



**U.S. Army Corps  
of Engineers**  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (Alliance to Restore Northwest Creek)  
2015-60958

PN 15-83

Comment Period: November 10, 2015 to November 30, 2015

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

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

APPLICANT: Alliance to Restore Northwest Creek  
c/o Mr. Jim Wilson  
6624 Kent Point Road  
Stevensville, Maryland 21666

LOCATION: In Northwest Creek and the Chesapeake Bay, at the Tower Gardens and Crosswinds Subdivisions near Stevensville, Queen Anne's County, Maryland.

WORK: To dredge by hydraulic method an approximate 12.8 acre area within the nontidal Northwest Creek to a depth of 1-foot mean low water (MLW) resulting in approximately 19,930 cubic yards of mucky dredged material to be pumped into Geo-tubes to create a containment structure for dewatering; to create tidal wetlands along approximately 1,900 linear feet of shoreline within Northwest Creek by emplacing a cobble and sand containment berm and depositing the appropriate sized dewatered dredge material, sloped and stabilized with *Spartina alterniflora* and *Spartina patens*, all to extend no more than 100 feet channelward of the approximate mean high water (MHW) shoreline; to construct an approximately 30-foot wide by 75-foot long southern jetty to extend no more than 75 feet channelward of the approximate MHW shoreline; to construct an approximately 30-foot wide by 185-foot long northern jetty to extend no more than 185 feet channelward of the approximate MHW shoreline; to dredge by hydraulic method a 70-foot wide by 425-foot long channel to a depth of -1 foot MLW through the existing wetland and beach berm resulting in approximately 3,000 cubic yards of dredged sandy material to be utilized as beach nourishment along 300 linear feet of shoreline north and along 550 linear feet of shoreline south of the proposed jetties to extend no more than 185 feet channelward of the approximate MHW shorelines. The hydraulic pipeline is proposed to be located within the non-navigable Northwest Creek or on the existing beach berm. All dredged material to be utilized for either beach nourishment or marsh creation. Water depths within Northwest Creek range from -1 foot to 0.0 foot MLW and range from -3 to 0.0 feet MLW in the Chesapeake Bay. The applicant has requested that a 10-year maintenance dredging clause be included in the DA authorization should it be determined in the public interest to authorize the proposed work. All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Rod Schwarm of this office at 410-820-8550 or via email at [Rodney.D.Schwarm@usace.army.mil](mailto:Rodney.D.Schwarm@usace.army.mil).

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 while still achieving the project goal of establishing tidal flushing. The proposed dredging has been minimized to the extent possible while still establishing tidal flushing after making the connection to

the Chesapeake Bay. Compensatory mitigation is not being proposed by the applicant as the proposed work would impact 30,450 square feet of wetlands while creating 190,000 square feet of wetlands. The project has been designed so that all dredged material would be utilized either for beach nourishment or marsh creation.

The purpose of the project is to restore tidal flushing to Northwest Creek to eliminate the growth of toxic blue-green algae.

**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). The project site lies in or adjacent to EFH as described under the MSFCMA for *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), and *Rachycentron canadum* (cobia), 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. No mitigative measures are recommended to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination. The project area is not a Habitat Area of Particular Concern (HAPC).

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably 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, economics, 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, 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, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

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, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

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 listed 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.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest, which may be adversely affected by the issuance of this permit, may request a public hearing. The District Engineer must receive the request, which must be in writing, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known 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:

Kathy B. Anderson  
Chief, Maryland Section Southern



Wetland Impact: 53,490 sq. ft.  
 Wetland Buffer Impact: 13,974 sq. ft.

Activity	Length	Width	Channel Encroachment	Fill/Dredge Volume
Vegetative Stabilization	3,422 ft.	100 ft.	100 ft.	9,965 cu. yds.
Jetties	200 ft.	30 ft.	185 ft.	670 cu. yds.
Dredging	Various	Various	250 ft.	19,930 cu. yds.

VICINITY MAP & IMPACT TABLE

Northwest Creek  
 Enhancement Project

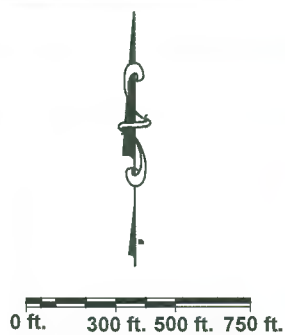
Queen Anne's County, Maryland

**SUSTAINABLE SCIENCE LLC**  
*Ecological Engineering Services*  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (410) 924-4316  
 www.sustainable-science.com

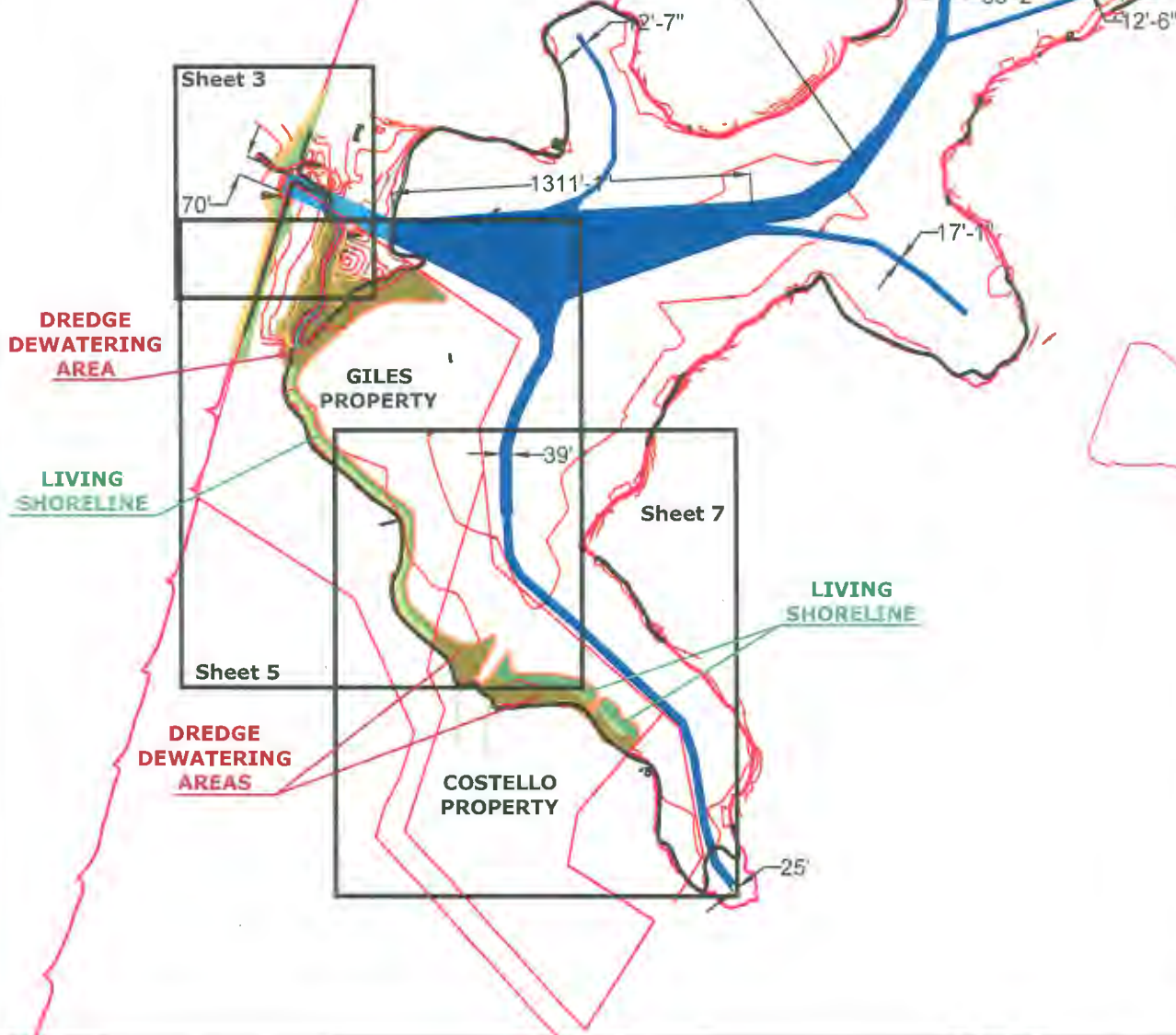
SCALE: 1 inch = 2 miles  
 DRAWN BY: A. McCullough  
 DATE: May 20th, 2015  
 LAST REVISION: June 9th, 2015  
 SS PROJECT NO: 14003

SHEET NUMBER 1 OF 8





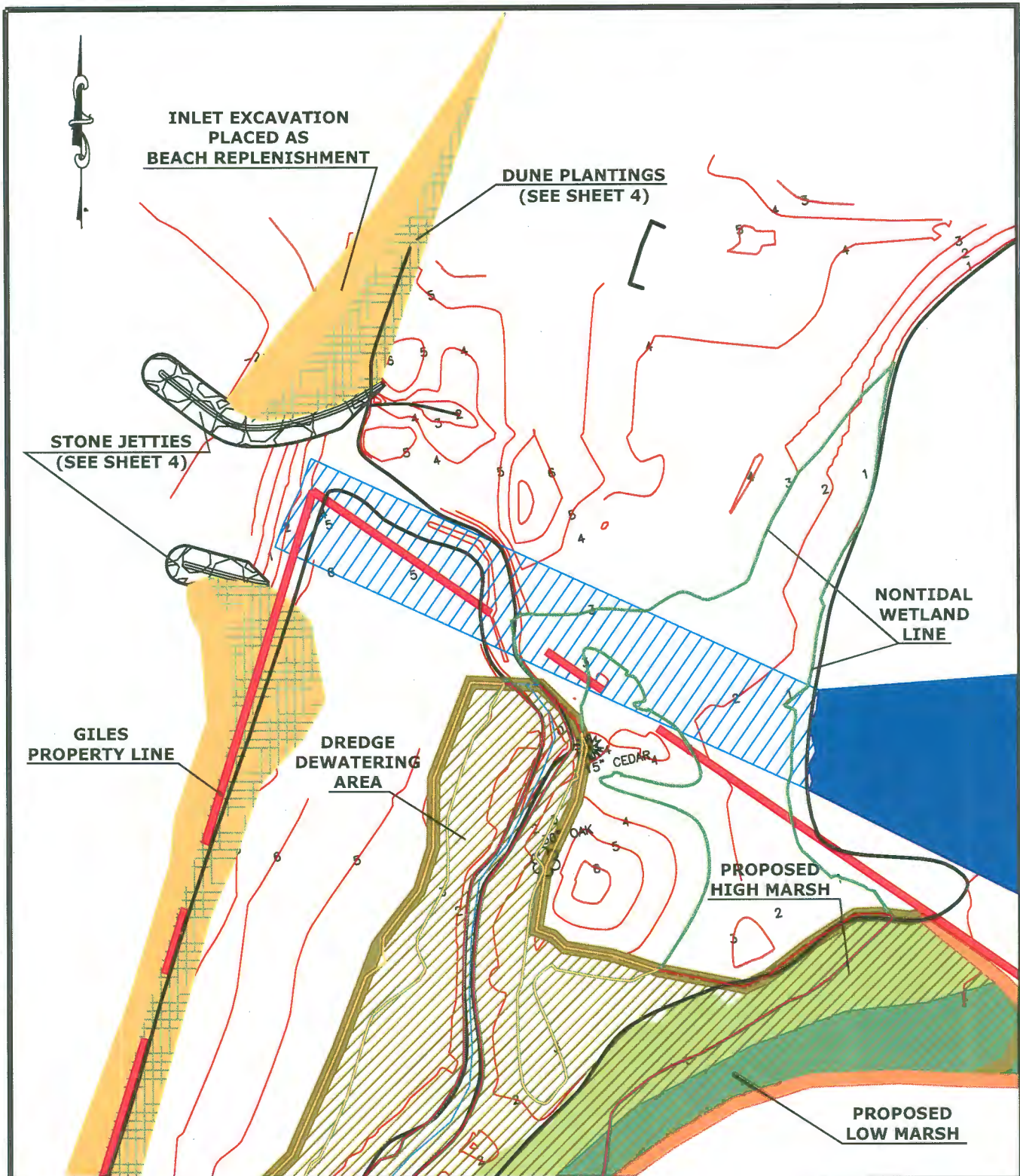
**DREDGE ONE (1)  
FOOT BELOW  
EXISTING BOTTOM  
THROUGHOUT**



**DREDGING & KEY SHEET**  
Northwest Creek  
Enhancement Project  
Queen Anne's County, Maryland

**SUSTAINABLE SCIENCE LLC**  
Ecological Engineering Services  
410 S. Second Street  
Denton, Maryland 21629  
Phone: (+1) 924-4316  
www.sustainable-science.com

<b>SCALE:</b> 1 inch = 600 feet	
<b>DRAWN BY:</b>	A. McCullough
<b>DATE:</b>	May 20th, 2015
<b>LAST REVISION:</b>	NONE
<b>SS PROJECT NO:</b>	14003
<b>SHEET NUMBER</b>	2 OF 8

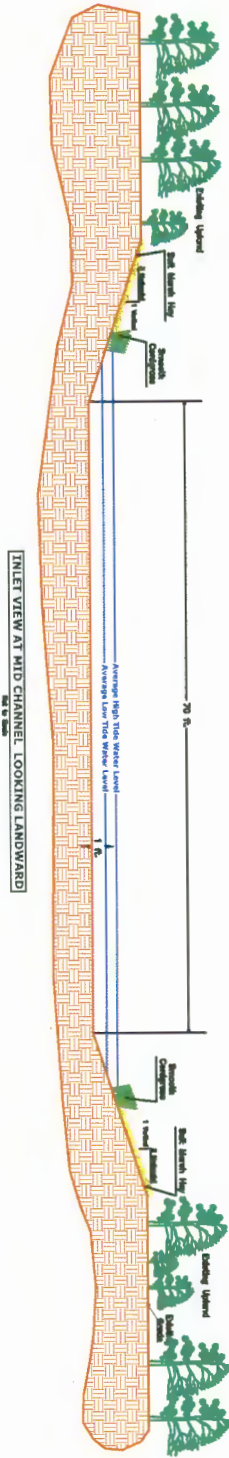


PROPOSED INLET PLAN  
 Northwest Creek  
 Enhancement Project  
 Queen Anne's County, Maryland

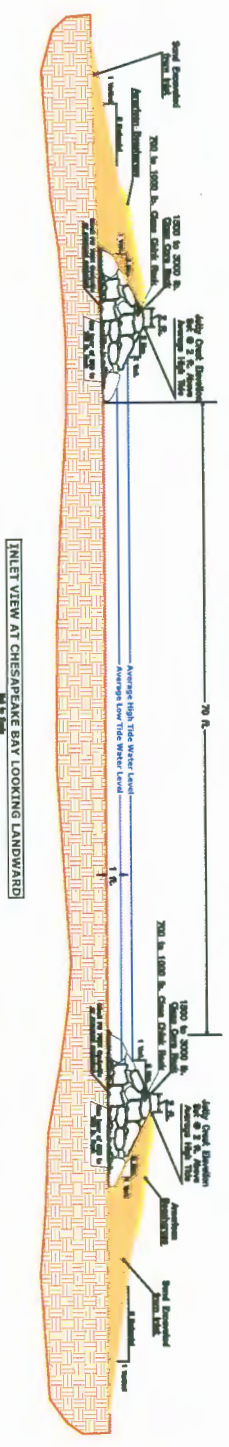
**SUSTAINABLE SCIENCE LLC**  
*Ecological Engineering Services*  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (410) 924-4316  
 www.sustainable-science.com

SCALE:	1 inch = 100 feet
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DATE:	May 20th, 2015
LAST REVISION:	June 9th, 2015
SS PROJECT NO:	14003
SHEET NUMBER	3 OF 8





INLET VIEW AT MID CHANNEL LOOKING LANDWARD  
Not to Scale

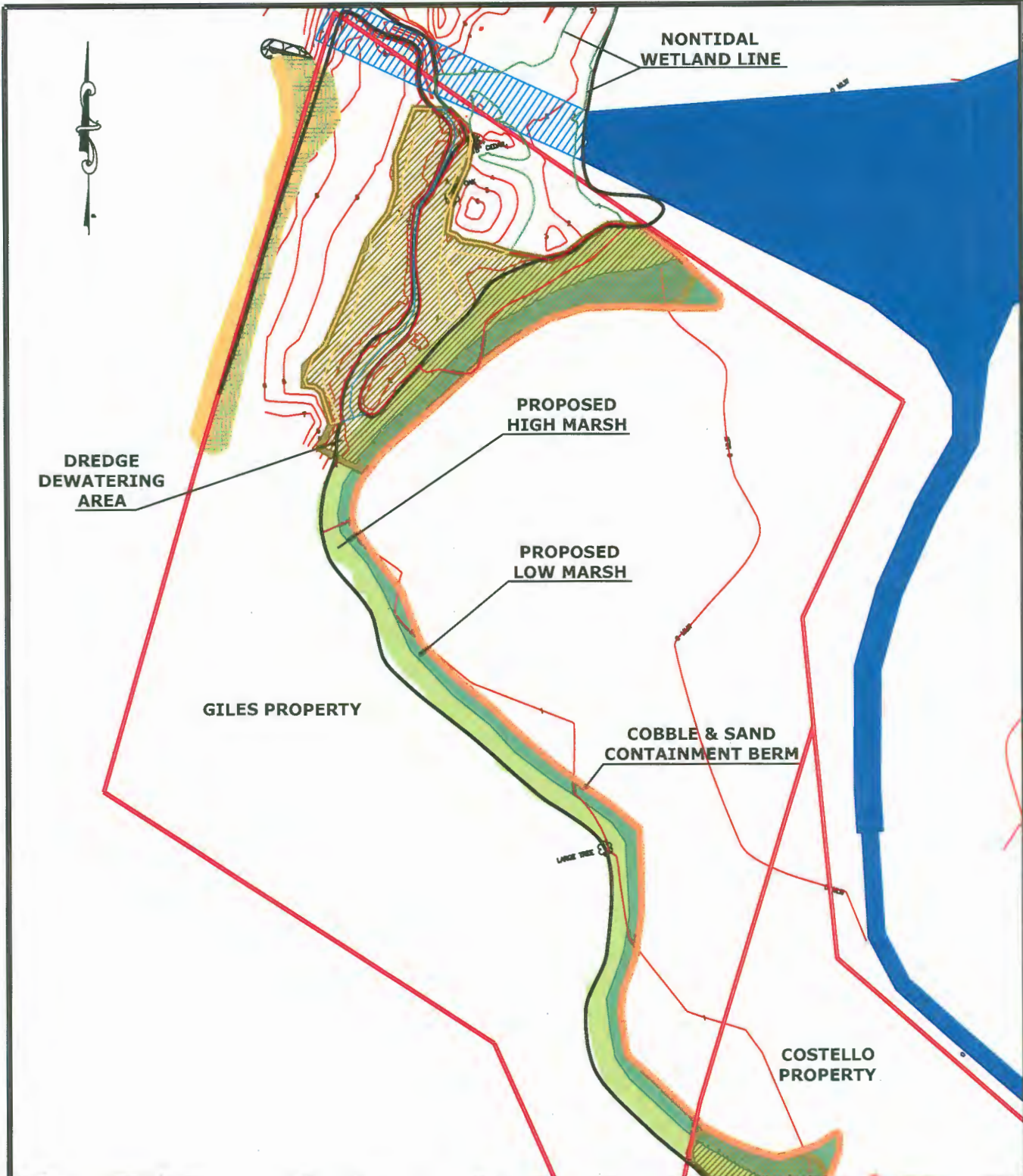


INLET VIEW AT CHESAPEAKE BAY LOOKING LANDWARD  
Not to Scale

INLET CROSS-SECTIONS  
 Northwest Creek  
 Enhancement Project  
 Queen Anne's County, Maryland

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 Ecological Engineering Services  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (410) 924-4316  
 www.sustainable-science.com

SCALE:	As Shown
DRAWN BY:	A. McCullough
DATE:	May 20th, 2015
LAST REVISION:	NONE
SS PROJECT NO:	14003
SHEET NUMBER	4 OF 8

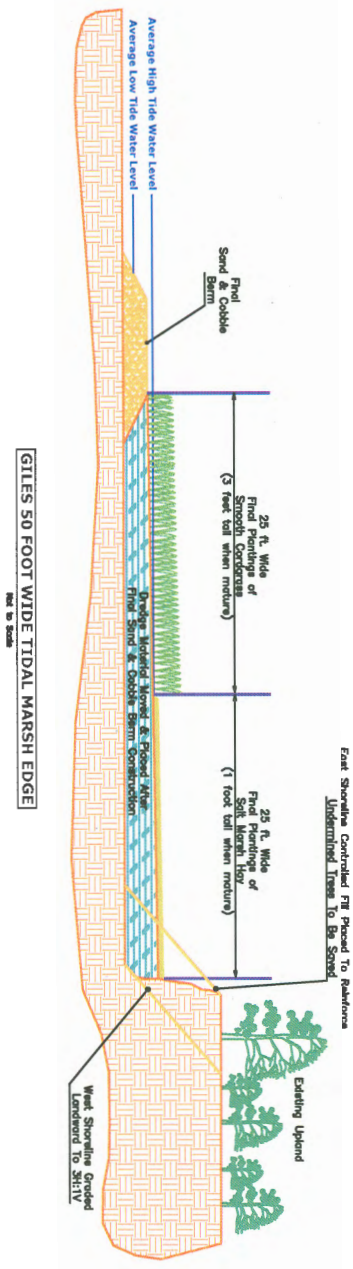


GILES LIVING SHORELINE PLAN  
 Northwest Creek  
 Enhancement Project  
 Queen Anne's County, Maryland

**SUSTAINABLE SCIENCE LLC**  
*Ecological Engineering Services*  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (410) 924-4316  
 www.sustainablescience.com

SCALE:	1 Inch = 200 feet
DRAWN BY:	A. McCullough
DATE:	May 20th, 2015
LAST REVISION:	NONE
SS PROJECT NO:	14003
SHEET NUMBER	5 OF 8

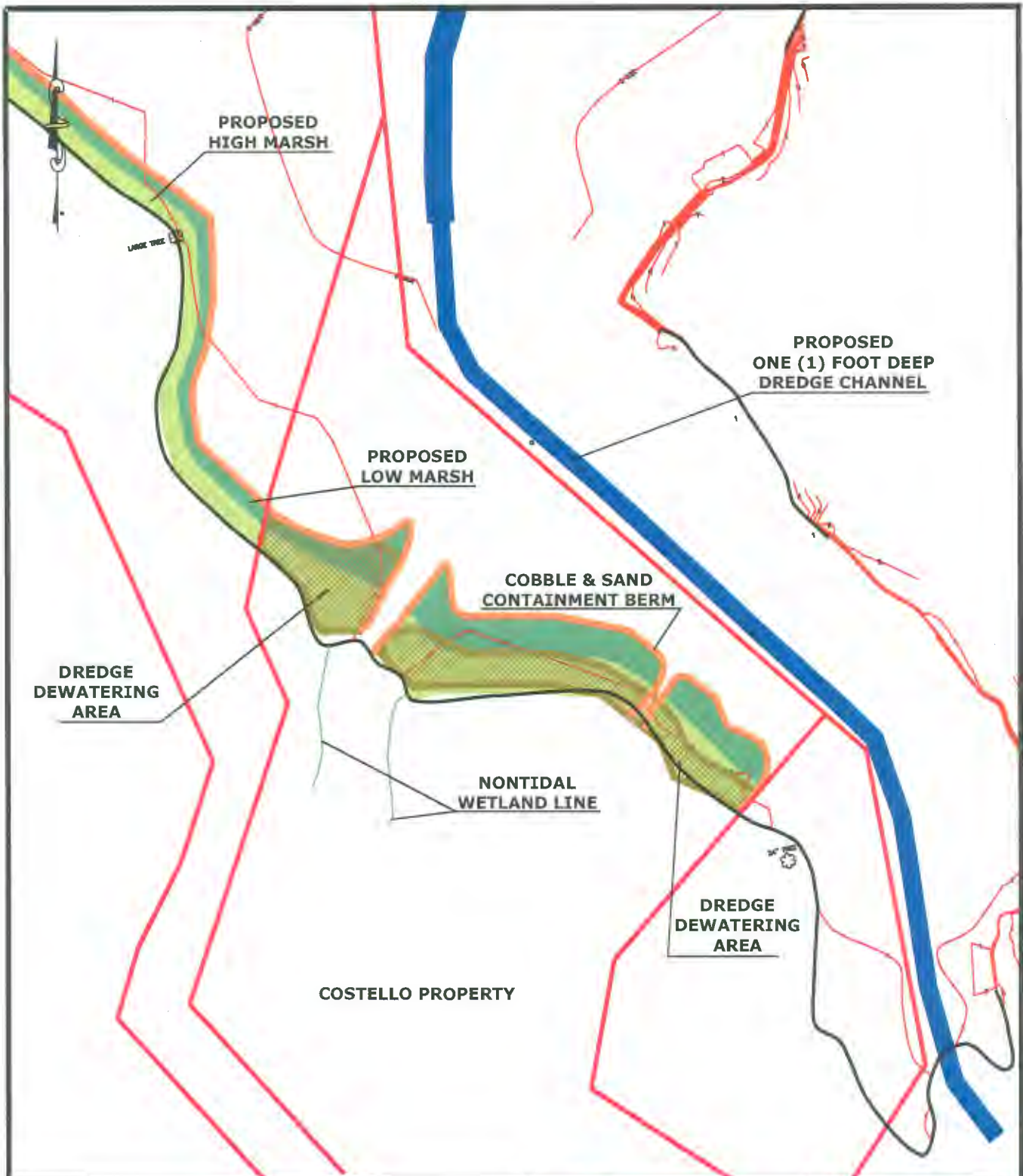




GILES CROSS-SECTION  
 Northwest Creek  
 Enhancement Project  
 Queen Anne's County, Maryland

**SUSTAINABLE SCIENCE LLC**  
*Ecological Engineering Services*  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (410) 824-4316  
 www.sustainable-science.com

SCALE:	As Shown
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DATE:	May 20th, 2015
LAST REVISION:	NONE
SS PROJECT NO:	14003
SHEET NUMBER	6 OF 8



COSTELLO LIVING SHORELINE PLAN

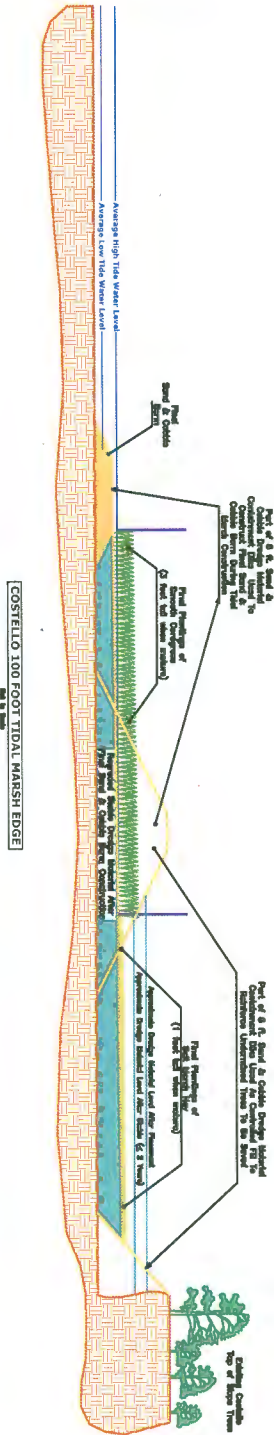
Northwest Creek  
Enhancement Project

Queen Anne's County, Maryland

**SUSTAINABLE SCIENCE LLC**  
*Ecological Engineering Services*  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (410) 924-4316  
 www.sustainablescience.com

SCALE: 1 inch = 200 Feet  
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SHEET NUMBER 7 OF 8



COSTELLO CROSS-SECTION  
 Northwest Creek  
 Enhancement Project  
 Queen Anne's County, Maryland

**SUSTAINABLE SCIENCE LLC**  
 Ecological Engineering Services  
 410 S. Second Street  
 Denton, Maryland 21622  
 Phone: (+10) 224-4316  
 www.sustainable-science.com

SCALE:		As Shown
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DATE:		May 20th, 2015
LAST REVISION:		NONE
SS PROJECT NO:		14003
SHEET NUMBER	8 OF 8	