

U.S. Army Corps of Engineers
Baltimore District

Public Notice

In Reply to Application Number CENAB-OP-RMN (Anne Arundel County DPW/ Church Creek/Dredging) 2014-61665-M18

PN 15-12

Comment Period: February 23, 2015 to March 24, 2015

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FORM 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. Masoud Ghatineh

Anne Arundel County Department of Public Works

2662 Riva Road

Annapolis, Maryland 21401

WATERWAY AND LOCATION: The proposed project is located in Church Creek, off Wilelinor Drive, Edgewater, Anne Arundel County, Maryland.

PROPOSED WORK: To hydraulically or mechanically maintenance dredge a main channel and ten spur channels. The main channel is proposed to be dredged approximately 81,782 square feet (1.88 acres) to a maximum depth of -6.5 feet at mean low water and to deposit approximately 4,578 cubic yards of dredged material at the approved Idlewilde Dredged Material Placement (DMP) site located on Idlewilde Road in Shady Side, Anne Arundel County, Maryland. The main channel will be dredged in 6 segments to various lengths, widths and depths as follows:

Segment A: 390' long by 40' wide by -6.5' deep Segment B: 130' long by 40' wide by -5.5' deep Segment C: 605' long by 30'- 40' wide by -4.5' deep Segment D: 275' long by 30' wide -4.0' by deep Segment E: 280' long by 30' wide -5.5' by deep Segment F: 200' long by 30' wide -4.0' by deep

In addition, the applicant is requesting periodic maintenance dredging for a period of 10 years.

Spur 1. NAB-2014-61666-M18 (Ray Rosenberg/Dredging): To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 2,661 square feet to a maximum depth of -4.0 feet mean low water; to deposit approximately 138 cubic yards of dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.

Spur 2. NAB-2014-61667-M18 (John Klein/Dredging): To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 1,903 square feet to a maximum depth of -5.5 feet mean low water; to deposit approximately 102 cubic yards of dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.

- **Spur 3. NAB-2014-61668-M18 (Wilelinor Estates Community Assn/Dredging):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 21,883 square feet to a maximum depth of -6.5 feet mean low water; to deposit approximately 1,175 cubic yards of dredged material at the Idlewilde DMP site; to perform maintenance dredging for a period of 10 years; to construct (2) 12' long x 2.5' wide finger piers a maximum distance of 40' channelward of the approximate mean high water shoreline.
- **Spur 4. NAB-2014-61669-M18 (Veronica Tovey/Dredging):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 1,951 square feet to a maximum depth of -4.5 feet mean low water; to deposit approximately 126 cubic yards of dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.
- **Spur 5. NAB-2014-61670-M18 (Carole McNew/Dredging):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 1,633 square feet to a maximum depth of -4.5 feet mean low water; to deposit approximately 106 cubic yards dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years; to install (1) piling and one boat lift.
- **Spur 6. NAB-2014-61671-M18 (David & Denise Boyer/Dredging):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 1,227 square feet to a maximum depth of -4.5 feet mean low water; to deposit approximately 102 cubic yards dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.
- **Spur 7. NAB-2014-61672-M18 (George Fridrich/Dredging):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 1,086 square feet to a maximum depth of -4.5 feet mean low water; to deposit approximately 90 cubic yards dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.
- **Spur 8. NAB-2014-61673-M18 (Mikell Harrison Perry/Dredging):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, totaling approximately 3,333 square feet to a maximum depth of -4.5 feet mean low water; to deposit approximately 278 cubic yards dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.
- **Spur 9. NAB-2014-61674-M18 (Peter O'Rourke/Dredging):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland approximately 3,120 square feet to a maximum depth of -4.0 feet mean low water; to deposit approximately 196 cubic yards of dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.
- **Spur 10. NAB-2014-61674-M18 (Bruce & Kincy Potter):** To hydraulically or mechanically maintenance dredge a private spur channel in Church Creek, Edgewater, Anne Arundel County, Maryland, approximately 2,096 square feet to a maximum depth of -5.5 feet mean low water; to deposit approximately 136 cubic yards of dredged material at the Idlewilde DMP site and to provide for maintenance dredging for a period of 10 years.

All work will be completed in accordance with the enclosed plans dated January 27, 2015. If you have any questions concerning this matter, please contact Mr. Richard Kibby, CENAB-OP-RMN, P.O. Box 1715, Baltimore, Maryland, 21203-1715 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 evaluation of the impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments 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 <u>richard.kibby@usace.army.mil</u>, 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 lies in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scopthalmus aquosos*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralicthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculates*), and cobia (*Rachycentron canadum*), all managed species under the MSFCMA.

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.

WATER QUALITY CERTIFICATION: The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

COASTAL ZONE MANAGEMENT PROGRAMS: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the 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.

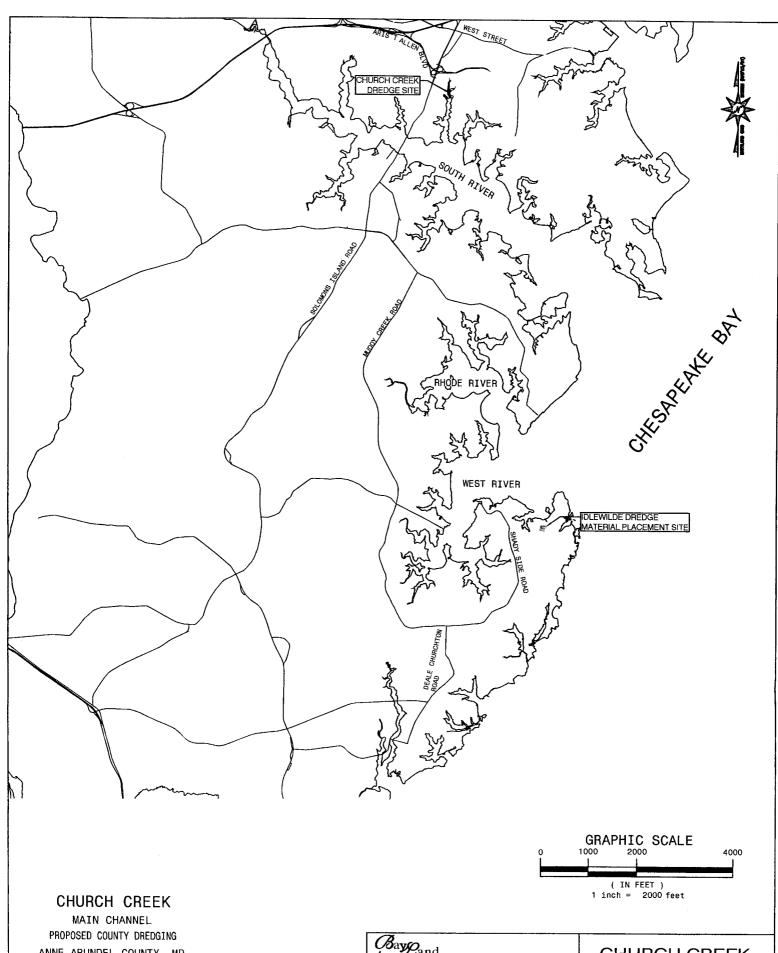
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost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

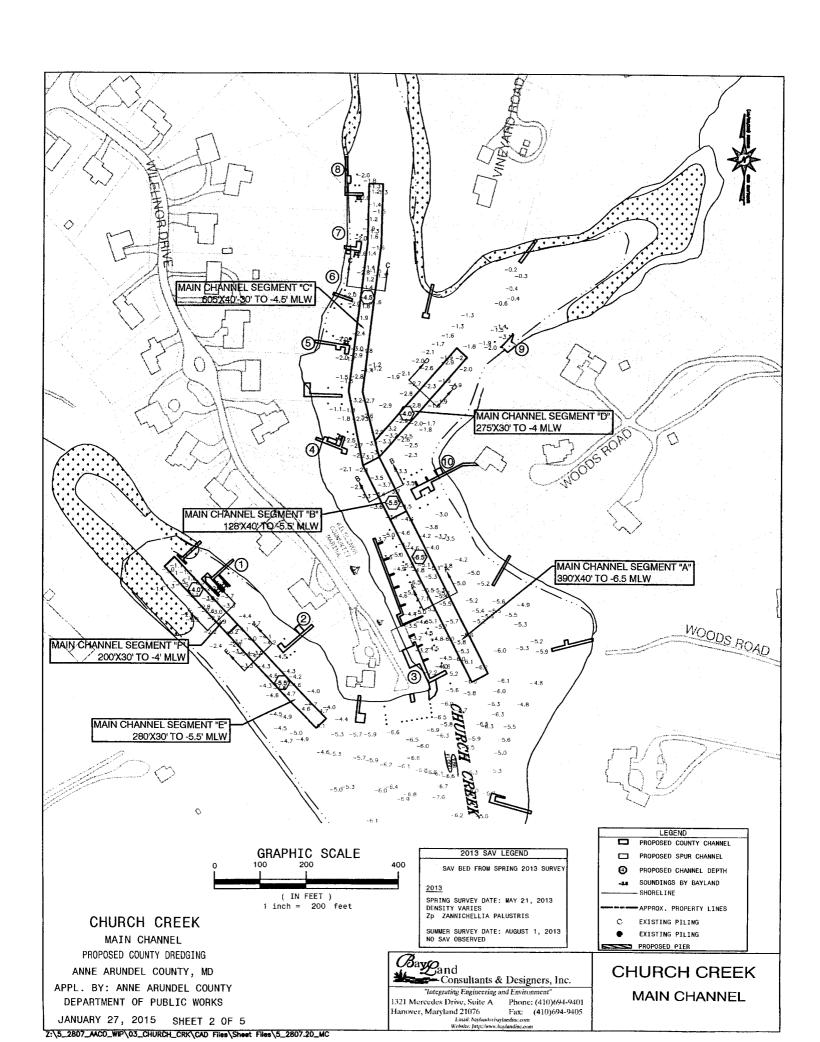


PROPOSED COUNTY DREDGING
ANNE ARUNDEL COUNTY, MD
APPL. BY: ANNE ARUNDEL COUNTY
DEPARTMENT OF PUBLIC WORKS
JANUARY 27, 2015 SHEET 1 OF 5

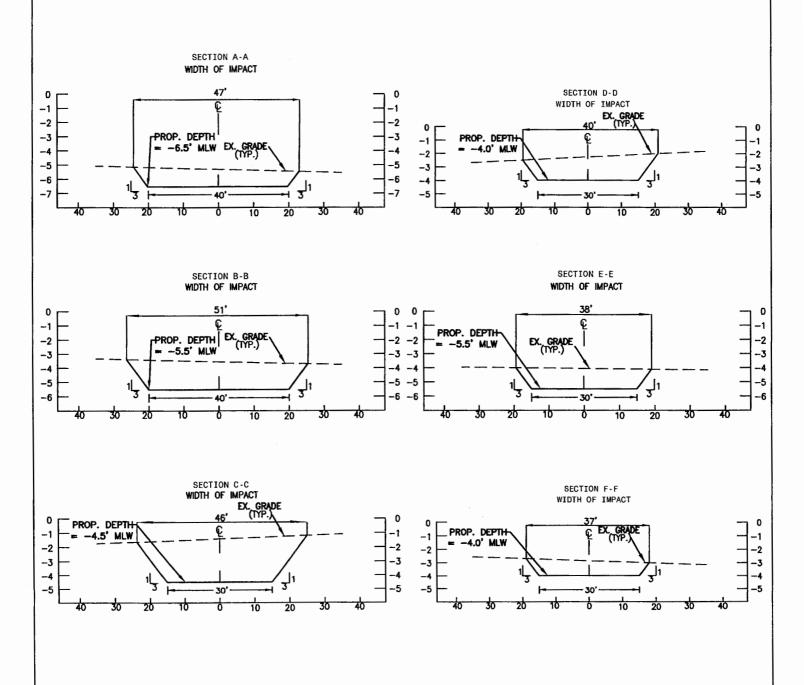


"Integrating Engineering and Environment"
1321 Mercedes Drive, Suite A Phone: (410)694-9401
Hanover, Maryland 21076 Fax: (410)694-9405
Email: baylands/baylandsis: com
Webbir: Nur: Nava Bandaria: com
Webbir: Nur: Nava Bandaria: com

CHURCH CREEK VICINITY MAP



TYPICAL CHANNEL SECTIONS



CHURCH CREEK

MAIN CHANNEL
PROPOSED COUNTY DREDGING
ANNE ARUNDEL COUNTY, MD

APPL. BY: ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS

JANUARY 27, 2015 SHEET 3 OF 5



1321 Mercedes Drive, Suite A Phone: (410)694-9401
Hanower, Maryland 21076 Fax: (410)694-9405
Email: http://www.bashudate.com

CHURCH CREEK
DREDGING SECTIONS

MAIN CHANNEL

CHANNEL	LENGTH (FT)	WIDTH (FT)	DEPTH (FT)
SEGMENT A	390	40	-6.5'
SEGMENT B	130	40	-5.5'
SEGMENT C	605	30-40	-4.5'
SEGMENT D	275	30	-4.0'
SEGMENT E	280	30	-5.5'
SEGMENT F	200	30	-4.0'
TOTAL MAIN CHANNEL LENGTH			1,880 LF
TOTAL MAIN CHANNEL VOLUME			4,578 CY
TOTAL MAIN CHANNEL AREA OF IMPACT			81,782 SF = 1.88 AC
TOTAL MAIN CHANNEL AREA OF IMPACT TO 2013 SAV			0.0 SF = 0.0 AC

NOTES:

- 1. SOUNDINGS ARE IN FEET AND REFER TO MLW.
- 2. TIDAL RANGE IS 1.0 FEET.
- 3. THESE ARE PERMIT DRAWINGS ONLY AND ARE SUBJECT TO CHANGE DURING THE PERMITTING PROCESS. DESIGN DRAWINGS WILL BE PREPARED SEPARATELY.

 4. MATERIAL TO BE PLACED AT IDLEWILDE DMP.

CHURCH CREEK

MAIN CHANNEL PROPOSED COUNTY DREDGING ANNE ARUNDEL COUNTY, MD

APPL. BY: ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS

JANUARY 27, 2015 SHEET 4 OF 5



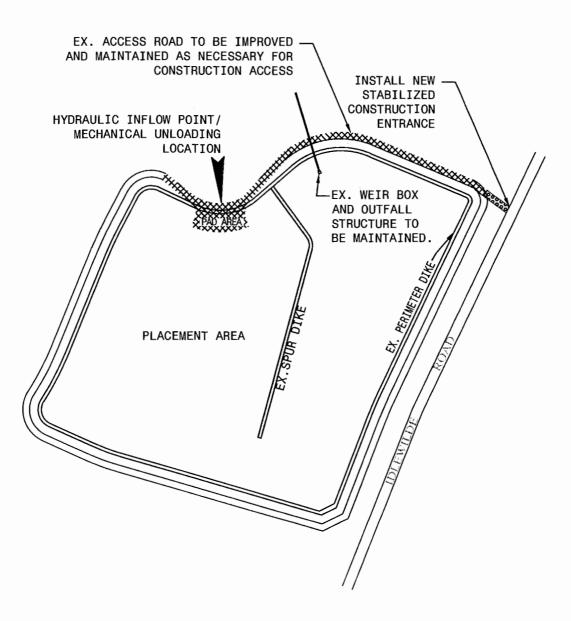
CHURCH CREEK MAIN CHANNEL

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IDLEWILDE DMP

N.T.S





CHURCH CREEK

MAIN CHANNEL
PROPOSED COUNTY DREDGING
ANNE ARUNDEL COUNTY, MD
APPL. BY: ANNE ARUNDEL COUNTY
DEPARTMENT OF PUBLIC WORKS
JANUARY 27, 2015 SHEET 5 OF 5



