

Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
NAB-2016-61249-MN (MD DNR/Dundee Creek Marina)

PN-16-53

Comment Period: September 02, 2016 to October 03, 2016

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.

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: Maryland Department of Natural Resources
c/o Michele Hurt
580 Taylor Avenue
Annapolis, MD 21401

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed work is located in Dundee Creek at Dundee Creek Marina in Gunpowder Falls State Park, at the terminus of Kaiser Road, Middle River, Baltimore County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes the mechanical dredging of a 242,971 square foot (5.58 acres) area to a depth of -3.5 feet at mean low water, removing a total of 10,795 cubic yards of material, at the Dundee Creek Marina, located within Gunpowder Falls State Park in Middle River, Baltimore County, Maryland. Dredge material will be trucked to the Dundee Creek dredge material placement (DMP) site, an existing upland also located within Gunpowder Falls State Park on Graces Quarters Road in Middle River, Baltimore County, Maryland. The purpose of the project is to provide adequate water depth for public's safe, daily recreational usage of the marina. The applicant has requested a 6-year maintenance dredging clause be made a part of any Corps authorization.

The applicant has taken steps to avoid and minimize impacts to waters of the United States to the maximum extent practicable. This was achieved by reducing the area of disturbance and maintaining setbacks from known submerged aquatic vegetation in the waterway. The proposed dredging would improve navigable access within Dundee Creek for Dundee Creek Marina. The applicant has not proposed compensatory mitigation under the Mitigation Rule to offset unavoidable losses to aquatic resources, as there are no impacts to wetlands or submerged aquatic vegetation and no loss of waters of the United States.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact **Kate Edgar at (410)962-4452 or Kathryn.a.edgar@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 impact of this project on the public interest as described above 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: Kate Edgar, 10 S. Howard Street, Baltimore, Maryland 21201 or Kathryn.a.edgar@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 lies in or adjacent to EFH as described under MSFCMA for red hake (*Urophycis chuss*) juveniles and adults; windowpane flounder (*Scopthalmus aquosus*) juveniles and adults; Atlantic sea herring (*Clupea harengus*) adults; bluefish (*Pomatomus saltatrix*) adults and juveniles; summer flounder (*Paralichthys dentatus*) larvae, juveniles and adults; black sea bass (*Centropristis striata*) juveniles and adults; and all four life stages of Atlantic butterflyfish (*Peprilus triacanthus*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), and red drum (*Sciaenops ocellatus*), 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. On-site habitat consists primarily of silty sub-tidal substrate that, according to VIMS surveys, has supported submerged aquatic vegetation (SAV) within and adjacent to the project site from 2010 to 2015. The project will increase on-site water depths within the project footprint. However, 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, however, 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 (MDE), Wetlands and Waterways Program, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. MDE has a statutory limit of one year from the date of this public notice to make its decision.

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. Public comments relating to consistency must be received by the Maryland Department of the Environment (MDE), Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period specified above to receive consideration. It should be noted that MDE 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.

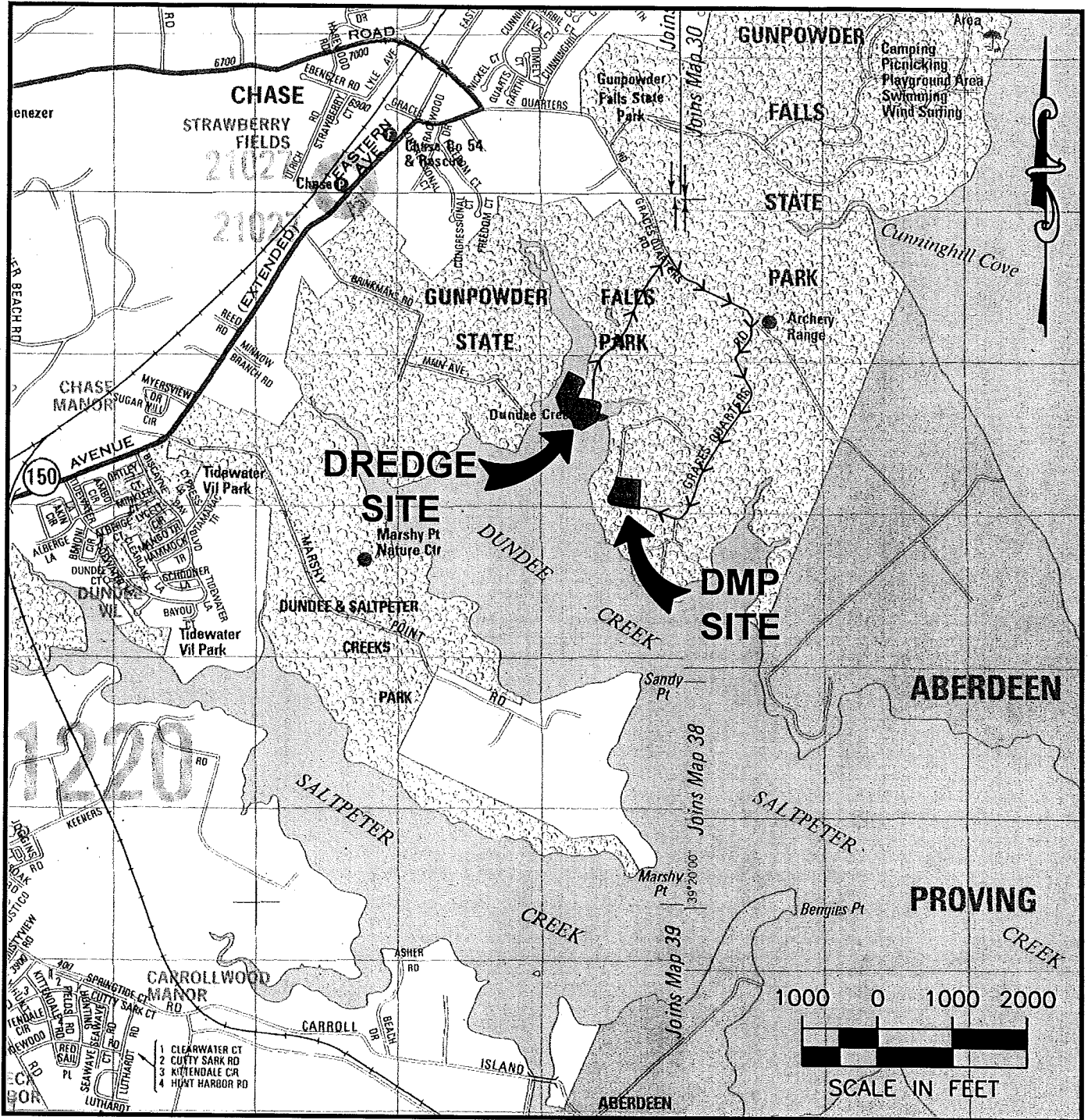
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost 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: Kate Edgar, 10 S. Howard Street, Baltimore, Maryland 21201, 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



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VICINITY MAP

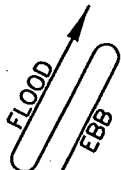
SCALE: 1" = 2000'

PROPOSED MAINTENANCE DREDGING

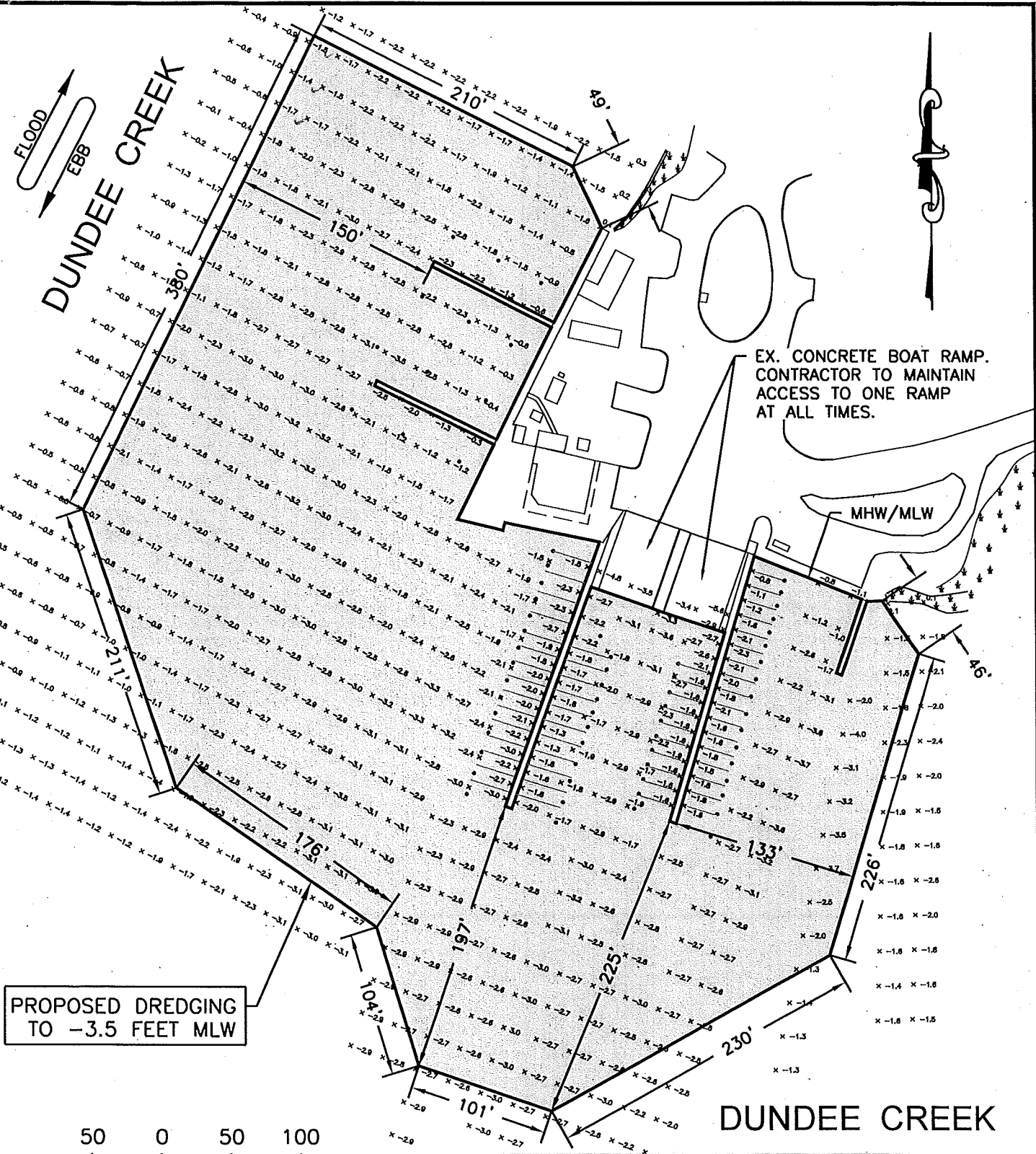
LOCATION: DUNDEE CREEK MARINA
 FACILITY: GUNPOWDER FALLS STATE PARK
 COUNTY: BALTIMORE COUNTY, MARYLAND
 APPLICANT: MARYLAND DEPARTMENT OF NATURAL RESOURCES
 580 TAYLOR AVENUE
 ANNAPOLIS, MD 21401

DATE: JULY 2016

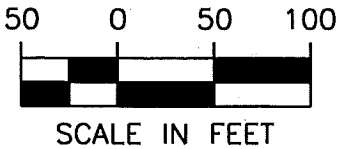
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DUNDEE CREEK



PROPOSED DREDGING TO -3.5 FEET MLW



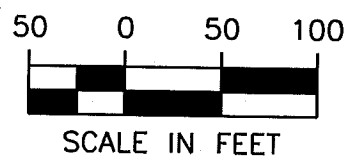
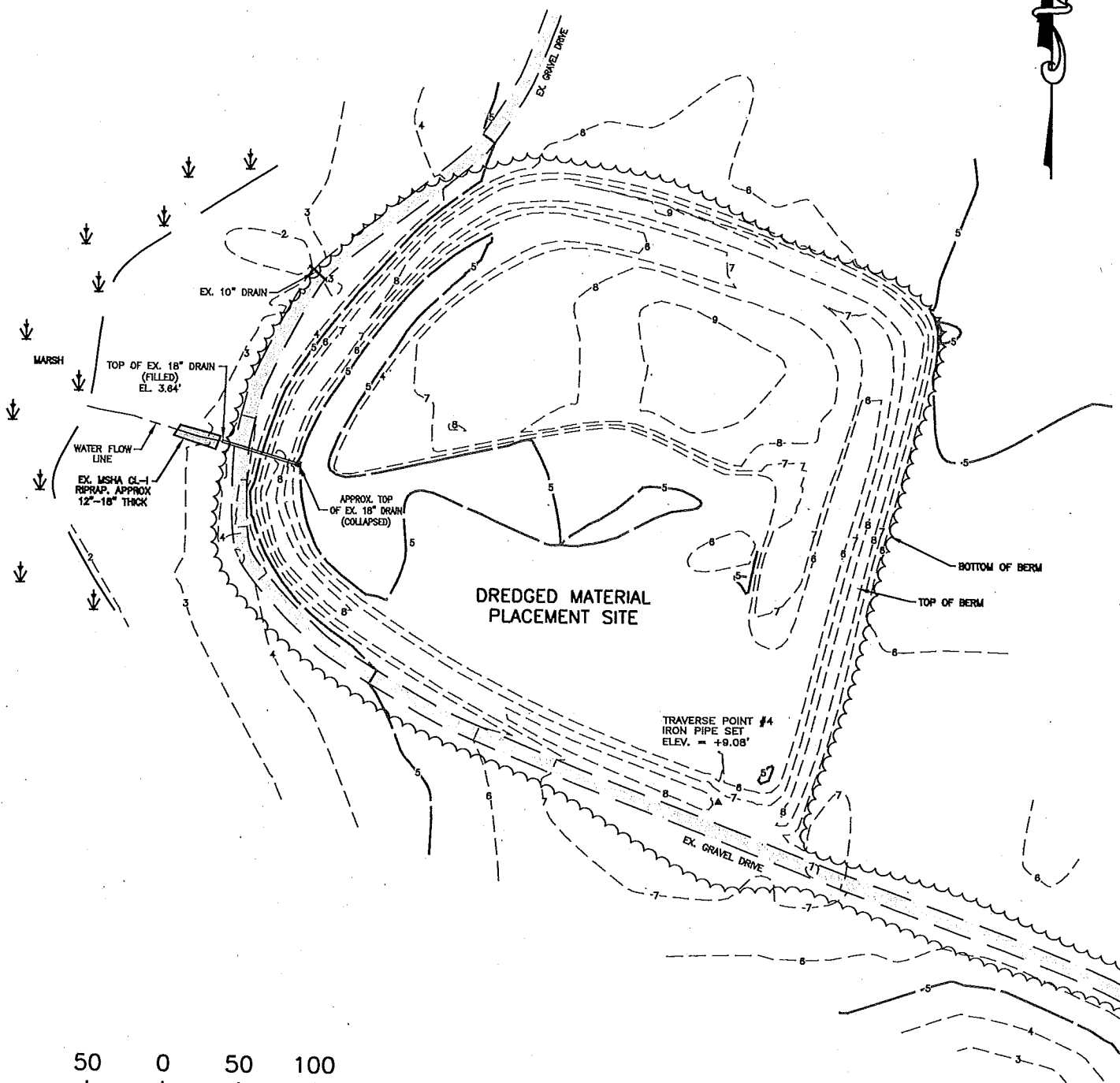
DREDGING PLAN

SCALE: 1" = 100'

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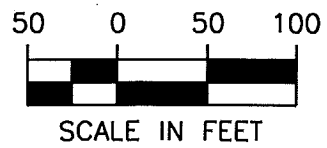
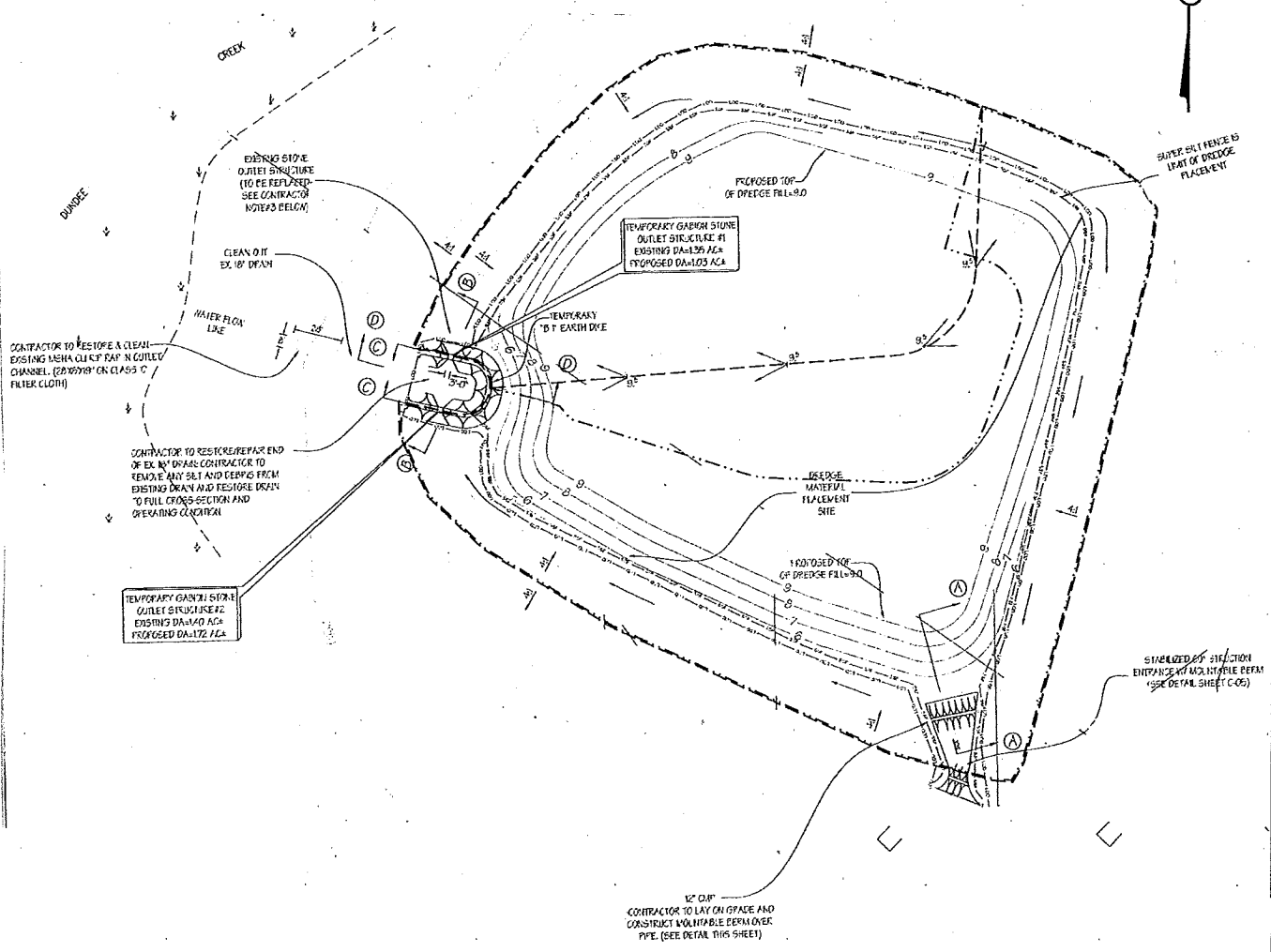


EXISTING DMP SITE
 SCALE: 1" = 100'

**PROPOSED
 MAINTENANCE DREDGING**

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PROPOSED DMP SITE
SCALE: 1" = 100'

**PROPOSED
MAINTENANCE DREDGING**

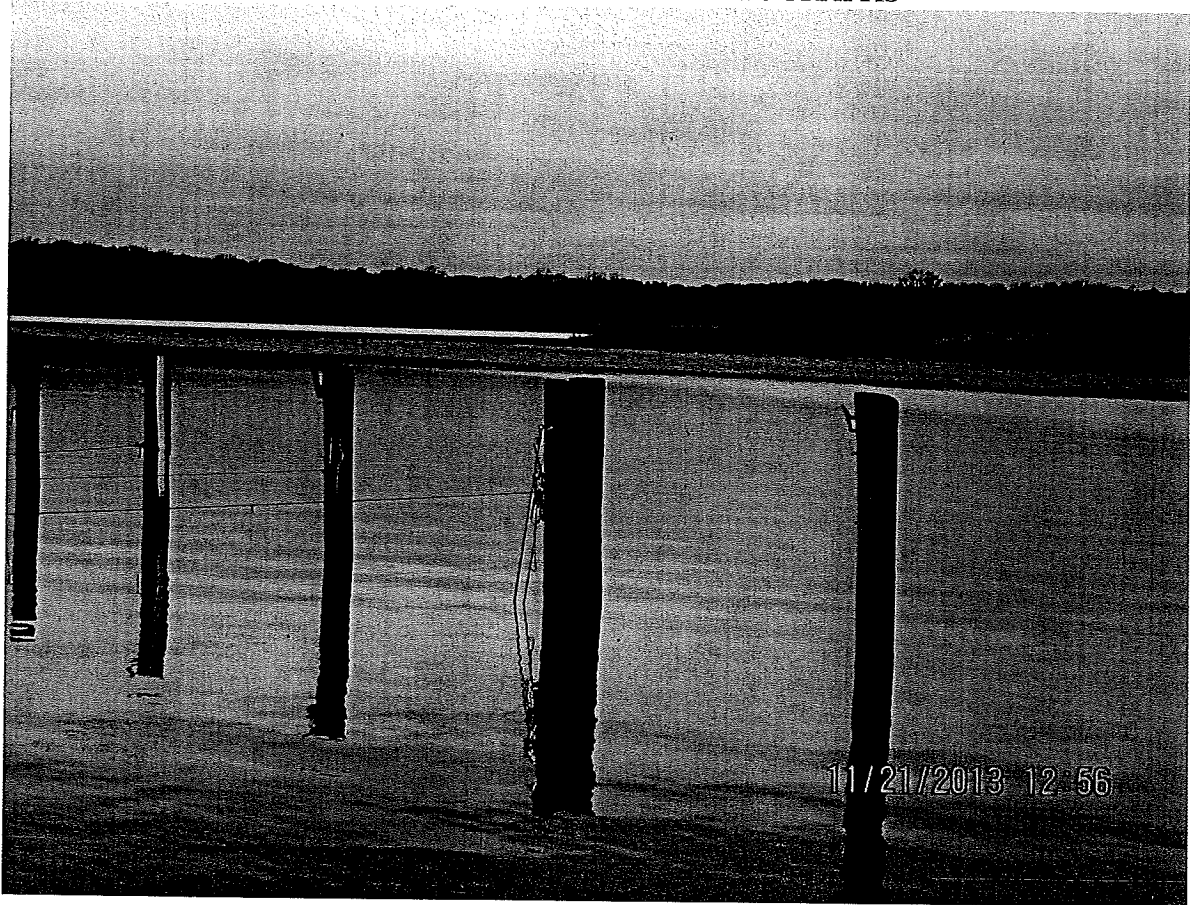
LOCATION: DUNDEE CREEK MARINA
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DUNDEE CREEK MARINA PHOTOGRAPHS



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