



PUBLIC NOTICE

US Army Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(MD SHA/BRIDGE NO 2042 & 2043/RT 70
OVERWEEMS & COLLEGE CREEKS)03-65422-20

Comment Period: 15 August 2003 to 15 September 2003

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

MD State Highway Administration
Attn: Susan Ridenour
Environmental Programs Division
707 N. Calvert Street
Baltimore, MD 21202

LOCATION: Weems and College Creeks, Anne Arundel County, Maryland

WORK: To replace bridge number 2042, MD Route 70 (Rowe Boulevard) over Weems Creek, with a new five span steel girder bridge that is approximately 712-feet-long and 75.5-feet-wide, with an approximately 26 feet and 10 inches shift in the roadway alignment. The removal of the old bridge and the construction of the new bridge will result in 4,881 square feet of temporary wetland impacts, 1,678 square feet of permanent wetland impacts due to shading of submerged aquatic vegetation (SAV) and emergent wetlands, 33,314 square feet of temporary- and 3,780 square feet of permanent stream impacts. Also, to rehabilitate bridge number 2043, MD Route 70 (Rowe Boulevard) over College Creek. The project will result in 1,336 square feet of temporary wetland impacts to SAV and emergent wetlands, and 28,917 square feet of temporary stream impacts. SHA proposes a marsh creation including outfall rehabilitation in Weems Creek as mitigation for permanent wetland impacts due to shading.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH for a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH for a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH listed for juvenile and adult Urophycis chuss (red hake), juvenile and adult Scophthalmus aquosus (windowpane flounder), adult Clupea harengus (atlantic sea herring), eggs, larvae, juvenile and adult Peprilus tricanthus (atlantic butterfly), juvenile and adult Pomatomus saltatrix (blue fish), larvae, juvenile and adult Paralichthys dentatus (summer flounder), adult and juvenile Stenotomus chrysops (scup), and juvenile and adult Centropristus striata (black sea bass). These are managed species under the MSFCMA. The preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on potential disturbance of an species, but do use the project area as an foraging area and as a nursery area, on seasonal basis, primarily during summer. The project has the potential to adversely effect the managed species and / or their EFH quality and/or quantity, and their prey species. No EFH measures have been developed for these projects. However, it is expected that conservation measures may include time of year restrictions on when the proposed work may be

performed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Ms. Sybille Vega* at (410) 962-6011.

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, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 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, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, 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.