SPCT) project proposed by the Tradepoint TiL Terminal, LLC (TTT or Applicant), a joint venture between Tradepoint Atlantic (TPA) and Terminal Investment Limited.

The SPCT required authorization in accordance with Section 404 of the CWA for discharge of dredged or fill material into waters of the United States (WOTUS), authorization in accordance with Section 10 of the RHA for construction of structures in or over navigable WOTUS, authorization under Section 408 for alteration of a Corps civil works project, and authorization under Section 103 of MPRSA for the transportation of dredge material for ocean disposal. The Corps determined that these authorizations for the project constitute major federal actions affecting the quality of the human environment, and therefore an environmental impact statement (EIS) was required in accordance with NEPA. The Corps acted as the lead agency in the preparation of the Final EIS. The Environmental Protection Agency (USEPA), US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), and US Coast Guard (USCG) were Cooperating Agencies. In making this permit decision, during the course of this review, the Acting Assistant Secretary of the Army for Civil Works repealed existing USACE NEPA implementing regulations and published an interim final rule, 33 CFR Part 333 pertaining to NEPA of USACE regulatory program actions in the Federal Register. The effective date of this new rule was July 3, 2025; however, Corps policy was to continue using the regulations in place at the time the request was submitted, if prior to the effective date of 33 CFR Part 333, as is the case for this project.

The Corps relied on the Final EIS; supporting information, data, and analyses; and information contained in the Applicant's Department of the Army (DA) CWA Section 404 Permit application and the Section 401 Water Quality Certification dated July 10, 2025 (Section 401 of the CWA and in accordance with 33 CFR 320.4(a) public interest review) issued for the work. In doing so, the Corps considered the possible consequences of the Applicant's Preferred Alternative in accordance with regulations

published in 33 CFR 320 – 332 and 40 CFR 230, while also considering the stated views of interested agencies and the public regarding the SPCT. TTT has selected the proposed design identified in the Final EIS as the Preferred Alternative. A detailed description of the SPCT can be found in Section 2.2.4 of the Final EIS.

1.0 INTRODUCTION AND OVERVIEW

Information about the proposal subject to one or more of the Corps' regulatory authorities is provided in Section 1, detailed evaluation of the activity is found in Sections 2 through 11 and findings are documented in Section 12 of this memorandum. Further, summary information about the activity including administrative history of actions taken during project evaluation is attached (ORM2 Summary) and incorporated in this memorandum.

1.1 Applicant

Tradepoint TiL Terminal, LLC
6995 Bethlehem Blvd, Suite 100
Baltimore, MD 21219

1.2 Activity Location

The SPCT will be located in Baltimore County, Maryland within the TPA property on a 330-acre area on the southwest peninsula of Sparrows Point known as Coke Point Peninsula (Coke Point) (Figure 1). The site is entirely human-made land, created by filling in a portion of the Patapsco River with steel mill slag over several decades in the nineteenth and early twentieth centuries.

Figure 1. SPCT Site Map

1.3 Description of Activity Requiring Permit

The proposed terminal will consist of a marginal wharf with a total length of approximately 3,000 feet, with ship-to-shore (STS) cranes, a container yard, gate complex, intermodal/rail yard, and various support structures. To provide vessel access to the wharf, the project will include deepening and widening of the existing Sparrows Point Channel and turning basin (channel improvements), which will require dredging and placement of approximately 4.2 million cubic yards (MCY) of dredged material. The Preferred Alternative will include the construction of an upland dredged material containment facility (DMCF) on TPA property at the High Head Industrial Basin, as well as use of existing permitted DMCFs managed by Maryland Port Administration (MPA) (Cox Creek and Masonville DMCFs), and an ocean placement site (Norfolk Ocean Disposal Site [NODS]).

The Sparrows Point Channel will be widened and deepened using mechanical means to provide design vessel access to the terminal, and the channel entrance will continue to connect to the Brewerton Channel (federal navigation channel). Currently, the Sparrows Point Channel includes an approach channel permitted to a depth of -42 feet mean low water (MLW) (29.6 acres), a turning basin and berthing area permitted to a depth of -42 feet MLW (48.1 acres), and an access channel and berthing area permitted to a depth of -47 feet MLW (53.6 acres)[1]. The entrance to the Sparrows Point Channel, which is adjacent to the Brewerton Channel, will be widened from approximately 1,075 feet to 2,110 feet to create a turning basin approximately 1,650 feet in diameter. The channel will then gradually transition northward to a channel width of approximately 450 feet and widen again adjacent to the proposed wharf to a width of approximately 750 feet. The northern channel endpoint will taper to a width of approximately 600 feet. The navigable depth will be -50 feet mean lower low water (MLLW). The maximum proposed dredging depth will be -50 feet MLLW plus -2 feet of over depth allowance.

Development of SPCT will require the following actions:

- Deepen and widen the Sparrows Point Channel. (Section 10/404)
- Expand the Turning Basin at the juncture of the Brewerton Channel and the Sparrows Point Channel. (Section 408)
- Construct a marginal wharf with a total length of 3,000 feet at an elevation of +14 feet. (Section 10)
- Transport and place of dredged material at NODS. (Section 103)
- Construct three new stormwater outfalls on Coke Point. (Section 10/404)

[1] All elevations discussed in this ROD are relative to North American Vertical Datum of 1988 (NAVD88).

- Construct a new temporary outfall off the west side of the shipyard to accommodate effluent discharge from dredged material dewatering at the High Head Industrial Basin DMCF. (Section 10/404)

- Construct a revetment for erosion control. (Section 10/404)

1.3.1 Proposed Avoidance and Minimization Measures

The original joint permit application, submitted on August 2, 2023, included a proposed project with a 100-acre DMCF proposed for construction in the Patapsco River on the west side of Coke Point and then further reduced to 35 acres. The Corps and agencies required that TTT complete a robust review of alternatives to determine if another alternative could have fewer impacts with respect to placement of dredged and fill materials in tidal waters. TTT initiated that process during the development of the Draft EIS and continued it based on public comment on the Draft EIS and during development of the Final EIS. Through early coordination with the Corps, Maryland Department of the Environment (MDE), and resource agencies, the applicant reduced the size of the proposed DMCF to approximately 19.6 acres located in the existing Coal Pier Channel on the west side of Coke Point. After further coordination, the project was redesigned to eliminate the proposed in-water DMCF, thereby eliminating the proposed loss of open water by 100% and the need for mitigation. A revised joint permit application was submitted on December 2, 2024. As a result of this effort, the Preferred Alternative in the Final EIS eliminates the need for placement of dredged material in the Patapsco River tidal waters, relying on existing dredged material placement facilities and the construction of a new upland DMCF within existing TPA property.

In addition to avoiding placement of dredged material in open waters, TTT also implemented other avoidance and minimization measures to reduce impacts from other aspects of the project (Table 1). The channel was designed to enhance safety while reducing dredging requirements. The project also includes the use of shore power, partial electrification of the terminal, and infrastructure to support full electrification in the future to reduce emissions. A discussion of best management practices (BMPs) for mitigation of impacts to protected resources during construction is provided in Section 3.2 of the Final EIS.

Table 1. Avoidance and Minimization Measures Implemented During SPCT Project Design (See next page)

Project Feature/Resource Consideration	Original Design	Design Evaluated in Final EIS
Offshore DMCF footprint	100 acres	Eliminated DMCF in Patapsco River tidal waters. – The in-water footprint for the offshore DMCF was first reduced from 100 acres to 35 acres and then further reduced to approximately 19.6 acres. Following public review of the Draft EIS, further geotechnical evaluation, and engineering progression, TTT adjusted the design of the High Head Industrial Basin DMCF to increase its height to accommodate more dredged material, such that the Coal Pier Channel DMCF was no longer needed. The design changes eliminated the loss of open water and bottom habitat compared to the original proposed in-water footprint through use of a combination of placement alternatives for the dredged material. This avoids impacts on river hydrology and aquatic communities and habitat in the river.
Channel dredging footprint	112.6 acres	Reduced to 111.4 acres. – The channel was redesigned to optimize safe passage for vessels and minimize the amount of dredging required by angling the berth face such that the dredging of the berth and channel will be wider at the southern end and will taper at the north end.
Number of piles	1,846 piles	Reduced to 1,517 steel pipe piles. – The wharf will be a pile-supported open-wharf structure as opposed to a bulkheaded or enclosed structure. Loss of open water will be limited to the footprint/surface area of the piles. – The project design was modified to reduce the maximum number of piles to safely support the load-bearing requirements of the wharf and terminal operations.

Project Feature/Resource Consideration	Original Design	Design Evaluated in Final EIS
Berth Alignment	Original alignment was on the west side of Coke Point in the Patapsco River	Moved the berth alignment inside the embayment to make use of the existing Sparrows Point Channel, to significantly reduce dredged material volume, and avoid impacts on the Patapsco River main channel.
Dredged material volume	4.5 MCY	Reduced to 4.2 MCY, which includes approximately 330,000 cubic yards (CY) of slag that will be reused and approximately 1.57 MCY of dredged material that will be placed at the NODS. – The channel location will use the existing Sparrows Point Channel footprint, the channel redesign will reduce the size of the channel footprint, and slag removed during dredging will be reused on-site for upland fill and construction activities. Each of these measures will reduce the volume of material to be dredged and placed. – The construction of the Coal Pier Channel DMCF would have required dredging approximately 55,000 CY. By eliminating the need for this option from the Preferred Alternative, the amount of dredged material was reduced from 4.25 MCY, as noted in the Draft EIS, to 4.2 MCY.
Shore power	Auxiliary diesel engines, while docked, will result in emissions of NO_x, PM_{10}, $PM_{2.5}$, SO_2, CO, and VOCs	Use of shore power will significantly reduce emissions of NO_x, PM_{10}, $PM_{2.5}$, SO_2, CO, and VOCs, as ships using shore power rely on grid-based electricity instead of burning fuel oil. See Section 4.15 of the Final EIS. Data presented in Table 41 of the Final EIS serves as a baseline for understanding the environmental impact of operations, assuming partial terminal electrification, and includes emissions from all operational mobile and stationary equipment expected at the terminal.

Project Feature/Resource Consideration	Original Design	Design Evaluated in Final EIS
Partial Electrification of Terminal Equipment	TTT considered a facility with only diesel-fueled equipment. This will result in higher emissions	TTT proposed a partially electrified terminal — STS, rail mounted gantry, and rubber-tired gantry cranes will all be electric. Reach stackers, empty container handlers, terminal tractors, standby generators, and rail-based transportation will be diesel. Use of electric cranes will reduce emissions during operations. See Table 42 in Section 4.15 of the Final EIS for more details.
Terminal Lighting Fixtures	NA	All high mast lights at the terminal will be equipped with a multi-fixture luminaire, shielded, and directed downward to minimize both spill light and glare. Lighting level will be as required by the Illuminating Engineering Society guidelines and Occupational Safety and Health Administration standard 29 CFR 1917 "Marine Terminals."
Upland aesthetics	Aesthetic finishes for SPCT buildings	Reduced use of high-glare materials and finishes to lower visual impacts on surrounding communities/properties. – Buildings and equipment constructed as part of the SPCT will be designed to have matte finishes to reduce sources of glare to surrounding areas.
Future sea level rise	NA	Sea level rise was incorporated into the original design to ensure resiliency for the life of the facility. – Elevation of the wharf deck was designed to withstand estimated sea level rise and storm surge frequencies through the year 2100, increasing the resiliency of the facility.

Notes:

CO = carbon monoxide

NA = not applicable

NO_x = nitrogen oxides

PM_{10} = particulate matter less than or equal to 10 micrometers

$PM_{2.5}$ = particulate matter less than or equal to 2.5 micrometers

SO_x = sulfur oxides

VOC = volatile organic compound

1.3.2 Proposed Compensatory Mitigation

Mitigation is defined as taking actions to avoid, minimize, or compensate for environmental harm caused by a project or action. TTT was able to eliminate the placement of dredged material in the Patapsco River tidal waters. A revetment is needed to transition between the design dredge depth and the proposed bulkhead beneath the wharf and the proposed final grades landside of the wharf. The established slope will be armored with heavy stone (riprap) and concrete slabs to provide slope stabilization and protect against wave action, propwash, and other erosive forces which reduces sedimentation into the river. Viewing "mitigation" in its broadest sense, any permit condition or best management practice designed to avoid or reduce adverse effects could be considered "mitigation." For this project, the tidal fill impacts to the tidal Patapsco River from a proposed dredge material containment facility were reduced from 100 acres to 0 acres. In addition, the grading for the wharf resulted in the creation of approximately 6.22 acres of open water habitat. Finally, in accordance with Corps regulations at 33 CFR 320.1(a)(5), the Corps believes that state and federal regulatory programs should complement rather than duplicate one another. The Corps uses general permits, joint processing procedures, interagency review, coordination, and authority transfers (where authorized by law) to reduce duplication. The Corps should not be imposing duplicative compensatory mitigation requirements when the resource concerns are already being addressed by another federal, state, tribal or local agency. In summary, recognizing that (1) 100 acres of impacts have been avoided in the Patapsco River, (2) the project results in the creation of 6.22 acres of open water, and (3) Maryland Department of the Environment is requiring mitigation for the project, the Corps has concluded that additional compensatory mitigation is not required.

1.4 Existing Conditions and Any Applicable Project History

The proposed SPCT will be located in Baltimore County, Maryland within the TPA property on a 330-acre area on Coke Point. The historical uses of this site include coking operations as part of the former Bethlehem Steel Mill. The site is entirely human-made land, created by filling in a portion of the Patapsco River with steel mill slag over several decades. Previously developed areas within the site are currently undergoing demolition and razing of structures. Sparrows Point, with its industrial history, is an example of a brownfield. In recent years, Sparrows Point has been undergoing a major redevelopment initiative aimed at transforming the site into a hub for modern industrial and commercial activities. The SPCT project will continue to redevelop the site.

The proposed terminal will consist of a marginal wharf with a total length of approximately 3,000 feet, with STS cranes, a container yard, gate complex, intermodal/rail yard, and various support structures. To provide vessel access to the wharf, the project will include channel improvements, which will require dredging and placement of

approximately 4.2 MCY of dredged material. The Preferred Alternative will include the construction of an upland DMCF on TPA property at the High Head Industrial Basin, as well as the use of existing permitted MPA DMCFs, and the NODS, an ocean placement site.

1.4.1 Jurisdictional Determination

Is this project supported by a jurisdictional determination?

No, the Patapsco River is a tidal water and traditional navigable waterway in the project location; therefore, no jurisdictional determination was necessary to support the project.

1.5 Permit authority

Table 2. Permit Authority

Permit Authority	
Section 10 of the Rivers and Harbors Act (33 USC 403)	X
Section 404 of the Clean Water Act (33 USC 1344)	X
Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413)	X
Section 408 of the Rivers and Harbors Act , Section 14 (33 USC 408)	X

2.0 SCOPE OF REVIEW

2.1 Determination of Scope of Analysis for NEPA

The scope of analysis always includes the specific activity requiring a Department of the Army permit that is located within the Corps' geographic jurisdiction. In addition, we have applied the four-factor test found under 33 CFR 333.18(c)(2) to determine if there are portions of the larger project beyond the limits of the Corps' geographic jurisdiction where the federal involvement is sufficient to turn these portions of an essentially private action into a federal action.

Based on the Corps' application of the guidance in 33 CFR 333, the Corps has determined that the scope of analysis for this review includes the entire preferred project which is defined as Coke Point, the Sparrows Point Channel out to the juncture with the Brewerton Channel, and the High Head Industrial Basin.

These upland components include the onsite dredge material placement location identified as High Head Industrial Basin. These components have been determined to be within our scope of analysis as the extent of federal involvement is sufficient to turn these portions of an essentially private action into a federal action with the resulting environmental consequences of the larger project essentially being products of the Corps' permit action.

2.2 Determination of the Corps Action Area for Section 7 of the Endangered Species Act

The Action Area for this project includes the area of in-water work (further described in Appendix G of the Final EIS), including the proposed channel dredging area, vessel traffic within the dredging and construction area, shipping/container vessel traffic routes within the Chesapeake Bay to the new container terminal, and barge traffic/routes from the dredging area south through the Chesapeake Bay to the NODS in the Atlantic Ocean. Dredge material will be placed at the following locations: 1) On-site upland DMCF (High Head Industrial Basin); and 2) the NODS.

2.3 Determination of Permit Area for Section 106 of the National Historic Preservation Act

The permit area includes those areas comprising WOTUS that will be directly affected by the proposed work or structures, as well as activities outside of WOTUS because all three tests identified in 33 CFR 325, Appendix C(g)(1) have been met. Final description of the permit area: The permit area includes those in the proposed channel dredging area, vessel traffic within the dredging and construction area, shipping/container vessel traffic routes within the Chesapeake Bay to the new container terminal located at Coke Point, the Sparrows Point Channel out to the juncture with the Brewerton Channel, and the High Head Industrial Basin. Further, the SPCT project area is Coke Point, the Sparrows Point Channel out to the juncture with the Brewerton Channel, and the High Head Industrial Basin.

3.0 PURPOSE AND NEED

3.1 Purpose and Need for the Project as Provided by the Applicant and Reviewed by the Corps

Project purpose and need for the project as provided by the applicant and reviewed by the Corps: The purpose of the Applicant's proposed project is to develop the SPCT, a new terminal and associated facilities, that will be located on Coke Point within the Patapsco River in Baltimore, Maryland. The Final EIS reviews the application received, evaluates the project's potential impacts, considers comments received during public review of the Draft EIS, and contributes information to allow the Corps to make a DA permit decision with respect to the application.

The Applicant's proposed project will address several economic and shipping logistical concerns. The SPCT project will enhance the economic strength of the Port of Baltimore (the Port) by increasing its overall container capacity. This, along with the on-dock rail and Howard Street Tunnel Vertical Clearance Improvement Project, will increase the overall national efficiency of importing goods to the Midwest and will increase the throughput of containers through the Port. The proposed project will not

only provide direct jobs at the project site but will also provide a foundation for sustained regional economic growth within the Port and throughout the region. By strengthening and growing the Port, the project will enhance the United States' supply chain efficiencies and resiliency.

3.2 Basic project purpose, as determined by the Corps:

The basic project purpose, as determined by the Corps is to develop the SPCT, a new container terminal and associated facilities that would be located on Coke Point within the Patapsco River in Baltimore, Maryland.

3.3 Water Dependency Determination:

The project does not require siting in a special aquatic site [40 CFR Part 230] defined as sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes. Therefore, the project is non-water dependent.

3.4 Overall Project Purpose, as Determined by the Corps

The overall project purpose, as determined by the Corps after concurrence with the Cooperating Agencies is: To safely, efficiently, and economically increase the throughput for container vessels at the Port of Baltimore by constructing a new container terminal within an existing industrial area at Sparrows Point with on-dock rail access.

The project will address several economic and shipping logistical concerns. The SPCT project will enhance the economic strength of the Port by increasing its overall container capacity. This, along with the on-dock rail and Howard Street Tunnel Vertical Clearance Improvement Project, will increase the overall national efficiency of importing goods to the Midwest and will increase the throughput of containers through the Port. The proposed project will provide direct jobs at the project site and a foundation for sustained regional economic growth. Ultimately, the project will enhance the United States' supply chain efficiencies and resiliency.

4.0 COORDINATION

4.1 Public Notice Results

The results of coordinating the proposal on public notice are identified below, including a summary of issues raised, any applicant response and the Corps' evaluation of concerns.

Were comments received in response to the public notice? Yes

Were comments forwarded to the applicant for response? Yes

Was a public meeting and/or hearing requested, and if so, was one conducted?

No public hearing was requested; however, the Corps held an in-person public hearing on February 25, 2025, and a virtual public hearing on February 27, 2025, to provide members of the public the opportunity to present views, opinions, and information to be considered by the USACE in evaluating the DA Permit Application and EIS. The Public Hearing comment period closed on March 21, 2025.
All comments were responded to as part of the Final EIS and are included here as Attachment C.

Additional discussion of submitted comments, applicant response and/or Corps' evaluation:

The Corps involved the public through public meetings and other outreach throughout the project. A proactive approach was taken to inform and involve the public, resource agencies, local government, and other interested parties about the project and to identify any public concerns. See Section 6 of the Final EIS for more details.

4.2 Additional issues raised by the Corps

N/A

4.3 Comments regarding activities and/or effects outside of the Corps' scope of review

N/A

5.0 ALTERNATIVES ANALYSIS

(33 CFR Part 333, 40 CFR 230.5(c), 40 CFR 1501, and RGL 88-13). An evaluation of alternatives is required under NEPA for all jurisdictional activities. NEPA requires discussion of a reasonable range of alternatives, including the no action alternative, and the effects of those alternatives. An evaluation of alternatives is required under CWA Section 404(b)(1) guidelines for projects that include the discharge of dredged or fill material into WOTUS. Under the 404(b)(1) guidelines, the Corps can only authorize the alternative that has the least adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. See 40 CFR Part 230.10(a). An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. The proposed project originally included the construction of a 100-acre offshore DMCF in the Patapsco River, which was further reduced to 35 acres, located on the western portion of Coke Point. After conducting a comprehensive 404(b)(1) guidelines analysis and evaluation of alternatives, the applicant reduced the

size of the proposed DMCF to approximately 19.6 acres located in the existing Coal Pier Channel on the west side of Coke Point. After further coordination, the project was redesigned to eliminate the proposed in-water DMCF, thereby avoiding 100 acres of fill in the Patapsco River.

5.1 Site Selection and Screening Criteria

In accordance with Section 230.10(a)(2) of the 404(b)(1) Guidelines, and alternative is practicable if it is available and capable of being done taking into consideration cost, existing technology, and logistics in light of overall project purposes.

The Corps conducted a multi-step process to screen the range of alternatives to determine which alternatives are reasonable, practicable, and meet the overall project purpose. The project alternatives were analyzed using the following screening criteria to identify a range of reasonable alternatives: satisfaction of the overall Project purpose, practicability based on CWA Section 404(b)(1) guidelines (i.e., technology, logistics, and cost), and consideration of potential aquatic resources impacts.

The 404(b)(1) Guidelines practicability factors include:

- *Existing Technology* – The alternatives examined should consider the limitations of existing technology yet incorporate the most efficient/least-impacting construction methods currently available. Implementation of state-of-the-art technologies might be available and should be considered if applicable. However, it is recognized that such actions may result in the alternative being determined as impracticable due to costs.

- *Logistics* – The alternatives evaluated may incorporate an examination of various logistics associated with the project. Examples of alternatives that may not be practicable, considering logistics, could include placement of facilities too far from major thoroughfares, no available existing storage or staging areas, and/or safety concerns that cannot be overcome.

- *Costs* – The overall scope/cost of the project is considered as to whether it is unreasonably expensive. This determination is typically made in relation to comparable costs for similar actions in the region or analogous markets. If costs of an alternative are clearly exorbitant compared to those of similar actions, and possibly the Applicant's preferred action, they can be eliminated without the need to establish a cost threshold for practicability determinations. Cost is to be based on an objective, industry-neutral inquiry that does not consider an individual Applicant's financial standing. The data used for any cost must be current with respect to the time of the alternatives analysis. A location far from existing infrastructure might not be practicable based on the costs associated with upgrading/establishing the infrastructure necessary to use that site. However, importantly, a more expensive alternative can still be a practicable alternative.

In the context of this definition, cost does not include economics. Economic considerations, such as job loss or creation, effects to the local tax base, or other effects a project is anticipated to have on the local economy are not part of the cost analysis.

Regarding an alternative's availability, the 404(b)(1) Guidelines state that if it is otherwise a practicable alternative, an area not presently owned by the Applicant that could reasonably be obtained, used, expanded, or managed to fulfill the overall purpose of the proposed activity can still be considered a practicable alternative. In other words, the fact that an Applicant does not own an alternative parcel does not preclude that parcel from consideration as a practicable alternative. This factor is normally a consideration in logistics and possibly a cost limitation.

The largest fill impact to WOTUS from the SPCT project the proposed discharge of dredged or fill material to create and dispose of dredged material in the originally proposed DMCF in the Patapsco River. TTT's initial proposal included a 100-acre DMCF in the Patapsco River to accommodate all dredged material from the channel improvements. The proposed DMCF would result in permanent filling and loss of 100 acres of WOTUS and is subject to a rigorous analysis under the 404(b)(1) Guidelines. In accordance with the 404(b)(1) Guidelines, the Corps required TTT to explore alternatives that would avoid and/or minimize impacts to the Patapsco River. TTT developed and evaluated other potential alternatives for dredged material placement. Ultimately, the Draft EIS analyzed the Combined Options Alternative, which included dredged material placement at the Coal Pier Channel DMCF, High Head Industrial Basin DMCF, existing MPA DMCFs, and NODS.

Following public comment on the Draft EIS and additional investigations and continued engineering analysis by TTT, a new alternative for dredged material placement was developed. Results of the geotechnical investigations indicated that the dike of the High Head Industrial Basin DMCF could be elevated to provide additional dredged material placement capacity. Results of additional testing along the exterior dike of the proposed Coal Pier Channel DMCF indicated that although the DMCF was feasible, both the geotechnical and chemical properties of the sediments would pose constructability and environmental challenges. The Coal Pier Channel DMCF would place dredged material in 19.6 acres of tidal waters, while using the High Head Industrial Basin DMCF for placement of this dredged material would completely eliminate the need to place dredged material in tidal waters of the Patapsco River. This new alternative is the same as the Combined Options Alternative, except it does not include the Coal Pier Channel DMCF and would expand the height and capacity of the High Head Industrial Basin DMCF. Based on this analysis, after coordination with the Cooperating Agencies, the Corps determined that the No-Action Alternative and two action alternatives would be carried forward for detailed analysis in the Final EIS. See Section 2.0 of the Final EIS for further detail on evaluation of reasonable alternatives.

The Final EIS (see Section 2.1.2) includes a discussion of potential dredging methods and the rationale for using mechanical dredging for this project. Because of public interest regarding dredging methodology and the potential for release of contaminated sediments during dredging, a more detailed discussion of mechanical and hydraulic dredging techniques and the rationale for the issuance of a permit to perform mechanical dredging is included as Attachment A of this ROD.

5.2 Description of Alternatives

5.2.1 No-Action Alternative

The No-action Alternative will be a continuation of current property and land management at Sparrows Point and will not include the development of a new terminal and associated facilities. Previously developed areas within the site are undergoing demolition and razing of structures. This effort and efforts to remediate impacted upland soil and groundwater associated with previous site use will continue under the No-action Alternative. TPA, as the property owner, will likely develop Coke Point for some other future commercial, industrial, or marine-related uses, consistent with the existing development plan for the entire TPA property.

The Sparrows Point Channel is currently used for shipping activity, and periodic maintenance dredging of the channel is required. In 2017, TPA received a commitment letter from MPA for placement of dredged material from maintenance dredging activities at the Port at MPA facilities. This commitment allows placement over a 10-year period, ending in 2028. Maintenance dredging and material placement will continue under the No-action Alternative. TPA has an active permit for ongoing dredging activities.

The High Head Industrial Basin is located in the northern portion of the TPA property. Effluent treated by the Back River Wastewater Treatment Plant historically flowed into the High Head Industrial Basin, which was then pumped through a discharge pipe to an outfall in Bear Creek. Baltimore City has terminated the flow of the treated effluent into the High Head Industrial Basin. Baltimore City has partially completed a project to reconnect the treated water effluent line to the existing discharge pipe that flows to the outfall in Bear Creek, thereby bypassing the High Head Industrial Basin.

As with other areas within the TPA property that are undergoing change and being developed for future use, the High Head Industrial Basin will likely be filled, and the area repurposed in the future. Development of the High Head Industrial Basin will be designed so stormwater will be rerouted to discharge to the same location (Bear Creek outfall). Modifications will occur under the existing National Pollution Discharge Elimination System (NPDES) permit.

The no action alternative would not require a DA permit. However, the no action alternative would not meet the basic project purpose and hence, is not feasible or practicable.

5.2.2 Off-site Alternatives

Any off-site alternative would not meet the overall project purpose to develop the SPCT, a new terminal and associated facilities that would be located on Coke Point within the Patapsco River in Baltimore.

5.2.3 On-site Alternatives

5.2.3.1 Combined Options Alternative

The proposed designs for the terminal and channel improvements will achieve the project goals, will be sufficient to support future use of the terminal as a primary entry for the Port, and will meet the necessary safety standards and engineering requirements. These components are described below.

- *Dredging* – The Sparrows Point Channel will be widened and deepened using mechanical means (clamshell/environmental bucket or excavator) to provide design vessel access to the terminal, and the channel entrance will continue to connect to the Brewerton Channel (federal navigation channel). Currently, the Sparrows Point Channel includes an approach channel permitted to a depth of -42 feet MLW (29.6 acres), a turning basin and berthing area permitted to a depth of -42 feet MLW (48.1 acres), and an access channel and berthing area permitted to a depth of -47 feet MLW (53 .6 acres) (see Final EIS Figure 5, left panel). For the channel improvements, the entrance to the Sparrows Point Channel, which is adjacent to the Brewerton Channel, will be widened from approximately 1,075 to 2,110 feet to create a turning basin approximately 1,650 feet in diameter. The channel will then gradually transition northward to a channel width of approximately 450 feet and widen again adjacent to the proposed wharf to a width of approximately 750 feet. The northern channel endpoint will taper to a width of approximately 600 feet. Figure 5 of the Final EIS (right panel) illustrates the channel improvements and final dimensions.

The design vessels will require a minimum berth pocket width of 250 feet adjacent to the channel. Based on the vessel simulations, additional width was added to provide passing clearance between the existing finger pier and the SPCT berth face. To provide additional passing distance while minimizing additional dredged material volume, the berth face will be angled such that the dredging of the berth and channel is wider at the southern end of the terminal and tapers to the north. The navigable depth will be -50 feet MLLW. The maximum proposed dredging depth will be -50 feet MLLW plus -2 feet of over depth allowance. The project will require approximately 4.2 MCY of dredging to meet the required design width and depth for the vessels.

Following construction, maintenance dredging of the Sparrows Point Channel will be required. Approximately 112.3 acres will be maintained to a depth of -50 feet MLLW, 36.6 acres will be maintained to a depth of -47 feet MLW, and 25.7 acres will be maintained to -42 feet MLW. It is anticipated that maintenance dredging will be required on average once every 10 years with an estimated volume of approximately 125,000

cubic yards (CY). Maintenance dredging of the improved Sparrows Point Channel will be incorporated into the overall TPA dredging plan under the existing MPA commitment letter that is currently valid until 2028. The SPCT project will increase the TPA maintenance dredging volume by approximately 26% over a 10-year period.

- *Slag Material* – Approximately 330,000 CY of slag will be excavated and dredged along the east side of Coke Point to construct the wharf. Some of this material will likely be removed by a backhoe or hydraulic excavator that is positioned on upland. Any material that cannot be reached by a backhoe or hydraulic excavator will be removed by way of dredging with a clamshell bucket on a barge. The slag will be used on-site for fill or potentially used for dike construction for an on-site DMCF.

- *Marine Structures* – Marine structure design includes an open-type marginal wharf structure, consisting of a steel pipe pile-supported concrete platform. Piles for the wharf will be located both above and below mean high water (MHW). The wharf will serve as a platform for vehicles that receive containers offloaded from vessels. The wharf will also support the STS cranes, fender devices, crane, and vessel (shore power) electrical service, and ancillary equipment and safety devices.

- *Vessel Size and Wharf Length* – The proposed design considered the size and number of vessels that will call at the terminal, both simultaneously and each year. The design provides a wharf with a total length of approximately 3,000 feet, sufficient for accommodation of two ultra large container vessels (ULCV) with capacity of up to 23,000 TEUs (twenty-foot equivalent units). The design will allow the wharf to host two ULCVs at the same time, as discussed in Section 1.1.2 of the Final EIS, in anticipation of larger vessels calling at the Port should the Chesapeake Bay Bridge be redesigned and reconstructed with a higher clearance.

- *Elevation* – Currently, the Sparrows Point peninsula (approximately 3,300 acres) is 93.9% above the 100-year floodplain and 93.7% above the 500-year floodplain. Although Coke Point is in an area of minimal flood hazard, long-term sustainability was considered in the design of the proposed terminal. The wharf top deck elevation was established at +14.0 feet based on analysis of future sea level rise and storm surge frequency[2] to provide less than 1% probability of one or more floods exceeding the deck elevation through the year 2100.

[2] Sea level rise was analyzed using the K14 Representative Concentration Pathway (RCP) 8.5 emissions scenario. RCPs are a set of scenarios developed by the Intergovernmental Panel on Climate Change to represent different possible trajectories of greenhouse gas concentrations in the atmosphere. RCP8.5 is a high-emissions scenario that is frequently referred to as "business as usual," suggesting that is a likely outcome if society does not make concerted efforts to cut greenhouse gas emissions. Storm surge frequency was based on the Corps *North Atlantic Coast Comprehensive Study*, a comprehensive assessment to examine the risks and vulnerabilities associated with coastal storm and flood hazards along the North Atlantic coast of the United States.

- *Terminal Buildings* – Three buildings are proposed at the terminal to provide space for administrative functions and maintenance and repair. Shallow concrete footings will likely be used as foundations, and the building peak for the maintenance building, the tallest proposed terminal building, will be a maximum of 55 feet above finished grade.

- *Warehouse Buildings* – Two warehouse buildings are proposed for the area west of the terminal for temporary storage of items shipped to the terminal prior to transfer off-site. Shallow concrete footings will likely be used as foundations, and the building peaks will be a maximum of 50 feet above finished grade.

- *Civil/Site Utilities* – Civil/site utility design features will include potable water and sanitary sewer to the two buildings, fire protection water throughout the site, and natural gas to the four emergency generators provided on-site.

- *Lighting* – Lighting design for the terminal will be accomplished using high mast lights, spaced approximately 300 to 400 feet apart, with a proposed height of 120 feet above finished grade. Each high mast light will be equipped with a multi-fixture luminaire, directed downward, and shielded to minimize both spill light and glare. Lighting level will be as required by the Illuminating Engineering Society guidelines and Occupational Safety and Health Administration standard 29 CFR 1917 “Marine Terminals.” Active transfer point work areas, including areas of the wharf, container yard, and intermodal/rail yard, will be illuminated at an average minimum of 5 foot-candles. Other working areas require an average minimum illumination level of 1.0 foot-candles. Security lighting, where provided, will be designed for a minimum of 0.5 foot-candles.

- *Ancillary Equipment* – The terminal will be equipped with a variety of equipment and associated facilities to support operations.

- *Electrical Systems and Service* – The design will include the supply of electricity to all electrified operating equipment, as well as provision of infrastructure for future electrical equipment. The design will also include the supply of shore power for vessels at berth. The electrical systems will include electrical substations, switchgear, conduits, conductors, grounding systems, and all associated electrical equipment. Communication and control systems will be located throughout the terminal.

- *Security* – Site security will be provided throughout the terminal to meet Maritime Transportation Security Act and International Ship and Port Facility Security Code standards. Perimeter fencing will be established to prevent unauthorized access to the site. Internal fencing will be provided to segregate privately owned vehicle parking areas from the operations. Gated access will be provided for trucks entering and leaving the site. Remote observation via closed-circuit television equipment provided throughout the site will allow the monitoring of the terminal for operational and security needs.

5.2.3.1.1 Construction Methods and Logistics for Terminal Development and Channel Improvements

In-water Demolition

With the initiation of dredging and wharf construction, some demolition will be needed to remove existing structures along the area of the proposed wharf. In-water demolition will be completed using mechanical methods and expected to last approximately 30 calendar days. Existing structures along the west and north sides of the existing wharf will need to be demolished before work can begin.

Dredging

Dredging will occur as designated by potential time-of-year restrictions required to protect aquatic life, which will be determined through consultation with NMFS and MDNR and in accordance with issued permits and agency waivers, as applicable. Dredging will be staged to align with construction phasing and will also be guided by dredged material placement availability. The total dredged material volume for channel improvements and terminal development will be approximately 4.2 MCY. Dredging will be performed mechanically using waterborne equipment, a clamshell/environmental bucket, and landside equipment, where possible and practical. Permits for this project will include stipulations to reduce potential impacts and protect environmental resources. A list of anticipated permits and approvals is included in Appendix A of the Final EIS. Additional Best Management Practices (BMPs) and environmental controls could also be implemented based on site conditions (see Section 3.2 of the Final EIS).

Dredging of the wharf area will occur in stages to coordinate with the installation of the wharf piles. The first step will be to mechanically excavate in-water slag material from the landside, where practical. The slag will be placed into trucks and transported to a designated on-site stockpiling location for reuse as fill or for dike construction. The remaining slag will be dredged using waterborne equipment, as necessary. The slag will be placed into scows, transported to shore, mechanically offloaded into trucks, and transported to a designated on-site location for stockpiling and reuse. Dredging of the silt and clay material underneath slag will be performed using waterborne equipment, a clamshell bucket, and landside equipment, where possible and practical. The silt and clay material will be placed into scows and transported to the appropriate DMCF (see Sections 2.2.3.1 and 2.2.4.1 of the Final EIS).

Marginal Wharf

Construction of the marginal wharf will require a general sequence of construction:

1. The existing slag material will be removed via excavation from land to establish the revetment slope beneath the marginal wharf.

2. The first set of piles for the marginal wharf will be installed after the slag removal has established the revetment slope beneath the marginal wharf.

3. Once the first phase of the pile-supported wharf is completed, the waterside dredging adjacent to the wharf will be completed to establish the remaining depth of the revetment slope.

4. The second set of open wharf foundation piles will be installed after the completion of underwater excavation and dredging that will be conducted to establish the revetment slope.

Slope protection (stone and concrete) will be installed after the installation of the open wharf foundation piles.

5.2.3.1.2 Dredged Material Placement Options

To provide vessel access to the wharf, the project will require dredging and placement of an anticipated 4.2 MCY of dredged material for the required widening and deepening of the existing Sparrows Point Channel, including the turning basin. Additionally, the construction of the Coal Pier Channel dike will require dredging and placement of an additional 55,000 CY that will require appropriate placement either on-site or off-site. Figure 3 of the Final EIS presents the locations of the dredged material placement options. The Combined Options Alternative will include multiple options for dredged material placement:

- High Head Industrial Basin DMCF (located on TPA property)

- Coal Pier Channel DMCF (located within the Coal Pier Channel along the west shoreline of Coke Point)

- Existing nearshore MPA DMCFs (Cox Creek DMCF located in Anne Arundel County or Masonville DMCF located in Baltimore City)

- Ocean placement at the NODS (located in the Atlantic Ocean)

To determine if dredged material could be placed at NODS or an MPA facility, an extensive effort was implemented to collect and analyze sediment data. Results of this effort were shared with regulatory agencies for their evaluation. Following this consultation, TTT determined that approximately 1.57 MCY of dredged material from the south segment of the Sparrows Point Channel could be placed at NODS. In a 2024 commitment letter for the SPCT project, MPA committed to placement of up to 1.25 MCY of dredged material that complies with MPA requirements at an MPA facility over a 4-year period.

High Head Industrial Basin DMCF

The existing High Head Industrial Basin is located approximately 2.5 miles northeast of the project area within the TPA property. The impounded area of the industrial basin currently covers 38.7 acres with a surface water elevation of approximately +7.0 feet, which is maintained by an existing pump house. Ground elevations around the periphery of the reservoir range from +8 to +12 feet. Under the Combined Options Alternative, a DMCF constructed at this location will have the capacity to hold 1.2 MCY of dredged material with the exterior dike elevation of approximately +30 feet, or approximately 20 feet above existing grade. The High Head Industrial Basin DMCF is presented in Figure 7 of the Final EIS.

Construction Methods and Logistics – A portion of the material for the dike construction will be excavated from within the SPCT project area and will consist of common borrow material sourced from existing land and stockpiles from elsewhere on TPA property. The remainder of the material will be sourced from off-site facilities and approved by MDE. The outboard dike slopes will be seeded with native plant species after construction to prevent erosion. The stability of the containment dike could be affected by the existing soil conditions, potentially requiring additional time to allow for consolidation and strength gain. Consideration must also be given to settlement of the dikes.

Effluent treated by the Back River Wastewater Treatment Plant historically flowed into the High Head Industrial Basin, which was then pumped through a discharge pipe to an outfall in Bear Creek. Baltimore City has terminated the flow of the treated effluent into the High Head Industrial Basin. Baltimore City has partially completed a project to reconnect the treated water effluent line to the existing discharge pipe that flows to the outfall in Bear Creek, thereby bypassing the High Head Industrial Basin.

The storm drain systems from the developed areas on the east and west sides of the High Head Industrial Basin drain into the basin. It will be necessary to construct a storm drain diversion system along each side of the basin to intercept these drains and then convey runoff to the existing 60-inch culvert under the Baltimore Beltway/Interstate 695 (I-695) located in the southeast corner outside the basin. As noted in Section 2.2.2.1 of the Final EIS, there is a sitewide stormwater management system on the TPA property that is being upgraded with a regional wet pond stormwater facility. The stormwater drainage pipes at the High Head Industrial Basin will tie into this system prior to discharge to tidal waters.

To accommodate effluent discharge from dredged material dewatering at the High Head Industrial Basin DMCF, a new temporary outfall with a multiport diffuser will be required off the west side of the shipyard. The leader pipe to the new temporary outfall will be routed over land to the west side of the shipyard, and the feeder line will extend offshore/channelward approximately 500 feet from the shoreline (see Final EIS Figure 8). The effluent from the dredged material dewatering will flow to the new temporary outfall through a 24-inch diameter pipe and feeder line to an approximate 100-foot long,

18-inch multiport diffuser head aligned perpendicular to the current. The temporary diffuser system will be south of and outside the footprint of the Bear Creek Superfund Site. The feeder line from the new temporary outfall will be secured on the bottom using straps/clamps and anchors. The existing NPDES permit will be modified as necessary through the MDE Wastewater Pollution Prevention and Reclamation Program. The diffuser system will only be operational for the duration of active dewatering and consolidation of dredged material at the High Head Industrial Basin DMCF. As an alternative treatment option, the High Head Industrial Basin DMCF effluent will be pumped directly to the Humphreys Creek Wastewater Treatment Plant (located on Sparrows Point) and will be treated prior to discharge in accordance with the NPDES Permit.

Dredged Material Transport and Placement – Dredged material will be placed in a scow and transported to the west side of Sparrows Point. It will then be hydraulically pumped from the scow through a pipeline into the High Head Industrial Basin DMCF. Water will be added to the dredged material to facilitate hydraulic pumping. This added water will be recycled back from the DMCF to the unloader, limiting the volume of fresh water needed for pumping, but additional water from the Patapsco River may be needed. After placement is complete, the dredged material will be properly managed to dewater, dry, and consolidate the material. Recycling water during pumping will also reduce the volume of water discharged from the DMCF to a permitted outfall.

Dredging will be performed in three phases, and each phase will take approximately 1 year to allow for optimal dewatering and consolidation of the placed material. The volume of dredged material placed into the DMCF for each phase will be appropriate for the DMCF capacity at the time of placement. As noted above, the DMCF is constructed in phases, and the material will similarly be placed in phases corresponding to construction. Material placement will not exceed the allowable elevation of the DMCF and will maintain a minimum of 2 feet of freeboard.

Timeline – Construction of this alternative to an elevation of +30 feet will require approximately 7 months. Dredging and placement into the facility will be performed in phases over 3 years. After placement of dredged material is complete, drying and consolidation of the material will take 5 to 10 years. The DMCF will then be capped (approximately 2-year period) and managed for industrial use.

Coal Pier Channel DMCF at Sparrows Point

The Coal Pier Channel is an existing in-water channel that was historically used for coal barge unloading for the Bethlehem Steel Mill. A new offshore DMCF will be created by constructing a waterside berm across the mouth of the existing Coal Pier Channel to provide placement capacity for dredged material (see Final EIS Figure 7). The DMCF will permanently fill approximately 19.6 acres of tidal WOTUS. Placement of dredged material in WOTUS will require compliance with all required federal, state, and local permits.

Construction Methods and Logistics – A sand dike will be constructed across the mouth of the channel to provide a containment area for dredged material. This sand dike will be built to an elevation of +15 feet and have a 3 (horizontal) to 1 (vertical) side slope protected with riprap. It will be constructed on sufficiently firm foundation material. Coal Pier Channel has been dredged often for historical use, and the existing sediment is anticipated to consist of a soft surface layer approximately 4 feet in thickness underlain by consolidated sand. The soft overburden material (approximately 55,000 CY) will be dredged along the dike alignment prior to initiation of dike construction. This material will increase the total volume of dredged material to be placed to 4.25 MCY. Because the soft overburden material will be removed from the dike alignment, it is not likely that sediments will be displaced, creating a mud wave during dike construction. BMPs for in-water construction (such as those described in Section 3.2 of the Final EIS) will be used where practicable and necessary to minimize the resuspension of sediment and contaminants to the water column during in-water placement of dike construction material.

The DMCF will be constructed in phases. The height of the upland perimeter dike will vary between 2 and 7 feet above grade, depending on the adjacent topography, and will be constructed to an elevation of +15 feet. As noted in Section 2.2.2.1 of the Final EIS, a vast majority of the Sparrows Point peninsula is above both the 100-year and 500-year floodplains, and future sea level rise and storm surge frequency were considered in the design of the Coal Pier Channel DMCF. The estimated capacity of this placement area is 750,000 CY.

Dredged Material Transport and Placement – Dredged material will be mechanically placed into scows, transported to an offloading location, and hydraulically pumped into the Coal Pier Channel DMCF. The water that is mixed with the sediments for hydraulic offloading into the DMCF will be recirculated/recycled back to the unloader and used for the continued pumping operation to reduce the amount of additional water needed, but additional water from the Patapsco River may be needed. Recycling water during pumping will also reduce the volume of water discharged from the DMCF to a permitted outfall.

Dredging will be performed in two to three phases, and each phase will be approximately 1 year apart to allow for optimal dewatering and consolidation of the placed material. The volume of dredged material placed into a DMCF for each phase will be appropriate for the DMCF capacity at the time of placement. Material placement will not exceed the allowable elevation of the DMCF and will maintain a minimum of 2 feet of freeboard.

Timeline – Construction of this DMCF will require approximately 7 months. Dredging and placement into the DMCF will be performed in phases over 2 to 3 years. After placement of dredged material is complete, drying and consolidation of the material will take five to ten years, then the DMCF will be capped (approximately 2-year period). Long-term use of this area will be determined through consultation with the state.

Existing Nearshore MPA DMCFs

Masonville and Cox Creek DMCFs (see Final EIS Figure 3) are two existing nearshore upland confined placement facilities that are owned, operated, and maintained by the MPA.

The Cox Creek DMCF is located in northern Anne Arundel County, Maryland. The facility receives dredged material from the Baltimore Harbor channels west of the North Point-Rock Point line. These sediments require placement in a contained facility by the Maryland Dredged Material Management Act of 2001. The current capacity of the Cox Creek DMCF (with the recently completed dike expansion to +60 feet) is estimated to be 14.7MCY.

The Masonville DMCF is located in South Baltimore, northwest of the Baltimore Harbor Tunnel toll plaza (Interstate 895 [I-895]), in the Fairfield area. The Masonville DMCF covers 141 acres with a current capacity of approximately 6.0 MCY.

In a 2024 commitment letter for the SPCT project, MPA committed to placement of up to 1.25 MCY of dredged material that complies with MPA requirements at an MPA facility over a 4-year period.

Construction Methods and Logistics – This placement option will not involve construction, only transport of the SPCT dredged material to either permitted MPA DMCF. Dredged material will be placed in a barge or hopper and transported to the DMCF, where it will be hydraulically unloaded.

Timeline – There will be no time required for construction. An approved volume of material will be dredged every year for placement into the facility.

Existing Ocean Disposal Site

The NODS is a designated offshore disposal area for placement of dredged material located in the Atlantic Ocean, approximately 17 miles from the entrance to the Chesapeake Bay off the Virginia coastline (see Final EIS Figure 3). The NODS is approximately 50 square nautical miles in size (40 CFR Part 228) and has unlimited capacity for dredged materials that meet the ocean dumping criteria. NODS is jointly managed by the Corps and USEPA. Use of this site is subject to the approval by USEPA under the authority of the MPRSA, and the Corps is the federal agency that will issue the permit authorizing the transport of material to the ocean for placement.

Placement of material at the NODS will require approval by the USEPA and will require a Section 103 Permit from the Corps as authorized under Section 103 of the MPRSA. Dredged material from the southern segment of the Sparrows Point Channel was

subjected to the Tier II (sediment and elutriate) and Tier III (ecotoxicological) testing required to assess the material's suitability for ocean placement at the NODS. Results of the testing indicated that approximately 1.57 MCY of material from the south segment of the channel met the Section 103 MPRSA requirements.

Construction Methods and Logistics – For this placement option, it is assumed that material will be mechanically dredged and placed within a bottom-dump barge or scow and transported to the NODS, where it will be released/discharged into a designated area. The scows will be equipped with an electronic tracking system that is compliant with the Corps' National Dredging Quality Management program to record the location and volume of material for each discrete discharge. One-way transport distance from the project site to the NODS is approximately 175 miles. Placement activities (vessel traffic to and from the NODS) will be conducted in compliance with the NOAA Fisheries Right Whale Ship Strike Reduction Rule (50 CFR 24.105), which limits vessels greater than 65 feet to speeds of less than 10 knots during migration and calving periods.

Timeline – There will be no time required for construction. The time limitation will be for equipment to transport dredged material from the site to the ocean placement site. The dredging and placement will be performed within a 2-year period.

5.2.4 Preferred Alternative

The Preferred Alternative will be the same as the Combined Options Alternative for terminal development and channel improvements. For dredged material placement, the Preferred Alternative will be the same as the Combined Options Alternative except it will not include the Coal Pier Channel DMCF, and the High Head Industrial Basin DMCF will be changed to include a higher maximum elevation of 40+ feet (or approximately 30 feet above existing grade), and the capacity will be expanded to accommodate 1.7 MCY of material. Dredged material placement at the existing MPA nearshore DMCFs and NODS will be the same as described in Section 5.2.3 of this ROD.

5.3 Alternatives Evaluation Under NEPA and the Section 404(b)(1) Guidelines

5.3.1 Reasonableness of Alternatives under NEPA

A comprehensive analysis of reasonable alternatives is provided in Section 2.0 of the Final EIS. A range of alternatives as described in the Final EIS Section 2.1.1.1 was considered and dismissed from detailed consideration because they did not meet the SPCT purpose and need. In the Final EIS, the No-Action Alternative and two action alternatives (the Combined Options Alternative and the Preferred Alternative) were considered.

5.3.2 Practicable Alternatives Under Section 404(b)(1) Guidelines

An alternative is practicable only if it is 1) available and 2) capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes (see 40 CFR 230.10(a)(2)). A multi-step process to screen the range of alternatives determine which alternatives are reasonable, practicable, and meet the SPCT purpose was conducted and coordinated for concurrence with the Cooperating Agencies. The alternatives were analyzed using the following screening criteria to identify a range of alternatives: satisfaction of the overall project purpose, practicability based on CWA Section 404(b)(1) guidelines (i.e., technology, logistics, and cost), and consideration of potential aquatic resources impacts. See Final EIS Section 2.

5.4 Least Environmentally Damaging Practicable Alternative and Environmentally Preferred Alternative

The Preferred Alternative proposes to construct a new container terminal, SPCT, at an existing industrial site using an existing channel and berthing area. To construct SPCT, the existing Sparrow Point Channel, which connects the federal Brewerton Channel, must be deepened and widened to accommodate ULCV vessels. The channel improvements will result in 4.2 MCY of dredged material requiring placement. The mechanical dredging activity is regulated under Section 10 of the Rivers and Harbors Act and is not subject to a LEDPA determination pursuant to the CWA Section 404(b)(1) Guidelines. Impacts from the channel dredging are discussed in Section 4.0 of the Final EIS and in Section 8 of this ROD.

The Applicant has proposed to dispose approximately 1.57 MCY yards at NODS, which is not subject to the CWA Section 404(b)(1) Guidelines; MPRSA has its own analysis requirements. The use of the NODS is discussed in Section 7 of this ROD. The USEPA concurrence for use of the NODS is documented in Appendix B of the Final EIS.

The remaining material is proposed for placement at existing MPA facilities (1.25 MCY) and the new High Head Industrial Basin DMCF (1.7 MCY). The capacity provided by these three placement options (NODS, MPA DMCFs, and High Head Industrial Basin DMCF) provides 0.32 MCY capacity more than is needed for the 4.2 MCY to be dredged.

The Combined Options Alternative was similar to the Preferred Alternative except for two elements of dredged material placement. The Combined Options Alternative included the Coal Pier Channel DMCF, and the elevation of the High Head Industrial Basin DMCF will be 10 feet lower, resulting in a slightly lesser capacity. Under the Combined Options Alternative, the Coal Pier Channel DMCF will accommodate 750,000 CY of dredged material and will generate 55,000 CY of new dredged material during

construction of the dike for the DMCF. Under the Combined Options Alternative, the High Head Industrial Basin DMCF will accommodate 1.2 MCY of dredged material. The Coal Pier Channel DMCF will result in the permanent loss of approximately 19 acres of tidal open water from the construction of the DMCF and placement of dredged material.

The Draft EIS analyzed the Combined Options Alternative, which included dredged material placement at the Coal Pier Channel DMCF, the High Head Industrial Basin DMCF, existing MPA DMCFs, and NODS. Following public comment on the Draft EIS and additional investigations and continued engineering analysis by TTT, a new Preferred Alternative for dredged material placement was developed. This new Preferred Alternative was developed based on the results of additional geotechnical evaluations and design progression at both the Coal Pier Channel and the High Head Industrial Basin, and subsequent chemical testing of sediments in the proposed exterior dike alignment for the Coal Pier Channel DMCF. Results of the geotechnical investigations indicated that the dike of the High Head Industrial Basin DMCF could be elevated incrementally to provide more dredged material placement capacity. In addition, results of the geotechnical and sediment chemical testing along the exterior dike of the proposed Coal Pier Channel DMCF indicated that although the DMCF was feasible to construct at this location, both the geotechnical and chemical properties of the sediments will pose constructability and environmental challenges. Furthermore, the Coal Pier Channel DMCF will place dredged material in tidal waters of the Patapsco River, while using the High Head Industrial Basin DMCF for placement of this dredged material will eliminate the need to place dredged material in tidal waters of the Patapsco River. Based on the challenges associated with the Coal Pier Channel DMCF, the ability to increase the capacity of the High Head Industrial Basin DMCF, and the opportunity to avoid placing dredged material in tidal waters, it was determined that this alternative was more feasible and will cause fewer impacts than the Combined Options Alternative. This new Preferred Alternative is the same as the Combined Options Alternative except it does not include the Coal Pier Channel DMCF and will expand the height and capacity of the High Head Industrial Basin DMCF. MPAs Cox Creek and Masonville DMCFs underwent separate 404(b)(1) Guidelines analysis during their federal approval process.

The analysis of both the Applicant's Preferred Alternative and the Combined Options Alternative identifies the Applicant's Preferred Alternative as the practicable alternative with the least adverse effect on the aquatic ecosystem.

6.0 EVALUATION FOR COMPLIANCE WITH SECTION 404(B)(1) GUIDELINES FOR SPECIFICATION OF DISPOSAL SITES FOR DREDGED OR FILL MATERIAL

The following evaluation is consistent with 40 CFR 230.5.

6.1 Practicable Alternatives

Practicable alternatives to the proposed dredged material placement consistent with 40 CFR 230.5(c) are evaluated in Section 5 of this ROD. The statements below summarize the analysis of alternatives:

In summary, the No-Action Alternative, which will not involve discharge into waters, is not practicable.

The Preferred Alternative is the practicable alternative with the least adverse impact on the aquatic ecosystem, and it does not have other significant environmental consequences. It has been determined that there are no alternatives to the proposed discharge that will be less damaging to the aquatic ecosystem (Subpart B in 40 CFR 230.10(a)).

6.2 Dredged Material Disposal Sites

Dredged material will be placed at the NODS, existing permitted MPA DMCFs and the new upland High Head Industrial Basin DMCF to be built on TPA property as part of SPCT.

6.3 Placement of Fill

To construct the revetment and wharf for the new terminal, fill will be placed adjacent to the Sparrows Point Channel into WOTUS. Permanent impacts are characterized as WOTUS that are indefinitely filled, flooded, excavated, or drained as a result of the regulated activity. Permanent impacts may or may not be considered a loss of WOTUS, as defined above, since some permanent impacts, such as those associated with certain bank stabilization activities and stream/wetland enhancement projects, may not have a permanent adverse effect. Permanent impacts for the project are associated with excavating new tidal waters from upland areas above MHW and placement of fill within a tidal water to create a revetment from the top of slope to the toe of slope of the proposed shoreline. For the SPCT project, in-water impacts were avoided and minimized to the greatest extent practicable. The total tidal open water impacts from the wharf and the revetment will be approximately 10.7 acres. Of this acreage, the approximate area of tidal open water that will be shaded by the wharf is 8.8 acres. Erosion is occurring at the terminal shoreline; therefore, a revetment is needed to stabilize the slope. The revetment is site-specific and required for erosion protection under the wharf. Site-specific alternatives were considered such as a bulkhead; however, a revetement is the preferred design.

6.4 Potential Impacts on Physical and Chemical Characteristics of the Aquatic Ecosystem

This section discusses the potential impacts from the placement of fill for construction of the revetment on the physical characteristics of the aquatic ecosystem listed in Table 3 (Subpart C in 40 CFR 230.20). Information regarding the referenced chemical and physical characteristics can be found in the Final EIS sections 4.2, 4.3, 4.4, and 4.6.

Table 3. Potential Impacts on Physical and Chemical Characteristics of the Substrate

Aquatic Ecosystem	Effect Determination
Physical and chemical characteristics	No dredged material will be placed in open water and no DMCF will be constructed within the Patapsco River. Dredged material will be placed in open water at NODS. In-water construction activities may resuspend sediments, but the use of BMPs, where practicable, necessary, and feasible based on site conditions, will reduce these impacts, which are expected to be minimal. Fill for the construction of the revetment will consist of armor stone and concrete, which will not introduce contaminants to the aquatic environment. Placement of the concrete cover on the revetment will reduce the flux of legacy contaminants from groundwater to surface water.
Substrate	Placement of fill will change bottom elevations and non-mobile bottom dwelling organisms will be covered or displaced. Construction of the wharf will shade 8.6 acres of bottom habitat.
Suspended particulates and turbidity	Short-term impacts expected during construction of the revetment and wharf, including placement of fill, include temporary and localized turbidity. The use of BMPs will reduce these impacts, which are expected to be minimal.
Water Quality	Short-term impacts expected during construction of the revetment and wharf, including placement of fill, include temporary and localized turbidity. The use of BMPs will reduce these impacts, which are expected to be minimal.
Current pattern and water circulation	Dominant current and flow patterns in the region will not be altered by construction of the revetment and wharf.
Normal water fluctuations	The construction of the revetment and wharf will not alter periods of inundation or modify local tidal regimes.
Salinity gradients	The construction of the revetment and wharf will not alter existing salinity gradients.

6.5 Potential Impacts on Living Communities or Human Uses (Subparts D,E, and F)

6.5.1 Potential Impacts on the Biological Characteristics of the Aquatic Ecosystem

More information regarding potential impacts on the biological characteristics of the aquatic ecosystem (Subpart D in 40 CFR 230.30) are listed in Table 4 and can be found in the Final EIS sections 4.7, 4.8, 4.9, and 4.10.

Table 4. Potential Impacts on Biological Characteristics

Biological Characteristics	Effect Determination
Threatened and endangered species	May affect, not likely to adversely affect: – Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) – Shortnose Sturgeon (*Acipenser brevirostrum*) – Green sea turtle (*Chelonia mydas*) – Loggerhead sea turtle (*Caretta caretta*) – Kemp's ridley sea turtle (*Lepidochelys kempii*) – Leatherback sea turtle (*Dermochelys coriacea*)
Fish (including Essential Fish Habitat [EFH]), crustaceans, mollusks, and other aquatic organisms	Short-term impacts considered include disturbing bottom sediments and increasing turbidity. Underwater noise monitoring will be conducted to verify noise generated by pile driving. Conservation recommendations will be incorporated into the special conditions of the permit to reduce impacts on aquatic resources and maintain a zone of safe fish passage in the Patapsco River. EFH impacts from underwater noise are expected to be temporary and minimal. Bottom loss of 0.2 acre of EFH will occur from the placement of piles.
Marine Mammals	Bottlenose dolphins are likely to be transient in this portion of the river. Modeling indicates that dolphins could be impacted by underwater noise generated during vibratory driving of piles and during vibratory removal/demolition of in-water structures. Per the DA permit special conditions, TTT will be required to coordinate with the NOAA Office of Protected Resources to model underwater noise, assess sound attenuation measures, and develop monitoring plans to comply with the requirements of the Marine Mammal Protection Act.

6.5.2 Potential Impacts on Special Aquatic Sites (Subpart E 40 CFR 230.40)

Special aquatic sites include sanctuaries and refuges, wetlands, oyster reefs, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes. No special aquatic sites exist within the project area.

The following has been considered in evaluating the potential impacts on special aquatic sites (see Table 5):

Table 5. Potential Impacts on Special Aquatic Sites

Potential Impacts on Special Aquatic Sites						
Special Aquatic Sites	**N/A**	**No Effect**	**Negligible Effect**	**Minor Effect (Short Term)**	**Minor Effect (Long Term)**	**Major Effect**
Sanctuaries and refuges	X					
Wetlands	X					
Mud flats	X					
Vegetated shallows	X					
Coral reefs	X					
Riffle pool complexes	X					

6.5.3 Potential Impacts on Human Use Characteristics

Potential impacts on human use characteristics (Subpart F in 40 CFR 230.50) are listed in Table 6 and can be found in the Final EIS, Sections 4.14 and 4.17.

Table 6. Potential Impacts on Human Use Characteristics

Human Use Characteristics	Effect Determination
Municipal and private water supplies	Not applicable
Recreational and commercial fisheries	Terminal development will temporarily impact recreational activities. Exclusion zones during construction activities will have minor impacts on recreational boating. In-water activities could increase turbidity and impact localized fishing, but subsistence fishing in license-free fishing areas will not be impacted.
Water-related recreation	Terminal development will temporarily impact recreational activities. Exclusion zones during construction will have minor impacts on recreational boating.

Human Use Characteristics	Effect Determination
Aesthetics	Terminal development will result in temporary and permanent visual changes, including the increase of shoreline development, shipping container storage, and mast lights. However, most of these will not be a substantial change from existing aesthetics. The grouping of up to nine STS cranes will have a moderate scale contrast and spatial dominance in the foreground view for boaters, the middle ground view for some residents of Baltimore County, and the background view for shore viewers in Anne Arundel County and from Fort Howard Park; the scale contrast is not projected to be noteworthy for boaters given the transient nature of the view from boats and existing low visual quality.
Parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves	The Captain John Smith Chesapeake National Historic Trail, the Star-Spangled Banner National Historic Trail, and the Chesapeake Gateway Trails Network have water trails near the project area. Exclusion zones during construction and dredging activities will have minor impacts on visitors using these trails near the project area.

6.6 Pre-testing Evaluation

The characteristics in Table 7 have been considered in evaluating the biological availability of possible contaminants in dredged or fill material (Subpart G in 40 CFR 230.60).

Table 7. Contaminant Evaluations for Dredged Material or Fill

Material Contaminant Evaluations	Evaluated
Physical characteristics	X
Hydrography in relation to known or anticipated sources of contaminants	X
Results from previous testing of the material or similar material	X
Known, significant sources of persistent pesticides from land runoff or percolation	X
Spill records for petroleum products or designated hazardous substances (Section 331 of CWA)	X
Other public records or significant introduction of contaminants from industries, municipalities, or other sources	X

Material Contaminant Evaluations	Evaluated
Known existence of substantial material deposits of substances that could be released in harmful quantities to the aquatic environment by human-induced discharge activities	X

Discussion: It has been determined that testing is required because of known contamination.

6.7 Evaluation and Testing (Subpart G, 40 CFR 230.61)

The Applicant conducted a comprehensive dredged material sampling and testing program in the proposed dredging area in accordance with Sampling and Analysis Plans that were approved by federal and state regulatory agencies. Sediment cores were collected at a total of 97 locations (sample cores) throughout the channel dredging footprint, and the cores were representative of the entire column/depth of material proposed for dredging (to a maximum elevation of -52 feet MLLW).

The ocean placement evaluation (EA Engineering, Science, and Technology, Inc., PBC [EA] 2024) included tiered testing of 15 dredging units within the southern portion of the Sparrows Point Channel in accordance with 40 CFR 227.32 and following protocols in the *Ocean Testing Manual* (USEPA and Corps 1991), the *Mid-Atlantic Regional Implementation Manual* (USEPA 2000), and the *Southeast Regional Implementation Manual* (USEPA and Corps 2008). The Tier II testing included bulk sediment and standard elutriates chemical analysis and the Tier III testing included water column toxicity, sediment toxicity, and bioaccumulation exposures. Results of the ocean placement evaluation indicated that material from 14 of the 15 southern dredging units meet the requirements for ocean placement under Section 103 of the MPRSA (EA 2024, 2025a). The USEPA concurred that the testing complied with the Sampling and Analysis Plans and that the material was suitable for ocean placement by letter dated July 16, 2024.

The upland placement evaluation (EA 2025b) included 28 dredging units within the channel dredging area that were evaluated with respect to upland placement and Right of Entry requirements for placement at MPA's DMCFs (MPA 2022). The testing included physical and chemical testing of bulk sediment samples and comparisons to EPA Regional Screening Levels for soil (USEPA 2024), comparisons to Baseline Control Limits (numerical screening values that have been established for MPA's DMCFs), and comparisons to Toxicity Characteristic Leaching Procedure thresholds that are used to categorize material as Resource Conservation and Recovery Act hazardous waste, as defined in 40 CFR 261.24. A human health risk evaluation was used to determine the MDE reuse classification (MDE 2019) for each dredging unit; this evaluation considered the dose, exposure pathway, and duration of exposures for chemicals that were present in the sediments in each dredging unit.

Results of the upland placement evaluation indicated that five dredging units were classified as MDE Reuse Category 1 (Residential – Unrestricted Use), 21 dredging units were classified as Category 2 (Nonresidential – Restricted Use), and two dredging units were classified as Category 3 (Restricted Use – Cap Required) (EA 2025b). None of the material exceeded Toxicity Characteristic Leaching Procedure threshold concentrations (i.e., none of the dredging unit sediments are considered Resource Conservation and Recovery Act hazardous waste).

Additional comparisons of the channel sediment chemical data to MPA's Baseline Control Limits indicated that the chemical concentrations in the two dredging units classified as MDE Reuse Category 3 were dissimilar to material previously placed at the MPA DMCFs; therefore, material from these two dredging units will not be placed at an MPA DMCF but will be placed in the High Head Industrial Basin DMCF on TPA property and will be capped by Category 1 or 2 materials within the DMCF.

6.8 Actions to Minimize Adverse Impacts

The actions in Table 8 have been taken (Subpart H in 40 CFR 230.70-230.77) to ensure minimal adverse effects of the proposed discharge. BMPs will be used to reduce impacts resources where applicable.

Table 8. Actions to Ensure Adverse Effects are Minimized

Actions to Minimize Adverse Effects	Evaluated
Actions concerning the location of the discharge	X
Actions concerning the material to be discharged	X
Actions controlling the material after discharge	X
Actions affecting the method of dispersion	X
Actions affecting plant and animal populations	X
Actions affecting human use	X
Actions related to technology	X
Other actions	X

6.9 Factual Determinations

The determinations (Subpart B in 40 CFR 230.11) in Table 9 are made based on the applicable information in the Final EIS, including actions to minimize effects and consideration for contaminants.

Table 9. Factual Determinations of Potential Impacts

Site	Determination
Physical substrate	No effect
Water circulation, fluctuation, and salinity	No effect
Suspended particulates/turbidity	Short-term effects during construction activities.

Site	Determination
Contaminants	Negligible effect. The concrete slabs used to cover the revetment will reduce the flow of contaminants from groundwater to surface water and will inhibit lateral contaminant plume migration. There are no other impacts on contaminants associated with construction of the revetment. The project includes dredging of sediments that contain legacy contaminants. The evaluation of potential impacts from dredging are evaluated elsewhere in this ROD.
Aquatic ecosystem and organisms	Short-term effects during construction activities due to suspended sediments; these effects will be minimized using appropriate BMPs during dredging and in-water construction. Dredging and deepening of the channel will permanently change the water depth and may result in increased occurrence of low dissolved oxygen within the deepened channel.
Proposed disposal site	Not applicable.
Secondary effects on the aquatic ecosystem	Minor effect short term. Placement of revetment will reduce the flux of legacy contaminants from groundwater to surface water.

6.10 Findings of Compliance or Non-Compliance with the Restrictions on Discharges

Based on the information in Section 6, including the factual determinations (see Section 6.9), the proposed discharge has been evaluated to determine whether any of the restrictions on discharge would occur (40 CFR 230.10(a-d) and 230.12).

The applicable subjects in Table 10 have been identified and addressed through the EIS process; the Maryland Department of Environmental Protection water quality certification; and continuous coordination among local, state, and federal agencies.

Table 10. Compliance with Restrictions on Discharge

Subject	Yes	No
1. Is there a practicable alternative to the proposed discharge that will be less damaging to the environment (any alternative with less aquatic resource effects, or an alternative with more aquatic resource effects that avoids other significant adverse environmental consequences?)		X
2. Will the discharge cause or contribute to violations of any applicable water quality standards?		X
3. Will the discharge violate any toxic effluent standards (under Section 307 of the CWA)?		X

Subject	Yes	No
4. Will the discharge jeopardize the continued existence of endangered or threatened species or their critical habitat?		X
5. Will the discharge violate standards set by the U.S. Department of Commerce to protect marine sanctuaries?		X
6. Will the discharge cause or contribute to significant degradation of WOTUS?		X
7. Have all appropriate and practicable steps (Subpart H in 40 CFR 230.70) been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem?	X	

7.0 GENERAL PUBLIC INTEREST REVIEW

The decision whether to issue a permit will be based on an evaluation of the probable impacts of the proposed activity and its intended use on the public interest as stated at 33 CFR 320.4(a). To the extent appropriate, the public interest review below also includes consideration of additional policies as described in 33 CFR 320.4(b) through (r). The benefits that may be reasonably expected to accrue from the proposal are balanced against its reasonably foreseeable detriments.

7.1 Public Interest Factors

All public interest factors have been reviewed, and those that are relevant to the SPCT are considered and discussed in additional detail. See Table 11 and the discussion that follows.

Table 11. Public Interest Factors

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
1. Conservation: N/A	X					
2. Economics: See Section 4.17 of the Final EIS. Terminal development and operation will create jobs and county and state tax revenue. Construction activities will take just under 3 years to complete and will generate about 1,090 job-years of employment (or an equivalent of about 363 average annual jobs over 3 years), labor income of about $80 million, industry output of about $202.7 million, and an estimated $3 million in county and $6.1 million in state					X	

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
tax revenues. Terminal operations will generate about 1,050 direct jobs and 518 indirect and induced jobs in the local region, generating about $102 million in labor income and $194 million in industry output annually. The jobs will generate more than $3 million in annual county and $6 million in annual state tax revenues. The new jobs will not significantly impact the economic structure or the socio-demographics of the region. Overall, this alternative will generate about 1,200 job-years of employment, $222 million in industry output, and about $3.2 million in county and $6.7 million in state tax revenue. Although the jobs could reduce unemployment and increase incomes, they will only be a small percentage of total employment, and the effect will not be significant. Dredging, terminal construction, and terminal operation will not impact commercial fishing.						
3. Aesthetics: See Section 4.13 of the Final EIS. Terminal development will result in temporary and permanent visual changes, including the increase of shoreline development, shipping container storage, and mast lights. However, most of these will not be a substantial change from existing aesthetics. The grouping of up to nine STS cranes will have a moderate scale contrast and spatial dominance in the foreground view for boaters, the middle ground view for some residents of Baltimore County, and the background view for shore viewers in Anne Arundel				X		

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
County and from Fort Howard Park; the scale contrast is not projected to be noteworthy for boaters given the transient nature of the view from boats and existing low visual quality. Construction of the High Head Industrial Basin DMCF will not produce significant changes in aesthetics and viewshed, having limited visibility and being similar in scale to a nearby building. The 10-foot increase in height, when compared to the Combined Option Alternative, will still only be about 30 feet above grade and still lower in height than the adjacent industrial structures.						
4. General Environmental Concerns: See Section 4.0 of Final EIS.				X		
5. Wetlands: See Appendix D of the Final EIS.	X					
6. Historic Properties: See Appendix D of the Final EIS. There are no adverse effects on historic properties from the preferred alternative.				X		
7. Fish and Wildlife Values: See Sections 4.8, 4.9, 4.10, 4.12 of the Final EIS. Dredging for the deepening and widening of the Sparrows Point Channel could result in different life stages of fish species being caught in dredging equipment, resuspended sediment (increasing turbidity), and habitat alteration impacting fish, especially eggs, and larvae. Underwater noise from pile driving could impact fish through physical injury near the project area and behavioral disturbances for fish within the Patapsco River. Conservation recommendations will be			X			

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
incorporated into the special conditions of the permit to reduce impacts on aquatic resources and maintain a zone of safe fish passage in the Patapsco River. The total tidal open water impacts from the wharf and the revetment will be approximately 10.7 acres. Of this acreage, the approximate area of tidal open water that will be shaded by the wharf is 8.8 acres. Shading of this area reduces primary production in the water column, and the waters beneath the wharf may be less capable of supporting a diverse benthic community or usage by fish and other aquatic organisms. Construction of the wharf will result in permanent structures (pilings) in the river bottom. Placement of these structures will result in mortality of any benthic organisms present in that footprint and will also cause a loss of approximately 0.2 acre of available bottom habitat. Increased vessel traffic (additional 10 vessels at a time during construction and 500 container vessels per year during operation) will continue to affect fish through disturbance from noise and physical disturbance of habitat conditions. High Head Industrial Basin is not managed to support aquatic habitat; however, approximately 40 acres of aquatic habitat and any fish present in the basin (two species were found during sampling) will be permanently lost. Installation of the temporary outfall and diffuser could impact fish in the immediate vicinity through loss of a food source (benthic habitat) and disturbance from construction activity,						

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
causing fish to move out of the area. These impacts on fish will be localized and temporary, with benthic habitat returning after removal of the temporary pipeline. **Special status species:** The impacts of noise and increased turbidity on aquatic special status species will be the same as impacts on fish species (as discussed in the Fish section above). Increased vessel traffic from construction and operation of the terminal will cause a minor increase in the risk of striking special status species, such as sturgeon and sea turtles; for sea turtles, the risk will increase for vessels traveling between the site and the lower Chesapeake Bay, but this will be negligible since the routes are already highly trafficked. Bottlenose dolphins will likely be transient in this portion of the river. Modeling indicates that dolphins could be impacted by underwater noise generated during vibratory driving of piles and during vibratory removal/demolition of in-water structures. Per the DA permit special conditions, TTT will be required to coordinate with the NOAA Office of Protected Resources to model underwater noise, assess sound attenuation measures, and develop monitoring plans to comply with the requirements of the Marine Mammal Protection Act. Impacts on aquatic special status species from installation of the temporary outfall and diffuser will be the same as those described for fish. **Waterfowl:** Construction will impact local bird populations due to the noise and loss						

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
of habitat on Coke Point. Habitat loss will be minimal, and disturbance from construction noise will be temporary. Increased turbidity from dredging could temporarily impact foraging sea birds. Although terminal operations could impact birds by increasing vessel traffic and constructing new buildings and structures, these conditions will be similar to existing conditions and will have a minimal impact on birds. New artificial lighting will increase light pollution and could adversely affect bird behavior but impacts from new lighting will be minimal given the existing nighttime light intensities.						
8. Flood Hazards: See Section 4.3 of the Final EIS. There are no impacts on flood hazard or floodplain values from the Preferred Alternative. The Preferred Alternative does include the creation of new open water within the Sparrows Point Channel, resulting in minor changes to the floodplain boundary.	X					
9. Floodplain Values: See Section 4.3 of the Final EIS. There are no impacts on flood hazard or floodplain values from the Preferred Alternative. The Preferred Alternative does include the creation of new open water within the Sparrows Point Channel, resulting in minor changes to the floodplain boundary.	X					
10. See Appendix D of the Final EIS.	X					

11. Navigation: See Section 4.19 of the Final EIS. Dredging of the Sparrows Point Channel will only impact the Brewerton Channel during dredging for the proposed turning basin, where the two channels meet, over one construction year, lasting about seven months. Coordination with the USCG will occur in compliance with the required dredging permit conditions and stipulations included in the Section 408 permission. Following construction, the SPCT will receive approximately 500 vessels per year, about 150 of which will be from new weekly services to the Port, an average of three additional vessels per week navigating the Brewerton Channel to enter the Sparrows Point Channel. Container vessels will represent a new vessel type using this area, but will navigate through the Brewerton Channel, turning basin, and Sparrows Point Channel in the same way as the existing vessels currently operate. The transport of dredged materials to the High Head Industrial Basin DMCF and the MPA DMCFs will require transport vessels to cross the Brewerton Channel. Impacts on navigation will be temporary and limited through coordination with the Corps and the USCG. Transport of the dredged material to the NODS will require transport vessels to use the Chesapeake Bay navigational channel system for approximately 152 nautical miles. Approximately 262 scow trips will be needed over 291 operational days, split across two dredging seasons. Impacts on navigation will be temporary and limited through coordination with the Corps and the USCG.				X		
12. Shoreline Erosion and Accretion: See Section 4.3 of the Final EIS.	X					

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
13. Recreation: See Section 4.14 of the Final EIS. Terminal development and periodic maintenance dredging will temporarily impact recreational activities. Exclusion zones during construction and dredging activities will have minor impacts on recreational boating. In-water activities could increase turbidity and impact localized fishing, but subsistence fishing in license-free fishing areas will not be impacted. Installation of the temporary outfall/diffuser in the Patapsco River may require a temporary exclusion zone, resulting in very localized and short-term impacts on recreational activities in the river.				X		
14. Water Supply and Conservation**:** See Appendix D of the Final EIS.	X					
15. Water Quality: See Section 4.6 of the Final EIS. The Preferred Alternative will result in an increase in impervious surface, approximately 95% of Coke Point will be impervious to infiltration, limiting water infiltration and resulting in lowering the groundwater surface elevation, decreasing groundwater flow, slowing the movement of groundwater contaminants, and reducing the adverse impacts of contaminated groundwater, which are being managed through Resource Conservation and Recovery Act interim measures. In-water construction and dredging have the potential to resuspend sediments and contaminants into surface waters. The use of BMPs where practicable, necessary, and feasible based on sediment chemistry and site conditions will minimize these impacts. Impacts will be temporary, localized,			X			

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
reduced, and controlled through the use of BMPs. Removal of sediment with legacy contaminants as part of channel dredging will improve the quality of the sediment at the sediment-water interface and will have a permanent net improvement to surface waters in the vicinity of the project area. Furthermore, the concrete used to cover the revetment will reduce the flux of contaminants from groundwater to surface water and will inhibit lateral contaminant plume migration. Construction of the terminal will increase the impervious surface area on the Coke Point peninsula; stormwater discharges from three new permitted outfalls on Coke Point will be incorporated into the regional stormwater plan for the Sparrows Point facility and will not be expected to adversely impact surface waters. At the High Head Industrial Basin DMCF, placement of wet dredged material in the DMCF may temporarily increase the water level in the basin and compress the sediments currently at the base of the basin; however, the sediment will be contained within the DMCF footprint. Compaction of dredged material will decrease sediment permeability, reducing the movement of groundwater contaminants. Due to the inland location and construction of the DMCF, there is no risk of contaminants within the basin moving from groundwater into surface water. Filling of the DMCF basin will eliminate its use for stormwater;						

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
stormwater inputs will be redirected and managed according to NPDES permit requirements. No impacts from the removal of the existing impounded water from the High Head Industrial Basin, use of surface waters for pumping and offloading of dredged material, and discharge of effluent from dewatering of the dredged materials are expected; these actions will follow stipulations and conditions of a NPDES permit and a Water Appropriation and Use Permit issued by the MDE. Installation of the temporary outfall and diffuser will have the potential to disturb and resuspend sediment into surface waters. Placement and removal activities for the diffuser will require approximately 30 days each, and BMPs will be used to minimize resuspension of sediment and contaminants to surface waters. As an alternative treatment option, the High Head Industrial Basin DMCF effluent will be pumped directly to the Humphreys Creek Wastewater Treatment Plant (located on Sparrows Point) and will be treated prior to discharge in accordance with the NPDES Permit. The project required a Water Quality Certification from the State of Maryland to ensure the proposed discharge complies with the State's water quality standards and requirements. On July 10, 2025, the State of Maryland granted a Water Quality Certification (24-WQC-0045).						
16. Energy Needs: See Appendix C of the Final EIS.	X					

Public Interest Factors						
Factor	**None**	**Detrimental**	**Neutral (mitigated)**	**Negligible**	**Beneficial**	**Not Applicable**
17. Safety: See Sections 4.14, 4.19 of the Final EIS. Development of the channel improvements were completed with the collaboration of the Association of Maryland Pilots to ensure the design will be safe for vessel operation, this includes the expansion of the turning basin where the Sparrows Point Channel meets the Brewerton Channel, a federal navigation channel, and transit into and berthing at the new wharf. Exclusion zones during construction and dredging activities will be implemented to protect the safety of recreational boaters and other water users.				X		
18. Food and Fiber Production: See Appendix D of the Final EIS.	X					
19. Mineral Needs: See Appendix D of the Final EIS.	X					
20. Consideration of Property Ownership: See Appendix D of the Final EIS.	X					
21. Needs and Welfare of the People: See Section 4.0 of the Final EIS.			X			

7.2 Public and Private Need for the Project

The relative extent of the public and private need for the proposed structure or work:

The proposed SPCT has a private need because TTT has a private financial interest in the completion of the project.

The Applicant's proposed project is a public need because it will address several economic and shipping logistical concerns. The SPCT project will enhance the economic strength of the Port by increasing its overall container capacity. This, along with the on-dock rail and Howard Street Tunnel Vertical Clearance Improvement Project, will increase the overall national efficiency of importing goods to the Midwest and will increase the throughput of containers through the Port. The proposed project will not only provide direct jobs at the project site but will also provide a foundation for

sustained regional economic growth within the Port and throughout the region. By strengthening and growing the Port, the project will enhance the United States' supply chain efficiencies and resiliency.

7.3 Resource Use Unresolved Conflicts

There were no unresolved conflicts identified regarding resource use.

7.4 Beneficial and Detrimental Effects on Public and Private Use

Detrimental effects on the public and private use of the SPCT are expected to be minimal and temporary. Beneficial effects on the public and private use of the SPCT are expected to be more than minimal and permanent. The Corps has determined that with the conditions of the permit, the long-term beneficial effects of the Project will outweigh the detrimental effects of the Project.

8.0 MITIGATION

(33 CFR 320.4(r), 33 CFR Part 332, 40 CFR 230.70-77, and 40 CFR 1508)

8.1 Avoidance and Minimization

When evaluating a proposal including regulated activities in WOTUS, consideration must be given to avoiding and minimizing effects on those waters. Avoidance and minimization measures are described in Section 1.3.1 of this ROD and within Section 3.0 of the Final EIS.

Mitigative actions, including Project modifications, were discussed with the Applicant and implemented to minimize adverse Project impacts. As a result, the originally proposed open-water DMCF, impacts were reduced from 100 acres to 35 acres to 19.6 acres to 0 acres, thereby eliminating the open-water DMCF. Further, the originally proposed wharf pile number was reduced from 1,846 to 1,517.

8.2 Compensatory mitigation requirement

Is compensatory mitigation required to offset environmental losses resulting from proposed unavoidable impacts to WOTUS? No

Provide rationale: The open-water DMCF impacts were eliminated. The revetment, wharf, and temporary outfall structures are considered minimal and do not require mitigation. Further, the State of Maryland required mitigation for 3.08 acres of fill impact in accordance with the Maryland Board of Public Works Tidal Wetlands License 23-TW-0762. Further, excavation for the wharf and associated revetement would remove historical fill and convert 6.22 acres of upland to open water. See Final EIS Section ES-4 Potential Environmental Impacts.

9.0 CONSIDERATION OF CUMULATIVE EFFECTS

NEPA requires the consideration of all reasonably foreseeable effects of the proposed agency action (42 USC 4332). Such reasonably foreseeable effects should have a reasonably close causal relationship with the proposed action or alternatives considered (33 CFR 333.61(d)). In scoping the analysis for consideration of effects outside of the geographical area of the project or which may materialize later in time, the Corps draws a reasonable and manageable line (33 CFR 333.18(c)(5)). The Corps may analyze environmental effects from projects separate in time, or separate in place, or outside of the Corps' regulatory authority, or which are initiated by a third party if it determined such analysis would assist in reasoned decision making (33 CFR 333.18(c)(5)).

In issuing Department of Army permits, the Corps is required to consider cumulative impacts of the proposed activity and its intended use on the public interest. This requires balancing the benefits which reasonably may be expected to accrue from the proposal with its reasonably foreseeable detriments. The cumulative effects of all of the public interest factors discussed in Section 7 of this ROD must be considered. (33 CFR 320.4(a)(1)).

9.1 The geographic scope for the cumulative effects assessment is:

The geographic scope of the analysis will vary for some resources, as the potential impact could be beyond the proposed project's footprint. The SPCT project area includes Coke Point, the Sparrows Point Channel out to the juncture with the Brewerton Channel (a federal navigation channel), the High Head Industrial Basin, and the area offshore the west side of Coke Point (Final EIS, Figure 9). Alternatives for dredged material placement outside of the SPCT project area are described in the Final EIS, Sections 2.2.3.1 and 2.2.4.1 and pictured in the Final EIS, Figure 3. The geographic scope of analysis varied by resource considered as some potential impacts extended beyond the project area (e.g. impacts on benthic fauna is generally limited to the project footprint while underwater noise impacts on fish and marine mammals extend beyond the project area). Where the geographic scope extends beyond the project area, the geographic scope was defined for the resource under its respective topic section in the Final EIS, Section 4. In addition, reasonably foreseeable major planned actions and environmental trends in the vicinity of the project and which contribute to cumulative impacts were considered in the Final EIS, Section 4.1.4.

9.2 Conclusions regarding cumulative impacts:

When considering the direct and indirect impacts that will result from the proposed activity, in relation to the overall direct and indirect impacts from past, present, and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the area described in section 9.1, are not significant.

Compensatory mitigation will not be required to offset the impacts of the proposed activity to eliminate or minimize its incremental contribution to cumulative effects within the geographic area described in Section 9.1. Mitigation required for the proposed activity is discussed in Section 8.0.

10.0 COMPLIANCE WITH OTHER LAWS, POLICIES, AND REQUIREMENTS

10.1 Section 7(a)(2) of the Endangered Species Act (ESA)

Refer to Section 2.2 of this ROD for a description of the Corps' action area of the ESA.

10.1.1 Lead federal agency for Section 7 of the ESA

Has another federal agency been identified as the lead agency for complying with Section 7 of the ESA with the Corps designated as a cooperating agency and has that consultation been completed?

No, the Corps has completed Section 7 ESA consultation with the NMFS and the USFWS.

10.1.2 Listed/proposed species and/or designated/proposed critical habitat

Are there listed or proposed species and/or designated critical habitat or proposed critical habitat that may be present or in the vicinity of the Corps' action area? Yes. There are ESA listed/proposed species in the SPCT project area. Consultation with the NMFS was initiated with the FAST-41 initiation meeting and continued with the release of the Draft EIS and receipt of comments regarding ESA impacts. An ESA Assessment was prepared for this project and was coordinated with the NMFS.

10.1.3 Section 7 ESA consultation

Consultation with either the NMFS and/or the USFWS was initiated and completed as required, for any determinations other than "no effect" (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation). The coordination with NMFS with respect to the ESA was concluded on May 13, 2025; NMFS concurred with the Corps determination of not likely to adversely affect. Coordination with the USFWS with respect to the ESA was concluded on April 7, 2025; USFWS concurred with the Corps determination of no effect.

10.2 Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Essential Fish Habitat (EFH)

See Appendix F in the Final EIS.

10.2.1 Lead federal agency for EFH provisions of the Magnuson-Stevens Act

Has another federal agency been identified as the lead agency for complying with the EFH provisions of the Magnuson-Stevens Act with the Corps designated as a cooperating agency and has that consultation been completed? No.

10.2.2 Magnuson-Stevens Act

Did the proposed project require review under the Magnuson-Stevens Act? Yes, the Corps completed Magnuson-Stevens Fishery Conservation and Management Act consultation with the NMFS.

10.2.3 EFH species or complexes

Were EFH species or complexes considered? Yes. See Appendix F in the Final EIS.

10.2.4 National Marine Fisheries Service consultation

Consultation with the NMFS was initiated and completed as required (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation) There is one Habitat Area of Particular Concern designated in the project area. The NMFS provided EFH Conservation Recommendations on the project in May 2025. Coordination with NMFS with respect to the Magnuson-Stevens Fishery Conservation and Management Act was concluded on May 8, 2025.

10.3 Section 106 of the National Historic Preservation Act (NHPA)

See Section 2.3 of this ROD for Permit Area determination.

Has another federal agency been identified as the lead federal agency for complying with Section 106 of the NHPA with the Corps designated as a cooperating agency and has that consultation been completed?

No, the Corps was the lead federal agency, and Section 106 consultation was completed in June 2025 (see Final EIS Section 6).

Are known historic properties present?

No.

Effect determination and basis for that determination:

The Corps, in consultation with the MHT, have determined that there are no adverse effects on historic properties from the Preferred Alternative.

Was consultation initiated and completed with the appropriate agencies, tribes, and/or other parties for any determinations other than “no potential to cause effects”?

Yes, the Corps has conducted consultation with the MHT. Based on a review of the information in this section, the Corps has determined that it has fulfilled its responsibilities under Section 106 of the NHPA.

10.4 Tribal Trust Responsibilities

Was government-to-government consultation conducted with federally recognized Tribe(s)?

Yes. The SPCT was coordinated with the Tribes, as appropriate. No response was received from any federally recognized Native American Tribes and/or affiliated groups. The Corps has determined that it has fulfilled its tribal trust responsibilities.

Other tribal consultation, including any discussion of tribal treaty rights?

Not applicable.

10.5 Section 401 of the Clean Water Act – Water Quality Certification (WQC)

Is a Section 401 WQC required, and if so, has the certification been issued, waived, or presumed?

Yes. A WQC is required and was issued by MDE on July 10, 2025, and approved by the USEPA on August 7, 2025.

10.6 Coastal Zone Management Act (CZMA)

Is a CZMA consistency concurrence required, and if so, has the concurrence been issued, waived, or presumed?

A CZMA consistency concurrence is required. Based on an evaluation of the SPCT compliance with federal goals and policies (see Final EIS, Appendix I), the Applicant determined that the project is consistent with the federal goals and objectives of the Coastal Zone Management Program. MDE concluded on September 10, 2025, that their certification is consistent with the applicable CZMA goals and policies.

10.7 Wild and Scenic Rivers Act

Is the SPCT located in a component of the national wild and scenic river system or in a river officially designated by Congress as a “study river” for possible inclusion in the system?

No.

10.8 Effects on Corps Civil Works Projects

Does the Applicant also require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, will alter, occupy, or use a Corps Civil Works project?

Yes.

10.8.1 Corps project description and authorization

Brewerton Channel, River and Harbor Act of 1958 authorized the main channel with a depth of 42 feet and connecting channels leading to the Chesapeake and Delaware Canal. The River and Harbor Act of 1970 authorized a deeper, uniform main channel with a depth of 50 feet and generally width of 800 feet in Maryland. The Water Resources Development Act of 1999 (Section 101a(22)) authorized the construction of a 50-foot deep turning basin and the deepening and widening of certain anchorages.

10.8.2 Summary of rationale and conclusions for recommending approval or denial, including determinations for the impact to the usefulness of the Corps project; whether or not the alteration is considered integral to the Corps project; and impacts to the public interest

The Navigation Branch Chief provided a navigation memo and concluded the construction of the proposed deeper and wider Sparrows Point Channel is not injurious to the public interest and will not impair the usefulness of the federal project. Further, the Section 408 letter was reviewed by Office of Counsel and is legally sufficient.

10.8.3 Certification by the District Chief of Real Estate Division that all real property required for the proposed alteration has been identified; the identified real property is sufficient to support the alteration; and the proposed alteration will not adversely affect the Corps project’s real property. If the proposed alteration will be integral to the functioning of the Corps project, the District Chief of Real Estate Division must also certify that standard estates are being used for the acquisition of any new real property that will become or may become a part of the Corps project, or that the requester is seeking approval to use non-standard estates (see paragraph 11.e.)

Certification by the District Chief of Real Estate Office was not required since there is no federal property within the federal navigation project limits.

10.8.4 Summary of input from the non-federal sponsor, if the non-federal Sponsor is not the requester demonstrating that the district provided opportunity for the non-federal Sponsor to review and evaluate the proposed alteration along with the technical analysis and design, environmental effects, real estate requirements, and potential Operation and Maintenance effects and that the district sought to incorporate the non-federal Sponsors feedback and concerns into the decision-making process.

TTT is the Applicant. MPA provided a Local Sponsor Statement of No Objection letter dated November 19, 2024.

10.9 Section 103 of the MPRSA

10.9.1 Evaluation for Compliance with Ocean Dumping Guidelines

The following information is provided to fulfill the requirements of Title 40 CFR Section 225(a)(5-7); 227.1-6, 227.9-10, 227.13-22; and 228 of the Ocean Dumping Regulations.

10.10 Part 225 Authorized Disposal Effects

Prior to 2008, the NODS was solely used by the US Navy. In August 1993, approximately 51,000 CY of dredged material from the Naval Supply Center Cheatham Annex and 475,000 CY of dredged material from the Naval Weapons Station Yorktown were placed at the NODS. Since 2010, other projects that have been recently placed at the NODS include the Virginia Department of Transportation – Midtown Tunnel (1,121,642 CY placed October 2013 to October 2014), Joint Base Langley Eustis (JBLE) – Skiffes Creek Channel (128,244 CY placed November 2014 to December 2014), JBLE – Fuel Pier Basin (57,122 CY placed February 2019 to July 2019), the JBLE – Back River Channel (125,723 CY placed February 2019 to July 2019), and Norfolk Harbor Channels 50-foot Maintenance (ongoing). Other projects that have been previously permitted for placement at the NODS include Craney Island Eastward Expansion (24.5 MCY), Yorktown Naval Weapons Station (65,000 CY), Chesapeake Bay Bridge Tunnel – Parallel Thimble Shoals Tunnel Project (1.7 MCY), Cheatham Annex CAD-A Pier (88,000 CY), Naval Weapons Stations Yorktown R3 Pier (110,000 CY), Norfolk Harbor Navigation Improvements Project (12.1 MCY), Portsmouth Marine Terminal (216,737 CY), Naval Station Norfolk Phase 1 (3.2 MCY), Naval Station Norfolk Phase 2 (1 MCY), and Virginia International Gateway (2.56 MCY). There have been no documented effects from the authorized discharges that have been made in the placement area.

10.11 Part 225 Length of Disposal Site Use

The dredged material designated for placement at the NODS will be mechanically excavated, directly loaded into and transported to the NODS using bottom-dump scows and placed in a designated placement zone within the NODS where it will be evenly distributed. It is anticipated that the placement of 1.57 MCY at the NODS will occur over a three-year period.

10.12 Part 225 Characteristics and Composition of the Dredged Material

The material proposed for placement at the NODS was tested by TTT for offshore disposal pursuant to MPRSA Section 103. Based on physical and chemical testing, the sediments proposed for NODS placement are comprised primarily of fine-grained silts and clays. Metals, PCBs (polychlorinated biphenyls), PAHs (polycyclic aromatic hydrocarbons), chlorinated pesticides, and dioxin/furan congeners were the most frequently detected constituents in the sediments. Based on the sampling, testing, and evaluation of the sediments proposed for NODS placement, no adverse environmental effects will be expected from placement of the material at the NODS.

10.13 Part 227 Subpart A – General

The Corps has reviewed the information provided by TTT and concludes that the project material proposed for placement at the NODS complies with the criteria published by the USEPA in Title 40 CFR Parts 220-228, subparts C, D, E, and G, and Sections 227.4, 227.5, 227.6, 227.9, 227.10, and 227.13 of Subpart B. Specific testing methods are described in the Evaluation of Dredged Material Proposed for Ocean Disposal – Testing Manual (USEPA and Corps 1991), the Mid-Atlantic Regional Implementation Manual (USEPA 2000), and the Southeast Regional Implementation Manual (USEPA and Corps 2008).

Based on the findings provided in the October 2024 report (EA 2024) and July 2025 MPRSA Section 103 Evaluation (EA 2025a), TTT has demonstrated that the material proposed for disposal in the NODS satisfies the environmental impact criteria set forth in Subpart B.

10.14 Part 227 Subpart B – Environmental Impact

Based on the physical testing conducted, the material was comprised mainly of silts and clays or fine-grained materials and did not meet the exclusionary criteria set forth under 40 CFR 227.13(b). Therefore, further testing of the liquid, suspended, particulate, and solid phases was required. Based on the findings provided in the October 2024 report (EA 2024) and July 2025 MPRSA Section 103 Evaluation (EA 2025a), the dredging units proposed for placement at the NODS meet the Limiting Permissible Concentration (LPC) for water quality criteria, water column toxicity, benthic toxicity, and benthic bioaccumulation. The material has been determined to be in compliance with the requirements of 40 CFR Section 227.6, and there will be no violation of marine water

quality criteria after the allowance for mixing. Bioassays on the suspended particulate phase (elutriate) and solid phase (whole sediment bioassay) show that the material can be discharged so as not to exceed the LPC as described in paragraph (b) of 40 CFR Section 227.27.

The dredged material does not contain prohibited constituents and meets the criteria set forth in 227.13(c).

10.15 Part 227 Subpart C – Need for Ocean Dumping

The dredged material proposed for placement at the NODS is a mixture comprised of fine-grained silts and clays that do not require treatment and are not manufacturing waste. Therefore, it is compliant with factor 227.15(a) and (b). A detailed analysis of the need for ocean placement and the alternatives considered, in fulfillment of factor (c), is in the Final EIS and in the MPRSA Section 103 Evaluation (EA 2025a).

Because the dredged material from the SPCT channel improvements is primarily comprised of fine-grained silts and clays, it is not suitable for beneficial use projects. In addition, due to the large volume of material that will be dredged over a short timeframe, opportunities for both beneficial and innovative re-use of the material are either limited or not feasible. In addition, placement of material at existing MPA DMCFs in the Baltimore Harbor is restricted due to limited capacity and prioritized commitments to federal and state projects. For the SPCT project, the MPA has committed to accepting a portion of the dredged material – a total of approximately 1.25 MCY of placement capacity over a 4-year placement period.

The Final EIS for the SPCT project evaluated multiple placement alternatives for the 4.2 MCY of material, including construction of a 100-acre offshore DMCF for the entire dredged material placement volume, construction of a smaller offshore DMCF(s) for a portion of the dredged material, construction of onsite upland DMCF(s), offsite upland placement at existing permitted facilities, innovative re-use, and ocean placement. The Preferred Alternative in the Draft EIS was a combination of placement in four designated locations, including both onsite and offsite locations: construction of an onsite DMCF at the High Head Industrial Basin on TPA property (approximately 1.2 to 1.5 MCY capacity), construction of a 19-acre offshore DMCF at the Coal Pier Channel basin (approximately 750,000 cy capacity), placement of up to 1.25 MCY at offsite MPA DMCFs, and placement of up to 1.57 MCY at the NODS. This Preferred Alternative was further refined following the public notice, public hearing, and public comment process to minimize impacts to tidal surface waters.

The Preferred Alternative for the Final EIS is a combination of placement in three designated locations: construction of an onsite DMCF at the High Head Industrial Basin on TPA property (approximately 1.7 MCY capacity), placement of up to 1.25 MCY at offsite MPA DMCFs, and placement of up to 1.57 MCY at the NODS. This combination of options sufficiently provides capacity for all of the dredged material, allows for the appropriate management of the material based on the sediment quality characteristics,

and minimizes impacts to tidal surface waters in the State of Maryland. Placement of the dredged material from the SPCT project area at the NODS will reserve limited upland placement capacity at MPA facilities, will eliminate the need to construct an in-water/offshore DMCF (which will fill Patapsco River tidal open waters), and will be protective of the resources at the NODS.

10.16 Part 227 Subpart D – Impact of the Proposed Dumping on Aesthetic, Recreational, and Economic Values

The Corps evaluated the impact of TTT's proposed project on the aesthetic, recreational, and economic values. The following factors were considered in making the determination that the proposed placement will not impact aesthetic, recreational, or economic values of the Atlantic Ocean in the vicinity of the NODS:

- The area has been used in the past for the disposal of dredged material and has not resulted in negative impacts on potential recreational or commercial activities.

- Based on past use of the area and the characteristics of the material proposed for placement, no impact on water quality is to be expected. The material will be discharged from bottom-dump scows with the initial point of discharge being approximately 10 feet below the surface of the water. Based on results of the modeling of the suspended particulate phase, no applicable water quality standards will be violated by the proposed activity.

- The material proposed for discharge contains substantial quantities of fine-grained silts and clays. The point of initial discharge will be below the surface of the water, and the majority of the material will be entrained into the disposal surge, which is in a downward direction because of gravity. Studies indicate that any turbidity caused by placement will be restricted to the immediate vicinity and will persist for only a short period of time.

- Pathogenic organisms are not expected to be present in the material. However, if present, they will likely be fecal coliforms that are killed by saline waters and therefore will not pose any impact to fisheries. No shellfisheries are located in the vicinity of the NODS.

- No toxic chemical constituents are present in the dredged material in concentrations suspected of affecting humans either directly or indirectly through the food chain. There are no constituents in the dredged material that will impact living marine resources of any value.

10.17 Part 227 Subpart E – Impact of the Proposed Dumping on Other Uses of the Ocean

The proposed placement of dredged material in the NODS will have no long-term impact on any other uses of the ocean including, but not limited to, commercial and recreational fishing, commercial and recreational navigation, mineral exploration or development, or scientific research. Short-term impacts may occur because of the presence of the tugs and scows in the NODS; however, this is extremely short term, and all uses of the ocean will continue to occur in the area between placement events. No irreversible or irretrievable commitment of resources will result from the proposed discharge.

10.18 Part 228 – Criteria for the Management of Ocean Disposal Sites

The USEPA and the Corps manage the NODS through a joint Site Management and Monitoring Plan (SMMP). The goal of the SMMP is to protect the marine environment and document the dredged material placement activities at the NODS (Corps 2019). Use of the site by TTT for dredged material placement will comply with site requirements and transport and placement of the material at the NODS will be conducted in accordance with the Corps' National Dredging Quality Management program requirements. TTT or its contractors will perform after-placement bathymetric surveys of the designated placement area within the NODS. Other surveys or special conditions may be required and designated. To satisfy legal requirements associated with MPRSA, the permit will be conditioned to require TTT to comply with special conditions identified in Section 13 of this ROD. Placement will target even distribution of the dredged material across the placement zone. TTT or its contractors will perform after-placement bathymetric surveys of the designated placement area within the NODS. These surveys may be performed periodically to ensure compliance with the NODS site conditions and SMMP. Other surveys may be performed, as necessary.

10.19 Concurrence

The Corps reviewed the information provided by TTT and concluded that the appropriate criteria for evaluating the placement of the dredged material into the NODS were used, and the material is suitable for ocean disposal.

The USEPA notified the Corps, by letter dated July 16, 2025, that USEPA concurs with the Corps' determination and concludes that the work described in the letter complies with the applicable subparts of 40 CFR 225.2(d). The concurrence is valid for a period of three years. Additional coordination with the Corps and USEPA will be necessary to determine testing or evaluation requirements should the placement activities extend beyond three years.

11.0 Corps Wetland Policy

Does the SPCT propose to impact wetlands (33 CFR 320.4(b))?

No.

11.1 Compliance Statement

The Corps has determined that it has fulfilled its responsibilities under the following laws, regulations, policies, and guidance:

Table 12. Compliance with Federal Laws and Responsibilities

Compliance with Federal Laws and Responsibilities		
Laws, Regulations, Policies, and Guidance	**Yes**	**N/A**
Section 7(a)(2) of the ESA	X	
EFH provisions of the Magnuson-Stevens Act	X	
Section 106 of the NHPA	X	
Tribal Trust	X	
Section 401 of the Clean Water Act	X	
CZMA	X	
Wild and Scenic Rivers Act		X
Section 408 - 33 USC 408	X	
Corps Wetland Policy (33 CFR 320.4(b))	X	
Other: Section 103 - (MPRSA)	X	

12.0 SPECIAL CONDITIONS

12.1 Required Special Condition(s)

1. All work is to be accomplished in accordance with the attached plans (Attachment A to Enclosure 1) entitled: “Sparrows Point Container Terminal”, sheets 1 of 58, dated May 2, 2025.

2. Two weeks prior to commencing the authorized work, and upon completion of the work, you must email the Regulatory inbox at nab-regulatory@usace.army.mil. Please include your Corps permit number and name, NAB-2023-61200-M07 (Tradepoint TIL Terminals LLC/Sparrows Point Container Terminal), and work start date in your submittal.

3. Periodic maintenance dredging may be performed for a period of ten (10) years from December 31, 2035, the original expiration date of this permit, provided the initial dredging is conducted prior to the expiration date of this permit. The permittee must notify the Corps, in writing, 90 days prior to conducting maintenance dredging in waters of the United States. The written notification must include a plan showing the location of the Dredged Material Placement site and a letter signed by the owner of the site confirming acceptance of the dredged material. You may not proceed with maintenance

dredging until you have provided this information to the Baltimore District Regulatory office at nab-regulatory@usace.army.mil. Please include your Corps permit number and name, NAB-2023-61200-M07 (Tradepoint TIL Terminals LLC/Sparrows Point Container Terminal), in your email subject line.

4. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

5. The permittee must provide a copy of this permit and the authorized plans to the contractor and have a copy available on-site during construction.

6. The permittee must require its contractors and/or agent to comply with the terms and conditions of this permit in the construction and maintenance of this project and must provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit.

7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structures or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

8. The permittee must adhere to the Section 408 special conditions issued separately by the Corps (408 NAB-2025-0013).

9. The U.S. Code of Federal Regulations, Title 33, Subpart 64 states that all structures erected in navigable waters require obstruction lights unless the applicant is advised to the contrary by the Coast Guard District Commander. If the structures authorized by this permit are to be built in navigable waters, then you must contact the Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Room 100, Portsmouth, Virginia, 23704, or email at cgd5waterways@uscg.mil to ascertain the need for obstruction lights.

10. The permittee must request a permit modification when there are proposed changes to the authorized work (e.g., reconfiguration of structures and/or fill, additional structures, and/or work being considered, etc.). The permittee must not commence construction of the proposed changes until written authorization is received from the Corps.

11. Best management practices must be employed to minimize impacts to waterways. The permittee must employ measures during construction to prevent spills of fuels or lubricants, etc. If a spill occurs, it must immediately be controlled to prevent its entry

into the waterway. The permittee must immediately report the spills of fuels or lubricants, etc. to the United States Environmental Protection Agency National Response Center at (800) 424-8802.

Dredging

12. For mechanical dredging, storage, transport, and pump-out, the permittee must:

a. As shown in Attachment C to Enclosure 1, employ a closed ("environmental bucket") for removal of sediments in the north channel/turning basin and mid-channel/transition area. Within the north channel/turning basin and mid-channel/transition areas, in areas with native or hard packed clays or sand and in areas with underwater debris, a medium or heavy-duty open bucket may be used. An open clamshell bucket will be used for the removal of sediment in the south channel.

b. Slow the rate of deployment of the bucket near the bottom and retrieval near the water surface (i.e., within 2 meters) to the maximum extent practicable to minimize sediment escapement and mobilization.

c. Employ a water-tight scow(s) to receive and transport dredged sediments and prohibit any overflow of waters from the scow(s) during operations.

d. During the period of February 15 through June 15, in any year this permit is valid, any surface water withdrawals (e.g., for slurring material) should adhere to intake screening requirements - 2 mm wedgewire screen and intake velocities not to exceed 0.5 feet per second.

13. Should the dredge material placement site or disposal location change, you must submit a request for revision in writing to the Corps (Attn: Ms. Maria N. Teresi, maria.teresi@usace.army.mil) for review and approval a minimum of 30 days prior to the commencement of the dredging.

14. To minimize impacts to the aquatic habitat, any subsequent maintenance dredging must be limited to only the depth and width necessary for navigation; and limited to the depths, width and location of the original dredging as identified and authorized by this permit.

15. In order to protect sensitive life stages of federally managed fish, the permittee must not conduct dredging authorized by this permit during the period of April 1 through October 1, in any year this permit is valid. This restriction does not apply to in-water slag reclamation performed with land based equipment with the deployment of a turbidity curtain, if operationally feasible.

16. The permittee must prepare a post-dredge bathymetric survey of the dredge area. This survey must be submitted to the Corps Regulatory inbox at nab-regulatory@usace.army.mil within 15 days of the completion of the dredging and

must include a narrative that explains any deviations in dredging that exceed the authorized maximum depths and/or areal limits as shown on the approved permit plans. A copy of this post-dredge survey must also be provided to:

U.S. Coast Guard (Commander, 5th Coast Guard District), CG Atlantic Area/D5
Federal Building
431 Crawford Street
Portsmouth, VA 23704-5004

17. A minimum of 21 days prior to commencing work, the permittee, or the permittee's contractor, shall request, in writing, to the United States Coast Guard, that a Local Notice to Mariners be issued regarding the authorized work. The written request shall include the location of work, description of activities, the type of construction equipment to be used and the expected duration of the work on the waterway. The written request should be addressed to the following:

Commander
Fifth Coast Guard District (dpw)
Federal Building
431 Crawford Street
Portsmouth, VA 23704-5004
Phone Number: (757) 398-6229
Email: cgd5waterways@uscg.mil

The applicant or its contractor shall also coordinate with the United States Coast Guard regarding temporary relocation of aids to navigation to support the construction activities.

Section 103 of MPRSA

18. Dredge material disposal must occur within boundaries of the authorized project disposal zone within the NODS site and at least 100 meters (330 ft.) from the perimeter of the disposal site.

19. Dredge material placed at the NODS disposal site must not exceed 20,000 cubic yards of material at any given time.

20. The permittee will conduct a bathymetric survey of the NODS disposal site before and after the dredge material disposal and provide a copy of the survey to the United States Environmental Protection Agency (EPA) Region 3, at french.emily@epa.gov within 15 days of completion of survey to ensure proper placement of materials and compliance with the disposal site conditions.

21. Each spilt-hull scow barge used for transport to the NODS will be equipped with an electronic tracking system that is compliant with and certified by the United States Army Corps of Engineers Dredging Quality Management program. The Corps Baltimore District will maintain all vessel tracking data associated with the project.

22. Dredged material disposal must be conducted in a manner to maximize the NODS capacity and minimize mounding of material. The dredge material dumps must be scattered throughout designated disposal zones and not placed repeatedly at one location. Depths at the time of disposal will be monitored to determine if adjustment of disposal methods is needed to prevent unacceptable mounding.

23. All disposal activities must be completed, and vessel disposal doors closed prior to leaving the area within the 100-meter NODS buffer zone and site boundaries. Should the doors not close properly, the barge must circle the site disposal zone (inside the 100-meter buffer) three times before leaving the site. All such incidents of equipment malfunction must be reported to the EPA Region 3 at french.emily@epa.gov within 24 hours along with a declaration that the problem has been resolved, and the barge is back in working order.

24. The permittee must report via email or telephone any anticipated, potential, or actual variances from compliance with these conditions, to the District Engineer, maria.teresi@usace.army.mil or (410) 962-4501 and the EPA Region 3 Regional Administrator, french.emily@epa.gov or (410) 305-2679 within 24 hours of discovering such a situation.

25. The permittee must provide the EPA Region 3, french.emily@epa.gov, with a disposal summary report within 15 days after completion of the project.

26. Your EPA Region 3 Section 103 of the MPRSA concurrence is valid for a term of three years from July 16, 2025. Use of the NODS after July 16, 2028, will require further evaluation of the proposed dredged material.

Pile Driving

27. The permittee must avoid impact pile driving during the spawning season (March 1 to June 15) to avoid impacts to sensitive life stages of species, including migrating and spawning anadromous fish, unless a sufficient zone of safe fish passage (i.e., zone equivalent to half the river's width below the 150dB RMS behavioral threshold) can be maintained during pile driving operations.

28. The permittee must document measures to establish, monitor, and maintain a zone of safe fish passage (i.e., zone equivalent to half the rivers width below the 150dB RMS behavioral threshold) through an Underwater Noise Monitoring Plan for any pile driving with an impact hammer during the spring closure period of March 1 to June 15.

29. The permittee must use the following soft start procedure for pile driving activities:

a. Use a soft start each day of pile driving, after a break of 30 minutes or more, and if any increase in pile installation or removal intensity is required.

b. The soft start procedure will include an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. After the soft start procedure is completed, impact hammer strikes may proceed at full energy.

30. The permittee must use bubble curtains and wood cushioned blocks together for all pile driving (on each pile to be installed) as needed to maintain a ZSFP. The permittee must document measures to establish, monitor, and maintain a ZSFP (i.e., zone equivalent to half the rivers width below the 150dB RMS behavioral threshold) through an Underwater Noise Monitoring Plan for any pile driving with an impact hammer during the period of March 1 to June 15. These measures may include modeling that demonstrates a ZSFP, and an Underwater Noise Monitoring Program to verify the modeling. In this case bubble curtains and/or cushioned wood blocks will only be utilized if modeling or monitoring demonstrates additional noise attenuation is needed to maintain a ZSFP.

31. Pile driving must be limited to 10 to 12 hours per day, initiated during daylight hours.

32. The permittee must coordinate with National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Protected Resources Division, benjamin.laws@noaa.gov, to model underwater noise, to assess sound attenuation measures, and to develop monitoring plans to comply with the requirements of the Marine Mammal Protection Act prior to pile driving activities.

Air Emissions

33. The permittee must purchase emission reduction credits for a total of 62 tons of NOx offsets during the 2026 construction year. Cross-State Air Pollution Rule (CSAPR) NOx allowances are an approved option to satisfy this offset requirement as an alternative to purchasing emission reduction credits. The permittee must provide confirmation within 60 days of purchase to the Baltimore District Regulatory office at nab-regulatory@usace.army.mil. Please include your Corps permit number and name, NAB-2023-61200-M07 (Tradepoint TIL Terminals LLC/Sparrows Point Container Terminal), in your email subject line.

408 Conditions

34. Within 90 days prior to commencement of each dredging event, the permittee shall perform the following:

i. Advise the District Engineer in writing of the planned dredging start and end dates to coordinate dredging and disposal of material at Cox Creek or Masonville containment facilities to ensure USACE dredge and disposal priorities are not impacted.

ii. Provide a letter from the Maryland Department of Transportation Port Administration (MPA) that states MPA will accept dredging material deposition at Cox Creek or Masonville containment facilities, as necessary. The MPA may be contacted at:

Maryland Department of Transportation Port Administration
401 East Pratt Street
Baltimore, Maryland 21202
(800) 638-7519

iii. Provide a pre-dredge survey of the project area to verify there are no obstructions or navigation hazards within the turning basin, federal channel, and side slopes. Identify the areas of increased shoaling or navigation hazards and indicate those areas on the survey.

iv. Provide plans to depict the location of dredge equipment and any pipelines proposed to temporarily occupy the federal channel during construction and include estimated number of days the equipment would be in the federal channel for review and approval.

v. Provide a map showing the disposal barge route to the planned DMCF locations in relationship to the federal channel.

Notifications should be sent via email to nab-regulatory@usace.army.mil or mail. The subject line must include the following text: Section 408 NAB 2023-0013 (Sparrows Point Tradepoint TiL Terminals LLC).

35. The applicant or its contractor shall be responsible for immediately removing all debris introduced into the waterway as a result of any construction activities and ensuring all debris is disposed of properly.

36. All contractors using floating equipment to perform the authorized construction shall be equipped with bridge-to-bridge radio telephone equipment so they may communicate with passing vessels. The radio telephone equipment shall operate on a single channel very high frequency (VHF), FM, on a frequency of 156.65 MHZ per second, with low power output having a communication range of approximately 10 miles.

37. A minimum of 21 days prior to commencing work, the permittee, or the permittee's contractor, shall request, in writing, to the U.S. Coast Guard (USCG), that a Local Notice to Mariners be issued regarding the authorized work. The written request shall include the location of work, description of activities, the type of construction equipment to be used and the expected duration of the work on the waterway. The written request should be addressed to the following:

Commander
Fifth Coast Guard District (dpw)
Federal Building
431 Crawford Street
Portsmouth, Virginia 23704-5004
Phone Number: (757) 398-6229
Email: cgd5waterways@uscg.mil

The applicant or its contractor shall also coordinate with the USCG regarding temporary relocation of aids to navigation to support the construction activities.

38. The applicant shall notify National Oceanic and Atmospheric Administration (NOAA) National Ocean Survey when aids to navigation are relocated so that the aids are properly marked on the appropriate nautical chart(s). The National Ocean Survey may be contacted at:

NOAA, National Ocean Survey
Marine Chart Division
Nautical Data Branch (N/CS26)
Station 7350
1315 East-West Highway
Silver Spring, Maryland 20910-3282
Attn: Chief, Nautical Data Branch
Telephone Number: (301) 713-2737 ext. 123
Fax Number: (301) 713-4516

39. Closures of the federal channel will not be permitted, however in extreme circumstances, Baltimore District will evaluate requests on a case-by-case basis. Requests should also be coordinated and submitted to MPA, USCG, and the Association of Maryland Pilots for input. The Association of Maryland Pilots may be contacted at:

Association of Maryland Pilots
3720 Dillon Street
Baltimore, MD 21224-5202

40. The applicant shall ensure a smooth and uniform transition between the federal navigation channel and the Sparrows Point approach channel and shall remedy shoals or lumps that may form in the federal channel as a result of sloughing of the side slope or settling of disturbed sediments within and immediately adjacent to the area to be dredged.

41. Within 15 days of completion of each dredging event, the applicant must provide to the Corps the as-built bathymetric survey of the project area within a 100-foot perimeter adjacent to and within the federal navigation project to verify there are no obstructions or navigation hazards within the turning basin, federal channel, and side slopes. Identify

the areas of increased shoaling or navigation hazards and indicate those areas on the survey. The survey must be submitted via email to nab-regulatory@usace.army.mil. The subject line must include the following text: Section 408 NAB 2023-0013 (Sparrows Point Tradepoint TiL Terminals LLC).

42. The applicant and the contractor will be responsible for correcting any shoaling or sloughs that are identified within a 100-foot perimeter area adjacent to the edge of the dredge cut and within the federal navigation project.

43. The applicant shall assume responsibility for the alteration portion of operation, maintenance, repair, replacement and rehabilitation of the federal project at no cost to the federal government within a 100-foot perimeter area adjacent to the edge of the dredge cut and within the federal navigation project.

44. The applicant acknowledges by acceptance of the permission terms and conditions that due to the close proximity of permitted work to a federal navigation channel, the United States will in no case be held liable for any damage or injury to the structures or work authorized under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act which may be caused by, or result from, future operations undertaken by the Government for the conservation or improvement of navigation or for other purposes, and that no claims or right to compensation will accrue from any such damage.

45. The applicant shall inform the USACE Baltimore District Navigation Section when construction is complete for the initial and maintenance dredge events and submit a request to the USACE to conduct an after-dredge survey to evaluate the transition from the Sparrows Point Channel to the Baltimore Harbor & Channels federal navigation project. Notification may be emailed to eric.m.lindheimer@usace.army.mil and nab-regulatory@usace.army.mil.

12.0 FINDINGS AND DETERMINATIONS

12.1 Section 176(c) of the Clean Air Act General Conformity Rule Review

Emissions of the three non-attainment/maintenance pollutants in the Air Quality Control Region — nitrogen oxides (NO_X), sulfur dioxide (SO_2), and particulate matter less than or equal to 2.5 micrometers ($PM_{2.5}$) — were estimated for both construction (direct emissions) and operations (indirect emissions) phases of the project. As shown in Sections 4.15.2.4 and 4.15.2.5 of the Final EIS, annual emissions of SO_2 and $PM_{2.5}$ are well below the de minimis thresholds and do not require further analysis under the General Conformity Rule.

However, direct NO_X emissions under the Preferred Alternative are projected to exceed the de minimis threshold of 50 tons per year under the Preferred Alternative. NO_X emissions from this project in excess of the de minimis threshold have not been accounted for in the Maryland State Implementation Plan budget, and the proposed

action, therefore, cannot be presumed to conform. As an ozone precursor pollutant, all of the NO_X emissions (approximately 62 tons) must be mitigated. Under general conformity, modeling can be used to demonstrate conformity, but discussions with MDE and USEPA indicated that photochemical modeling of the impacts on ozone in the Air Quality Control Region from this relatively small amount of additional NO_X emissions is not recommended. Hence, mitigation through emission offsets will be implemented by TTT.

Any later indirect emissions are generally not within the Corp's continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

12.2 Presidential Executive Orders (EO)

12.2.1 EO 11988 Floodplain Management

Executive Order 11988 directs federal agencies to evaluate the potential effects of preferred actions on floodplains. Such actions should not be undertaken that directly or indirectly induce growth in the floodplain unless there is no practicable alternative. Each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain associated with the one percent annual chance event. There are no impacts on flood hazard or floodplain values from the SPCT project. The Preferred Alternative does include the creation of new open water within the Sparrows Point Channel, resulting in minor changes to the floodplain boundary.

12.2.2 EO 13112 Invasive Species, as amended by EO 13751

Executive Order 13112 addresses the prevention of the introduction of invasive species and provides for their control and minimization of the economic, ecological, and human health impacts the invasive species causes. It establishes the Invasive Species Council, which is responsible for the preparation and issuance of the National Invasive Species Management Plan. This plan details and recommends performance-oriented goals and objectives and specific measures of success for federal agencies.

Ship traffic will be expected to increase slightly with the SPCT due to 150 additional ships arriving at the SPCT. Requirements to prevent the introduction of invasive and exotic species via ballast water exchange are provided at 33 CFR 151.1510, *Ballast Water Management Requirements*. The USCG enforces these regulations and additional impacts with respect to ballast water are not expected.

12.2.3 EO 13212 and EO 13302, Energy Supply and Availability

The proposal is not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

12.3 Environmental Impact Statement

An EIS was required and was prepared with a FEIS published on September 22, 2025.

12.4 Compliance with Section 404(b)(1) Guidelines

Having completed the evaluation above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines, with the inclusion of the appropriate and practicable special conditions to minimize pollution or adverse effects to the affected ecosystem.

12.5 Public Interest Determination

Having reviewed and considered the information in this ROD, I find that the proposed SPCT project is not contrary to the public interest. The permit will be issued with appropriate conditions included to ensure minimal effects, ensure the authorized activity is not contrary to the public interest and/or ensure compliance of the activity with any of the authorities identified in Section 11.

PREPARED BY:

Maria N. Teresi, Project Manager
Maryland North Section
Date: December 9, 2025

Nicole M. Nasteff, Project Manager
Maryland North Section
Date: December 9, 2025

REVIEWED BY:

Joseph P. DaVia
Chief, Maryland North Section
Date: December 9, 2025

Wade B. Chandler
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Date: December 9, 2025

APPROVED BY:

William P. Seib
Chief, Operations Division
Date: December 16, 2025

ATTACHMENT A: MECHANICAL AND HYDRAULIC DREDGING TECHNIQUES

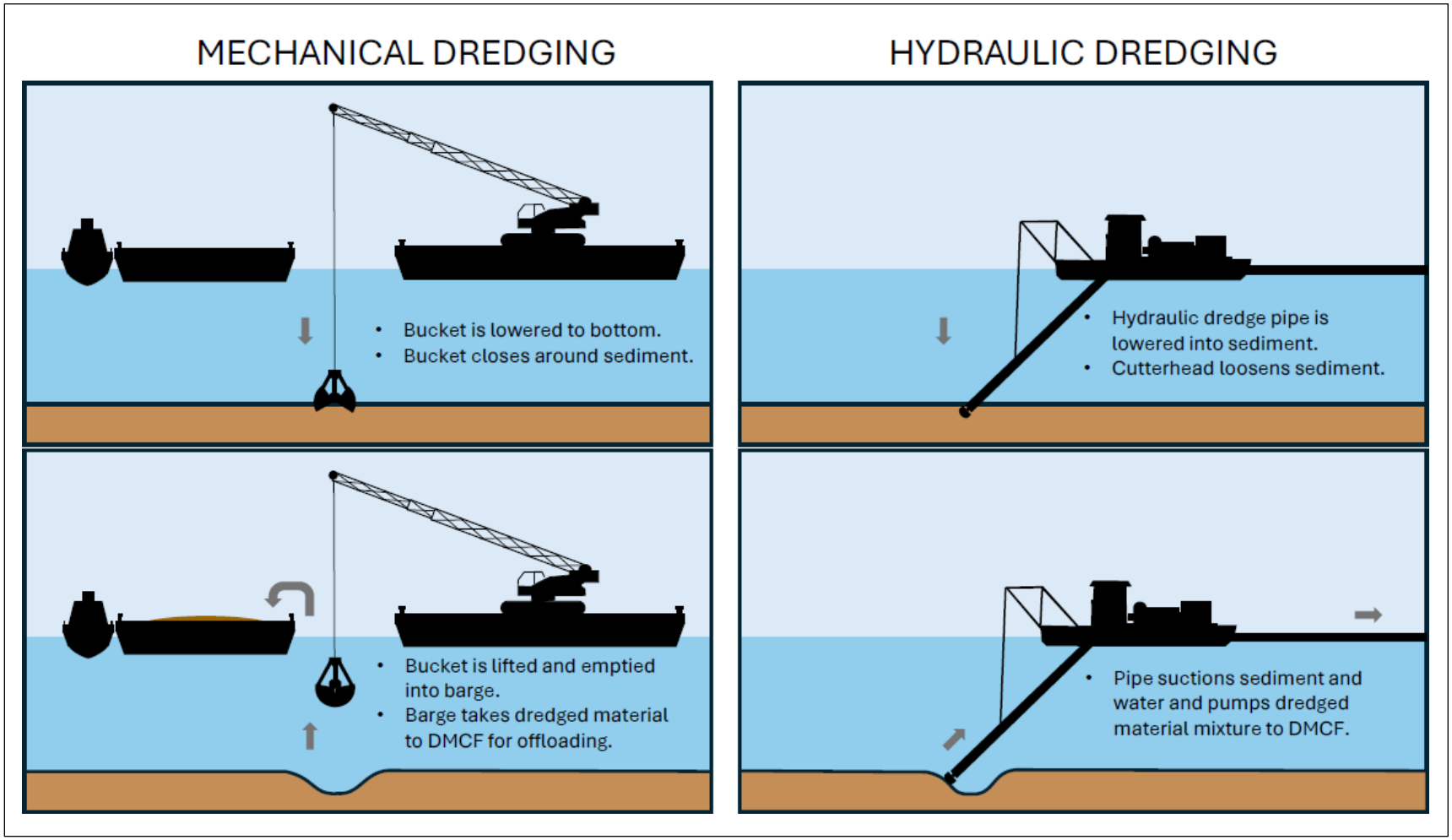
Overview of Dredging Methods

Dredging is the excavation or removal of sediment or debris from the bottom of a waterway. 33 Code of Federal Regulations (CFR) 323 (Permits for Discharges of Dredged or Fill Material into WOTUS) defines dredged material as the material that is excavated or removed from WOTUS. Corps guidance identifies different methods of dredging that include mechanical dredging, hydraulic dredging, and excavation from the shoreline (Corps 2008a, 2015). Mechanical dredging can be further broken down into open bucket dredging and environmental bucket dredging (Corps 2008a). The following sections describe different methods of dredging based on Corps guidance (Corps 2008a, 2015).

Mechanical dredging removes material by scooping or picking it up from the bottom of the waterway with a bucket (Corps 2008a). In areas along the shoreline, this may include use of excavators that reach into the water and dig using an excavator bucket. In deeper waters, mechanical dredging is typically performed using a crane mounted on a barge that lowers a bucket to the bottom of the waterway. This is often a clamshell bucket. A clamshell bucket has two halves that close to capture sediments (Figure 2). After it is closed, the bucket is brought to the surface, and the dredged material is placed in a liquid-tight barge for transport to the placement site. Mechanical dredging can be conducted continuously and efficiently with the use of multiple disposal barges that are sequentially filled and towed to the placement site. For open water or ocean placement, material is placed in hopper barges or split-hull scows that are towed or pushed by tugboats to the placement location and opened from the bottom to release or discharge the sediment. For placement in a confined upland site, material may be transferred from the barge through mechanical offloading by cranes or loaders. Alternatively, the material can be transferred through hydraulic offloading by combining or slurrying it with water to pump it into the placement location or containment cell. Hydraulic offloading typically uses recirculated water from the inside of the placement area to minimize the addition and volume of surface water needed for pumping. Recirculation also minimizes the volume of effluent water that will have to be treated and discharged back to surface waters from the facility during the material drying and consolidation process.

Dredging with an enclosed environmental bucket is a special type of mechanical dredging. An environmental bucket has two halves that close like a clamshell but are designed with specialized seals and closures that enclose the material to eliminate release of sediment as the bucket is raised from the bottom of the waterway through the water column. These buckets are commonly used in areas with contaminated sediment. Multiple studies have documented the ability of environmental buckets to reduce surface water turbidity and minimize release of sediment particles during dredging (Corps 2008a, Anchor 2003, Hayes et al. 2021).

Figure 2. Mechanical and Hydraulic Dredging



Hydraulic pipeline dredging removes material by suctioning a mixture of water and sediment through a pipe from the bottom of a waterway (Corps 2015) (Figure 2). For consolidated sediments and for areas with heavy debris, a "cutterhead" is typically attached to the suction end of the intake pipe. The cutterhead is located at the front-end of the intake pipe and contains teeth or blades that rotate and loosen the material on the bottom of the waterway so that it can be suctioned into the dredge pipeline. Cutterhead hydraulic dredging uses suction to move material through the intake pipe, then pumps the material through a pipeline, and finally discharges the material directly into a disposal site. The volume of water is adjusted during hydraulic dredging to optimize the pumping of the material and is dependent upon the physical characteristics of the material and the distance that the material will be pumped. A significant volume of water is required to attain a slurry that can be pumped. The typical portion of solids in dredge slurry ranges from 10% to 20% by weight but can be less depending on dredging conditions (Corps 2008a, Interstate Technology & Regulatory Council [ITRC] 2014).

Impacts of Mechanical Versus Hydraulic Dredging

Mechanical and hydraulic dredging each have different advantages and disadvantages (Corps 2008a, 2015), and the use of each may be limited by the characteristics of the dredged material, the site-specific conditions of the dredging area, and the location of the placement site(s). Most important among these advantages and disadvantages are the consideration of the effect of dredging method on water quality, the efficiency of removal, and the volume of water requiring management.

Sediment Resuspension – All methods of dredging resuspend a small percentage of sediment (Corps 1986, 2008a, 2008b). Sediment may be resuspended by the movement, spudding, and anchoring of vessels. During dredging with a clamshell bucket, sediment may be resuspended when the bucket enters the sediment and is closed. Also, sediment exposed at the top of the open bucket or clinging to the outside of the bucket may be mixed with or be released to surface water as it is raised through the water column. During dredging with an environmental bucket, the system of seals and the bucket geometry decrease the amount of sediment released during closure and prevent exposure of the captured sediment as the bucket is raised, minimizing the amount resuspended or incidentally released. During hydraulic dredging, the motion of the cutterhead disturbs and resuspends sediment. Also, the motion of the dredge head as it swings back and forth across the bottom resuspends sediments.

The amount of sediment resuspended by dredging varies from project to project based on dredging method, logistics, sediment type, and site conditions. Corps guidance summarizes a broad range of studies and indicates that hydraulic or enclosed environmental bucket dredging produce similar rates of sediment resuspension, and that these rates are lower than that for open bucket dredging, which produces more suspended sediment; the guidance notes a general rate of 0.5% resuspension of fines from hydraulic and environmental dredging, and a rate of 1% resuspension of fines for open bucket mechanical dredging (Corps 2008a).

Once suspended, most sediments settle back down close to the point of dredging. This is supported by both general guidance and site-specific studies. The Code of Maryland Regulations 26.24.02.06 provides a presumptive safe dredging distance of 1,500 feet from shellfish areas and submerged aquatic vegetation during seasonal prohibition periods. Studies conducted and compiled by the NMFS have identified rapid settlement within a 2,400-foot radius of the dredge location (NMFS 2025).

Site-specific studies indicate even shorter distances in which suspended sediments deposit. Dredge point monitoring studies of clamshell dredging in the Baltimore Harbor by the Corps indicated that total suspended solids (TSS) concentrations were similar to background concentrations within approximately 240 feet from the point of dredging (Corps 2007). Tradepoint Atlantic conducted monitoring of turbidity during maintenance dredging with an environmental bucket in the existing Sparrows Point Channel. The results of these studies indicated that the highest turbidity was localized to the upper portion of the water column in the immediate vicinity of the dredge and dissipated to background concentrations at a distance of approximately 300 feet from the point of dredging. Based on results of these plume studies and based on the low water current velocity in the north channel/turning basin area (approximately 0.02 knots, which is equivalent to 0.023 miles per hour or 122.4 feet per hour), any suspended sediments resulting from dredging in the north turning basin area of the SPCT project will be expected to remain localized within the turning basin. The turning basin acts as a semi-enclosed, confined area and is expected to contain, restrict, and minimize the movement of suspended solids into the adjacent surface waters.

An important factor to consider during mechanical or hydraulic dredging is the influence of debris on resuspension and dredging effectiveness. Debris can affect resuspension for mechanical dredging by inhibiting bucket closure and for hydraulic dredging by increasing loss from the cutterhead or clogging the pumps and pipeline (Corps 2008a). Dredging at SPCT is expected to encounter slag, compacted subsurface material, and other debris. Mechanical dredging has the advantage of grabbing and removing debris and penetrating compacted materials. Hydraulic dredging often cannot remove or penetrate hard debris and slag. Debris may also increase the amount of material resuspended by hydraulic dredging as it clogs pumps and pipes, reducing suction.

Water Volume and Placement Logistics – Hydraulic dredging adds a significant volume of water to dredged material so that it can be pumped (Corps 2008a, ITRC 2014). Dependent on the type of sediment and logistics, this may increase the total disposal/placement volume by up to ten times (Corps 2008a, ITRC 2014). This increases the placement/disposal capacity needed and the overall volume of dredged material that must be managed. As the dredged material dewaters, larger volumes of effluent water are produced that require management and discharge to surface waters and may also require treatment prior to discharge. In addition, greater pumping distances often require greater addition of water. Debris may also increase the amount of water entrained during dredging. For SPCT, the dredged material from hydraulic dredging would have to be pumped approximately four miles from the point of dredging

to the High Head Industrial Basin DMCF; this distance would also require a substantial increase in the volume of carrier water/slurry water necessary to pump the dredge material to the DMCF.

Input from the dredging industry indicates that hydraulic dredging for the SPCT project would generate at least ten times more water than mechanical dredging with hydraulic offloading. This would result in hundreds of millions of additional gallons of water to be managed. To contain the increased volume of water resultant from hydraulic dredging, the DMCF would require a DMCF capacity of over 18.7 MCY for the combined water and dredged material, which is over eleven times the 1.7 MCY of capacity currently planned for the High Head Industrial Basin DMCF. The current design dike height above surrounding grade is nominally 30 feet; this provides a capacity of 1.7 MCY yards. Doubling the height of the berm to 60 feet above surrounding grade would result in a capacity of less than 3.0 MCY, which is still significantly less than the 18.7 MCY required for hydraulic dredging. Constructing a DMCF for hydraulic dredging would also require different design features and infrastructure; a DMCF for hydraulic dredging would require multiple cells for water control, adding to the complexity of construction. The increased weight of the berm from just doubling the berm height will require two to three additional years to build, based on geotechnical settlement constraints.

Precedent for Regional Dredging Projects

The Corps Baltimore District has reviewed dredging authorizations issued over the 10-year period between 2015 and 2025 for the watersheds in which the SPCT project is located and for Baltimore's Inner Harbor. Approximately 41 dredging actions were authorized. Of these actions, 40 actions were authorized as mechanical dredging, and one action was authorized as hydraulic dredging. The one action that was authorized for hydraulic dredging required removal of sediments under a pile-supported concrete slab for a water intake where a clamshell bucket could not reach or access; mechanical dredging was not feasible, and hydraulic dredging was the only option. In addition, maintenance for Corps Baltimore Harbor deep water civil works projects are conducted via mechanical dredging. As such, mechanical dredging is most commonly used in the immediate vicinity of the project. Although the MPA allows hydraulic pipeline dredging to MPA DMCFs, it is not preferred due to the management of the additional water placed with hydraulic dredging and pumping operations. In addition, the pipelines for hydraulic dredging are typically floated on the water surface. Placement of these pipelines within or across federal navigation channels in busy waterways creates hazards to navigation and risk to the environment. Pumping material through pipelines to the MPA DMCFs is not practicable for the SPCT project.

Summary of Impacts

All dredging causes resuspension of sediment, whether it is performed mechanically or hydraulically. Resuspension rates can vary greatly based on site-specific conditions and dredging methodology. Overall, Corps guidance and case study reviews indicate that resuspension rates from hydraulic dredging and resuspension rates from

mechanical dredging with an environmental bucket are similar, and both produce rates of resuspension that are less than mechanical dredging using a clamshell bucket. Site-specific and regional studies find that resuspended sediment will settle within several hundred feet of the point of dredging. The point of dredge in the Sparrows Point channel is located in the middle of the Sparrows Point peninsula's southern shore. The Sparrows Point southern shore extends over a mile in either direction from the point of dredge. The Sparrows Point southern shore is heavy industrial or undeveloped. There are no residential properties within approximately two miles of the dredging area. Presence of debris and slag may increase resuspension and can pose specific challenges for effective use of hydraulic dredging that do not apply to mechanical dredging.

Dredging methodology also has impacts on the volume of the dredged material and water mix. Mechanical dredging with mechanical offloading minimizes the addition of water to the dredged material; recycling and recirculation of water for hydraulic offloading substantially reduces the volume of water placed in the DMCF with the dredged sediment and minimizes the volume of effluent to be discharged to surface waters. Hydraulic dredging adds a large volume of water that substantially increases the overall volume of the dredged material and water mix placed, and the total water to be managed and subsequently discharged to surface waters. Project-specific estimates indicate that hydraulic dredging for the SPCT project would produce 18.7 MCY of water and dredged material for DMCF placement, which is over eleven times the 1.7 MCY capacity currently planned for placement at the High Head Industrial Basin DMCF. This capacity requirement would change project duration, alter placement site construction, and cause logistical challenges that make the project infeasible. To attain sufficient capacity, a much larger offshore DMCF would require construction and would impact WOTUS.

Conclusions

In summary, mechanical dredging bears substantial logistical and environmental advantages over hydraulic dredging. Hydraulic dredging is largely infeasible for the SPCT project due to the water management logistics and placement capacity requirements. Hydraulic dredging provides minimal environmental advantage over mechanical clamshell bucket dredging and no advantage over environmental enclosed bucket dredging when all factors are considered. Therefore, the Corps supports mechanical dredging as the primary dredging methodology for the project, with use of an environmental bucket for areas of environmental concern.

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ATTACHMENT B: SUMMARY OF COMMENTS

Table C-1. Public Review of the Draft Environmental Impact Statement – Agency Comments and US Army Corps of Engineers Responses

Item	Organization	Letter Date	Comment	Primary Topic	Response
1.	Baltimore County	3/19/2025	2. A bald eagle's nest is in the vicinity of the proposed tidal waters/wetlands creation mitigation areas. Please confirm the distance of the proposed mitigation locations with regard to the nest are appropriate and will not be detrimental to the birds.	Special Status	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has reduced the overall impact on tidal waters and reduced the mitigation requirements. TTT is working with MDE to develop a detailed mitigation plan addressing MDE mitigation requirements. The bald eagle's nest is more than 660' from any proposed work.
2.	Baltimore County	3/19/2025	3. There are possible contamination issues with the excavation of shoreline in terms of disturbing existing contaminated areas. The shoreline at the new Baltimore County Sparrows Point Park was not disturbed because of contamination on site and the recreation area was required to be capped.	Sediment / Water Quality	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has reduced the overall impact on tidal waters and reduced the mitigation requirements. TTT is working with MDE to develop a detailed mitigation plan addressing MDE mitigation requirements. Mitigation will not include the excavation of the shoreline.
3.	Baltimore County	3/19/2025	1. How will the 1.7 MCV of dredge material (DM) be placed? Hydraulic, watertight truck?	Alternatives / High Head	The dredged material will be placed into the High Head DMCF hydraulically from watertight scows.
4.	Baltimore County	3/19/2025	2. What is the capacity of the proposed HHIB? Are there plans for future expansion?	Alternatives / High Head	High Head is a single-use DMCF. By increasing the exterior dike elevation from +30 feet NAVD88 to +40 feet NAVD88, or approximately 33 feet above grade, the estimated capacity would be 1.7 million cubic yards (MCY) of material. There are no plans for future expansion of the facility.
5.	Baltimore County	3/19/2025	3. What is the duration of the dredging/placement operations?	Alternatives / High Head	Dredged material is anticipated to occur over three dredging seasons.
6.	Baltimore County	3/19/2025	4. Does the HHIB design allow for OM bulking, typically 3 times the volume of dredge material placed?	Alternatives / High Head	The design capacity for High Head allows for bulking of the material.
7.	Baltimore County	3/19/2025	5. What is the source of the water used to create a slurry for hydraulic placement of dredge material? What is the volume (gallons/day) that will be withdrawn from the water source?	Alternatives / High Head	As noted in the Draft EIS (page 28), "Water would be added to the dredged material to facilitate hydraulic pumping. This added water would be recycled back from the DMCF to the unloader, limiting the volume of water needed for pumping, but additional water from the Patapsco River may be needed." The use of surface waters and the volume of water withdrawn from the Patapsco River will comply with conditions of a Water Appropriation and Use Permit issued by MDE. To the extent possible, slurry water from the DMCF will be recirculated and reused in this process to reduce the volume of surface water required for withdrawal. The volume of surface water necessary to slurry the material is estimated to range from 0 to 5 million gallons per day during active dredging operations.
8.	Baltimore County	3/19/2025	6. Has the water currently in the High Head Pond been sampled to determine if it is suitable for discharge prior to the construction of the HHIB? Will SPCT be required to obtain a discharge permit or Water Quality Certificate for effluent discharge?	Alternatives / High Head	The water within the basin is currently being sampled and discharged regularly pursuant to the Baltimore City Back River Wastewater Treatment Plant NPDES permit. TTT is currently working with MDE to obtain appropriate permits for discharges of effluent associated with the operation of the DMCF, including a new or modified NPDES permit.
9.	Baltimore County	3/19/2025	7. Will the dredge material be offloaded in close proximity to the EPA designated Bear Creek Superfund site?	Alternatives / High Head	Offloading of the dredged material will occur at the shipyard in the Patapsco River, well south of the mouth of Bear Creek and the Superfund site.
10.	Baltimore County	3/19/2025	8. What conditions will be imposed to ensure sediment from the Superfund site will not be resuspended?	Alternatives / High Head	A diffuser for effluent for the existing outfall 14, including effluent from the High Head Industrial Basin DMCF, will be required. The exact location is being evaluated.
11.	Baltimore County	3/19/2025	9. What is the "safe" distance for the water intake from Bear Creek to ensure contaminated sediments from the adjacent superfund site are not resuspended and potentially mixed in the slurry placed at HHIB?	Alternatives / High Head	Offloading of dredged material will occur at the shipyard, south of the Bear Creek superfund site, so no slurry water will be used from the vicinity of the Superfund site.
12.	Baltimore County	3/19/2025	10. Will discharge permits be required for the outfall structure(s) of the HHIB DMCF?	Alternatives / High Head	TTT is currently working with MDE to obtain appropriate permits. Either a new NPDES permit or a modification to the TPA’s existing NPDES permit will be required.

Item	Organization	Letter Date	Comment	Primary Topic	Response
13.	Baltimore County	3/19/2025	11. What water quality standards will to be met prior to discharge into the Baltimore Harbor watershed (Bear Creek) as some sediment will go through the outfall as well as soluble contaminants?	Alternatives / High Head	TTT is currently working with MDE to obtain appropriate permits. Water quality discharge criteria will be developed through the permitting process.
14.	Baltimore County	3/19/2025	12. How long will the DM take to dewater?	Alternatives / High Head	The dewatering rate will be established during final design and engineering.
15.	Baltimore County	3/19/2025	13. Where will the 55,000 CY of contaminated overburden (material) be placed?	Alternatives / Coal Pier	The Coal Pier Channel DMCF is no longer part of the proposed action.
16.	Baltimore County	3/19/2025	14. How long will the placed OM in the CPC take to dewater?	Alternatives / Coal Pier	The Coal Pier Channel DMCF is no longer part of the proposed action.
17.	Baltimore County	3/19/2025	15. What is the duration of the placement operation?	Alternatives / Coal Pier	The Coal Pier Channel DMCF is no longer part of the proposed action.
18.	Baltimore County	3/19/2025	2. A bald eagle's nest is in the vicinity of the proposed tidal waters/wetlands creation mitigation areas. Please confirm the distance of the proposed mitigation locations with regard to the nest are appropriate and will not be detrimental to the birds.	Special Status	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has reduced the overall impact on tidal waters and reduced the mitigation requirements. TTT is working with MDE to develop a detailed mitigation plan addressing MDE mitigation requirements. The bald eagle's nest is more than 660' from any proposed work.
19.	Baltimore County	3/19/2025	3. There are possible contamination issues with the excavation of shoreline in terms of disturbing existing contaminated areas. The shoreline at the new Baltimore County Sparrows Point Park was not disturbed because of contamination on site and the recreation area was required to be capped.	Sediment / Water Quality	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has reduced the overall impact on tidal waters and reduced the mitigation requirements. TTT is working with MDE to develop a detailed mitigation plan addressing MDE mitigation requirements. Mitigation will not include the excavation of the shoreline.
20.	Baltimore County	3/19/2025	16. What is the status of the permit authorizing the transport and disposal at the Norfolk Ocean Disposal site?	Alternatives / Norfolk Ocean Disposal Site	The USACE has received the Marine Protection, Research, and Sanctuaries Act (MPRSA) Section 103 concurrence from USEPA Region 3 (dated 16 July 2025). It is anticipated that the Section 103 permit will be issued with a Clean Water Act Section 404 permit and the Rivers and Harbors Act Section 10 permit.
21.	Baltimore County	3/19/2025	17. Was the OM categorization provided by MOE or SPCT?	Sediment	TTT provided the material characterization to MDE, and MDE has reviewed the categorization of the material.
22.	Baltimore County	3/19/2025	18. Will construction and dredging activities impact the Superfund site adjacent?	Sediment	No construction or dredging activity is planned near the Superfund site.
23.	Baltimore County	3/19/2025	19. Will construction and dredging resuspend sediment from the adjacent Superfund site? e.g. boat wake, prop wash from tug boats, barges, mooring, anchorage, etc.	Sediment	No construction or dredging activity is planned near the Superfund site.
24.	Baltimore County	3/19/2025	20. Has there been any hydrodynamic modeling with regard to sediment transport? Will the effluent from the HHIB outfall result in a change to the hydrodynamics to the adjacent Superfund site that will be remediated and capped?	Sediment	The projected effluent flow from the High Head Industrial Basin DMCF is well within the NPDES permitted flow rates for the existing outfall and significantly below past flow rates. No impacts on the Superfund site are expected.
25.	Maryland Department of Natural Resources	3/20/2025	To minimize impacts to spawning anadromous and resident fish species, the proposed dredging of the entrance channel, turning basin and construction of the containment dike across the mouth of the Coal Pier Channel for the DMCF should be conducted during the period 1 October through 31 March of any year.	Best Management Practices	Comment noted. TTT will comply with time-of-year restrictions that are stipulated within the project's state and federal permit conditions and allowed by agency waivers and/or approvals.
26.	Maryland Department of Natural Resources	3/20/2025	The discussion of the construction for the High Head Industrial Basin DMCF in the draft EIS does not address if the water filling the existing basin will be removed prior to the placement of dredged material and if it would be pumped out of the basin how and where that water be discharged. The plans for the construction of the DMCF should detail the disposal of the water currently in the basin in a manner that does not result in a direct release into the adjacent tidal waters without treatment for quantity and quality before discharge.	Alternatives	The water within the basin is currently being sampled and discharged regularly pursuant to the Baltimore City Back River Wastewater Treatment Plant NPDES permit. TTT is currently working with MDE to obtain appropriate permits for discharges of effluent associated with the operation of the DMCF, including a new or modified NPDES permit. The water level will be brought down to the lowest feasible point before construction.

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27.	US Environmental Protection Agency	3/20/2025	To better understand the direct discharges of dredged or fill material, EPA recommends updating the application with a clear tabulation of all proposed permanent impacts, including the open water fill associated with the revetment and the marginal wharf (pilings and shading). EPA also recommends providing a map that includes the location of the marginal wharf and revetment.	Open Water Impacts	Comment noted. The Final EIS will be updated to include an impact table and a map of the marginal wharf and revetment.
28.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	The dredging of contaminated sediments is presented as a net benefit in the DEIS. However the proposed dredging will also create benthic habitats that are exposed to extended hypoxic conditions, as described in your EFH assessment. This will result in depauperate benthic communities in this area. For that reason, it is unclear to us that a net benefit will be realized, as habitat and benthic forage value will be permanently diminished by the action.	Aquatic resources	The Final EIS will be edited to acknowledge the benthic habitat value in the new work dredging area.
29.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	Please note that consideration of the effects of climate change are no longer required to be included as part of your EFH assessment and can be removed from the final EIS. We do, however, encourage you to consider the synergistic effects of this action along with well-documented changing environmental conditions such as sea-level rise and marine heat waves (Nardi et al. 2025).	Aquatic resources	Comment noted. The project has been designed to account for future sea level rise, and the elevation of the new facilities will be approximately 5 feet higher than existing port facilities.
30.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	Citations: Broome, S.W., C.B. Craft, and M.R. Burchell. 2019. Tidal marsh creation. pgs 789 - 816 in Coastal wetlands: An integrated ecosystem approach, Second Edition. G.E. Perillio, E. Wolanski, D.R. Cahoon, and C. Hopkinson, eds. Elsivier. Cambridge, Massachusetts. Litvin, S.Y., M.P. Weinstein, M. Sheaves, and I. Nagelkerken. 2018. What makes nearshore habitats nurseries for nekton? An emerging view of the nursery role hypothesis. Estuaries and Coasts 41: 1539-1550 Nardi, R.U., P.L. Mazzini, and R.K. Walter. 2025. Climate change and variability drive increasing exposure of marine heatwaves across US estuaries. Scientific Reports 15:7831. Weinstein, M.P., R. Hazen, and S.Y. Litvin. 2019. Response of nekton to tidal salt marsh restoration, a meta-analysis of restoration trajectories. Wetlands. 39: 575- 585.	References	Comment noted.
31.	National Park Service	3/7/2025	With the removal of the Francis Scott Key Bridge as a limiting factor on the size of container ship traffic in Baltimore Harbor, what maritime traffic studies are planned or underway on the increased size and number of ships that are expected in the project area?	Navigation	The Chesapeake Bay Bridge remains a limiting factor on the size of vessels transiting northward to the Port of Baltimore. No increase in vessel size is possible without changes to the Bay Bridge.
32.	National Park Service	3/7/2025	How will the cumulative effects of this additional ship traffic in the area being analyzed and addressed in the EIS?	Navigation	With the CEQ chair's February 2025 guidance to revert to the 2020 NEPA regulations, cumulative effects are no longer to be analyzed.
33.	National Park Service	3/7/2025	How are the safety and recreational experience of non-commercial water trail traffic traveling on the Captain John Smith Chesapeake National Historic Trail and the Star-Spangled Banner National Historic Trail being analyzed and addressed in the EIS?	Recreation	The impact analysis currently addresses impacts on recreational boaters. The analysis in the Final EIS will be expanded to specifically address impacts on visitors using the two NPS water trails.
34.	US Environmental Protection Agency	3/17/2025	Following the Council on Environmental Quality (CEQ)'s interim final rule rescinding the regulations at 40 CFR Part 1500 (90 FR 11221 and 10610), CEQ advises in their February 19, 2025 Memorandum on the Implementation of the National Environmental Policy Act1 that federal agencies should implement NEPA according to their existing practices and procedures consistent with CEQ's final 2020 rule, Executive Order 14154, Unleashing American Energy, current CEQ guidance, and the text of NEPA as amended by the Fiscal Responsibility Act of 2023. EPA therefore recommends the Final EIS and Record of Decision avoid referencing 40 CFR Part 1500 and cite statutory authorities and USACE regulations for implementing NEPA where possible instead.	General Draft Environmental Impact Statement	Comment noted.

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35.	US Environmental Protection Agency	3/17/2025	The no-action alternative in this analysis does not use baseline emissions for the general conformity determination for ozone and NOx. The no-action scenario should reflect the current state of the Sparrows Point project area and not take into consideration any future potential alternative industrial or other use.	Air Quality	The current air quality status of the region, with respect to NAAQS attainment and General Conformity, is fully described in the Affected Environment section of the Air Quality chapter. The no-action alternative section of the Air Quality chapter accurately describes that without the proposed action, the expected container volume will continue to pass through East Coast ports, not even partially electrified, and without alternative shore power. The resulting reduction in emissions from the proposed action is summarized in Table 39. The net operational emissions from the proposed partially electrified terminal with alternative shore power are summarized in Table 42.
36.	US Environmental Protection Agency	3/17/2025	Net emissions calculations should include the total direct and indirect emissions from the construction and operations phases, per the requirements of 40 CFR 93.158. It is unclear from the general description of site activity and equipment/vehicles/vessels if all activity has been accounted for.	Air Quality	Total direct and indirect emissions are included for both construction and operational phases. Additional narrative details will be added to clarify this.
37.	US Environmental Protection Agency	3/17/2025	We recommend providing more information detailing how the emissions estimates for the SPCT project were calculated. A more detailed annual schedule of activity/operations and a list of construction and operational vehicles could be provided as an appendix to the Final EIS to clarify the annual activity and the related emissions from such activity. Furthermore, emissions could be broken down in a table by equipment/vehicle type to show the annual activity and related direct and indirect emissions to further delineate the contribution to annual emissions totals for the pollutants covered by general conformity.	Air Quality	The Final EIS references the SPCT Air Quality Technical Report. Appendix A of this report presents the assumptions and calculations related to construction activities. Appendix B provides a summary and breakdown of the ACAM model by construction phase. Appendix C can be referenced for detailed calculations for operational emissions. Additional information can clarify the emissions calculation methodologies that follow the most up-to-date construction and operational schedules.
38.	US Environmental Protection Agency	3/17/2025	EPA recommends that a project schedule/timeline be included as an appendix to the Final EIS that shows the annual activity (e.g., construction schedule), including a detailed list of specific vehicles/ equipment/marine vessels to be used on site during that period (including age, engine size, emissions control category, etc.), as well as the activity/use of that equipment. For direct emissions, this should include all emissions sources at the project site and inside the nonattainment area (including marine activity, such as dredging and supply operations) inside the 3-mile state seaward boundary of the nonattainment area. Indirect emissions should account for activity foreseeably to be caused by the action outside of the immediate project area, but within the nonattainment area. This could include additional nonattainment area supply traffic from trucks and marine vessels, employee vehicle emissions, etc.	Air Quality	A project schedule and timeline, including construction and operational phases, will be added as an appendix to the Final EIS. Within the narrative of the document, the term 'direct emissions' refers to all construction-related emissions, while 'indirect emissions' refers to all operational-related emissions. In addition to accounting for direct emissions from onsite activities occurring within the 3-mile seaward boundary, the assessment may be expanded to include indirect emissions from offsite activities within the nonattainment area. Direct emissions were calculated using established methods and boundaries. A geographic advantage of the Port of Baltimore is its proximity to Midwestern markets via rail, with Frederick, Maryland, approximately 75 miles west of the Port of Baltimore, used as a general boundary for rail-connected inland distribution. East of the Port of Baltimore, marine routes are primarily outside of the 3-mile ozone nonattainment/maintenance area boundary.
39.	US Environmental Protection Agency	3/17/2025	Per 40 CFR 93.153, the General Conformity de minimis threshold for VOCs in a serious non-attainment area is 50 tons per year (tpy), as indicated in Table 40 of the Draft EIS. Table 40 shows that the VOC emissions in 2027 are estimated to be greater than 50 tpy, exceeding the applicable de minimis threshold for a Serious nonattainment area under the 2015 ozone NAAQS for the annual emissions level of the VOC precursor.	Air Quality	The calculations in the Final EIS have been updated based on a more accurate list of expected equipment to be used. The re-calculated emissions for VOCs are well below the threshold of 50 tons per year.
40.	US Environmental Protection Agency	3/17/2025	If electing to demonstrate conformity through use of emissions offsets under 40 CFR 93.158(d), any required analyses must be completed as part of the final conformity determination. The conformity determination should identify specific mitigation measures and quantify their benefits (which are contemporaneous to the year(s) of the action where mitigation is necessary) to fully offset all emissions of a precursor for years of the action in which the de minimis is exceeded. A commitment to purchase available offsets prior to construction, and proof of purchase of those offsets not yet obtained or available, should be included in the final conformity determination. If offsets are not obtainable before the Final EIS or Record of Decision, that decision should contain a condition to do so prior to a final Record of Decision or commencement of project action. Demonstration of general conformity is required prior to commencement of the action	Air Quality	The intent of the use of emissions offsets in the conformity determination will be included in the Final EIS.

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41.	US Environmental Protection Agency	3/17/2025	Air permitting requirements such as Minor New Source Review and State Operating Permit requirements are included in Appendix A, but we do not see any discussion of other potentially applicable Clean Air Act requirements such as New Source Performance Standards (NSPS) (40 CFR Part 60) or Maximum Achievable Control Technology standards (MACT) (40 CFR Part 63). While NSPS or MACT may not apply during construction, if there are any permanently installed stationary or backup engines at the site, they may be subject to NSPS or MACT requirements. It would be helpful to clarify this in the Final EIS.	Air Quality	The proposed terminal will have stationary emission units requiring minor New Source Review preconstruction permits, and the facility will be required to maintain a state operating permit. It will also include stationary engines subject to NSPS and MACT rules. The Final EIS will be revised as stated.
42.	US Environmental Protection Agency	3/17/2025	The document states on page 214 that “during operation, the terminal would be partially electrified, and the use of shore power would significantly reduce emissions from ships at berth.” The document bases emissions estimated in Table 44 on assuming partial electrification. The Final EIS should indicate if there are commitments to implement electrified equipment, and if not, new Operational Emissions will need to be analyzed. The EPA report, Shore Power Technology Assessment at U.S. Ports – 2022 Update, may be useful for this analysis, as it compares technical and operational strategies for using shore power systems to reduce emissions at port facilities and includes a calculator tool for estimating site- specific air pollutant emissions reductions from shore power system components. The report and calculator tool are available at the EPA Ports Initiative’s Shore Power website.2	Air Quality	Table 42 and Appendix C of the Draft EIS identifies and characterizes the port equipment expected to be electrified during operations, in addition to the shore power usage for vessels at berth and delineates between equipment expected to be fuel-powered, with emissions from the latter quantified accordingly. The Final EIS will be updated to more clearly specify the extent of electrification commitments using the tool provided as a guide to make any adjustments accordingly.
43.	US Environmental Protection Agency	3/17/2025	The proposal to place 1.5 million cubic yards (MCY) of sediment at the Norfolk Ocean Disposal Site (NODS) will require the material to be transported approximately 175 miles. The Final EIS should identify the number of expected barge trips this will require and the aggregate impact to air emissions over the expected years of this activity.	Air Quality	Calculations depicting material transport to NODS can be referenced in Appendix C-3. The calculations will be revised to reflect the impact of the action, considering the barge capacity, number of trips, schedule, and travel distance.
44.	US Environmental Protection Agency	3/17/2025	The EPA publication, Port Emissions Inventory Guidance: Methodologies for Estimating Port-Related and Goods Movement Mobile Source Emissions3 (EPA- 420-B-22-011 April 2022), is available at EPA’s Ports Initiative website4 and may be helpful for the Project’s emissions analysis.	Air Quality	Calculations depicting material transport to NODS can be referenced in Appendix C-3. The calculations will be revised to reflect the impact of the action, considering the barge capacity, number of trips, schedule, and travel distance.

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45.	US Environmental Protection Agency	3/17/2025	Based on sediment testing results, a number of contaminants of concern (COCs) appear to be present within the area proposed for dredging. The DEIS states, "the removal of sediments with legacy contaminants would result in an improvement of surficial sediments which would improve water quality," including "contaminants that may serve as a long-term source to the waters around Coke Point and the Lower Patapsco River." As acknowledged in the Draft EIS (Section 4.2), dredging activities may resuspend or expose buried contaminated sediments. To better support the assertion of net water quality improvement and inform implementation of best management practices in Table 5, EPA recommends providing additional information evaluating the potential impacts that could be associated with disturbance of the existing sediment, including any available information regarding how long disturbed sediments are likely to remain resuspended and how far resuspended contaminants are likely to travel from the point of dredging before resettling. Additionally, please clarify the meaning of “long-term source.”	Sediment / Water Quality	Mechanical dredging with the use of an environmental bucket has been shown to be effective for controlling turbidity and is commonly used within the dredging industry in areas with known contaminants. Studies conducted by multiple entities have documented that fine-grained sediments resuspended from mechanical dredging operations settle within several hundred feet of the point of dredging. TPA has conducted monitoring of turbidity during maintenance dredging with an environmental bucket in the existing Sparrows Point Channel. The results of these studies indicated that the highest turbidity was localized to the upper portion of the water column in the immediate vicinity of the dredge and dissipated to background concentrations at a distance of approximately 300 feet from the point of dredging. Based on the results of plume studies and based on the low current velocity in the north channel/turning basin area (approximately 0.02 knots), any suspended sediments resulting from dredging in the north channel area would be expected to remain localized within the turning basin. The northern portion of the channel is located within the turning basin. The turning basin acts as a confined space for a turbidity plume; the confined space contains and restricts movement of the plume. Many studies have documented the behavior and movement of Total Suspended Solids (TSS), and turbidity associated with clamshell dredging operations. The National Marine Fisheries Service has estimated TSS concentrations associated with mechanical dredging of fine-grained material to be several hundred milligrams per liter (mg/L) above background near the bucket (point of dredging), with rapid settlement within a 2,400-foot radius of the dredge location. Dredge point monitoring studies of clamshell dredging in the Baltimore Harbor by the US Army Corps of Engineers (USACE) indicated that TSS concentrations were similar to background concentrations within approximately 240 feet from the point of dredging. Studies conducted by the USACE for dredging activities in Newark Bay and the Kill Van Kull indicated that turbidity plumes in the upper water column reached background levels within 600 feet of the point of dredging. The MDE regulation COMAR 26.24.02.06 provides a presumptive safe dredging distance of 1,500 feet from shellfish areas during seasonal prohibition periods. Each of these studies provides weight-of-evidence that the movement of suspended sediment from mechanical dredging operations in the south portion of the Sparrows Point Channel would be limited to a maximum of 0.5 miles from the point of dredging. This distance is located within the roughly two-mile extent of the southern shoreline of Sparrows Point and is far removed from the nearest residential properties that are located several miles away. Long-term source refers to legacy contaminants that were introduced into the water body decades ago.
46.	US Environmental Protection Agency	3/17/2025	EPA WB continues to work with SPCT and USACE on the requirements to determine suitability of dredged material for ocean disposal from the project area at Norfolk Offshore Disposal Site (NODS), as defined by Section 103 of the Marine, Protection, Research, and Sanctuaries Act. Upon receipt of the Section 103 request from USACE, EPA will complete an independent evaluation of the suitability of material for ocean disposal within 45 days.	Norfolk Ocean Disposal Site Permitting	Comment noted.

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47.	US Environmental Protection Agency	3/17/2025	The Draft EIS discusses Phragmites control in the mitigation proposal but not how other potential terrestrial and aquatic invasive species will be controlled at the mitigation and project areas. Invasive species may spread by construction and maintenance activities, as they typically thrive in disturbed areas, as well as by future shipping activities, via ballast water and hull fouling. The Final EIS and future site operations may benefit from a more thorough evaluation of the current presence and potential future spread of invasive species at the proposed mitigation and project sites, as well as a discussion of best management practices that would reduce their dispersal. Additional information is available at the USDOT Maritime Administration's Water Quality website5 and 2011 publication, Guidelines for the Control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species.6	Invasive Species Final Environmental Impact Statement / Best Management Practices	Requirements to prevent the introduction of invasive and exotic species via ballast water exchange are provided at 33 CFR § 151.1510 - Ballast water management requirements. The US Coast Guard enforces these regulations.
48.	US Environmental Protection Agency	3/17/2025	The Project is expected to have both temporary and long-term impacts on fish and essential fish habitat. Please ensure the Final EIS discusses the results, current status, and projected schedules for ongoing coordination between the USACE and project sponsors and the National Marine Fisheries Service, U.S. Fish and Wildlife Service, and other stakeholders to address issues as they are identified and to disseminate project updates.	Agency Coordination Final Environmental Impact Statement	Comment noted. TTT is working with NMFS on the EFH and BA.
49.	US Environmental Protection Agency	3/17/2025	EPA encourages the USACE continue its "policy of open communication with interested parties and invites public participation" to discuss the input and concerns of the affected stakeholders. The Final EIS should describe how concerns or recommendations were used to develop potential mitigation options or to further avoid or minimize impacts to human health and the environment, and how the USACE plans to keep the public informed as the project progresses and throughout its mitigation and monitoring period.	Public Comment Final Environmental Impact Statement	Comment noted.
50.	Baltimore County	3/19/2025	1. The Critical Area Commission (CAC) is in discussion with DEPS concerning the mitigation proposal to convert uplands to tidal wetlands and open water.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
51.	Baltimore County	3/19/2025	21. Is there a need for "restoration" at the proposed mitigation sites?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
52.	Baltimore County	3/19/2025	22. What are the goals of the mitigation sites?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
53.	Baltimore County	3/19/2025	23. Will any of the DM be use beneficially at the mitigation sites?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
54.	Baltimore County	3/19/2025	24. Are there any historical preservation considerations with regard to the African- American owned marina?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
55.	Baltimore County	3/19/2025	25. Has a JPA been submitted for the mitigation site(s) or are they included with the JPA for dredging?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
56.	Baltimore County	3/19/2025	26. The Southeast Peninsula and Craighill Lighthouse Peninsula are exposed to high energy from waves and storm surge. The fetch at these locations ranges between >3.5 miles from the Sand SW to >16 miles from the SE.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
57.	Baltimore County	3/19/2025	27. How does the tidal open water transition to upland?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

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58.	Baltimore County	3/19/2025	28. How will creating open water by the removal of the Southeast Peninsula impact the adjacent Jones Creek navigation channel? The Southeast Peninsula effectively acts as a jetty.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
59.	Baltimore County	3/19/2025	29. Will the removal of the Southeast Peninsula result in siltation of the Jones Creek Channel and loss of channel capacity?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
60.	Baltimore County	3/19/2025	30. The description of the Bethlehem Boulevard mitigation site is vague. The proposed area is adjacent to the superfund site. Best management practices must be employed to ensure construction activities do not resuspend sediment and/or compromise the cap of the Superfund site. Additionally, the site may not be appropriate for "nature-based solutions" and wetland creation due to the high wave energy from the >4 mile fetch from the southwest.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
61.	Baltimore County	3/19/2025	31. How does removing the High Pier Wharf provide mitigation within the Sparrows Point Channel? The proposed mitigation area is in a shipping channel and will be subject to disturbances from the proposed maintenance dredging and on-going port activities.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
62.	Baltimore County	3/19/2025	32. Derelict Fishing Gear - The proposed locations are not in close is proximity to the impacted area and outside the Baltimore Harbor watershed.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
63.	Baltimore County	3/19/2025	33. Creating and/or seeding oyster reefs at the Fort Carroll location will be challenging as the water typically lacks the salinity for long term oyster survival and reproduction.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
64.	Maryland Department of Natural Resources	3/20/2025	Proposed compensatory mitigation projects: a. The two of the three sites identified in the draft EIS for conversion from uplands to tidal aquatic habitat, North Point and Pleasant Yacht Clubs and Craighill Lighthouse Peninsula have submerged aquatic vegetation documented adjacent to or within 500 yards of the areas to converted from uplands to tidal waters based on the most recent five years of coverage from the annual VIMS Submerged Aquatic Vegetation Surveys. Impacts to submerged aquatic vegetation should be avoided. Any work in the tidal waters at these locations would have a time-of-year restriction during the period 15 April through 15 October of any year. b. The removal of the High Pier Wharf should not be counted as part of the mitigation package. The structure was removed in 2018 and should not be retroactively counted as mitigation for this project. In addition, the area which it had occupied is to be dredged to minus 52 feet which will render the area of limited benefit to aquatic organisms and be subjected to periodic maintenance dredging. c. Derelict crab pot removal could have a role in the overall mitigation package. However, this mitigation activity is also being considered by other projects which may reduce the viability of this approach as mitigation for this project. d. We support the concept of expanding oyster habitat as a part of the mitigation package. The Fort Carroll site identified in the draft EIS is a possibility however it would be worth expanding the potential sites to include areas that could have a higher survival potential of the planted oysters. Mr. Chris Judy (chris.judy@maryland.gov) in the Department's Shellfish Division should be contacted for guidance on the feasibility and suitability of any oyster mitigation associated with this project.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
65.	US Environmental Protection Agency	3/20/2025	During the March 6, 2025 site visit, the agencies discussed a potential deficit with the compensatory mitigation acreage. EPA recommends updating the mitigation plan with additional opportunities, on or off-site of the TPA property, to address the potential deficit.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

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66.	US Environmental Protection Agency	3/20/2025	Removal of the High Pier Wharf is proposed to generate 1.62 acres of mitigation credits of open water, retroactively, since the pier has already been removed. However, this mitigation area would be impacted by dredging operations associated with the proposed project through channel deepening and regular vessel operations. EPA recommends providing additional information to support its inclusion in the mitigation plan and if the credits should be adjusted accordingly.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
67.	US Environmental Protection Agency	3/20/2025	The shoreline at the proposed Bethlehem Boulevard mitigation area, along Bear Creek, is currently comprised mostly of rock, rubble, iron slag, and construction debris and is limiting growth of desirable buffer species. EPA recommends any restoration at this site include removal and proper disposal of the existing shoreline base material. In addition, the Bear Creek mitigation site has the potential to contain industrial contaminants in the offshore and nearshore environments. EPA recommends avoidance of earth disturbance in the areas of known contamination and that clean substrate be placed in the mitigation area to prevent resuspension of legacy contaminants.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
68.	US Environmental Protection Agency	3/20/2025	EPA appreciates the proposed onsite mitigation which includes shoreline restoration and installation of marsh grasses. EPA recommends the applicant provide fetch analyses to support the proposed project and to better understand the energy conditions at the sites and risks of shoreline erosion. An appropriate fetch analysis should include information about wind speed, duration, direction, and distance over water.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
69.	US Environmental Protection Agency	3/20/2025	Please explain whether the four mitigation areas proposed would have sandy beach features, and, if so, whether public access would be restricted in order to protect them while marsh plantings are established. This is particularly critical for the Bethlehem site, which is adjacent to the Bear Creek Superfund site.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
70.	US Environmental Protection Agency	3/20/2025	Much of the mitigation proposed on the TPA property would create shallow water by removing historic disposal materials including slag. EPA recommends developing monitoring methods and success criteria for these shallow water areas. Monitoring could include water quality monitoring, fish or sediment infauna abundance or diversity, sediment toxicity or fish tissue toxicity. For additional information, please see page 32 of A Review of Compensatory Mitigation in Estuarine and Marine Habitats.1 EPA is available to assist in development of monitoring methods or performance standards in the final compensatory mitigation plan.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
71.	US Environmental Protection Agency	3/20/2025	EPA recommends the use of natural material, such as stone or oyster or other aquatic organism shell, rather than proprietary materials, such as the Atlantic Reefmaker structures mentioned in the DEIS, which contain PVC, where hard substrate is proposed on or offsite to provide barriers, wave baffling or as surface area for bivalves or other sessile organisms. EPA does not expect appreciable oyster growth on hard substrate placed within on-site mitigation areas consistent with historical rates of oyster growth in the upper Bay.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
72.	US Environmental Protection Agency	3/20/2025	Oyster reef creation and replenishment is included as part of the proposed Mitigation Plan. EPA recommends evaluating restoration opportunities south of the Bay Bridge in more saline waters and in conjunction with an existing restoration effort, so oysters will have a higher likelihood of becoming part of a self-sustaining population. Success metrics can be set using the Chesapeake Bay Program's Oyster Restoration Metrics, which has been used to evaluate large-scale oyster restoration over the past decade in the Bay: https://www.chesapeakebay.net/what/publications/oyster-restoration-success- metrics.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
73.	US Environmental Protection Agency	3/20/2025	It appears there may be opportunities to reuse suitable material excavated from the site such as concrete free of contaminants and exposed rebar. EPA recommends coordination with MDDNR and NMFS-HESD to assist in site-specific design criteria.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
74.	US Environmental Protection Agency	3/20/2025	EPA appreciates the applicant's interest in SAV as mitigation and willingness to use the Small Scale SAV restoration in the Chesapeake Bay publication as a guide. EPA recommends consultation with MD DNR to evaluate species and to create monitoring requirements and performance standards. For instance, Ruppia maritima, which may be suitable for colonizing degraded habitat, could be better suited than the proposed Vallisneria americana.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
75.	US Environmental Protection Agency	3/20/2025	While not currently included in the conceptual mitigation plan, EPA recommends the revised tidal mitigation plan include a site protection mechanism, in accordance with the Guidelines (230.94 and 230.97), that includes prohibitions on activities that would conflict with the goals of the aquatic resource mitigation site.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
76.	US Environmental Protection Agency	3/20/2025	EPA recommends the final compensatory mitigation plan also include: An explanation of what the DEIS calls "over-excavation to subgrade elevations followed by placement of clean fill materials," including how excavation depths and volumes will be determined; A description of proposed cobble size and which species is anticipated to benefit from its use; A justification of the mitigation ratio proposed for derelict crab pot removal. A long-term management plan for the site, which includes measures addressing invasive species treatment, revegetation methods, re-seeding (of SAV and/or oyster spat) the site at defined intervals in the future, and trash removal.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
77.	US Environmental Protection Agency	3/20/2025	5. EPA appreciates the proposed onsite mitigation which includes shoreline restoration and installation of marsh grasses. EPA recommends the applicant provide fetch analyses to support the proposed project and to better understand the energy conditions at the sites and risks of shoreline erosion. An appropriate fetch analysis should include information about wind speed, duration, direction, and distance over water.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
78.	US Environmental Protection Agency	3/20/2025	7. Much of the mitigation proposed on the TPA property would create shallow water by removing historic disposal materials including slag. EPA recommends developing monitoring methods and success criteria for these shallow water areas. Monitoring could include water quality monitoring, fish or sediment infauna abundance or diversity, sediment toxicity or fish tissue toxicity. For additional information, please see page 32 of A Review of Compensatory Mitigation in Estuarine and Marine Habitats. EPA is available to assist in development of monitoring methods or performance standards in the final compensatory mitigation plan.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
79.	US Environmental Protection Agency	3/20/2025	10. It appears there may be opportunities to reuse suitable material excavated from the site such as concrete free of contaminants and exposed rebar. EPA recommends coordination with MDDNR and NMFS-HESD to assist in site-specific design criteria.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
80.	US Environmental Protection Agency	3/20/2025	12. While not currently included in the conceptual mitigation plan, EPA recommends the revised tidal mitigation plan include a site protection mechanism, in accordance with the Guidelines (230.94 and 230.97), that includes prohibitions on activities that would conflict with the goals of the aquatic resource mitigation site.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
81.	US Environmental Protection Agency	3/20/2025	13. EPA recommends the final compensatory mitigation plan also include: a. An explanation of what the DEIS calls "over-excavation to subgrade elevations followed by placement of clean fill materials," including how excavation depths and volumes will be determined;	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
82.	US Environmental Protection Agency	3/20/2025	13. EPA recommends the final compensatory mitigation plan also include: b. A description of proposed cobble size and which species is anticipated to benefit from its use;	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
83.	US Environmental Protection Agency	3/20/2025	13. EPA recommends the final compensatory mitigation plan also include: d. A long-term management plan for the site, which includes measures addressing invasive species treatment, revegetation methods, re-seeding (of SAV and/or oyster spat) the site at defined intervals in the future, and trash removal.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
84.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	Overall, CBF and BWB support the majority of mitigation efforts under study for this project. The re-creation of wetlands and aquatic habitats that had been lost during the long industrial history of Sparrows Point will improve water quality and aid in revitalization of tidal emergent wetlands and nearshore/shallow water ecosystems. We encourage and support oyster reef restoration to the maximum extent practicable, as it would directly improve water quality through natural filtration and establish structures that serve as preferred habitat for many aquatic species.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
85.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	However, from comments offered during public meetings and outreach received by Blue Water Baltimore and the Chesapeake Bay Foundation in recent weeks, we understand that there is significant community concern regarding the open water taking mitigation proposed in the draft EIS, specifically the removal of structures and fill associated with the Pleasant and North Point Yacht Clubs. Though we support removing human-made substrate from former open water habitat, we also understand that community members who choose to recreate on the waterway also tend to defend and conserve it. Given that there are additional protrusions and areas of artificial fill along the Sparrows Point shoreline, we suggest distributing some of these mitigation efforts to those locations, if possible, to spare one or both of these clubs.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
86.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	USACE and MDE hope for a balanced approach that includes open water creation, shoreline work at TPA, potential MBRI projects or other area project, Fort Carroll Oysters, and substrate improvements with removal/capping - with the largest amount of credit going to open water creation and approximately equal amounts of credit for each of the other projects. USACE may consider nontidal dam removal in the Patapsco River watershed to meet the mitigation requirement. If this is considered, please note that a dam removal that does not allow access for tidal species will not count for the State's mitigation requirements. However, MDE can consider alternative forms of mitigation for the requirements that exceed the federal requirements.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
87.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	As previously discussed, MDE and USACE will require mitigation for the fill associated with the DMCF. MDE is also requiring mitigation for the impacts associated with the wharf. For the purposes of State-required mitigation, please add the acreage of all proposed stone placed between the current MHWL and the channelward face of the wharf.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

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88.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	High Pier Wharf Removal. USACE and MDE will not accept this acreage as mitigation for this project. Please remove this from the proposed calculations.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
89.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	MDE and USACE will not grant any credit for the open water creation as a result of the wharf creation. Please do not include this in your calculations.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
90.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	MDE and USACE support the proposed open water creation on the West side of the Sparrows Point peninsula. However, we offer the following recommendations: Southeast Peninsula: there should be a breakwater, groin, or some type of wave attenuation feature to protect Old Road Bay from new wave energy that may be caused by the removal of this peninsula. Yacht club locations: Please consider the current North Point Yacht club ramp as the location for the future ramp. This location is the only area along these shorelines where there is no documented SAV and it provides easier access to the channel. Placing the proposed ramp in a cove area may impact SAV and may be susceptible for silting in. We are aware that these recommendations will result in less open water created than 11.6 acres that was proposed. Additional opportunities: USACE and MDE recommend exploring opportunities to create open water including shallow water habitat and low tidal marsh in the area between the finger pier and the Southeast Peninsula on the South Shore of Sparrows Point.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
91.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	Habitat Creation: Please separate "perimeter sills" from "reefs". If the sill is intended to function as a reef, it must be designed as a reef in order to receive credit. A marsh may be protected with a proposed reef. If that was the proposal, then that reef will be a component of mitigation and will have its own performance standards and monitoring requirements.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
92.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	Substrate improvements: The only substrate improvements that USACE and MDE will consider will require removal and/or capping of areas that have existing contamination. Please remove any currently proposed shallow water improvements that are based on sand/stone placement that do not involve a cap or removal of contaminated soils. USACE and MDE recommend that this is reconsidered and is added to the mitigation package. This can be done on or off site, at any area where contamination exists that is currently impacting aquatic organisms and the food web.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
93.	US Army Corps of Engineers and Maryland Department of the Environment	3/21/2025	Marsh Creation/Marsh Enhancement/Phragmites management: USACE and MDE support this and suggest expanding this. However, please keep in mind that designs that require less fill and have features for aquatic species are preferred. Any marsh creation or enhancement/phragmites management project must have a layer of clean sand placed prior to planting tidal vegetation.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
94.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	The shaded open water habitat underneath the new proposed terminal wharf structure (3.5 acres, approximately) is not considered as a permanent impact that should be offset as part of this action. We recommend the district reconsider this approach. The shading and decreased water quality and increased scour/sedimentation effects of large pile supported structures warrant compensatory mitigation. Studies from other similar structures have demonstrated the degraded habitat value of these areas and can be provided upon request.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
95.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	During our March 6, 2025 site visit, the applicant inquired whether the historical degradation of the Coal Pier Channel could be considered when setting compensatory mitigation ratio requirements. We do not support lessening the ratio of offset required for converting tidal open water to an upland dredged material containment facility. This permanent conversion will preclude all future aquatic habitat functions. No habitat equivalency analysis exists to form the basis for such an adjustment, nor were sufficient data collected throughout the 19.8 acre area to justify this adjustment. In other districts, such permanent fills would be required to be offset at a higher ratio (e.g., 3:1) for out-of-kind mitigation. From that perspective, maintaining the proposed 2:1 ratio for out-of-kind enhancement reflects the current functions and values of the Coal Pier Channel.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
96.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	We anticipated that the creation of open water associated with the Terminal Wharf construction will be of limited ecological value, because these areas will subsequently be covered by the Terminal Wharf. Therefore, it is unclear whether this area should receive a 1:1 restoration credit as part of the impact calculation.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
97.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	In those areas where “Open water restoration action” is proposed, the exact details of the restoration approach will be critical to ensure that functions and values are offset through the restoration/creation activities at these sites. For example, we have no indication of the relative breakdown of proposed habitat types, or whether existing special aquatic sites (e.g., submerged aquatic vegetation, intertidal flats, emergent tidal wetlands) will be impacted through these actions. We offer the following general guidance for the proposed on-site restoration projects: (a) Geotechnical surveys should be completed to ensure that the existing substrates/sediments do not present elevated levels of contaminants, such that the compensatory mitigation projects would enhance the delivery of contaminants to the aquatic food web. Thus far, no information has been provided to document the suitability of the underlying sediments to support healthy subtidal/intertidal habitats. Furthermore, any contamination may require measures to mitigate the release of contaminants during project construction. This could include working behind dewatered cofferdams and/or deploying turbidity curtains.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
98.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	(b) The presence of submerged aquatic vegetation (SAV) has been noted in the vicinity of several considered mitigation sites. Over the past several decades, resource and regulatory agencies have agreed that, if an area supported SAV in any of the past five (5) years of mapping by the Virginia Institute of Marine Sciences (see: https://mobjack.vims.edu/sav/savwabmap/), it constituted SAV habitat. Please ensure that no direct or indirect impacts to this existing habitat are proposed as part of the compensatory mitigation action. Additional surveys during the spring (May 15 June 15) and summer (July 15 - Sept 15) can help to delineate existing bed extents and inform project design, along with the delineations provided by VIMS. We recommend that the applicant undertake these surveys this spring to facilitate project planning. (c) Impacts to subtidal habitats associated with the proposed DMCF are best offset through the creation/enhancement of productive aquatic habitats. Subtidal biogenic habitats such as oyster reefs and SAV are among the most productive for fish and nekton. Other productive habitats include fringing low- marsh edge, tidal creeks, and intertidal flats. Irregularly-flooded high marsh, typically dominated by Spartina patens, does not provide the same productivity for aquatic resources by virtue of being inaccessible to aquatic organisms at most stages of the tide. As such, high marsh should not be a major component of a mitigation strategy to offset open-water fills. More information about habitat features that support productive aquatic communities and the results of tidal restoration activities are presented in publications such as Litvin et al. (2018), Weinstein et al. (2019), and Broome et al. (2019) and can be provided upon request.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
99.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	Nearshore areas on-site are not likely to support sustained oyster growth and this benefit should not be claimed/assumed based on the deployment of nature-like wave attenuation structures or other hard bottom substrates (e.g., cobble). It may be possible to convert uplands to tidal shallows (MLW > depth > - 1m MLW) that support SAV, though this benefit should not be assumed based solely on target elevation, since wave energies and other water quality parameters also dictate habitat suitability for SAV. We would not object to a higher mitigation credit ratio being awarded for the creation of persistent SAV beds, though they would be held to restoration standards that dictate bed extent, species composition, and density. Target restoration areas should only be planted with and dominated by native species (e.g., Vallisneria americana), with non-native constituents comprising a minor proportion of the restoration site. We do not support seeding SAV without associated performance measures as a mitigative approach due, in part, to the potential to waste viable seed in unsuitable/unmanaged areas.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
100.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	The applicant proposes to satisfy 1.62 acres of open water restoration through the removal of the High Pier Wharf (HPW), which occurred in 2018. We do not support the inclusion of this pier removal in the compensatory mitigation plan for several reasons. (see letter for more rationale)	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
101.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	North Point and Pleasant Yacht Clubs Ensure that mitigation activities at this site will not impact existing SAV. Any future boat ramp construction should be sited in a manner that does not result in vessel traffic operating through a mapped SAV bed. Emergent tidal wetlands likely currently exist at this site and may be impacted by the proposed project. An assessment of these current habitats would help to ensure that areas dominated by native wetland vegetation are incorporated into the overall project plans. Remediation of areas of Phragmites australis should be considered enhancement and credited as such.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
102.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	Craighill Lighthouse Peninsula (i) Because SAV has been delineated in the cove just to the north of this site, open water creation approaches should include measures to maintain a suitable wave climate in this area. This could include the deployment of subtidal reef-like structures to break wind-driven wave energy directed from the south.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
103.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	Southeast Peninsula (i) During the site visit, the applicant indicated that residents at Port Howard expressed concern that the removal of the historical slag fill on the southeast peninsula may adversely affect their properties and navigation channels for recreational boaters. It appeared that this concern may lead the applicant to consider leaving a portion of the existing slag and/or constructing a stone breakwater on this peninsula to attenuate wave energy. We are concerned that such approaches may not maximize the aquatic habitat benefits associated with remediation at this site. Our preferred approach would be to remove all fill material down to an approximate elevation of -5' MLW and then install reef-like structures to attenuate wave energy while allowing tidal currents to move across the point. This could be presented as a community benefit, as it will likely attract recreationally- valuable fish species such as striped bass, which typically congregate around points where bait is concentrated. Bathymetry data collected around the existing peninsula and surrounding waters would help to inform the design of such an approach and our comments on the proposal.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
104.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	Potential sites for further evaluation include Coke Point Cove (CPC) and the shoreline and associated bulkhead located to the south of the former powerplant intake canal. We offer the following comments on those two potential sites: Based on the monitoring results, the CPC appears to support a high density of benthic organisms and serve as an aggregation point for fish, including Alosines. It is also an area that presents elevated levels of contaminants (e.g., benzene, Polycyclic aromatic hydrocarbons [PAHs]) and, thus, may be a hot spot for contaminant delivery into the aquatic food web. Habitat enhancements in this area could improve the existing ecological functions. We recommend that any enhancements here be accompanied with localized sediment remediation (e.g., excavation and/or capping) to minimize the delivery of contaminants to the aquatic food web. We would also request more information regarding how the shoreline in the CPC may be affected by the proposed upland developments and whether it will receive increased upland runoff following site development, which may limit the realized ecological uplift at the site. The removal of the historical bulkhead at the powerplant intake canal and associated shoreline enhancement may also present similar habitat benefits through wetland enhancement and the removal of the historical bulkhead.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
105.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	We offer the following comments on the Bethlehem Road site: Wetland enhancement is proposed through the removal of Phragmites australis and, as we understand, this will be achieved through excavation of the existing rhizomes. We support this approach and the associated 4:1 enhancement ratio, provided the underlying sediments at the site are suitable for subsequent wetland 6 establishment. We look forward to working with the applicant to develop a more detailed restoration plan for these wetlands and encourage the incorporation of guidance offered in Comment (10)(c) above to maximize aquatic habitat value of the resulting site. Given the likelihood that Phragmites australis could become re-established at the site in the future, we would also expect any enhancement plan to be accompanied by a long-term management plan that details how this invasive species and other potential challenges will be managed in perpetuity. While we can support terrestrial habitat restoration at this site, it should only fulfill a minor component of the overall restoration action, given the lack of habitat value for aquatic resources. Furthermore, upland remediation should be configured in a way that allows for marsh migration under anticipated sea-level rise. Similar to wetland creation/enhancement measures, terrestrial activities should include a plan that details goals, performance measures, and adaptive management strategies to maximize the habitat benefits of the site.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
106.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	Based on our discussions during the site visit, the proposed shallow water habitat improvements primarily entails the placement of cobble substrate based on assumed habitat benefits. We are not aware of estuarine fish species in the mid- Atlantic region that prefer cobble substrates and/or use them for spawning activities in settings such as this. Sand would likely be a more appropriate natural sediment type in this area. Therefore, we are not certain that this component of the mitigation plan is appropriate to offset the permanent loss of tidal open water, based on the cursory information provided. We would support shallow water improvement that addressed historical contamination, through sediment removal and/or capping, or the removal of significant marine debris deposits. The applicant expressed concern with contaminated sediment remediation as a compensatory mitigation action, due to potential overlap with the EPA Superfund program, though we still encourage consideration of its inclusion. Finally, any bottom habitat remediation should only be credited as enhancement, similar to the Phragmites australis remediation proposal. The placement of stone sills, while necessary to attenuate wave energy, should not be considered as a compensatory measure. We work to avoid offsetting filling aquatic habitat as a method for offsetting the fill of other aquatic habitats. However, we would not object to the placement of sills as an attending feature to a restoration project.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
107.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	We may not object to derelict crab trap removal as a minor component of the overall compensatory mitigation package, but note that the creation/restoration of self- sustaining aquatic habitats will likely present a greater benefit for our trust resources.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
108.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	We support continued evaluation of expanding productive oyster reef habitat within a suitable designated oyster sanctuary (e.g., Fort Carroll, Love Point). For more information on nearby sanctuaries see MDNR's Shellfish Mapping Tool. As discussed, this would entail placing suitable material (e.g., clean concrete, cobbles) on the bottom to build vertical relief and then placing spat-on-shell on top of this substrate. Re-seeding will be required to maintain function into the future. Please contact Chris Judy (Chris.Judy@maryland.gov) for guidance from the Maryland Department of Natural Resource Shellfish Program regarding site suitability and approaches. We also request that you keep NMFS-HESD informed of any developments in this planning.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
109.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	(10) (a) Geotechnical surveys should be completed to ensure that the existing substrates/sediments do not present elevated levels of contaminants, such that the compensatory mitigation projects would enhance the delivery of contaminants to the aquatic food web. Thus far, no information has been provided to document the suitability of the underlying sediments to support healthy subtidal/intertidal habitats. Furthermore, any contamination may require measures to mitigate the release of contaminants during project construction. This could include working behind dewatered cofferdams and/or deploying turbidity curtains.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
110.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	(10) (b) The presence of submerged aquatic vegetation (SAV) has been noted in the vicinity of several considered mitigation sites. Over the past several decades, resource and regulatory agencies have agreed that, if an area supported SAV in any of the past five (5) years of mapping by the Virginia Institute of Marine Sciences (see: https://mobjack.vims.edu/sav/savwabmap/), it constituted SAV habitat. Please ensure that no direct or indirect impacts to this existing habitat are proposed as part of the compensatory mitigation action. Additional surveys during the spring (May 15 June 15) and summer (July 15 - Sept 15) can help to delineate existing bed extents and inform project design, along with the delineations provided by VIMS. We recommend that the applicant undertake these surveys this spring to facilitate project planning.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
111.	National Oceanic and Atmospheric Administration National Marine Fisheries Service	3/13/2025	(10) (c) Impacts to subtidal habitats associated with the proposed DMCF are best offset through the creation/enhancement of productive aquatic habitats. Subtidal biogenic habitats such as oyster reefs and SAV are among the most productive for fish and nekton. Other productive habitats include fringing low-marsh edge, tidal creeks, and intertidal flats. Irregularly-flooded high marsh, typically dominated by Spartina patens, does not provide the same productivity for aquatic resources by virtue of being inaccessible to aquatic organisms at most stages of the tide. As such, high marsh should not be a major component of a mitigation strategy to offset open-water fills. More information about habitat features that support productive aquatic communities and the results of tidal restoration activities are presented in publications such as Litvin et al. (2018), Weinstein et al. (2019), and Broome et al. (2019) and can be provided upon request.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
112.	National Park Service	3/7/2025	As discussed on Page 6 of the project document mitigation options, how will Phragmites control be completed and maintained for the life of the project?	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Item	Organization	Letter Date	Comment	Primary Topic	Response
113.	US Environmental Protection Agency	3/17/2025	As stated in our cover letter, the EPA Region 3 Wetlands Branch (WB) is preparing comments in response to the Public Notice which will be provided under separate cover to USACE to support their determination of compliance with the CWA Section 404(b)(1) Guidelines (40 C.F.R. Part 230). Generally, EPA WB is seeking clarity on direct impacts to aquatic resources. Furthermore, while generally supportive of the mitigation concepts proposed, EPA recommends providing additional information, such as the location and suitability of the material to be placed, to better evaluate the adequacy of the proposed mitigation plan to offset the project impacts. We refer you to their letter for specific recommendations.	Wetlands Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
114.	US Environmental Protection Agency	3/17/2025	The Executive Summary and Section 3.3 state that “proposed mitigation concepts continue to be evaluated and refined. Final mitigation plans will be developed in conjunction with National Marine Fisheries Service’s guidance and direction.” Additionally, it states “there may be multiple approaches that could be taken to create in-kind or out-of-kind mitigation options for each area.” We appreciate the March 6, 2025 agency site visit and encourage continued coordination in the development of mitigation plans, including with EPA’s Wetlands Branch who will review mitigation proposals for the project’s CWA Section 404 permit compliance.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
115.	US Environmental Protection Agency	3/17/2025	Appendix B notes that the mitigation site proposed for multi-habitat restoration and creation is located immediately north of the Bear Creek Superfund site. We recommend that SPCT continue to coordinate with EPA’s Superfund program and seek opportunities to build upon this remediation work.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
116.	US Environmental Protection Agency	3/17/2025	For multi-habitat restoration and creation mitigation options, Section 3.3.1 and Appendix B describe how rock and boulder piles, natural cobble, gravel, clean fill, and sand will be placed immediately behind the proposed perimeter sill or reef structures to improve the bottom substrate for the restored habitat. We recommend forthcoming mitigation plans detail how these introduced materials, and the sediments and nutrients that accrete around them, will stay confined within the mitigation area and avoid dispersing into deeper channels of the river.	Mitigation	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.
117.	US Environmental Protection Agency	3/17/2025	We recommend identifying in the Final EIS the functional criteria and monitoring and adaptive management framework that will be used to ensure the long-term success of the dredged material disposal and mitigation proposals, in coordination with invasive species management plans.	Mitigation / Final Environmental Impact Statement	TTT has revised the proposed action, and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has eliminated the federal mitigation requirements.

Table C-2. Public Review of the Draft Environmental Impact Statement – Public Comments and US Army Corps of Engineers Responses

Item	Organization	Letter Date	Comment	Primary Topic	Response
1.	Turner Station Conservation Teams	3/21/2025	Turner Station, as a neighboring environmental justice community, has endured a long history of environmental challenges, including Chromium remediation at the Dundalk Marine Terminal, proximity to Grey's Landfill, and the ongoing Bear Creek Superfund site remediation. Given this history, we recognize the importance of ensuring that SPCT's development follows the highest environmental and public health standards. The Turner Station Conservation Teams (TSCT) supports the implementation of best management practices (BMPs) during the dredging and construction of the SPCT to protect our community and the surrounding environment. We respectfully submit the following recommendations to mitigate environmental and health risks associated with dredging, water quality, and flooding.	Community Impacts – Turner Station Conservation Teams is concerned about potential impacts associated with the construction of the proposed project and long-term impacts on local flooding. They provided a number of BMPs related to dredging, water quality, and flood risk mitigation.	The Draft EIS and Final EIS evaluated potential impacts to local flooding (see section 4.3.2). The Proposed Action in the Draft EIS included a dredged material containment facility (DMCF) in the Patapsco River; analysis of flood risk indicated that the construction of an offshore DMCF would have very minor and localized impacts. The Preferred Alternative in the Final EIS does not include an offshore DMCF in the river, only an upland DMCF on TPA property is now included. The Draft EIS also determined that development of the terminal and channel improvements would not impact the floodplain. The actions of the Preferred Alternative would not impact the floodplain.
2.	Lincoln Player	2/14/2025	While there was substantial information on dredging operations and material offloading, there was too little information on the effects of vessel traffic. I acknowledge that there was some information given about the possible effects of traffic, but I think it was altogether fragile in its wording. The EIS specifically says "The vessels will likely travel at speeds of no more than 10 knots" (616). Using the word "likely" shows that vessel speeds and traffic are little more than an afterthought to the effect on the ocean fauna, specifically fish and endangered species. I believe vessel traffic is an especially important issue because it is a long-term effect. I believe many of these long-term effects were not considered regarding water/vessel traffic.	Aquatic Resources – Inadequate analysis of vessel traffic on aquatic resources	The effects of vessels on marine species, including federally protected species, were evaluated and considered during consultation with the National Marine Fisheries Service (for fish and marine mammals). During construction, protective measures will be incorporated as required by federal permits and approvals to protect fish and marine mammals. Vessel traffic to the new container facility would comply with applicable laws and regulations. One such requirement for ocean-going vessels includes compliance with the NOAA Fisheries Right Whale Ship Strike Reduction Rule (50 CFR 224.105), which limits vessels greater than 65 ft to speeds less than 10 knots during migration and calving periods in the Mid-Atlantic Seasonal Management Area.
3.	Abigal Cole	2/15/2025	Since majority of the impact comes from the dredging of and then the storage of the dredged material, it would make sense to not just have one alternative which doesn't meet the goals of the project and one that requires such extensive dredging. I believe there needs to be a third alternative where project goals are met with reduced dredging performed.	Alternatives – Additional alternative needed with lesser dredging requirements	As noted in Section 2.1 of the Draft and Final EIS, dredging the channel is needed to provide safe access to the berthing area. The project cannot be constructed at this location without channel dredging. The footprint for the channel dredging was minimized to the extent possible (as discussed in Draft and Final EIS, see Chapter 2), through the use of the existing channel and through optimization using a ship simulator and input from the Maryland Pilots Association. The minimization of the footprint reduced/minimized the total quantity of dredged material to the extent possible. Numerous alternatives were evaluated throughout the NEPA process.
4.	Abigal Cole	2/15/2025	As part of this concern with dredging, there is not an inclusion on future environmental impact of the resettlement of soil material. There was no discussion of the direction of ocean currents or whether or not the substrate will resettle in undesirable ways preventing the smooth entrance of ships into the dock. If there is a possibility of this resettlement of substrate, what further environmental impact that would cause along with if there would need to be future need of dredging the area or not and what impact that might have. Another consideration I did not see is about the quality of the soil, it was made clear that the soil contains contaminants and that it would make the site that the soil is being removed from more healthy but will it not also make the sites they are moved to more dangerous for human and animal life? It is important to consider what impact the leaching of those contaminants in their new location may have.	Sediment – Impact analysis of future conditions from settling, potential leaching into water	Sediment to be dredged has undergone extensive testing as required by federal and state agencies to document the quality of the sediment. A sediment disposal plan has been developed and reviewed by the agencies. The plan identifies the proper placement of the sediment based on sediment quality. The Preferred Alternative does not include the development of an in-water DMCF. The onsite upland DMCF at the High Head Industrial Basin is designed to prevent potential contamination movement beyond the borders of the DMCF. Therefore, there will be no potential movement or leaching of the contaminants outside the DMCF. The existing Sparrows Point Channel does require periodic dredging for maintenance and that will continue in the future. The permits issued for the SPCT dredging will include future periodic maintenance dredging. TTT will test future maintenance material as required by the Right-of-Entry Application for placement at MPA facilities.

Item	Organization	Letter Date	Comment	Primary Topic	Response
5.	Sheltered Harbor Homeowners Association	02/12/2025	We are concerned by the prospect of increased rail activity in our neighborhood that will result from the proposed Tradepoint Atlantic Container Port. There are two main concerns; 1) Noise - Without an automated crossing, trains are required to blast their horns multiple times in a pattern several times when they are passing by. This can be throughout the night and day. It is already disruptive, so any increase in the activity will be even more so. 2) Safety - There is concern that the additional train traffic without an automated crossing gate could lead to accidents with cars and people crossing. We would like to ask that a portion of the container port project budget be directed to building an automated crossing or that CSX be required to install one at this location -with the added revenue to both entities from the increase in traffic from the port, this seems reasonable and as the area has become more residential in recent years and continues along that path, I think this is a common request.	Community Impacts – Impacts of increased rail traffic on community safety and noise	TPA operates a Class III, or “Short Line” railroad that is limited to TPA property. CSX collects train cars at an intermodal terminal on TPA property and then transports the train cars to their destination. The crossing in question is on the CSX rail line and is managed by CSX and also under the Maryland State Rail Plan (last updated in 2022). Neither the Corps nor TTT has authority to implement changes at this crossing. The applicant will work with CSX and the state to determine if improvements to the crossing can be made to address the concerns expressed.
6.	Chesapeake Bay Yacht Clubs Association	3/18/2025	While a good portion of the proposed mitigation by dredging is unremarkable in reference to two other locations which could be dredged without impact along Wharff road and at Cove Point, the last 5.5 or 6 acres approximately would wipe out, due to dredging for tidal water mitigation purposes, both yacht clubs and entirely as the proposal now stands. It is urged that sincere efforts with Tradepoint Atlantic be undertaken to avoid the destruction of these recreational, educational, social and historical yacht club organizations and which have been good stewards of their locations, now immediately next to a new and complementary county park on the waterfront just to the North of their campuses and, ironically, now located on some 22 acres of land only recently donated to public usage by Tradepoint Atlantic. It is hoped that alternative mitigation or other measures such as involving marine debris, oyster bars or waterfront improvement can be fashioned so as to help save these yacht clubs, together with whatever combination of waivers, exemptions, adjustments or accommodations can be brought into play. The goal here, and which has received substantial sympathy and support, is to afford administratively, regulatorily, or by program adjustment, such relief as may spare these two yacht clubs and their multi-generational memberships of recreational boaters the complete loss of their facilities. I am writing this letter to you in an effort to prevent the demise of both the North Point Yacht & Plesant Yacht Club. I have been a member of the North Point Yacht Club (NPYC) for Over 30 Years and an employee for Bethlehem Steel for 42 Years. I am well acquainted with the history of the Yacht Club. We have been in existence for 72 years. We have worked with the community whether its the local Volunteer Fire Dept training needs or establish the Wounded Warrior day (see Attachment) on the Bay and many other community needs. I am very disturbed that the NPYC faces extinction to accommodate the planned unloading facilities at Trade Point Atlantic. This demise of the club requires dismantling of the Yacht Club Facilities and excavating the area for the aforementioned reason. I am not a smart person, but to destroy the clubs for the above is ludicrous and ridiculous. Ther must be another way to accommodate Trade Point Atlantic yet preserve the Clubs.	Mitigation – Impacts to Yacht Clubs; concerned mitigation will cause adverse impacts to existing yacht clubs	The Preferred Alternative in the Final EIS no longer includes mitigation projects that would impact the local yacht clubs.

Item	Organization	Letter Date	Comment	Primary Topic	Response
7.	North Point Council	3/17/2025	North Point and Pleasant Yacht Clubs - The land on which these yacht clubs sit appears to be some of the only remaining natural land on Sparrows Point.… In 2025, Baltimore County dedicated a new waterfront park on an adjacent lot which has limited capacity for parking and recreational activities. Although currently being used by the 2 private yacht clubs, the existing land, with its proximity to the park, offers a unique opportunity to further serve the community which is starving for additional field and court acreage. Removal of this existing, mostly natural land mass, will be a great opportunity lost for a benefit to communities that endured the impacts of 20th century industry and that lack of regulatory oversight.	Mitigation – Alternate use suggested for North Point and Pleasant Yacht Clubs	The Preferred Alternative in the Final EIS no longer includes mitigation projects that would impact the local yacht clubs.
8.	North Point Council	3/17/2025	Southeast Peninsula - It is our understanding that the Southeast Peninsula was created long ago as a new boundary for future and continued open water dumping of slag and the creation of upland. Thankfully, this practice was halted and the Southeast Peninsula has remained as a reminder of past practices. An unintended and positive result of this land is that it created a breakwater offering protection to shore front homes located along Old Road Bay, the water to the East of the Sparrows Point Peninsula. Strong and sometimes devastating southwesterly storms annually affect this area. The protection afforded by the Southeast Peninsula is invaluable in minimizing the resulting damage to homeowners piers and property. Removal of this Peninsula could exacerbate future sea level impacts and the associated problems.	Mitigation – Southeast Peninsula – potential impacts to shoreline homes from changes to peninsula	The Preferred Alternative in the Final EIS no longer includes mitigation projects that would impact the local southeast peninsula.
9.	North Point Council	3/17/2025	Craighill Lighthouse Peninsula - This land appears to be natural and original to the Sparrows Point Peninsula. Before slag dumping had reached this southern shoreline, a range light and keepers home were constructed on this jut of land. The range light still exists. As with #1 above, the removal of land that existed as part of the historical farms should be carefully evaluated as not only colonial occupation but pre contact artifacts have been found elsewhere on the Sparrows Point Peninsula. We also think that any weather and wave protection that currently exists to the historic light should be enhanced and not lessened.	Mitigation – Craighill Lighthouse Peninsula – potential impacts to cultural resources	The Preferred Alternative in the Final EIS no longer includes mitigation projects that would impact the Craighill Lighthouse Peninsula.
10.	Terry Pusinsky	3/18/2025	But the high volume of noisy, lost trucks has become a nuisance, and a safety issue since 2015. The tractor trucks have disrupted the tranquility of our neighborhood. Currently, the neighbors, especially those on River Drive Road, Delmar Ave, Salisbury Ave., etc., (streets and houses close to exit 42) hear tractor trailers up shifting, down shifting, and using jake brakes. Additionally, the tractor trailers stop and park along North Point Blvd in the early morning hours, waiting for the “gates” to open at 7 a.m. They also stop and park, illegally, along the road for food, while blocking the view for commuters exiting the neighboring retailer. My request is that the State, SPCT, and or SHA be REQUIRED to install large (current sign at exit 42 is too small) signage that states Terminal - use Exit 43. (SPCT plan states that they anticipate trucks will use exit 43, but unless there is proper signage there may not be reduced truck traffic on North Point Blvd.). I believe this dedicated route for freight traffic entering and leaving the terminal ,and other warehouses on site, will help tremendously. It worked in the past; it can work in the future.	Traffic – Impacts of truck traffic in neighborhoods Request signage to reduce impacts	The applicant has designed the project to facilitate terminal truck traffic accessing interstate highways without using local neighborhood roads. The applicant does not have the authority to place signs on local roads or highways; the county and state have authority over sign placement.
11.	AJ Soares	3/19/2025	I am writing to express my strong support for nature-based solutions in the Chesapeake Bay. Specifically, I believe Algal Turf Scrubbers, Oyster Biohuts, Living Shorelines, and Community Monitoring would be greatly beneficial for the Sparrows Point Project.	Mitigation – Support for nature-based solutions	With the removal of the in-water DMCF from the Preferred Alternative in the Final EIS, federal mitigation is no longer required. Mitigation required by the state will be achieved by removal of derelict crab pots.

Item	Organization	Letter Date	Comment	Primary Topic	Response
12.	Andrew West	3/20/2025	Environmental improvements resulting from the proposed action are not acknowledged in DEIS. Contends that the Coal Pier DMCF and channel dredging provide environmental enhancements and should not require mitigation as these areas are currently degraded and the proposed action would improve the environment. Mitigation plan does not align w 33 CFR 420.4(r). Concerned that the DEIS does not evaluate impacts associated with the proposed mitigation plan as is required. Expresses concern about impacts of mitigation including loss of “virgin land” along Jones Creek and loss of two historical yacht clubs affecting over 200 boaters. Also concerned about loss of Craigshill Lighthouse Peninsula, noting this is also “virgin land”. Concerned about changes to Southeast Peninsula and impacts on surrounding shorelines. States that impacts of mitigation on environmental justice communities have not been evaluated.	Mitigation – Disagrees with mitigation requirements and plan; specific issues raised	With the removal of the in-water DMCF from the Preferred Alternative in the Final EIS, federal mitigation is no longer required. Mitigation required by the state will be achieved in consultation with the state but will not include the loss of the yacht clubs, the Craigshill Lighthouse Peninsula, or the Southeast Peninsula. Mitigation will be performed off site.
13.	Bill Winand	3/20/2025	I am in hopes we can save north point yacht club from being destroyed in this project being my family is from the area for 3 generations now and all watermen and love the area dearly and my grandfather was even a steel worker at Bethlehem steel. North Point Yacht Club dating back to 1951, it's been a long-standing resource for the local middle-class to take part in one of the most treasured Maryland traditions and passions. This club was founded by Bethlehem Steel workers, Samuel P. Kees, Harold Johnson, John Doebereiner, Rex Brown and Paul Lunger. These men decided to create a club where devoted watermen, fishermen and yachtsmen can come together. The displacement of the marina would entail an estimated 160 community members that will no longer have this ability. The boating community is a great way of finding a productive passion and these facilities at NPYC are a critical component to those that are working class. This particular land offers a safe haven for families and children to learn about the historic Maryland waterways and Bethlehem Steel's contributions to our community. While we're in favor of the TP Container Ship Yard and their proposed expansion, the North Point Yacht Club should not be demolished for dredging purposes.	Mitigation – Concern for North Point Yacht Club	With the removal of the in-water DMCF from the Preferred Alternative in the Final EIS, federal mitigation is no longer required, and the yacht clubs will not be impacted.

14.	Sandra Adams-Doyle	3/20/2025	Dredging: In many of the materials I've been looking at, they talk about Best Management Practices or BMP. On page 2 of SPCT Container Terminal Dredging Plan & Environmental Safeguards, there is a picture 'Example dredge barge.' This is a clamshell bucket. At a meeting of the North Point Peninsula Community, TPA showed a video of the type of dredge they are proposing to use called and 'Environment Bucket'. I was aghast at the amount of washout that came out of the supposedly encased bucket. And this is my fear – the leakage of the contaminated materials. Turbidity: On page 4 of the Safeguards brochure, it says "TPA studied the impact of dredging within the Sparrows Point Channel from prior dredge events and found that turbidity is fairly localized within TPA's shoreline and the Sparrows Point Channel." I QUESTION THE VALIDITY OF THIS DATA – 300 FT???? Will the washout from this dredging only travel 300 ft? How far will the microscopic toxins travel? How long will they stay? How will it impact the aquatic ecosystem? Will the surrounding water be safe to swim in? Will residual sediment travel to our back streams and coves? Contaminants: Last summer, two metal signs washed up on our property – one in English, the other in Spanish. I followed the QR codes to the MDE Fish Consumption Advisory website. And what I found was alarming. For the area around Sparrows Point, which identified as 'Patapsco River/Baltimore Harbor', all fish contained either PCBs Polychlorinated biphenyls or PFOS Perfluorooctanesulfonic acids. I looked up PCBs on Environmental Protection Agency website: "PCBs do not readily break down once in the environment. They can remain for long periods cycling between air, water and soil. PCBs can be carried long distances and have been found in snow and sea water in areas far from where they were released into the environment." What is in the sediments that will be dredged? And how far will the disturbance of contaminants travel? According to Evaluation of Dredged Material for Upland Placement 1026 pages by TPA, TIL and EA and Evaluation of Dredged Material for Ocean Placement 1676 pages by TPA, TIL and EA: "Nine of the tested metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel, silver, and zinc) were detected". According to Army Corp of Engineers Special Public Notice NAB-2023-61200-M07 - Page 8, "Metals, PCBs, PAHs, SVOCs, chlorinated pesticides, and dioxin/furan congeners were detected most frequently in the sediments. Although contaminates are found, these sources suggest that they are not 'HAZARDOUS WASTE'???? The study conducted in 2011, Risk Assessment of the Area Offshore of Coke Point Site assessment found chemicals potentially related to the site in sediment and water: Metals, Benzene and PCBs and Polycyclic aromatic hydrocarbons (PAHs) from coke production. Taken from the EPA (Environment Protection Agency) website at: https://www.epa.gov/enforcement/marineprotection-research-and-sanctuaries-act-mprsa-and-federal-facilities. "The MPRSA bans the ocean disposal of certain harmful wastes, specifically, radiological, chemical, and biological warfare agents, high-level radioactive wastes, medical wastes, sewage sludge, and industrial wastes." Do you want to tell me that this dredging will make our water cleaner? Probably not in my lifetime. How long are we expected to endure?	Impacts from dredging and dredged material placement including turbidity and contaminants	DREDGING AND TURBIDITY: As noted in Section 2.1.2 of the Final EIS, both mechanical dredging and hydraulic dredging were considered during the SPCT design process. Hydraulic dredging uses suction and slurries the material for pumping through a pipeline to a direct offloading location or into a DMCF. Mechanical dredging uses a grab or clamshell-type bucket to manually capture sediment and lift it from the bottom through the water column to a barge or scow at the surface. Clamshell buckets vary in size, and some are designed as environmental-type buckets with special seals and enclosures to minimize and restrict release of sediment as the bucket is lifted to the surface. Operational controls and environmental-type buckets can be used effectively to minimize release of sediments during mechanical dredging operations. Mechanical dredging with use of an environmental bucket has shown to be effective for controlling turbidity and is commonly used within the dredging industry in areas with known contaminants. Organic contaminants, such as PCBs, pesticides, semivolatile organic compounds (SVOCs), polycyclic aromatic hydrocarbon (PAHs), and dioxin/furans bind to sediment particles. Studies conducted by multiple entities have documented that fine-grained sediments resuspended from mechanical dredging operations settle within several hundred feet of the point of dredging. TPA has conducted monitoring of turbidity during maintenance dredging with an environmental bucket in the existing Sparrows Point Channel. The results of these studies indicated the highest turbidity was localized to the upper portion of the water column in the immediate vicinity of the dredge and dissipated to background concentrations at a distance of approximately 300 feet from the point of dredging. Based on results of plume studies and based on the low current velocity in the north channel/turning basin area (approximately 0.02 knots), any suspended sediments resulting from dredging in the north channel area would be expected to remain localized within the turning basin. CONTAMINANTS: MDE fish consumption advisories for the Patapsco River and Baltimore Harbor include PCBs and PFOS, both chemical classes that are persistent within the environment and are associated with past harbor-wide industrial uses. Historical use of the SPCT site and known contaminants in surface and subsurface sediments are discussed and acknowledged in Section 4.2 of the DEIS and FEIS. In addition, the technical approach and results of the comprehensive sediment evaluation for the SPCT north and south channel areas are summarized in the DEIS and FEIS Section 4.2. Prior to purchase by TPA, the MDOT MPA conducted due diligence / site assessment studies in the 2009 through 2011 timeframe with the intent to purchase the property for development of a DMCF. The due diligence / site assessment studies included an investigation of the distribution of contaminants in the upland soils and groundwater, as well as in the offshore sediments. The offshore investigations included both surface and sub-surface sediments, focused on the west side of the peninsula where the proposed DMCF would be located and also included sediments on the south side of the peninsula to assist with the identification of potential habitat improvement areas. The studies of offshore sediment identified elevated concentration of metals, semivolatile organic compounds (SVOCs), polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). Generally, concentrations of contaminants were highest in the surficial sediments and decreased with depth below sediment surface and with distance from the peninsula shoreline. The chemical data for the surficial offshore sediments in combination with water quality, fish and crab tissue, benthic community, and clam and worm tissue bioaccumulation data were used for the preparation of an ecological and human health risk assessment. The results identified several offshore areas with

			REQUESTED ACTIONS: I. Provide an additional Risk Assessment by an independent engineering group. Considering EA Engineering has done environmental risk assessments of Sparrows Point in 2007, 2011, and 2024. It would make sense that an unaffiliated company be assigned to make analysis in comparison to the EA Engineering, Inc. findings. Should Dredging be Permitted: II. The most environmentally sound dredging equipment must be used. Regulatory requirements and potential environmental risks should guide the selection process -- hydraulic or suction dredgers. III. Dredge unit (DU) analysis should be conducted at regular intervals to determine contamination levels. Caustic levels of contamination need to be identified with halt option when violated. IV. Surface water monitoring in Old Road Bay and Bear Creek must be performed regularly throughout the entire project. If analysis suggests surface water concentrations are high, dredging must cease. V. Turbidity curtains MUST be used to decrease the potential for movement of suspended particles and to prevent contamination of adjacent waters.		impacted sediments on the west and south side of the peninsula contributing to elevated risk for human health and ecological receptors. It should be noted that the highest concentrations of contaminants identified in these studies were present on the west side of the peninsula – these contaminants are still present in the sediments, and they have not dissipated or disappeared. The SPCT channel dredging area is on the east and south side of the peninsula. Dredging will be conducted pursuant to an MDE approved Dredge Material Disposal and Best Management Practice Plan and an MDE approved Turbidity Monitoring Plan, as required by the Wetlands License. TTT conducted a comprehensive evaluation of the sediments in the proposed dredging areas in accordance with Sampling and Analysis Plans (SAPs) that were approved by regulatory agencies prior to the start of the investigations. The ocean placement SAP was approved by the USEPA and included 15 dredging units (separate distinct areas) in the southern portion of the channel that were tested in accordance with requirements under Section 103 of the Marine Protection Research and Sanctuaries Act (MPRSA). The upland placement SAP was approved by the MDE and the MPA and included a total of 28 dredging units (15 in the southern portion of the channel and 13 in the northern portion of the channel). A total of 97 locations (sample cores) throughout the channel dredging footprint were sampled. For each location, the entire core/column of material proposed for dredging (to a maximum elevation of -52 feet MLLW) was characterized with respect to physical and chemical attributes; ecotoxicological tests (water column toxicity, sediment toxicity, and bioaccumulation exposures) were also conducted for ocean placement for the 15 southern dredging units. Data for both the ocean and upland testing programs were posted on SPCT's website (https://www.spctmd.com/) and have been available for public review since October 2024 (ocean placement) and January 2025 (upland placement). In addition, TTT proactively presented the technical approach and results of the ocean and upland sediment evaluations to multiple community groups prior to the DEIS public hearings and during the DEIS comment period. Results of the ocean placement evaluation indicated that material from 14 of the 15 southern dredging units met the requirements for ocean placement under Section 103 of the MPRSA. These dredging units may not require the use of an environmental bucket, as the quality of the material is consistent with material that is maintenance dredged in the adjacent federal navigation channel (Brewerton Channel). Results of the upland placement evaluation indicated that five dredging units were classified as MDE Reuse Category 1 (Residential – Unrestricted Use), 21 dredging units were classified as Category 2 (Nonresidential – Restricted Use), and two dredging units were classified as Category 3 (Restricted Use – Cap Required). A human health risk evaluation was used to determine the MDE reuse classification for each dredging unit; this evaluation considered the dose, exposure pathway, and duration of exposures for chemicals that were present in the sediments in each dredging unit. Each of the 28 dredging units was also tested to determine if the materials exceeded the Toxicity Characteristic Leaching Procedure (TCLP) thresholds that are used to categorize material as Resource Conservation and Recovery Act (RCRA) hazardous waste as defined in 40 Code of Federal Regulations (CFR) 261.24. None of the material exceeded TCLP threshold concentrations (i.e., none of the dredge units are considered RCRA hazardous waste). Based on the MDE reuse classifications of the material and the results of the TCLP testing, the materials from each channel dredging unit are suitable for onsite or offsite upland placement. Additional comparisons of the channel sediment chemical data to the MPA's Baseline Control Limits (numerical screening values that have been established for the MPA's DMCFs) indicated that the chemical concentrations in the two dredging

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					units classified as MDE Reuse Category 3 were dissimilar to material previously placed at the MPA DMCFs; therefore, material from these two dredging units will not be placed at an MPA DMCF but will be placed in the High Head Industrial Basin DMCF on TPA property and will be capped by Category 1 or 2 materials within the DMCF.
15.	Sandra Adams-Doyle	3/20/2025	Coal Pier Channel DMCF According to the plans for the Coal Pier Channel DMCF, there is a 'Proposed Discharge Points of Compliance via Diffusers'. Does this mean that runoff from the DMCF with be discharged directly into the water? Who will monitor this discharge and the level of contamination? VI. Scheduled monitoring of the Coal Pier Channel DMCF discharge points.	Coal Pier Channel DMCF impacts on water quality	The Preferred Alternative in the Final EIS no longer includes the Coal Pier Channel DMCF so no impacts associated with it would occur.
16.	Sandra Adams-Doyle	3/20/2025	Open Water Mitigation: I disagree with all the proposed types of mitigation for open water restoration. I'm sure you have heard from others with concerns. Please note that I am adamantly opposed to the plans. This amounts to destruction of resources that are valuable to our community. VII. Mitigation for open water should be a community benefit – removal of derelict boats, crab pots, community dredging, etc.	Mitigation	With the removal of the in-water DMCF from the Preferred Alternative in the Final EIS, federal mitigation is no longer required. The proposed on-site mitigation is no longer necessary. No open water mitigation is planned.
17.	Sandra Adams-Doyle	3/20/2025	It frustrates me to see in every publication how much the community is going to benefit from SPCT! For example: Sparrows Point Container Terminal FAQs, on page 8: How does this project support our local community? "The terminal would create thousands of construction and operational jobs, boosting the local economy and providing career opportunities for residents. Additionally, it would generate $57 million in annual tax revenues that can fund vital projects for the community. Partnerships with local businesses and with local union laborers would facilitate workforce training programs to ensure the benefits are widely shared throughout the community." And, SPCT Impact Study page 16 "Local Stakeholders are key to success!" I see TPA, TIL and MSC benefiting extensively but what is the benefit to our community? We are a small town that tries to do right economically and environmentally. With SPCT, there seems to be the possibility of more harm than good.	Community benefits – how will local communities benefit from this project	Section 4.17 of the Final EIS documents projected job opportunities for construction and operation of the SPCT project, many of which are expected to be filled by people in nearby communities. Construction is expected to take just under 3 years to complete. During this period, about 1,090 job-years of employment are expected (Table 60 of the Final EIS) with labor income of about $80 million and industry output of about $203 million (Table 61 of the Final EIS). This is equivalent to about 364 average annual jobs over the 3 years. The average annual salary of all jobs would be about $74,000 and about $2.9 million in county and $6.2 million in state tax revenues are expected. Operation of the SPCT project would also generate new jobs (See Section 4.17 of the Final EIS). About 800 direct jobs on the terminal and about 250 direct office jobs are anticipated, generating an additional 540 indirect and induced jobs in the local region. The terminal operations jobs would generate about $102 million in labor income and $194 million in industry output annually. Average annual salary for all jobs would be about $61,000 and these jobs would generate more than $3 million in annual county tax revenue and about $6.2 million in annual state tax revenues.

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18.	Sandra Adams-Doyle	3/20/2025	TRAFFIC: Twenty Foot Equivalent Units (TEUs). It seems to me that the whole issue with increased traffic is rather inconsistent. In the promotional brochure Sparrows Point Container Terminal FAQs, on page 10: “Recent traffic studies indicate that the SPCT terminal activities would generate 3,814 daily trips on Bethlehem Blvd. North and West. At full terminal capacity, peak hour travel would increase by about 517 vehicles in the morning and 517 in the evening rush hour periods. This is at or below expected traffic if Coke Point Peninsula were built entirely as distribution centers.” Then on page 11: “This equates to about 571 trucks per day at the start of operations in 2028 with volume expected to level out at around 1,500 trucks per day in 2038 as the terminal reaches full capacity” However, according to the Economic Impact Study by Infrata, on page 13, the terminal will ultimately process 2,000,000 TEUs annually. 2,000,000 TEUs X 70% by truck = 1,400,000 TEUs / 365 days = 3,836 TEUs per day on the road. There is much discrepancy between these publications. Is it an extra 1,034 at rush hour? Is it 1,500 TEUs per day or 3,836? I wanted to find out what the traffic at other ports looked like and found this: https://www.connectsavannah.com/community/busier-than-ever-the-port-of-savannah-brings-the-world-to-ourshores-21994859. “The Port of Savannah in Georgia moves about 14,000 containers by truck on an average weekday.” So really, what is the expected volume of tractor trailers on our roads? Who determines whether the highway infrastructure can handle the additional traffic from SPCT? The impact of Trade Point Atlantic on the local community traffic has been unreal. And to think that we could potentially increase the capacity by close to 4K tractor trailers? Wrong Turns: There is much confusion with tractor trailer traffic in the local community. Frequently, truck drivers confuse N. Point Blvd with N. Point Road and end up in Edgemere with no way to turn their truck around. Their huge trucks have gone down small residential roads with no outlet. This is a huge safety issue. REQUESTED ACTIONS: I. A traffic analysis by the MDOT to determine the capacity of existing infrastructure to support the increased volume of TEUs projected with SPCT. II. Trade Point Atlantic should be issued its own zip code, something other than 21219.	Traffic impacts on local communities	The applicant has designed the project to facilitate terminal truck traffic accessing interstate highways without using local neighborhood roads. The applicant does not have the authority to place signs on local roads or highways; the county and state have authority over sign placement.

19.	Russell Donnelly	Letter dated 1/2/2025; received by USACE via email 3/30/2025	What raises our communities resistance ire; is the fact that TPA is presenting their Project and stating to the People; that the sediment being targeted in the Sparrows Point Ore Pier Inlet is virtually, mostly CLEAN with NO Hazardous or Toxic Wastes; with a few mildly contaminated sites!!! The Sediment surrounding the entire Sparrows Point Peninsula is Documented and Determined; over the last 50 years; by ALL FEDERAL, STATE, and LOCAL Agencies; including MDE, EPA, and USACE as: EPA Resource Conservation Recovery Act (RCRA) High Priority Contaminated; and; United States Army Corps of Engineers (USACE) Hazardous, Toxic, Radioactive Waste (HTRW, DMMP 2005). Any and all, Major Dredging Proposals have been DENIED by all Agencies over the last 34 years. This Sparrows Point Peninsula is also Registered by all Agencies as a MD-303-D Severely Impaired Zone. To Date; there are thousands of analytical data held by every Agency; over the last 37 years (we have copies and validation) which unimpeachably illustrate by concentration levels and CDC ATSDR validating that the sediment surrounding Sparrows Point Peninsula is undeniably anything BUT CLEAN !!! TPA; as of December I0, 2024; in a private committee; has stated that based on one new Geotechnical Chemical Sediment Analysis; that the sediment in their target dredge site is predominately CLEAN; with some minor contamination spots. TPA did not release the analytical analysis data for this TPA Claim until the day after the Draft EIS Review and Determination PUBLIC HEARING; held on Monday, February 25, 2025 !!! A single Report from TPA flies in the face of; and; contradicts 42+ years of unimpeachable scientific analyses; data; and legal determinations by all Federal; State; and Local Agencies and all Major Courts on Environmental Record; which clearly shows proven, veritas vetting that the entire Sparrows Point Peninsula is surrounded offshore by Hazardous, Toxic; and Heavy Metal Waste; which was pumped out in the open water via 191 outfall pipes surrounding the entire circumference; without control; over 120 years of steelmaking; until the onset of our Coastal Zone Management Act (CZMA) around 1992 for Pre-Treatment. Further; with no dredging ever occurring over the last 34 years at Sparrows Point Peninsula; How can TPA state that RCRA High Priority Contamination (EPA)/ HTRW (USACE) SUDDENLY DISAPPEARED from Sparrows Point Peninsula without removal?	Sediment Quality – Indicates that results of studies performed by TTT for the dredging of the channel are not comparable to or consistent with results of other past studies. Concerns that new data were not made available to the public. Concerns regarding environmental impacts from dredging.	Historical use of the site and known contaminants in surface and subsurface sediments are discussed and acknowledged in Section 4.2 of the DEIS and FEIS. In addition, the technical approach and results of the comprehensive sediment evaluation for the SPCT north and south channel areas are summarized in the DEIS and FEIS Section 4.2. Prior to purchase by TPA, the MDOT MPA conducted due diligence / site assessment studies in the 2009 through 2011 timeframe with the intent to purchase the property for development of a DMCF that would utilize existing upland area and extend offshore of the west side of the Coke Point peninsula. The due diligence / site assessment studies included an investigation of the distribution of contaminants in the upland soils and groundwater, as well as in the offshore sediments. The offshore investigations included both surface and sub-surface sediments, focused on the west side of the peninsula where the proposed DMCF would be located and also included sediments on the south side of the peninsula to assist with the identification of potential habitat improvement areas. The studies of offshore sediment identified elevated concentration of metals, semivolatile organic compounds (SVOCs), polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). Generally, concentrations of contaminants were highest in the surficial sediments and decreased with depth below sediment surface and with distance from the peninsula shoreline. The chemical data for the surficial offshore sediments in combination with water quality, fish and crab tissue, benthic community, and clam and worm tissue bioaccumulation data were used for the preparation of an ecological and human health risk assessment. The results identified several offshore areas with impacted sediments on the west and south side of the peninsula contributing to elevated risk for human health and ecological receptors. It should be noted that the highest concentrations of contaminants identified in these studies were present on the west side of the peninsula – these contaminants are still present in the sediments, and they have not dissipated or disappeared. The SPCT channel dredging area is on the east and south side of the peninsula. The journal article provided with this comment evaluates sediment locations that are remote from the SPCT channel footprint. TTT conducted a comprehensive evaluation of the sediments in the proposed dredging areas in accordance with Sampling and Analysis Plans (SAPs) that were approved by regulatory agencies prior to the start of the investigations. The ocean placement SAP was approved by the USEPA and included 15 dredging units (separate distinct areas) in the southern portion of the channel that were tested in accordance with requirements under Section 103 of the Marine Protection Research and Sanctuaries Act (MPRSA). The upland placement SAP was approved by the MDE and the MPA and included a total of 28 dredging units (15 in the southern portion of the channel and 13 in the northern portion of the channel). A total of 97 locations (sample cores) throughout the channel dredging footprint were sampled. For each location, the entire core/column of material proposed for dredging (to a maximum elevation of -52 feet MLLW) was characterized with respect to physical and chemical attributes; ecotoxicological tests (water column toxicity, sediment toxicity, and bioaccumulation exposures) were also conducted for ocean placement for the 15 southern dredging units. Data for both the ocean and upland testing programs were posted on SPCT's website (https://www.spctmd.com/) and have been available for public review since October 2024 (ocean placement) and January 2025 (upland placement). In addition, TTT proactively presented the technical approach and results of the ocean and upland sediment evaluations to multiple community groups prior to the DEIS public hearings and during the DEIS comment period. Results of the ocean placement evaluation indicated that material from 14 of the 15 southern dredging units met the requirements for ocean placement under Section 103 of the MPRSA. These dredging units may not require the use of an environmental bucket,

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					as the quality of the material is consistent with material that is maintenance dredged in the adjacent federal navigation channel (Brewerton Channel). Results of the upland placement evaluation indicated that five dredging units were classified as MDE Reuse Category 1 (Residential – Unrestricted Use), 21 dredging units were classified as Category 2 (Nonresidential – Restricted Use), and two dredging units were classified as Category 3 (Restricted Use – Cap Required). A human health risk evaluation was used to determine the MDE reuse classification for each dredging unit; this evaluation considered the dose, exposure pathway, and duration of exposures for chemicals that were present in the sediments in each dredging unit. Each of the 28 dredging units was also tested to determine if the materials exceeded the Toxicity Characteristic Leaching Procedure (TCLP) thresholds that are used to categorize material as Resource Conservation and Recovery Act (RCRA) hazardous waste as defined in 40 Code of Federal Regulations (CFR) 261.24. None of the material exceeded TCLP threshold concentrations (i.e., none of the dredge units are considered RCRA hazardous waste). Based on the MDE reuse classifications of the material and the results of the TCLP testing, the materials from each channel dredging unit are suitable for onsite or offsite upland placement. Additional comparisons of the channel sediment chemical data to the MPA's Baseline Control Limits (numerical screening values that have been established for the MPA's DMCFs) indicated that the chemical concentrations in the two dredging units classified as MDE Reuse Category 3 were dissimilar to material previously placed at the MPA DMCFs; therefore, material from these two dredging units will not be placed at an MPA DMCF but will be placed in the High Head Industrial Basin DMCF on TPA property and will be capped by Category 1 or 2 materials within the DMCF.
20.	Russell Donnelly	Letter dated 1/2/2025; received by USACE via email 3/30/2025	This Communication is a request for IMMEDIATE ACTION from all Agencies, NGOs, Government and all Interested Parties who hold the ongoing continued Recovery of our Beloved Chesapeake Bay Watershed in their minds and hearts. The specific focus in this Matter is the Health and Safety of ALL LIFE in the Upper Chesapeake Bay and Patapsco River Basin. This Matter addresses the proposed 4.2 million cubic yard Dredge Project proposed by TPA. Their proposed Dredge Methodology would employ Clam Shell Buckets and Barges to handle this mass Dredge volume; this volume will be removed in an area that is 0.2 square miles. In comparison; the entire Annual Dredging of the Patapsco River Basin is 1.25 million cubic yards across 9 miles in the Basin. Thus, the single TPA Dredge Project exceeds a full 3 Dredgings of our Patapsco River Basin.	Dredged Material Volume – Concern that the volume of material to be dredged to deepen the channel is three times the annual volume for the harbor/Patapsco River.	As noted in Section 2.1 of the Draft and Final EIS, dredging the channel is needed to provide safe access to the berthing area. The project cannot be constructed at this location without channel dredging. The footprint for the channel dredging was minimized to the extent possible (as discussed in Draft and Final EIS, see Chapter 2), through the use of the existing channel and through optimization using a ship simulator and input from the Maryland Pilots Association. The minimization of the footprint reduced/minimized the total quantity of dredged material to the extent possible.

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21.	Russell Donnelly	Letter dated 1/2/2025; received by USACE via email 3/30/2025	Construct a Containment at the High Head Transfer Pond; (wherein the Steel Manufacturers imported up to 183 million gallons per day of water to and from Back River Waste Water Treatment Plant in Baltimore County. This operation is now shut down. TPA is choosing to use this Site for the Dredge Deposition Site; however, they are leaning towards cutting corners and reducing construction expenditures to meet their contractual timeline of at least 1 active Berth by the Close of Spring 2028). The appropriate re-enforced containment would be constructed up to a Height of 90 feet above sea level and infused throughout with EPOXY RESIN POLYMER which will chemically and atomically bind all hazardous; toxic; and heavy metal waste at the valence level; effectively fusing and binding all the sins of our steel making forefathers; frozen in place; for at least 2,000 years. Further; there is a new powdered Epoxy Resin Polymer; which can be added to the sediment waste stream at the entry point into the containment; which separates the hazardous, toxic, and heavy metal waste out of the 70/30 slurry and settles all contaminants to the bottom.	High Head Industrial Basin DMCF – Provides support for placement of material in High Head Industrial Basin; requests that dike be constructed to 90 ft and that placed material be amended with epoxy resin polymer.	As currently planned and described in the Final EIS (Section 2.2.4), the High Head Industrial Basin DMCF under the Preferred Alternative will have a capacity for approximately 1.7 million cubic yards (mcy) of the material dredged from the channel, and the dikes will be approximately 30 ft high above existing grade. This design dike height will safely support material placement, dewatering, and consolidation of dredged material and will provide sufficient freeboard capacity for holding water as needed during dredged material inflow and settling. The DMCF requires a Dam Safety Permit from the MDE. The dike design is undergoing review and approval by the MDE Dam Safety Program to ensure that the structure (including the design height) will perform for its intended use and will comply with all safety requirements to ensure that the dikes do not fail under certain conditions. The 30 ft dike height is lower than 50 ft height of surrounding and adjacent buildings. While a higher dike height could potentially provide more dredged material placement capacity, a higher dike would negatively impact the viewshed in the immediate area, would require substantially wider slopes (which reduces the internal capacity), and would potentially not provide the stability required to meet dam safety requirements. The High Head Industrial Basin DMCF will be constructed with a berm that runs the entire circumference of the existing basin. The design criteria include the following: • An impermeable subgrade slurry wall. The slurry wall will be embedded into a lean clay strata. • An impermeable clay core located at the center of the embankment berm. The clay core will be embedded into the slurry wall to provide a continuous watertight system. This containment system would be impermeable. TTT is currently evaluating the expected permeability of the dredged material following placement and consolidation in the onsite DMCF. Laboratory permeability test results show the dredged material permeability to be 1 x 10-8 cm/sec. Once consolidated, this material will limit vertical and lateral movement of aqueous media within the DMCF. The High Head Industrial Basin DMCF will receive all categories of material generated during the container terminal project. The DMCF will be capped once filled. Given the slurry wall, clay core, and relative impermeability of the dredged material, the addition of epoxy resin polymer is not necessary. Moreover, the addition of epoxy resin at this scale could produce separate environmental effects, as application of resins can potentially generate heat and gases. Polymers can facilitate settling of particulates. The use of polymers to enhance or increase the rate of dredged material settling is not currently planned for the High Head Industrial Basin DMCF. Polymer addition, application, and distribution for large volumes of dredged material can be logistically challenging with suboptimal results. Based on results of column settling tests conducted for the dredged material, it is anticipated that natural settling of the material will be sufficient for de-watering in the DMCF.

22.	Russell Donnelly	Letter dated 1/2/2025; received by USACE via email 3/30/2025	The actual dredging of the Ore Pier Inlet must be undertaken with a straight Hydraulic Suction Dredge; with the appropriate high pressure pump(s); which would be sent directly to the High Head Containment via a 36 inch constructed continuous pipeline; overland across the Sparrows Point Peninsula.	Hydraulic Dredging–Requests that dredging be conducted via hydraulic pipeline dredging; concern related to resuspension of sediment and contaminants from mechanical dredging.	As noted in Section 2.1.2 of the Final EIS, both mechanical dredging and hydraulic dredging were considered during the SPCT design process. Hydraulic dredging uses suction and slurries the material for pumping through a pipeline to a direct offloading location or into a DMCF. Mechanical dredging uses a grab or clamshell-type bucket to manually capture sediment and lift it from the bottom through the water column to a barge or scow at the surface. Clamshell buckets vary in size, and some are designed as environmental-type buckets with special seals and enclosures to minimize and restrict release of sediment as the bucket is lifted to the surface. The barges/scows can be offloaded either manually/mechanically with a bucket or hydraulically by slurrying of the material with water to pump into a DMCF. Hydraulic dredging would require approximately 20 times more water to slurry the material to pump through a pipeline than would be needed to slurry material for hydraulic offloading from barges and scows. Therefore, hydraulic dredging would require substantially more DMCF placement capacity for successful dewatering operations and for storage and management of decanted water. The dewatering and material consolidation process in the DMCF would also require more time. For mechanical dredging, slurry water for offloading of barges and scows would be recirculated from the DMCF back to the offloading operation, resulting in the need for less water intake volume from the river. Hydraulic dredging does not allow for the recirculation and reuse of the water from within the DMCF for slurry water/pumping and therefore requires DMCF containment capacity of approximately three times higher than the design capacity of the High Head Industrial Basin DMCF. The required DMCF capacity, the increased settling and consolidation time for the sediments in the DMCF, and the volume of water requiring management (and subsequent effluent discharge) precludes the use of hydraulic dredging for this project. Operational controls and environmental-type buckets can be used to effectively to minimize release of sediments during mechanical dredging operations. Mechanical dredging with use of an environmental bucket has shown to be effective for controlling turbidity and is commonly used within the dredging industry in areas with known contaminants. Studies conducted by multiple entities have documented that fine-grained sediments resuspended from mechanical dredging operations settle within several hundred feet of the point of dredging. TPA has conducted monitoring of turbidity during maintenance dredging with an environmental bucket in the existing Sparrows Point Channel. The results of these studies indicated the highest turbidity was localized to the upper portion of the water column in the immediate vicinity of the dredge and dissipated to background concentrations at a distance of approximately 300 feet from the point of dredging. Based on results of plume studies and based on the low current velocity in the north channel/turning basin area (approximately 0.02 knots), any suspended sediments resulting from dredging in the north channel area would be expected to remain localized within the turning basin. The northern portion of the channel is located within the turning basin. The turning basin acts as a confined space for a turbidity plume; the confined space contains and restricts movement of the plume. Many studies have documented the behavior and movement of Total Suspended Solids (TSS) and turbidity associated with clamshell dredging operations. National Marine Fisheries Service has estimated TSS concentrations associated with mechanical dredging of fine-grained material to be several hundred milligrams per liter (mg/L) above background near the bucket (point of dredging), with rapid settlement within a 2,400-foot radius of the dredge location. Dredge point monitoring studies of clamshell dredging in the Baltimore Harbor by the US Army Corps of Engineers (USACE) indicated that TSS concentrations were similar to background concentrations within approximately 240 feet from the point of dredging. Studies

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					conducted by the USACE for dredging activities in Newark Bay and the Kill Van Kull indicated that turbidity plumes in the upper water column reached background levels within 600 feet of the point of dredging. The MDE regulation COMAR 26.24.02.06 provides a presumptive safe dredging distance of 1,500 feet from shellfish areas during seasonal prohibition periods. Each of these studies provides weight-of-evidence that the movement of suspended sediment from mechanical dredging operations in the south portion of the Sparrows Point Channel would be limited to a maximum of 0.5 miles from the point of dredging. This distance is located within the roughly two-mile extent of the southern shoreline of Sparrows Point and is far removed from the nearest residential properties that are located several miles away.
23.	Russell Donnelly	Letter dated 1/2/2025; received by USACE via email 3/30/2025	The effluent water from the containment would be filtered at site with a mobile tertiary level water filtration system (the types used by FEMA; USACE; ETC during and following major hurricanes and flooding situations. Finally, the treated wastewater could then be released into the Tin Mill Canal; where it would travel the 7200 feet to the Humphrey's Creek Wastewater Treatment Facility. After completion of this process; all contamination is removed and the water from the wastewater plant would enter into the Bear Creek Tributary; cleaner than the final receiving waters in the Creek.	Water Treatment for Dredged Material De-Watering – Requests that decant water in the High Head Industrial Basin receive tertiary treatment, followed by transport via Tin Mill Canal to Humphrey's Creek Waste Water Treatment Plant for final treatment prior to discharge to Bear Creek.	As discussed in Section 4.6.2.3 of the Final EIS, dewatering of the dredged material would be required for drying and consolidation of the material in the High Head Industrial Basin DMCF. Following settling and separation of solids, the overlying water (or effluent) would be pumped westward via pipe or conveyance system to discharge through a permitted outfall in Bear Creek. The effluent from the DMCF will not be released through the Tin Mill Canal; only stormwater is permitted to discharge through the canal. Chemical data for modified elutriates created using the channel sediments indicated that the majority of chemical constituents predicted in effluent would be bound to sediment particles, and the concentrations of most constituents detected in the effluent would not be expected to exceed the existing maximum daily discharge limits stipulated in TPA's sitewide NPDES permit. Additional settlement or treatment at the existing on-site wastewater treatment plant would address constituents detected in the effluent that could exceed the maximum daily discharge limits stipulated in TPA's sitewide NPDES permit. It is anticipated that a new temporary outfall with a multiport diffuser would be required off the west side of the shipyard for the discharges from the High Head Industrial Basin DMCF. The leader pipe to the new temporary outfall would be routed over land to the west side of the shipyard, and the feeder line would extend offshore / channelward approximately 500 feet from the shoreline. The temporary diffuser system would be south of and outside the footprint of the Bear Creek Superfund Site. The diffuser system would only be operational for the duration of active dewatering and consolidation of dredged material at the High Head Industrial Basin DMCF. The existing NPDES permit would be modified as necessary through the MDE Wastewater Pollution Prevention and Reclamation Program, and the quantity and quality of the discharge would be subject to the conditions of the permit.

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24.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	Blue Water Baltimore and the Chesapeake Bay Foundation are disappointed to see that the preferred alternative for dredged material management for this project has shifted from the proposed 100-acre offshore dredged material containment facility (DMCF) at Coke Point as described at public meetings for the Notice of Intent to conduct the Environmental Impact Assessment for the Sparrows Point Container Terminal last year. See DEIS at 10-12. This option would have benefitted water quality around Sparrows Point and beyond, due to both capping of legacy contamination in river sediments and preserving capacity for dredged material containment at state facilities in the Baltimore Harbor.	Alternatives	Please see page 12 of the Draft EIS. "The applicant's original proposed action was a new offshore 100-acre DMCF designed with a capacity of for the entire project in the Patapsco River on the west side of Coke Point. This DMCF was originally identified as the proposed action for several reasons — it would provide a single solution for dredged material placement and the proximity to the dredging location would reduce impacts and costs associated with transporting dredged material to other approved DMCFs. This option would also serve to cap existing impacted offshore sediment and serve as a final remedy for the impacted sediment within the footprint of the DMCF. The impacts of the 100-acre DMCF on resources within and near the project area were analyzed. The 100-acre DMCF would result in a permanent loss of 100 acres of tidal waters and bottom habitat. All benthic organisms, which can serve as important prey to fish species, within the 100-acre footprint would be lost. The loss of benthic organisms and permanent removal of 100 acres of bottom habitat would impact the local fish community, including federally listed sturgeon species. Construction of the dike would displace fish for the duration of construction, approximately 2 years. The 100-acre DMCF would also impact the viewshed for nearby communities and recreation opportunities and experiences for boaters on the Patapsco River. These impacts would be minimal but noticeable. Although the proposed 100-acre DMCF was deemed technically feasible and safe, a DMCF with three perimeter sides in the main stem of the river would have stringent maintenance and management requirements. Any proposed dike would be required to be reviewed, approved, and periodically inspected by MDE's Dam Safety Program." Because other alternatives that would have a lesser impact on resources were determined to be feasible, this alternative was dismissed from detailed analysis. This matter is further discussed in the Final EIS. With respect to capping legacy contaminated sediments, the agencies acknowledged the benefits of capping. However, the agencies noted that the habitat loss associated with the 100-acre DMCF would represent a bigger impact on aquatic habitat than the benefits derived from capping the contaminated sediments.

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25.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	For context, in 2001, the Maryland General Assembly passed the Dredged Material Management Act (DMMA). The act mandated a 20-year dredged material management plan for the State. To meet the requirements of the act, the State's Dredged Material Management Program (DMMP) was created, and the Harbor Team was established as part of the DMMP in 2003. Since that time, the Maryland Port Administration (MPA) has expended remarkable time and resources to identify viable placement options for material dredged from Baltimore Harbor, which constitutes material that is dredged west of the Rock Point-North Point line. In 2003, the Harbor Team developed a slate of recommendations for the State of Maryland regarding dredged material placement and reuse of harbor materials, including (1) renovation of the Cox Creek DMCF; (2) study of new DMCFs at Masonville, BP/Fairfield and the Coke Point Peninsula of Sparrows Point; and (3) study of innovative reuses of dredged material. The Cox Creek and Masonville DMCF options later came to fruition, while the BP/Fairfield DMCF was ultimately deemed to be infeasible. While MPA is still exploring innovative reuses of dredged material, this leaves a massive gap in containment capacity that was always meant to be filled by the Coke Point DMCF. As is reflected in both the 2011 Harbor Team Report and MPA's 2019 DMMP Annual Report, a state-operated DMCF at Coke Point is still the most suitable solution for the Port's outstanding dredged material needs. The proposed facility was expected to provide additional storage capacity for material from federally maintained shipping channels to the benefit of all Port users, and importantly, it would have capped toxic sediments in Bear Creek, minimizing future environmental risks. Existing state-operated DMCFs at Masonville Cove and Cox Creek provide critical dredged material dewatering and storage while protecting water quality and enhancing adjacent natural areas, including increasing public access.	Alternatives	Comment noted. Although a DMCF at Coke Point was previously considered by the MPA during the 2000-2010 timeframe, the Sparrows Point property was not purchased by the MPA. TTT does not intend to construct and operate a DMCF to be used by multiple entities within the Port of Baltimore. The use of an existing MPA DMCF for placement of a portion of the material from the SPCT project has been approved by the MPA following careful consideration of the existing capacity, facility operations, and future capacity needs for federal and state projects.
26.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	The Chesapeake Bay Foundation and Blue Water Baltimore see the 100-acre offshore Coke Point DMCF option at Sparrows Point Container Terminal as a "win- win" on several levels. First, it would stand in for the MPA-managed DMCF on Coke Point planned back in 2003, albeit as a private facility, and alleviate capacity "pinch points" for material from the federally maintained shipping channels in the Port. Without the onshore Coke Point facility, MPA has been forced to pursue alternative dredge material management possibilities; commenters have concerns about the environmental impacts of those practices. One proposed plan for additional capacity, confined aquatic disposal (CAD), could result in significant disturbances to sections of the Patapsco River bottom on a recurring basis and have been subject to limited study in Maryland.	Alternatives	Please see the previous response explaining why this alternative was dismissed from detailed analysis. Furthermore, the purpose of the dredged material placement options is to provide a place for dredged material generated by the SPCT channel improvements. This project is not intended to develop a dredged material management facility for use by other parties.
27.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	Second, the offshore DMCF would cap a large area of toxic sediments that lay at the bottom of Bear Creek and the Patapsco River, a legacy of the steelmaking industry at Sparrows Point. Toxicity testing commissioned by CBF in 2015 clearly demonstrates that the most highly contaminated sediments persist at the Tin Mill Canal Outfall, designated as the Bear Creek Sediments Superfund site. However, harmful levels of contaminants including PAHs and various metals have been carried beyond this origin point. We understand federal agencies have requested that open water taking be minimized, but we feel that the capping of these sediments would result in net-positive impacts to the overall ecosystem.	Alternatives	Please see the previous response explaining why this alternative was dismissed from detailed analysis. NOAA determined that taking of open water would have a permanent impact on EFH. Throughout the NEPA process, the Corps has stressed the need to minimize or avoid impacts on tidal waters.

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28.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	If, indeed, the 100-acre offshore DMCF is technically infeasible, there are benefits to the option including a 35-acre offshore DMCF encompassing the Coal Pier Channel and some of the adjacent tidal waters. It strikes a balance between the original 100-acre proposed structure and the current 19-acre design and would provide additional capacity for on-site dredged material management. According to Table 1 in Section 2.1.1.1 of the draft EIS, the 35-acre offshore DMCF would have held 1.0 MCY. Combined with the 1.57 MCY placed at the Norfolk Ocean Disposal Site and the 1.2 to 1.7 MCY available at the High Head Industrial Basin DMCF, capacity would very nearly meet or potentially exceed the estimated 4.2 MCY of storage required for terminal construction, minimizing impact on MPA's storage capacity.	Alternatives	Please see pages 12 and 13 of the Draft EIS. "TTT considered several options for the offshore DMCF element: a 35-acre DMCF and two smaller offshore DMCFs. The 35-acre DMCF with perimeter dike would encompass Coal Pier Channel and additional adjacent tidal WOTUS... An important consideration to determine the needed capacity of the offshore DMCF was determining the volume of dredged material that could be placed at NODS or an MPA facility. An extensive effort was implemented to collect and analyze sediment data to make this determination. The results of sediment data collection and analysis were shared with regulatory agencies for their evaluation. The agency consultation confirmed that significant volumes of dredged material could be placed at NODS and an MPA facility. Based on the analyses of the sediment data and evaluation of the volume of dredged material that could be placed at the MPA facilities, NODS and the High Head Industrial Basin DMCF, the applicant determined that the size of the offshore DMCF could be reduced even further to reduce the impacts on WOTUS. TTT further determined that the full capacity of a 35-acre DMCF would not be needed and the offshore 35-acre DMCF was eliminated from further consideration."
29.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	Our secondary preference for this "middle ground" approach is informed by a long- term concern for Patapsco River ecosystems. In addition to alleviating pressure on the Port's DMCFs, slightly extending the Coal Pier Channel DMCF would have the added benefit of further capping legacy contaminated sediments adjacent to the peninsula, though not to the same extent as the 100-acre offshore DMCF option. As mentioned in the draft EIS, contaminated sediments also persist within the Coal Pier Channel itself and would be capped.	Alternatives	As noted above, the applicant worked to eliminate dredged material placement in tidal waters. Expanding the Coal Pier Channel DMCF would increase the impacts on tidal waters and resources.
30.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	In a similar vein, we understand TPA's concern regarding the height of the proposed upland DMCF at High Head Industrial Basin, and that public input has played a role in the decisions made to limit the final elevation to 32'. However, as described in section 4.13.2.3 of the draft EIS, "the site has limited visibility to sensitive viewers due to the existence of trees, buildings, trainyards, landfills, and other development that would block views". Buildings surrounding the existing basin are described as 50' in height, much taller than the proposed final crest height of the DMCF. Slightly increasing the height of the DMCF would alleviate pressure on other dredged material placement options while not contributing to a decrease in quality of viewshed surrounding Sparrows Point. The additional capacity given by slightly raising the dike walls surrounding the High Head DMCF would potentially allow TPA to manage a portion of its own maintenance dredging capacity needs, which are a new addition to the MPA's existing long-term dredge material management plan.	Alternatives	TTT did further investigate the expansion of capacity at the proposed High Head Industrial Basin DMCF. The Final EIS will include a new alternative that increases the height of this DMCF to +40 feet NAVD88, about 30 feet above the existing grade. This will increase the capacity sufficiently so that the Coal Pier Channel DMCF would not be needed. The Preferred Alternative in the Final EIS includes the High Head Industrial Basin DMCF with an expanded capacity and eliminates the need for the Coal Pier Channel DMCF.
31.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	As a final note on dredge material placement, we understand that the majority of dredge material placement from TPA to the Port DMCFs would take place early in the project sequence, as both the Coal Pier Channel and High Head locations require dredging prior to use as DMCFs. Given the timeline, should any material need to be placed at Port facilities, we suggest that the Port and TPA enter into a reciprocal agreement wherein additional capacity in the High Head or Coal Pier Channel DMCFs could be reserved for dredge material from the Port's navigation channels.	Alternatives	The use of an existing MPA DMCF for placement of a portion (1.25 MCY) of the material from the SPCT project has been approved by the MPA following careful consideration of the existing capacity, facility operations, and future capacity needs for federal and state projects. The High Head Industrial Basin DMCF is designed to accommodate only material from the SPCT project.

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32.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	CBF and BWB support the use of all potential Best Management Practices (BMPs) listed for use during construction. In addition to observing time-of-year restrictions, we wish to emphasize the importance of best practices for pile driving to minimize impacts on dolphins, migratory fish, and other aquatic life during installation of the over 1,400 piles. Minimizing sediment disturbance and transport through the use of environmental dredge methods and silt curtains will protect benthic organisms and vegetation from disturbance and sedimentation. In addition, we recommend in situ monitoring for underwater noise and turbidity during pile driving and construction activities, with accompanying standards for stop work orders if protective limits are exceeded.	Best Management Practices	The applicant is developing BMPSs in conjunction with the agencies and required BMPs will be included in the final permits.
33.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	Intake of surface water and effluent discharge from dredge material dewatering must be carefully managed to ensure minimal impacts on the Patapsco River, including appropriate screening to prevent fish entrainment. Maximize recycling of slurry water and treat discharge if necessary to maintain surface water quality. Strict adherence to all sediment and erosion control protocols and stormwater management permits must be enforced, and these practices must be engineered to reflect realistic rainfall intensity and volume (including the 13% multiplier from NOAA's MARISA tool, which is slated for inclusion in the next stormwater design manual promulgated by the Maryland Department of the Environment).	Best Management Practices	BMPs will be stipulated in the final federal and state permits. The applicant agrees and will maximize use of recycled water to the extent practicable
34.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	While partial electrification of the proposed terminal does lessen emissions as compared to a traditional, diesel-fueled port, we strongly suggest that the final plan for the Sparrows Point Container Terminal include full electrification of all facilities. The Chesapeake Bay Foundation has supported prior efforts by Tradepoint Atlantic to reach this goal, including submitting a letter of support for TPA's USEPA Clean Ports Program Grant application in May of 2024. Equipment such as stackers, handlers, terminal tractors, and on-site rail transport are all available in fully electric models. Solar panels and battery storage could serve as backup power generation, reducing or eliminating the need for diesel generators.	Alternatives / Air Quality	The applicant has included infrastructure in the design to support full electrification in the future. The current design includes substantial efforts to electrify the terminal, including ship-to-shore coverage. SPCT will be the only container terminal on the East Coast with ship-to-shore power when constructed, marking an important advance towards full electrification. Expansion of electrification in the future will occur when practicably feasible.
35.	Blue Water Baltimore and Chesapeake Bay Foundation	3/21/2025	Reducing greenhouse gas emissions from port activities not only reduces harmful air emissions impacting the health of workers on site and nearby residents, but also lessens nitrogen oxide emissions to the Patapsco River and the Chesapeake Bay and reduces contributions to climate change, which has already and continues to cause expensive and dangerous impacts to coastal and inland communities. Other co-benefits of full electrification include environmental justice, as nearby communities have long been overburdened with industrial emissions; reduction in noise pollution, which will impact the terminal's human and animal neighbors; and facilitating the growth of the renewable energy sector through corporate leadership.	Alternatives / Air Quality	Comment noted.

Notes:

Letters of support for the project were received from numerous organizations and individuals and are included in this appendix.

ATTACHMENT C: REFERENCES

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