

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number:
CENAB-OP-RMN (Podickory Point Yacht & Beach Club/Dredging)
2012-61632-M18

PN 13-39

Comment Period: June 17, 2013 to July 17, 2013

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

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

APPLICANT: Mr. Charlie Klotzbucher
2116 Bay Front Terrace
Annapolis, Maryland 21409

LOCATION AND WATERWAY: Podickory Creek & Chesapeake Bay at 2116 Bay Front Terrace, Podickory Point Yacht & Beach Club, Cape St. Claire, Anne Arundel County Maryland.

WORK: To mechanically maintenance dredge an approximately 800-foot long by 50-foot wide entrance channel to an existing marina basin to the depth of approximately -6.0 feet mean low water (MLW), and an approximately 3.4 acre area within the existing marina basin to the depth of approximately -6.0 feet at MLW. Approximately 2,000 cubic yards of dredged material is to be removed and deposited at the approved upland disposal site known as R.B. Baker & Sons, Queenstown, Maryland. No compensatory mitigation is proposed.

All work will occur in accordance with the attached plans dated July 2001, in Podickory Creek & Chesapeake Bay at 2116 Bay Front Terrace, Podickory Point Yacht & Beach Club, Cape St. Claire, Anne Arundel County Maryland. If you have any questions concerning this matter, please contact Mr. Richard Kibby at 410-962-0694 or richard.kibby@usace.army.mil.

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

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the

impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Richard Kibby, CENAB-OP-RMN] P.O. Box 1715, Baltimore, Maryland, 21203-1715 or richard.kibby@usace.army.mil within the comment period specified above.

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

The project site is adjacent to EFH as described under MSFCMA for windowpane flounder (*Scophthalmus aquosus*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralichthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*), all managed species under the MSFCMA. The project site lies within EFH for juvenile life stages of bluefish and juvenile and adult life stages of summer flounder. The project has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The Baltimore District has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

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. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

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

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

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

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Richard Kibby, CENAB-OP-RMN], P.O. Box 1715, Baltimore, Maryland 21203-1715 or richard.kibby@usace.army.mil, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

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

FOR THE DISTRICT ENGINEER:

Joseph P. DaVia
Chief, Maryland Section Northern

SURROUNDING PROPERTY OWNERS

TAX MAP 41, BLOCK 15, PARCEL 181 TYDINGS ON THE BAY - PODICKORY POINT

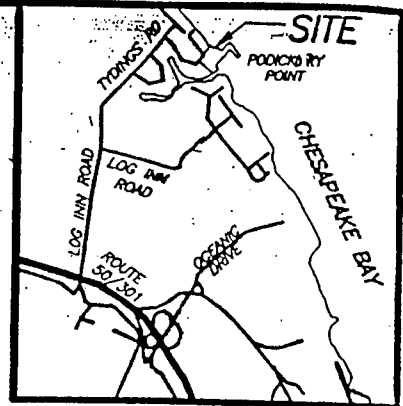
LOT 1 **LARRY BAUCOM**
~~FESTEN ASTROM~~
 2126 Bay Front Terrace
 Annapolis, Md 21401

Lot 2 **WILLIAM MURRY**
~~Max J. & Barbara J. Barusch~~
 2124 Bay Front Terrace
 Annapolis, Md 21401

Lot 3
 Daniel P. & Leisa C. Russel
 2122 Bay Front Terrace
 Annapolis, Md 21401

Lot 23 **RICHARD KOEHLER**
~~PHILIP RISKWANG~~
 2113 Bay Front Terrace
 Annapolis, Md 21401
 Lot 24
 John S. Kocka &
 Rosario M. Izquierdo
 2115 Bay Front Terrace
 Annapolis, Md 21401, *MRS. MRS. LOUGHEEY KUHN*
 Lot 25
 2117 Bay Front Terrace
 Annapolis, Md 21401

Lot 8 **JAMES RADTKE**
~~Andrew P. & M.R. Gray~~
 2112 Bay Front Terrace
 Annapolis, Md 21401



VICINITY MAP
 SCALE: 1"=2000'

TAX MAP 41, BLOCK 15, TYDINGS ON THE BAY - PODICKORY POINT

Parcel 31
MICHAEL S. HEARNE
 2114 Bay Front Terrace
 Annapolis, Md 21401

Parcel 40
RICHARD W. WICKER
 131 Rodgers Road
 Annapolis, Md 21401

TAX MAP 41, BLOCK 15, PARCEL 191 FAIR ACRES - NEAR LOG INN ESTATES

Lot 1, Block A
~~Charles H. Homan~~ **RODNEY HOLT**
 1300 Rodgers Road
 Annapolis, Md 21401

GENERAL NOTES

- 1.) The Purpose of this permit is to allow for the continued maintenance dredging of the existing slips and travel-lift area.
- 2.) All dredging to be done mechanically.
- 3.) The total area to be maintenance dredged is approximately 188,104 sq. ft.
- 4.) Total volume of dredged material not to exceed 2000 cubic yards per year, and no more than 500 cubic yards to be dredged at one instance.
- 5.) Maximum depth of maintenance dredging to be -6 MLW.
- 6.) Spoil material to be removed and deposited at an approved upland site at **CAMPBELL'S SAND AND GRAVEL, ODENTON, MD. 410-261-3160.**
- 7.) Approximate distance from area to be maintenance dredged to navigation channel is 6,500 feet.
- 8.) There are no signs of submerged aquatic vegetation (SAV) or emergent vegetation (marsh) present at this site.
- 9.) See Previously Issued Corps of Engineers Permit CE-NABOP-RW (Pleasure Cove Yacht & Beach Club/Dredging) 95-65493-9.

02-WL-0132

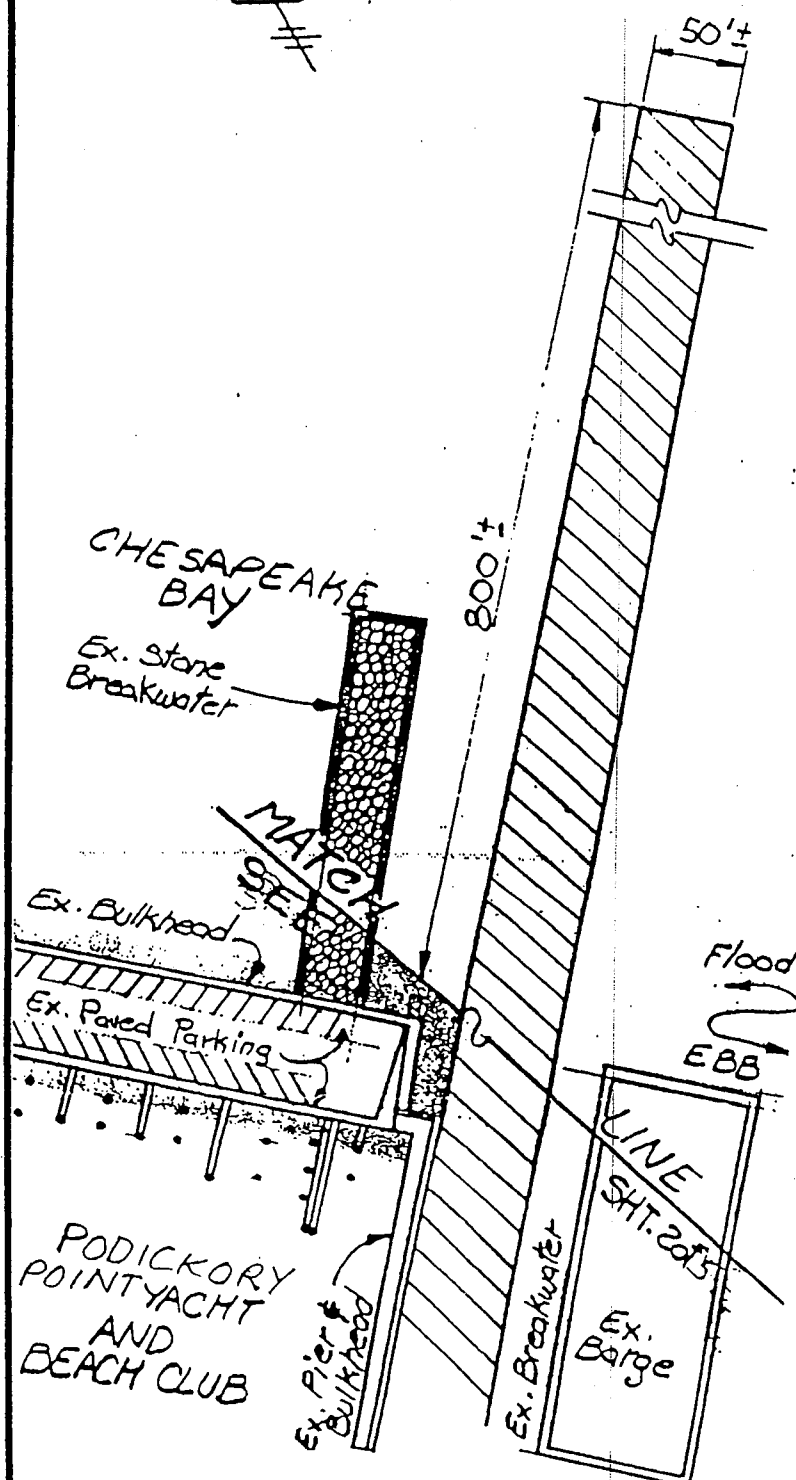
RAMS# 200165262

BOYD & DOWGIALLO, P.A.


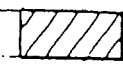
ENGINEERS•SURVEYORS•PLANNERS

PROPOSED MAINTENANCE MANAGEMENT
 PODICKORY POINT YACHT & BEACH CLUB
 At Podickory Point

Scale: 1"=100'



LEGEND

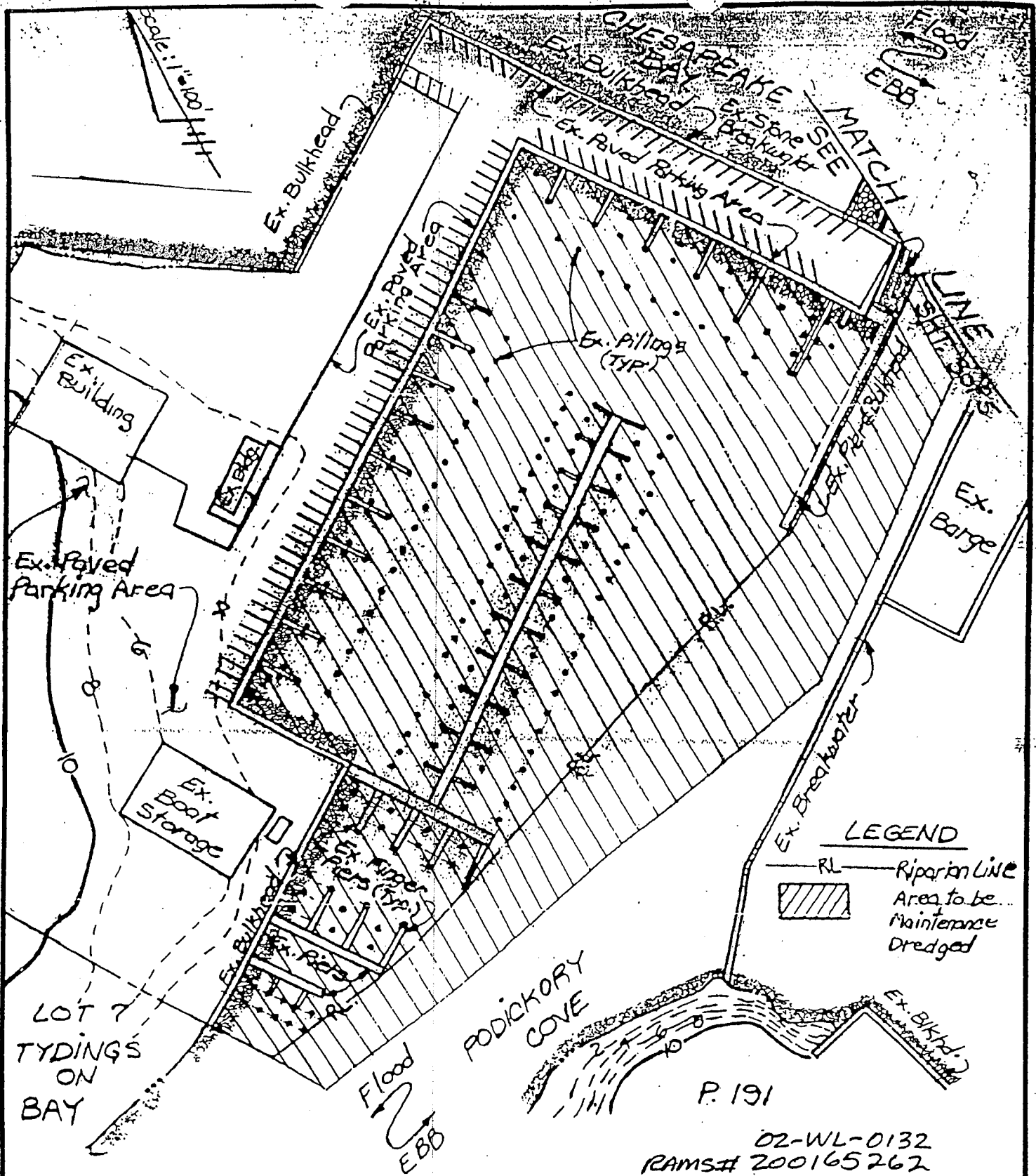
-  R.L. Riparian Line
-  Area to be Maintenance Dredged

02-WL-0132
RAMS# 200165262

**PROPOSED MAINTENANCE MANAGEMENT
PODICKORY POINT YACHT & BEACH CLUB**
At Podickory Point

BOYD & DOWGIALLO, P.A.
ENGINEERS•SURVEYORS•PLANNERS

TAX MAP 41 BLOCK 15 P/O PARCEL 181
THIRD DISTRICT A.A. CO., MARYLAND
JULY, 2001 SCALE: 1"= 100'
SHEET 3 OF 3



BOYD & DOWGIALLO, P.A.
ENGINEERS-SURVEYORS-PLANNERS

PROPOSED MAINTENANCE MANAGEMENT
PODICKORY POINT YACHT & BEACH CLUB
At Podickory Point

TAX MAP 41 BLOCK 15 P/O PARCEL 181
THIRD DISTRICT A.A. CO., MARYLAND
JULY, 2001 SCALE: 1" = 100'
SHEET 2 OF 3

C.SD/CIVIL/P/447/EXHIBIT.DWG

J.O.# 447