

Public Notice

U.S. Army Corps
of Engineers

In Reply to Application Number
**NAB-2014-60674 (MPA/HARBOR-WIDE/DUNDALK & SEAGIRT
MARINE TERMINALS/COLGATE CREEK DREDGING)**

Baltimore District
PN 21-04

Comment Period: February 3, 2021 to March 4, 2021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a modification to an existing Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403), as described below:

APPLICANT: Mr. Jeffrey E. Neumayer
Maryland Port Administration
401 East Pratt Street, Suite 1653
Baltimore, Maryland 21202

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in Colgate Creek at the Dundalk and Seagirt Marine Terminals, 2520 Broening Highway, Dundalk, Baltimore City, Maryland. [39.253260/-76.537358]

OVERALL PROJECT PURPOSE: The purpose of the project is improve navigable access by dredging in Colgate Creek at MPA's Dundalk and Seagirt Marine Terminal facilities, 2520 Broening Highway, Dundalk, Baltimore City, Maryland.

PROJECT DESCRIPTION: The Corps issued a permit to the Maryland Port Administration to dredge approximately 440 acres at Dundalk and Seagirt Marine Terminals on October 22, 2014. The proposed action is a requested permit modification to increase the dredge area as described below:

• Dredging: To mechanically dredge approximately 13.7 acres adjacent to the Seagirt Loop. A maximum of approximately 224,000 cubic yards of dredged material will be deposited at either the Masonville or Cox Creek Dredged Material Containment Facility. A ten-year maintenance dredging clause is requested. The new area would be dredged to the following depths:

- 7.1 acres to a depth of -47 feet below mean low water;
- 4.9 acres to a depth of -26 feet below mean low water; and
- 1.7 acres to a depth of -52 feet below mean low water.

The work is proposed in accordance with the enclosed plans dated Revised July 24, 2020-Sheet of 1 and 13 of 17, and Revised October 2, 2020-Sheet 5 of 17.

EFFECTS ON AQUATIC RESOURCES:

Activity	Stream Impact (acres)	Tidal Water Impact (cubic yards)	Authority (Section 10/404/408)
Dredging	13.7	224,000	10/408

LEAD FEDERAL AGENCY: The U.S. Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY

MITIGATION: As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. The applicant designed the project at the existing location to meet the needs of the terminal facility. No compensatory mitigation is proposed for the project.

CORPS EVALUATION REQUIREMENTS: This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people. The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

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

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES: Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no adverse effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES: Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking.

Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408): All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 10 decision. Please see the following link for more information regarding Section 408: <https://www.nab.usace.army.mil/section408/>.

WATER QUALITY CERTIFICATION: The existing Corps permit for Dundalk and Seagirt Marine terminal dredging received Section 401 certification from MDE. MDE is not requiring a new Section 401 certification for the proposed modified dredge area.

COASTAL ZONE MANAGEMENT PROGRAMS: Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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

SUBMISSION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action and are subject to release to the public through the Freedom of Information Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number (NAB-2014-60674).

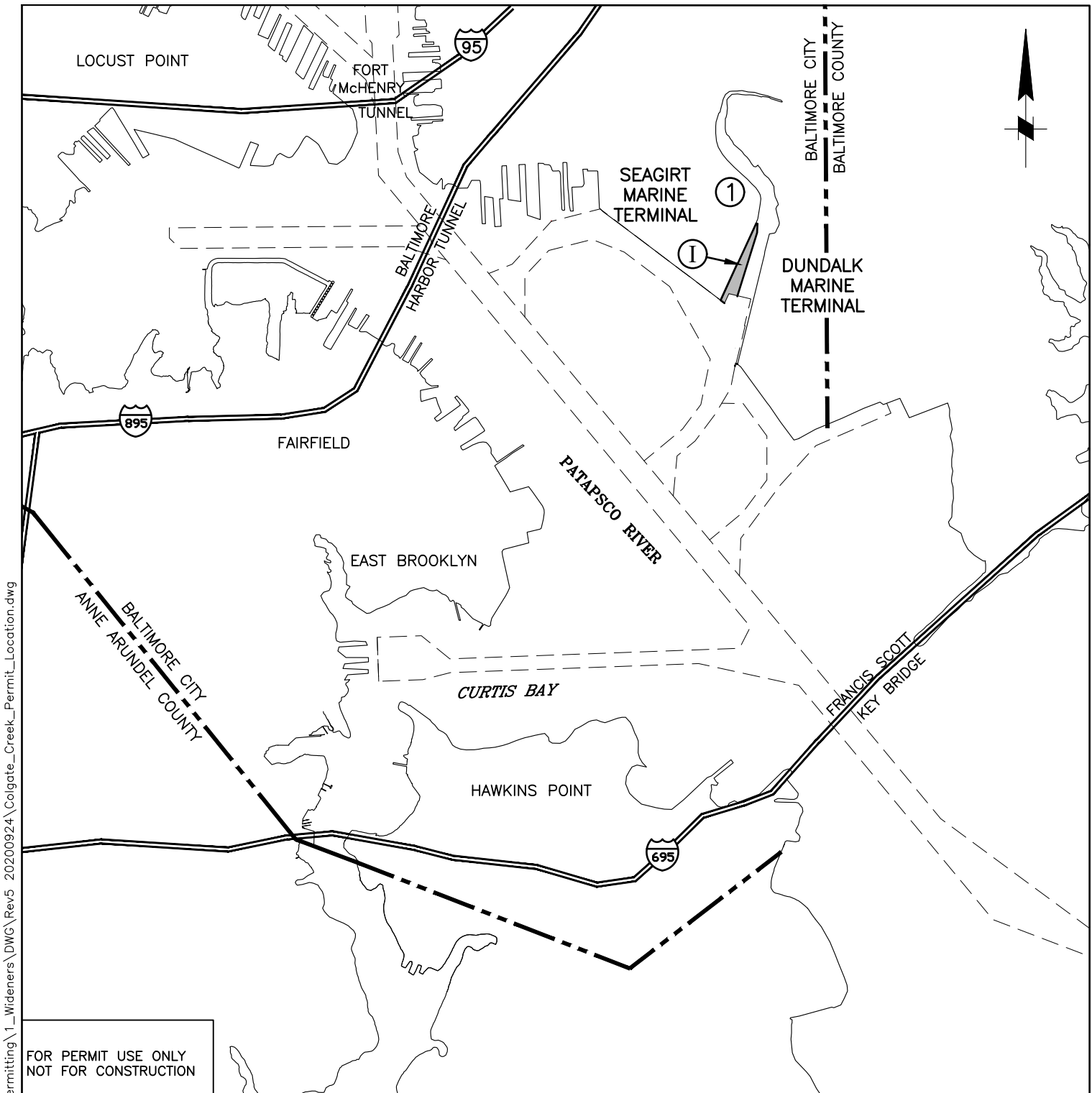
PUBLIC HEARING REQUESTS: Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

Ms. Maria N. Teresi
maria.teresi@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201

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

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Ms. Maria N. Teresi, 410.962.4501 or maria.teresi@usace.army.mil.

This public notice is issued by the Chief, Regulatory Branch.



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FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION

SITE LOCATION I

SITE LOCATION

I. COLGATE CREEK

ADJACENT PROPERTIES

1. POINT BREEZE, LLC

LEGEND

--- EX. CHANNEL LIMITS

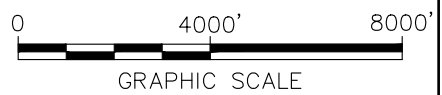
APPLICATION BY:
MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND PORT ADMINISTRATION
WORLD TRADE CENTER BALTIMORE
401 EAST PRATT STREET, SUITE 1900
BALTIMORE, MD 21202

AGENT/ENGINEER:

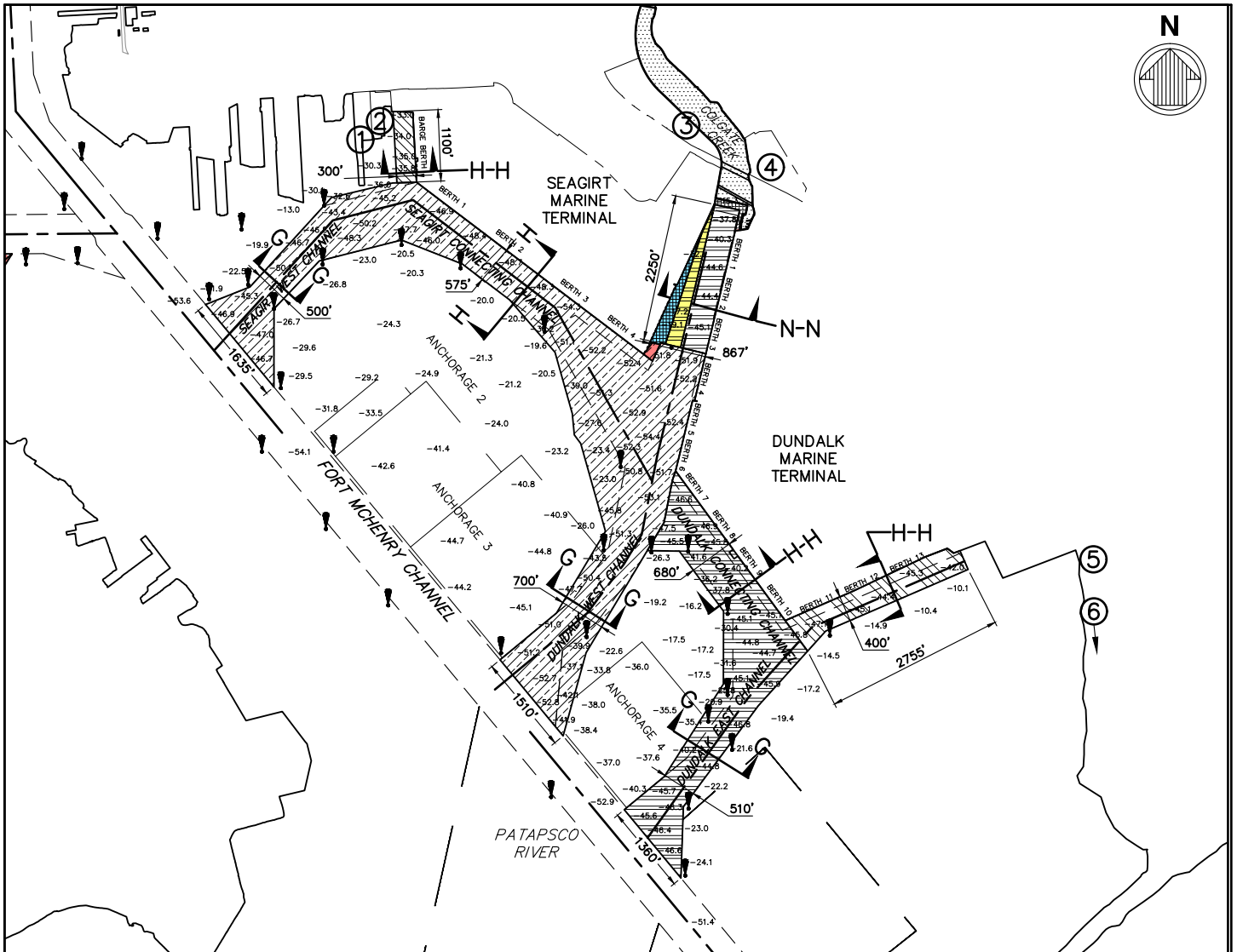
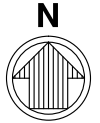


MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND PORT ADMINISTRATION
COLGATE CREEK CHANNEL IMPROVEMENTS

PROJECT LOCATION:
DUNDALK AND SEAGIRT MARINE TERMINALS
PATAPSCO RIVER
BALTIMORE HARBOR, MARYLAND



DATE: SEPTEMBER 24, 2020
SHEET 1 OF 1



DREDGING DEPTH LEGEND (MLW)

	-26' (4.9 ACRES)		-47' (132.7 ACRES)		COLGATE CREEK ADDITIONAL BORINGS (33.6 ACRES)
	-34' (10.5 ACRES)		-52' (276.5 ACRES)		
	-44' (27.1 ACRES)		SIDE SLOPE (1.6 ACRES)		

PROPOSED NEW WORK LEGEND

	PROPOSED TUG SHELF (4.9 ACRES)
	PROPOSED CHANNEL WIDENER (7.1 ACRES)
	SEAGIRT MARINE TERMINAL BERTH 4 (1.7 ACRES)

NOTES

- MECHANICALLY OR HYDRAULICALLY MAINTENANCE DREDGE APPROXIMATELY 3,000,000 CY IN AREAS SHOWN (453.3 TOTAL ACRES) TO DEPTHS VARYING FROM -26 TO -52 FEET AT MEAN LOW WATER AND DISPOSE OF AT THE MASONVILLE OR COX CREEK DMCF OR PLACED AT AN APPROVED LOCATION FOR DRYING AND REUSE PURPOSES.
- PERFORM UP TO 165 OFFSHORE SUBSURFACE SOIL BORINGS FOR ENVIRONMENTAL AND GEOTECHNICAL INVESTIGATIONS WITHIN THE DREDGING AREAS SHOWN AND WITHIN THE INTERIOR AREA OF THE EXISTING ACCESS CHANNEL LOOPS. SEE SHEET 9 FOR TYPICAL BORING PROCEDURES.
- PERFORM UP TO AN ADDITIONAL 165 OFFSHORE SUBSURFACE SOIL BORINGS TO CHARACTERIZE THE EXISTING MATERIAL TO BE DREDGED WITHIN THE DREDGING AREAS SHOWN AND NOT TO EXCEED THE PROPOSED DREDGING DEPTHS.
- PERFORM UP TO AN ADDITIONAL 60 OFFSHORE SUBSURFACE BORINGS FOR ENVIRONMENTAL, GEOTECHNICAL, AND/OR CHARACTERIZATION INVESTIGATIONS IN COLGATE CREEK WITHIN THE AREA SHOWN.

ADJACENT PROPERTIES

- CANTON MARINE TERMINAL INC
- NEW NGC INC
- POINTE BREEZE LLC
- LE PETOMANE XXIII INC
- ROSS E EICHBURG
- BALTIMORE GAS & ELECTRIC CO

DATUM

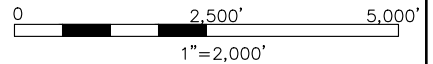
MEAN LOW WATER (MLW) = 0.0
SOUNDINGS IN FEET

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

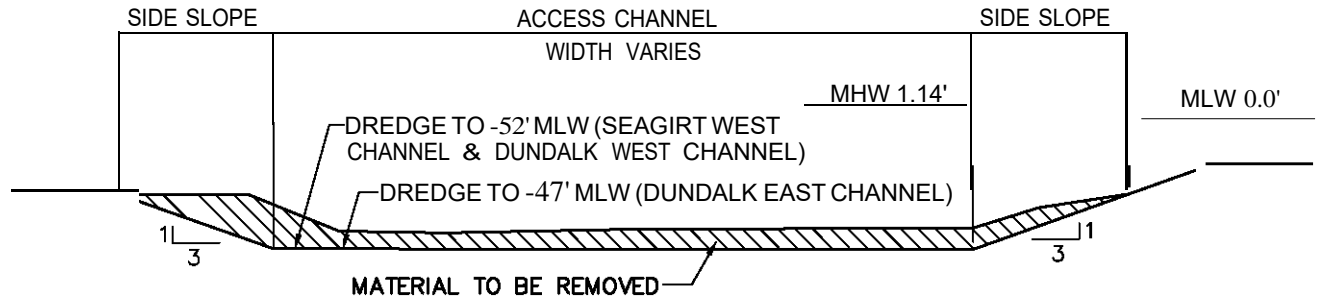


MARYLAND PORT ADMINISTRATION
HARBOR-WIDE
MAINTENANCE DREDGING

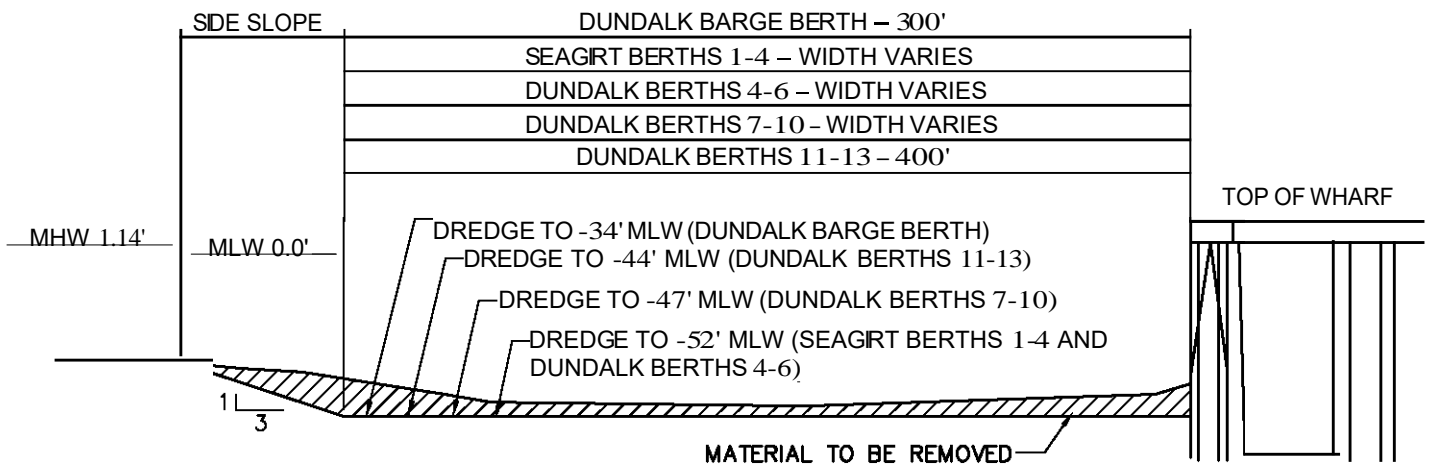
PROJECT LOCATION:
DUNDALK AND SEAGIRT MARINE TERMINALS
PATAPSCO RIVER
BALTIMORE HARBOR, MARYLAND



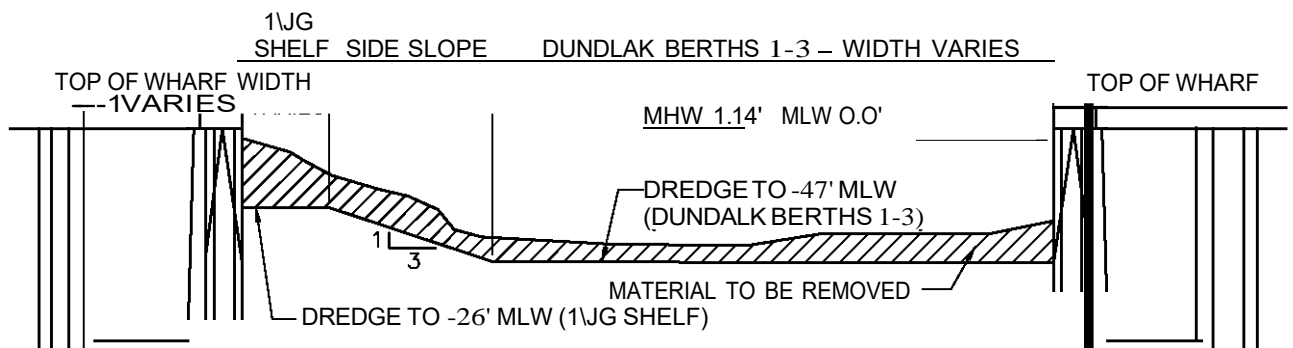
REVISED: OCTOBER 2, 2020
REVISED: JULY 24, 2020
REVISED: JUNE 11, 2019
REVISED: OCTOBER 23, 2018
REVISED: MAY 15, 2018
DATE: APRIL 21, 2014
SHEET 5 OF 17



TYPICAL SECTION G-G – DUNDALK AND SEAGIRT
NOT TO SCALE



TYPICAL SECTION H-H – DUNDALK AND SEAGIRT
NOT TO SCALE



TYPICAL SECTION N-N – DUNDALK AND SEAGIRT
NOT TO SCALE

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



MARYLAND PORT ADMINISTRATION
HARBOR-WIDE
MAINTENANCE DREDGING

PROJECT LOCATION:
DUNDALK AND SEAGIRT MARINE TERMINALS
PATAPSCO RIVER
BALTIMORE HARBOR, MARYLAND

REVISED: JULY 24, 2020
REVISED: OCTOBER 23, 2018
REVISED: JUNE 21, 2016
DATE: APRIL 21 2014

SHEET 13 OF 17