

Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
CENAB-OP-RMS (SO SW&D-CARROLTON COURT)
2017-61056

PN 18-10

Comment Period: February 12, 2018 to March 12, 2018

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 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: Somerset County, Solid Waste & Drainage
c/o Charles Cavanaugh
11916 Somerset Avenue
Princess Anne, Maryland 21853

WATERWAY AND LOCATION: In tidal wetlands and an Unnamed tidal ditch tributary to the Manokin River at Carrollton Court in Westover, Somerset County, Maryland.

WORK: The applicant proposes, in accordance with the attached plans, to maintenance dredge by mechanical method a 3-foot by 885-foot section (2,655 square feet, 0.06 acre) of an existing tidal ditch, resulting in approximately 85 cubic yards of sediment to be deposited to a maximum height of 6 to 8 inches in a 10-foot by 885-foot area (8,885 square feet, 0.2 acre) of *Phragmites australis*-dominated tidal marsh adjacent to the ditch.

The work would be accomplished using an amphibious excavator working from the channelward end southeast towards Carrollton Court, on the east bank adjacent to the farm field. Impacts were avoided through the use of machinery that does not require placement of marsh mats for site access and minimized to the extent practicable by limiting the dredging footprint to only that necessary to restore the designed functionality to the ditch.

No mitigation is proposed at this time. This would be a one-time dredging event, since the applicant does not anticipate the necessity for additional dredging within the next ten years. All work is to be completed in accordance with the proposed plans dated August 1, 2017 and January 11, 2018. If you have any questions concerning this matter, please contact Ms. Connie Ramsey at (410) 962-5676 or Connie.L.Ramsey@usace.army.mil.

The purposes of the project are primarily to improve water flow and provide flood control for surrounding properties.

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 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 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: Ms. Connie Ramsey, CENAB-OPR-MS], 2 Hopkins Plaza, Baltimore, MD 21201 or Connie.L.Ramsey@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) Habitat Conservation Division (HCD) 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 adjacent to EFH as described under MSFCMA for Scopthalmus aquosus (windowpane flounder) juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Peprilus triacanthus (Atlantic butterflyfish) eggs, larvae, juvenile, adult; and eggs, larvae, juvenile, and adult stages of Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (Spanish mackerel), Rachycentron canadum (cobia), and Scianenops ocellatus (red drum), all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by removal of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 0.06 acre of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a silt and sediment intertidal and subtidal substrate that does not support submerged aquatic vegetation (SAV). The proposed project will alter the existing elevations and substrate within the project footprint; however, the District Engineer 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.

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 Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 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.

COASTAL ZONE MANAGEMENT PROGRAM: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Tidal Wetlands Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that the MDE has a statutory limit of 6 months in which to make its consistency determination. The applicant must obtain any State or local government permits which may be required.

ENDANGERED SPECIES ACT: We have made the determination that the proposed activity would have no adverse effect to any species listed as threatened or endangered, or their critical habitat, by the NMFS Protected Resources Division (PRD) under the ESA of 1973, as amended since the proposed work is located in water depths less than -3.0 feet mean low water (MLW). As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

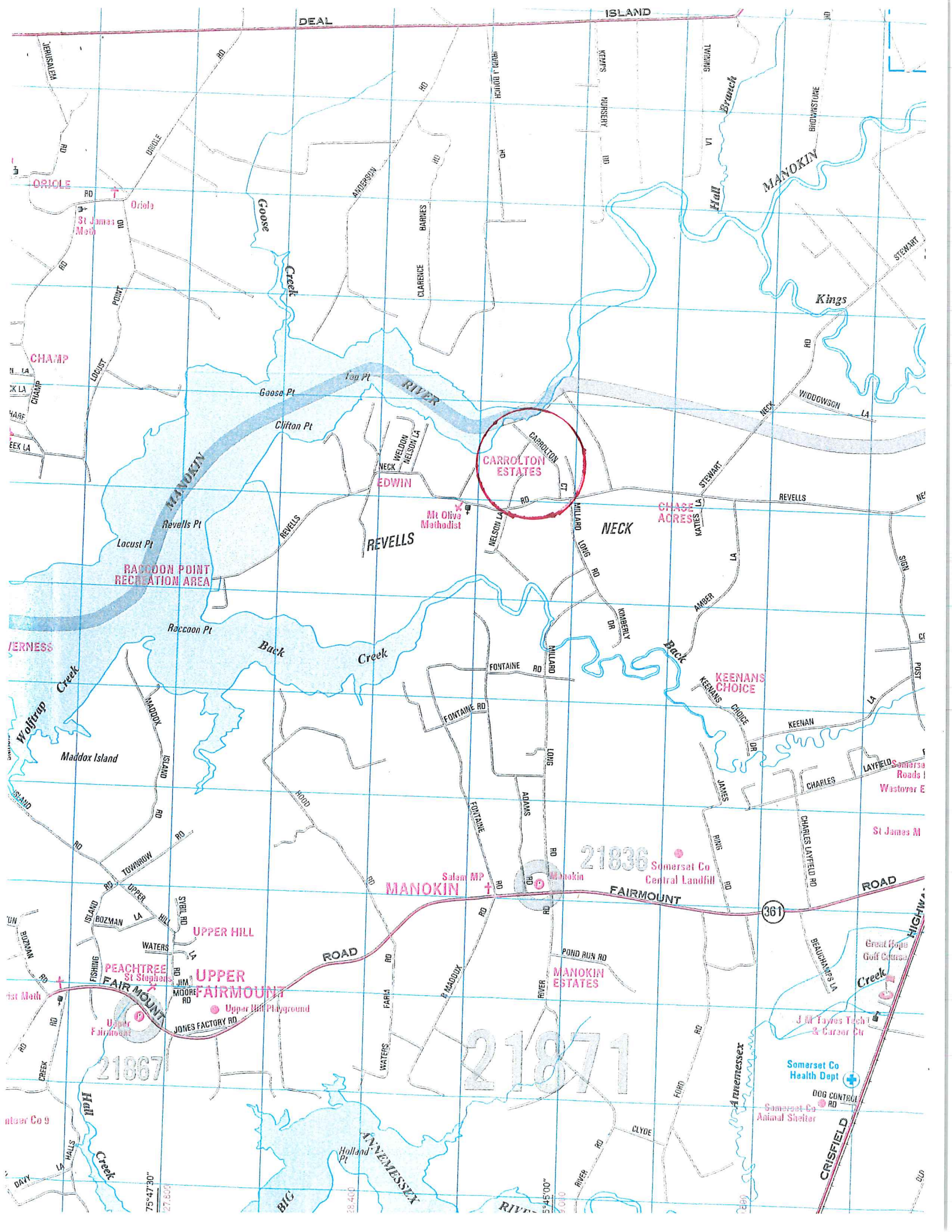
NATIONAL HISTORIC PRESERVATION ACT: Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, 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, US Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201, 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



DEAL

ISLAND

ORIOLE

CHAMP

VERNESS

CARROLTON ESTATES

RACCOON POINT RECREATION AREA

REVELLS

CHASE ACRES

KEENANS CHOICE

MANOKIN

21836

21867

21871

FAIRMOUNT

UPPER FAIRMOUNT

MANOKIN ESTATES

SOMERSET CO. HEALTH DEPT.

SOMERSET CO. ANIMAL SHELTER

CRISFIELD

75°47'30"

5°45'00"

HIGHWAY 361

2016 Aerial

0164

0004

0065



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SOMERSET COUNTY TAX MAP 31

CARROLTON COURT PHASE II
WESTOVER, MARYLAND

TOTAL TIDAL DRAINAGE PROJECT=885'

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2016 Aerial



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CARROLTON CT

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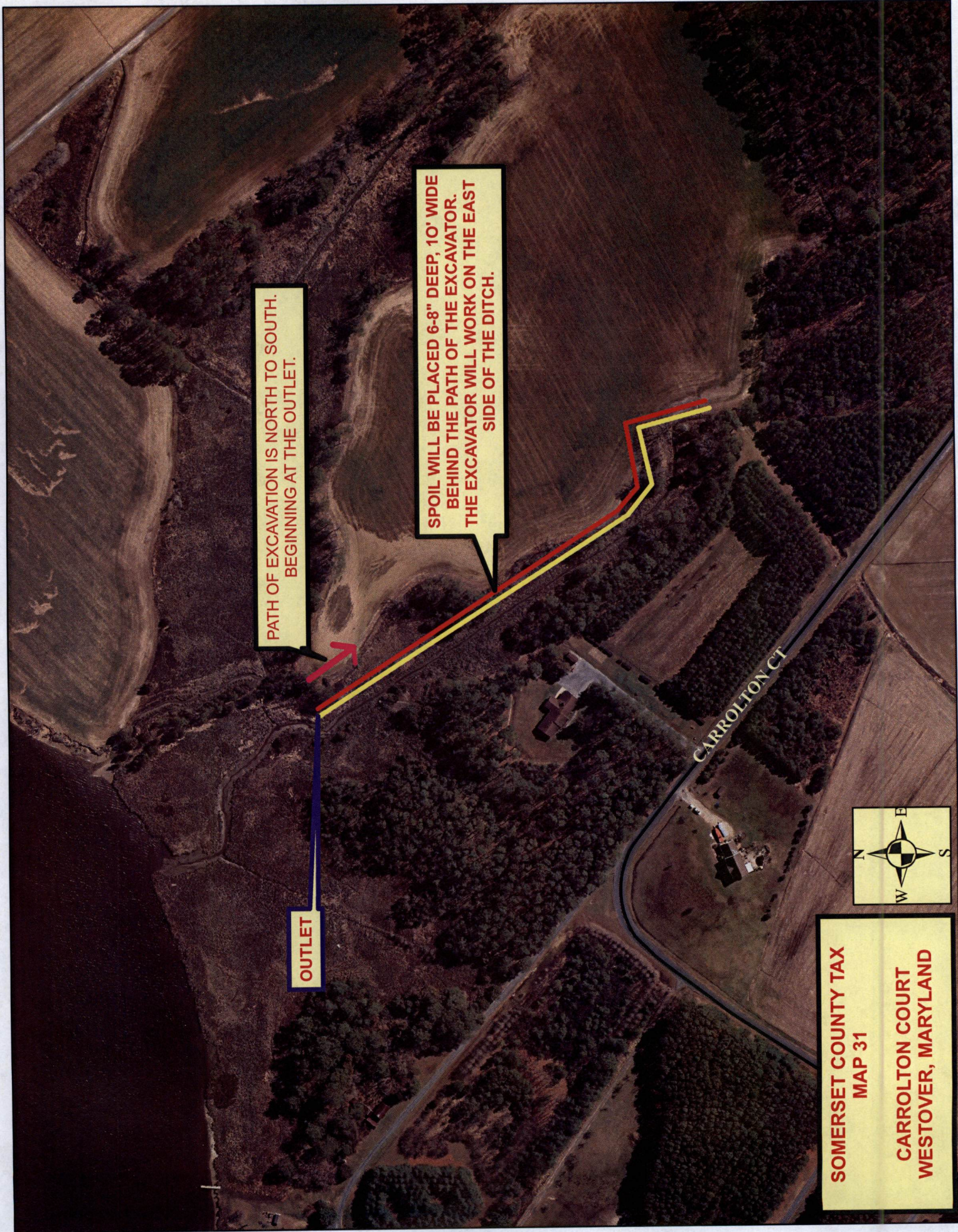
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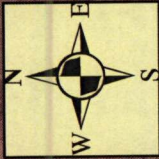


PATH OF EXCAVATION IS NORTH TO SOUTH,
BEGINNING AT THE OUTLET.

SPOIL WILL BE PLACED 6-8" DEEP, 10' WIDE
BEHIND THE PATH OF THE EXCAVATOR.
THE EXCAVATOR WILL WORK ON THE EAST
SIDE OF THE DITCH.

OUTLET

CARROLTON CT



SOMERSET COUNTY TAX
MAP 31
CARROLTON COURT
WESTOVER, MARYLAND

DITCH CROSS SECTION

SCALE

1/2" = 1"

