# PUBLIC NOTICE

US Army Corps of Engineers Baltimore District

In Reply to Application Number CENAB-OP-RMN(MD SHA/PROJECT NO AA716B21/MD 468-PHASEII)04-60008-12

## Comment Period: 5 November 2003 to 5 December 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 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 *Maryland State Highway Administration*
*Attn: Susan Ridenour*
*Environmental Programs Division*
*707 N. Calvert Street*
*Baltimore, Maryland 21202*

LOCATION In Shady Side Anne Arundel County Maryland

WORK: The Maryland State Highway Administration (SHA) is requesting authorization to impact waters of the United States including jurisdictional wetlands incidental to the construction of proposed improvements to MD468 located in the vicinity of the town of Shady Side located in Anne Arundel County, Maryland. Proposed improvements include the addition of two 5-foot paved shoulders, safety grading, and upgraded drainage that would be provided from MD256 (Deale Churchton Road) to Cedarhurst Road, and from 500 feet east of Swamp Circle Road to 550 feet west of Chalk Point Road. The implementation of the improvements would require the relocation of approximately 120 utility poles which increases impacts. Construction of the project would result in permanent impacts to 2.6 acres of forested wetlands, 0.03 acres of scrub/shrub wetlands, 0.09 acres of emergent wetlands, and, 10,986 linear feet of ephemeral roadside ditches that convey runoff to the West River. No intermittent or perennial streams would be impacted. Roadside drainage ditches will be replaced in-kind. Compensatory mitigation for impacts to waters of the United States is proposed to be provided at the Kinder Mitigation Site. The Kinder Site is local to the proposed impacts and has been approved by this office for previous SHA related impacts and consists of approximately 6.58 acres of forested wetland restoration, 4.26 acres of forested wetland enhancement, and, 18.81 acres of forested wetland preservation.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Mr. Steve Elinsky* at *(410) 962-4503*.

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 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.