



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-R(DANIEL, RICHARD/GRAYS CREEK
SPUR DREDGING)01-61392-14

Comment Period: February 13, 2001 to March 14, 2001

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) and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: Mr. Richard Daniel
514 Grays Creek Rd
Pasadena, MD 21122

LOCATION: Grays Creek, Anne Arundel County, Maryland

WORK: The applicant proposes, in accordance with the attached plans, to dredge by hydraulic or mechanical method, a 50 foot long by 30 foot wide spur channel (spur #36) to -6 feet mean low water (MLW). The resulting approximately 72 cubic yards of sand, silt, and clay is to be deposited at an existing upland (non-wetland) regional dredged material placement site at Rock Creek. The proposed dredge project area is 1,500 square feet. Periodic maintenance dredging is requested for the spur channel. The purpose of the work is to improve navigable access. This spur channel is part of the overall Anne Arundel DPW capital dredging project for Grays Creek, CENAB-OP-RMN(AA DPW/GRAYS CREEK)00-62576.

The project site lies within Essential Fish Habitat (EFH) described under the Magnuson-Stevens Fishery Conservation & Management Act (MSFCMA) for juvenile and adult life stages of both summer flounder (*Paralichthys dentatus*) and bluefish (*Patatomus saltatrix*). Further, the lower Magothy River, including Grays Creek, is a documented spawning/nursery ground for winter flounder (*Pseudopleuronectes americanus*), a species that is also managed under the Magnuson-Stevens Act. Although the Chesapeake Bay and its tributaries are not currently designated as EFH for this species, upcoming revisions to EFH species boundaries will likely incorporate the Chesapeake Bay into the EFH range of the species. Consequently, after reviewing the appropriate literature under the MSFCMA, there will be no apparent adverse effect to either the managed species or to their EFH quality and/or quantity or to their "prey" species as a result of this proposed project. Any possible effects to EFH are mitigated for by a time-of-year restriction for winter dredging.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Beth E. Bachur at (410) 962-4336.

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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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 Standards and Certification Division Maryland Department of the Environment, Building 30, First Floor, 2500 Broening Highway, Baltimore, Maryland 21224 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, 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.

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 Coastal Zone Division, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224, within the comment period as specified above. It should be noted that CZ Division 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.

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.

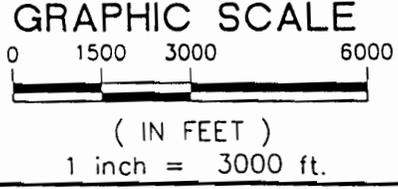
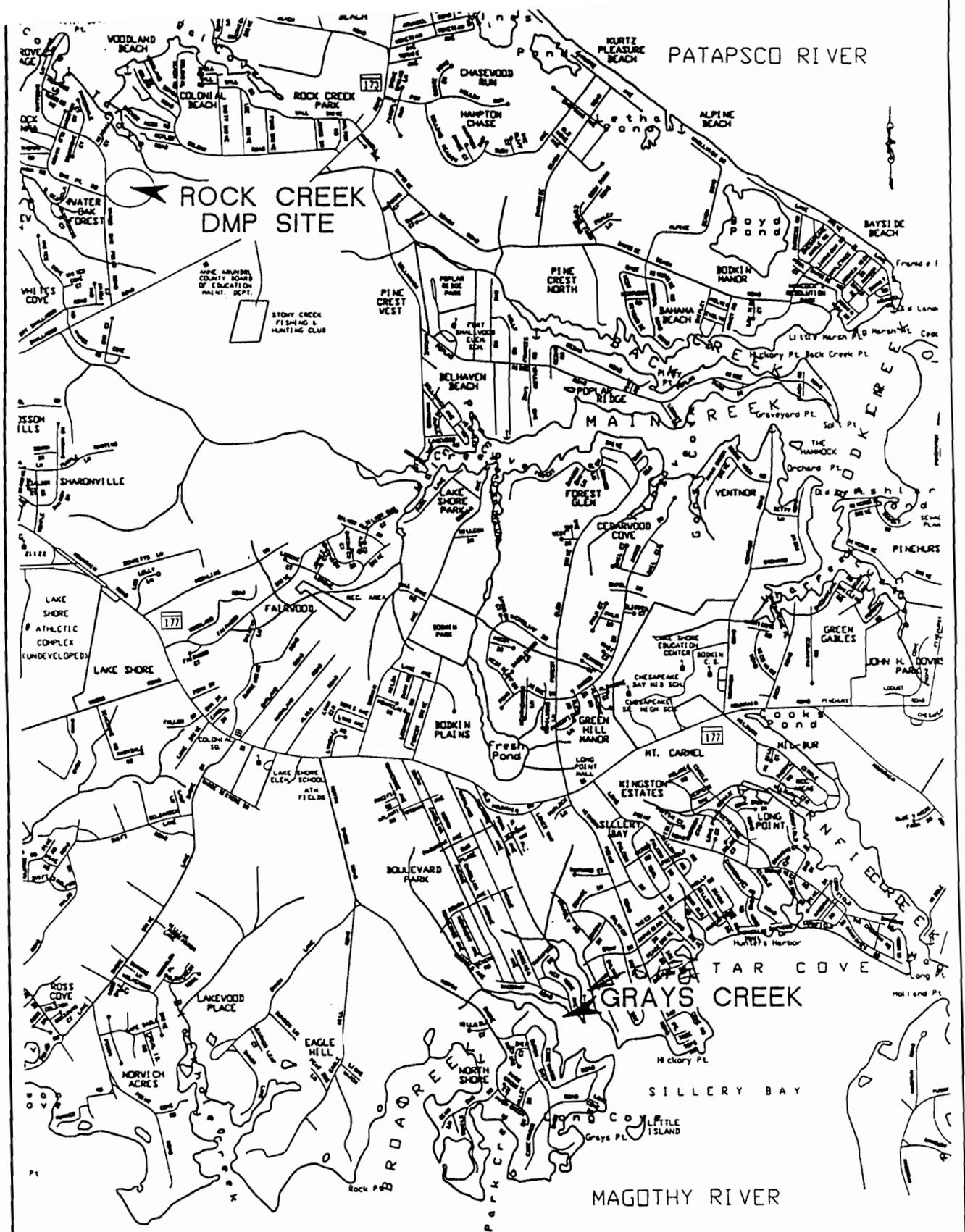
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US 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 which 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:



JANET M. VINE
Chief, Maryland Section Northern

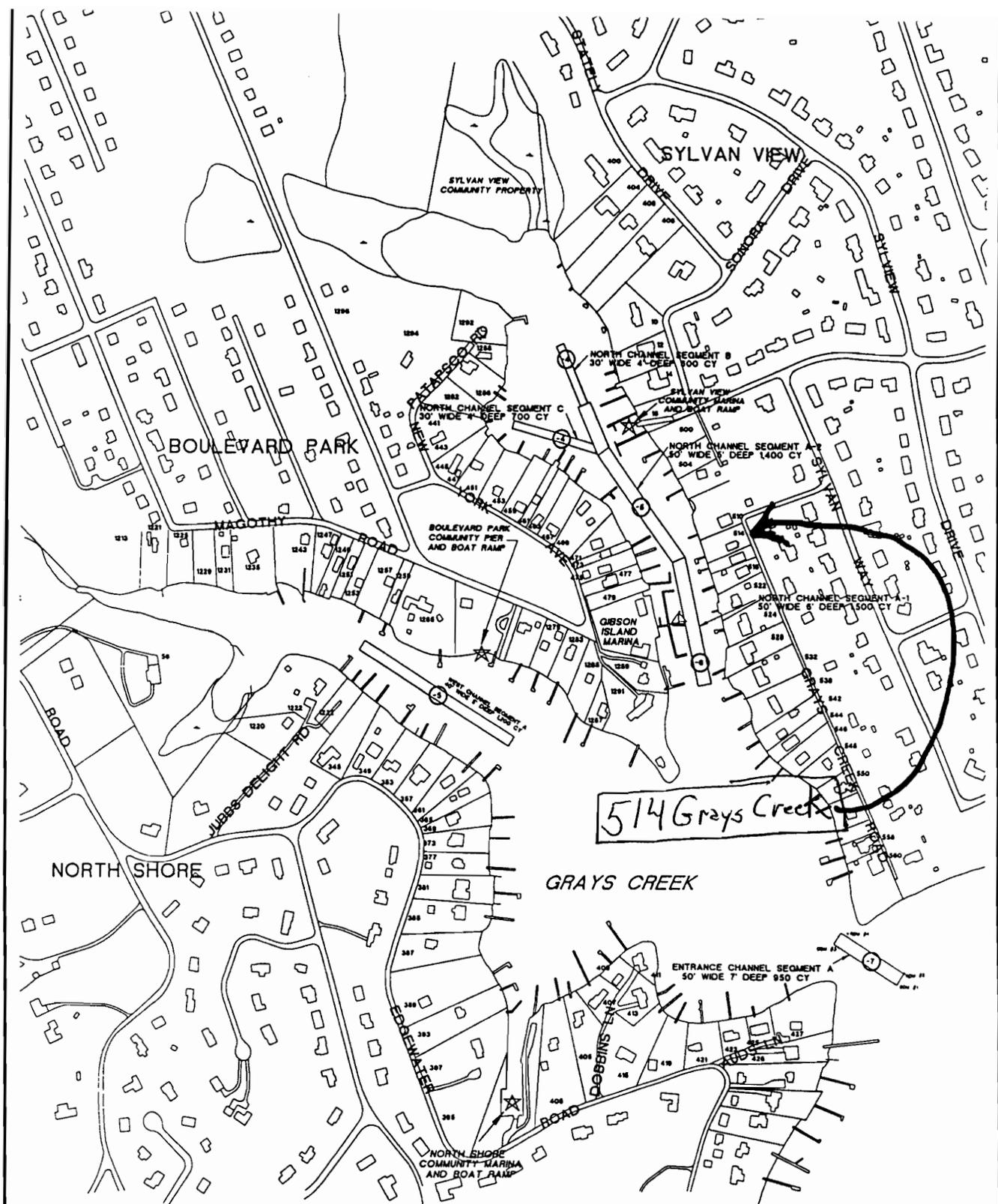


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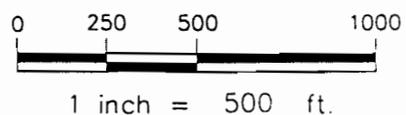
7443 Shipley Avenue Phone: (410) 553-0016
 Hanover, Maryland 21076 Fax: (410) 553-6011

GRAYS CREEK
 DREDGING AND DISPOSAL SITE
 LOCATION MAP

SEPTEMBER 1999

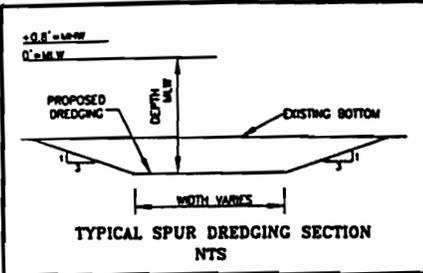
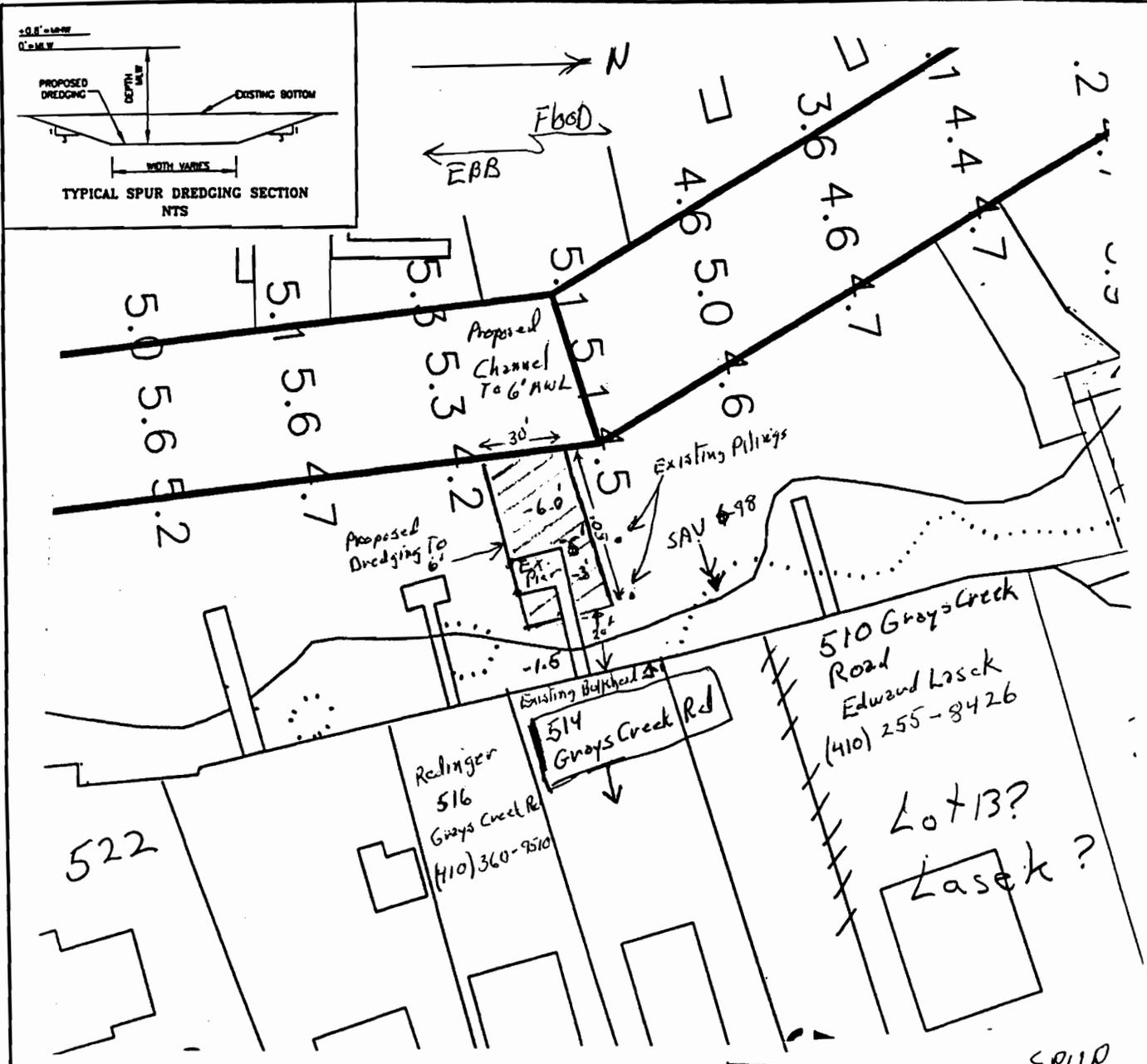


- LEGEND:
- ☆ COMMUNITY PROPERTY
 - △ COMMERCIAL MARINA
 - PROPOSED DREDGING
 - ### STREET ADDRESS
 - ⊕ PROPOSED DEPTH (MLW)



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GRAYS CREEK
 PROPOSED COUNTY DREDGING PLAN



SPUR DATA
 AREA = 1500 S.F.
 VOLUME = 72 C.Y.

LEGEND:
 O - PILING
 X - 3.0 - EXISTING DEPTH

- NOTES:
1. TIDAL RANGE IS 0.8 FEET.
 2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
 3. APPROX. 72 CY OF SAND, SILT AND CLAY ARE TO BE HYDRAULICALLY OR MECHANICALLY DREDGED.
 4. PROPOSED DREDGING DEPTH IS 6'-0" MLW.
 5. MATERIAL WILL BE PLACED AT THE ROCK CREEK DMP SITE LOCATED ON WATER OAK POINT ROAD.
 6. THESE ARE PERMIT DRAWINGS ONLY. DESIGN DRAWINGS WILL BE PREPARED SEPARATELY.

Application by:
 Richard Daniel
 514 Groys Creek Road
 Lot P10 12
 Herbert Williams
 Subdivision
 410 889 7871

Corresponding
 Address:
 R Daniel
 1302 Roundhill Rd.
 Baltimore, MD
 21218

SPUR
 PLAN
 514 Groys Creek
 Anne Arundel
 Co. MD
 1" = 50'

DATE: 12/23/2000

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