



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MD 21203-1715

MAY 06 2005

Operations Division

BWI-Sparrows Point LLC  
Attn: Mr. Vincent Barletta  
600 Shipyard Road  
Sparrows Point, Maryland 21219

Dear Mr. Barletta:

This is in reference to the status of your Department of the Army permit, CENAB-OP-RMN(BWI-SPARROWS POINT LLC/BULKHEAD & DREDGING)04-64865-1. This office is in receipt of your required fee and the signed copy of the permit indicating your acceptance of its terms and conditions and approved jurisdictional determination associated with the permit.

Enclosed is your permit that has been date stamped and validated with the appropriate District signatures. Also, enclosed is a yellow card, ENG FORM 4336, which must be conspicuously displayed at the site of work prior to commencement of construction.

You may proceed with the construction indicated therein, provided you have obtained all other required state and/or local authorizations.

A copy of this package is being forwarded to NOAA, Silver Spring; EPA, Philadelphia; FWS, Annapolis; NMFS, Oxford, and MDE for informational purposes.

If you have any questions concerning this matter, please call Mr. Jon Romeo of this office at (410) 962-6079.

Sincerely,

Steven S. Harman

Acting Chief, Maryland Section Northern

Enclosure

## DEPARTMENT OF THE ARMY PERMIT

Application Name and Permit Number: CENAB-OP-RMN(BWI-SPARROWS POINT LLC/DREDGING)04-64865-1

Issuing Office:

U.S. Army Engineer District, Baltimore  
Corps of Engineers  
P.O. Box 1715  
Baltimore, MD 21203

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### Project Description:

To hydraulically or mechanically dredge a channel, turning basins, and berthing areas to 39 feet below mean low water, and to place approximately 600,000 cubic yards of dredged material at the Hart Miller Island disposal site; under subsequent phases, to deposit approximately 2.6 million cubic yards of dredged material at disposal sites yet to be determined; to construct approximately 6,650 linear feet of steel sheet piling one foot above the existing river bottom around the perimeter of piers 1, 3, and 4 and to install a fendering system on these piers. All work is to be completed in accordance with the attached plan(s).

### Project Location:

In Patapsco River, Baltimore County, Maryland

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, 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.

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 water depths in excess of three feet at mean low water, you must contact the Commander (AOWW), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights.

Special Conditions:

1. Periodic maintenance dredging may be performed for a period of ten years from the date of issuance of this permit. The permittee shall notify the District Engineer at least two weeks prior to maintenance dredging.
2. Standard EPA Dredge and/or Fill Conditions attached.
3. The permittee shall comply with the attached letter dated April 12, 2005 from the U.S. Coast Guard regarding Federal and Private Aids to Navigation and an after-dredge survey.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law or to comply with the appropriate local critical area regulations.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.17C) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

6TH AND WALNUT STREETS  
PHILADELPHIA, PENNSYLVANIA 19106

STANDARD DREDGE AND/OR FILL CONDITIONS

1. Dredging and/or filling will be done so as to minimize disturbance of the bottom or turbidity increases in the water which tend to degrade water quality and damage aquatic life.

2. Deposition of dredged or excavated materials on shore, and all earthwork operations on shore will be carried out in such a way as to minimize erosion of the material and preclude its entry into the waterway.

3. On completion of earthwork operations, all fills on shore and other areas on shore disturbed during construction will be seeded, riprapped or given some other type of protection from subsequent soil erosion.

4. Applicant will employ measures during construction to prevent spills of fuels or lubricants. If a spill occurs, it will be controlled to prevent its entry into the waterway.

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Fifth Coast Guard District

431 Crawford Street  
Portsmouth, Va. 23704-5004  
Staff Symbol: oan  
Phone: 757-398-6360  
Fax: 757-398-6303  
Email: Agrimes@lantd5.uscg.mil

16500  
04-64865-1  
April 12, 2005

U.S. Army Corps of Engineers  
Baltimore District  
Attn. Mr. Jon Romeo  
P.O. Box 1715  
Baltimore, MD. 21203-1715

Dear Mr. Romeo:

After reviewing Public Notice: CENAB-OP-RMN-04064865-1, BWI- Sparrows Point, LLC., the Coast Guard will require an advance notice of thirty (30) days to move any of the Federal Aids to Navigation that are within the scope of this project. An advance notice will also be required if any of the Sparrows Point's Private Aids to Navigation that are within the scope of this project are to be temporarily discontinued or relocated. Also, the dredge contractor must notify this office with pertinent information so it can be included in the Local Notice Mariners (LNM). These request can be done either by email, letter or phone:

Commander (oan)  
Fifth Coast Guard District  
431 Crawford Street  
Portsmouth, VA. 23704-5504

Upon completion of this project the applicant is required to prepare and provide for Coast Guard approval an updated Private Aids to Navigation Application (CG 2554).

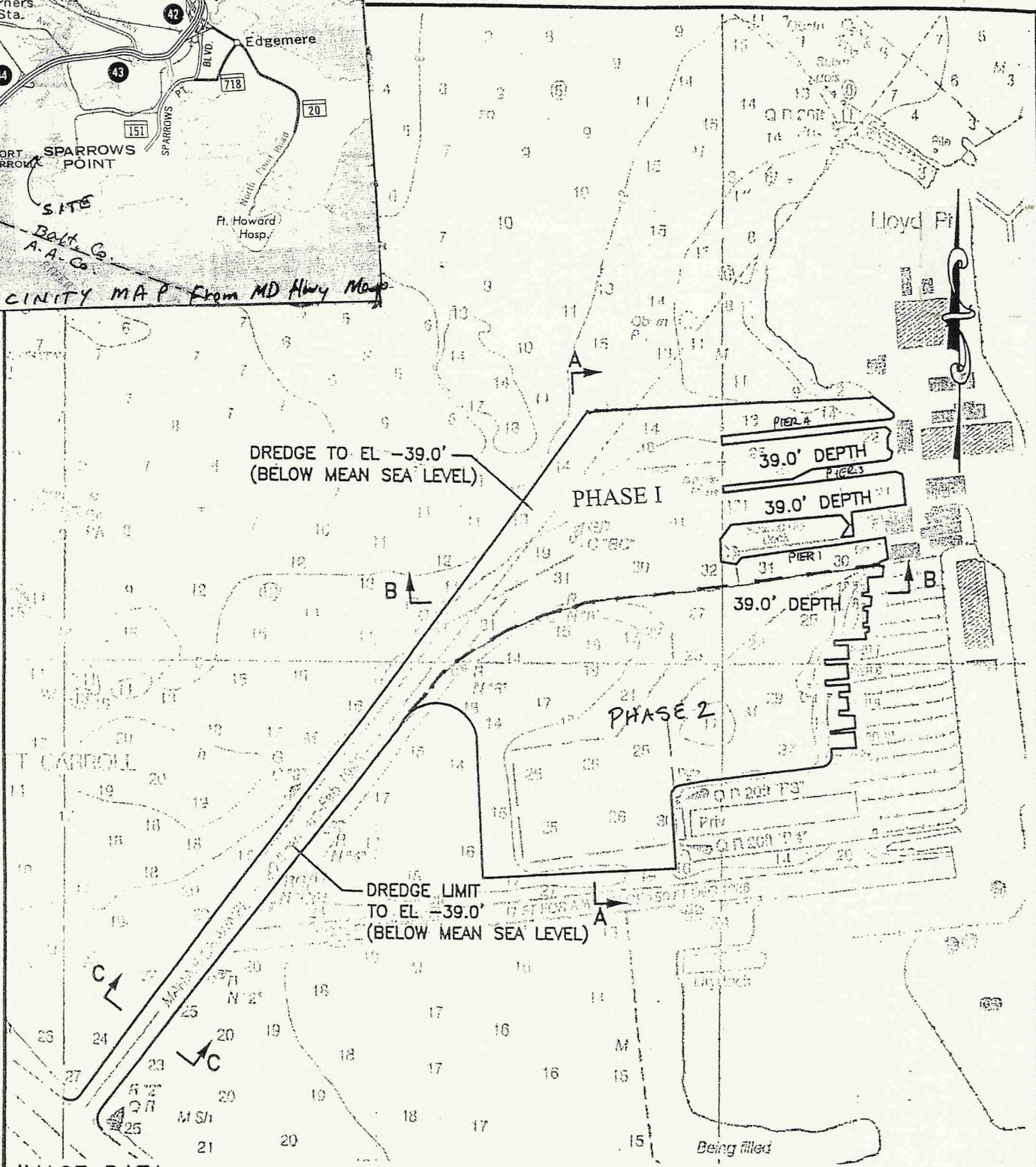
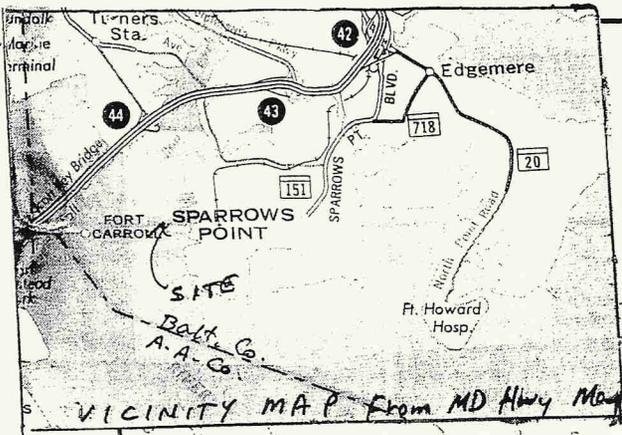
Please forward an after-dredge survey as soon as they are made available to this office.

If you have any questions please contact me, at 757-398-6360.

Sincerely,

A handwritten signature in black ink that reads "Albert L. Grimes III".

ALBERT L. GRIMES III  
Marine Information Specialist  
U.S. Coast Guard  
By direction



**IMAGE DATA**

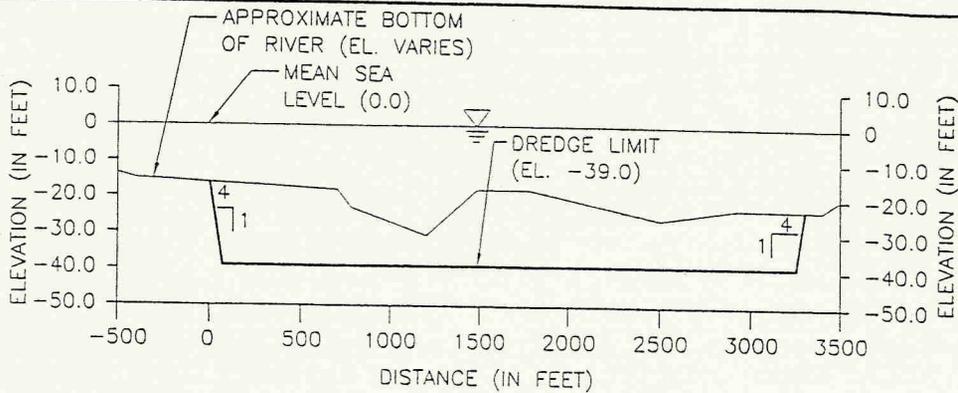
IMAGE IS GENERATED USING NOAA COAST SURVEY DATED MAY 13, 2000, 49th EDITION, SHEET NUMBER 12281. SOUNDINGS ARE IN FEET BELOW MEAN LOWER LOW WATER (MLLW). SURVEY INFORMATION WAS CONDUCTED BY THE US ARMY CORPS OF ENGINEERS ON MARCH 2000.

**PROPOSED DREDGING  
AT BWI SPARROWS POINT, LLC**  
February, 2005  
600 SHIPYARD ROAD  
SPARROWS POINT, BALTIMORE COUNTY, MD 21219

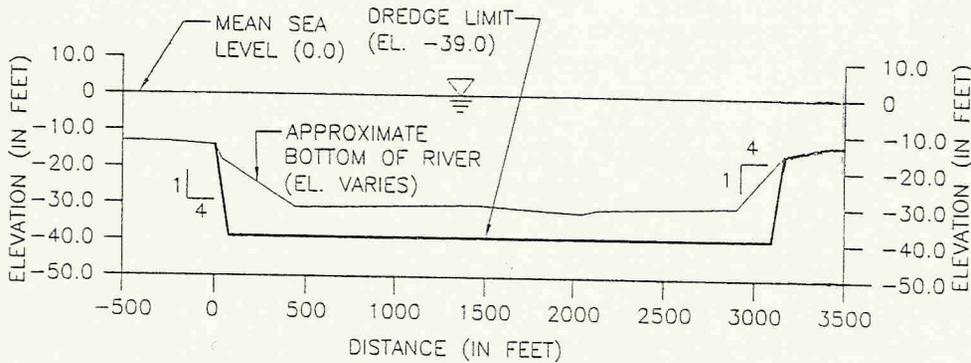


**GZA**  
GeoEnvironmental, Inc.  
Engineers and Scientists

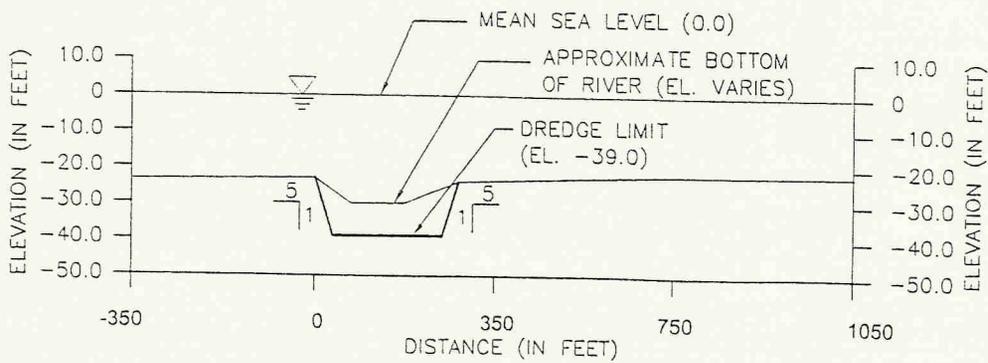
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**PROFILE A-A**  
SCALE: 1"=1000'(H)  
1"=50'(V)



**PROFILE B-B**  
SCALE: 1"=1000'(H)  
1"=50'(V)



**PROFILE C-C**  
SCALE: 1"=350'(H)  
1"=50'(V)

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**PROPOSED DREDGING AT  
BWI SPARROWS POINT, LLC  
ON THE PATAPSCO RIVER**

600 SHIPYARD ROAD  
SPARROWS POINT, BALTIMORE COUNTY, MD 21219

PROJ MGR: K.F.      DRAFTER: S.W.  
DESIGNED BY: T.O.      DATE: 6/24/04  
REVIEWED BY: H.S.      SCALE: AS NOTED



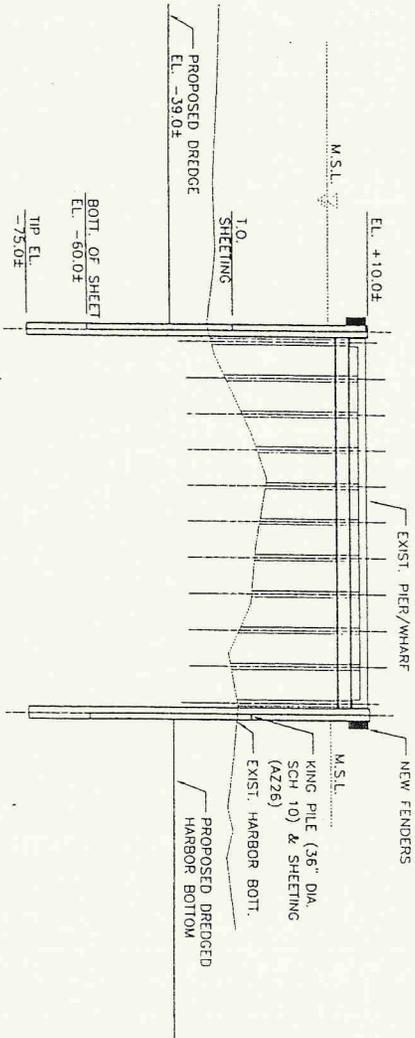
**GZA**  
GeoEnvironmental, Inc.  
*Engineers and Scientists*

**PROFILE - CROSS SECTIONS  
A-A THRU C-C**

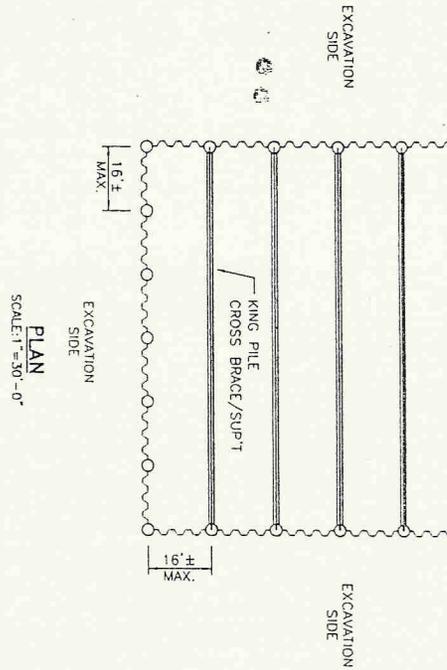
JOB NO.  
**02.0017983.00**

FIGURE NO.  
**3**

H:\CAD FILES\Non-Wayne Projects\\_17983, Baltimore Piers\Dwgs\SD-01.dwg (FIGURE 2 (NEW))



TYPICAL SECTION  
SCALE: 1"=30'-0"



PLAN  
SCALE: 1"=30'-0"

JOB NO. 02.0017983.00	SHEET NO. FIGURE 4	PROPOSED DREDGING AT BWI SPARROWS POINT, LLC ON THE PATAPSCO RIVER 600 SHIPYARD ROAD SPARROWS POINT, BALTIMORE COUNTY, MD 21219	PRELIMINARY DETAILS OF SUPPORT SHEETING												
			<table border="1"> <thead> <tr> <th>REV. NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV. NO.	DESCRIPTION	BY	DATE					<table border="1"> <tr> <td>PROJ MGR: K.F.</td> <td>DRAFTER: S.W.</td> </tr> <tr> <td>DESIGNED BY: T.O.</td> <td>DATE: 6/24/04</td> </tr> <tr> <td>REVIEWED BY: H.S.</td> <td>SCALE: AS NOTED</td> </tr> </table>	PROJ MGR: K.F.	DRAFTER: S.W.	DESIGNED BY: T.O.
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REVIEWED BY: H.S.	SCALE: AS NOTED														
 <b>GZA</b> GeoEnvironmental, Inc. Engineers and Scientists															

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: BWI-Sparrows Point LLC	File Number: 200464865	Date: APR 19 2005
Attached is:		See Section Below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
Sandy Zelen  
Regulatory Branch Baltimore District  
P.O. Box 1715  
Baltimore, MD 21203-1715  
(410) 962-6028 or 3670

If you only have questions regarding the appeal process you may also contact:  
James W. Haggerty  
Regulatory Appeals Review Officer  
North Atlantic Division, US Army Corps of Engineers  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, NY 11252-6700  
(718) 765-7150

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of applicant or agent.	Date:	Telephone number:
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**This notice of authorization must be  
conspicuously displayed at the site of work.**

United States Army Corps of Engineers

MAY 06 2005  
19 \_\_\_\_\_

A permit to hydraulically or mechanically dredge a channel, turning basins,  
and berthing area to 39 ft. below MLW

at In Patapsco River, Baltimore County, Maryland MAY 06 2005

has been issued to BWI-Sparrows Point LLC on \_\_\_\_\_ 19 \_\_\_\_\_

Address of Permittee 600 ~~Shipyard~~ Road, Sparrows Point, MD 21219

Permit Number

(BWI-SPARROWS POINT LLC/BULKHEAD  
& DREDGING)04-64865-1

*Steve S. Harmon*  
for District Commander