

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OP-RMN(AA DPW/MILL CREEK/DREDGING)
2008-01709-M18

PN 08-48

Comment Period: July 23, 2008 to August 23, 2008

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 the 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: *Anne Arundel County Department of Public Works*
C/O Ms. Kendra Scheminant (Agent)
1321 Mercedes Drive, Suite C
Hanover, Maryland 21076

LOCATION: Mill Creek, Magothy River, Anne Arundel County, Maryland.

WORK: To hydraulically or mechanically maintenance dredge a 315-foot long by 80-foot wide entrance channel to a depth of -8.5 feet below mean low water, a 120-foot long by 50-foot wide main channel to a depth of -6.5 feet below mean low water and a 976-foot long by 30-50-foot wide main channel to a depth of -4.5 to -5.5 feet deep mean low water in Mill Creek connecting to the Magothy River and Chesapeake Bay. Additionally, 17 spur channels listed below are proposed. The dredging will result in approximately 2,974 cubic yards of material from the entrance and main channels and 1,680 cubic yards of material from the spurs, which will be deposited at the Anne Arundel County Rock Creek dredged material placement (DMP) site or other approved DMP Site. The permit for these projects, if approved, would authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material. The purpose of the proposed work is to improve navigable access to residential piers. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Mr. Richard Kibby @ (410) 962-0694*.

Spur Channels:

2008-01710 – Mr. and Mrs. Homer Sandridge. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,305 square feet to a depth of -4.5 to -5.5 feet MLW and to deposit approximately 81 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01711 – Mr. Paul Faupel. To hydraulically or mechanically dredge a spur channel in Mill Creek 900 square feet to a depth of -5.5 feet MLW and to deposit approximately 67 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01712 – Mr. and Mrs. Eric Silk. To hydraulically or mechanically dredge a spur channel in Mill Creek 945 square feet to a depth of -5.0 feet MLW and to deposit approximately 68 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01713 – Mr. and Mrs. George Lehman. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,699 square feet to a depth of -6.5 feet MLW and to deposit approximately 121 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material. To construct two pier extensions: a 20-foot long by 6-foot wide section and a 10-foot long by 10-foot wide section.

2008-01714 – Ms. Bonzie Gilbert and Ms. Joyce North. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,951 square feet to a depth of -5.5 feet MLW and to deposit approximately 108 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01715 – Mr. Wade Hannum. To hydraulically or mechanically dredge a spur channel in Mill Creek 786 square feet to a depth of -4.0 feet MLW and to deposit approximately 56 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01716 – Ms. Katherine Woods. To hydraulically or mechanically dredge a spur channel in Mill Creek 2,012 square feet to a depth of -4.5 feet MLW and to deposit approximately 112 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01717 – Mr. and Mrs. Terry Ritter. To hydraulically or mechanically dredge a spur channel in Mill Creek 2,120 square feet to a depth of –5.5 feet MLW and to deposit approximately 108 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01718 – Mr. and Mrs. Gregory Page. To hydraulically or mechanically dredge a spur channel in Mill Creek 2,252 square feet to a depth of –5.5 feet MLW and to deposit approximately 167 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01719 – Mr. Allen Schwitzer. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,407 square feet to a depth of –5.5 feet MLW and to deposit approximately 104 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01720 – Divinity Cove HOA. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,350 square feet to a depth of –3.5 feet MLW and to deposit approximately 100 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01722 – Mr. and Mrs. Thomas Mathis. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,562 square feet to a depth of –3.5 feet MLW and to deposit approximately 115 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01723 – Mr. Scott Macleod. To hydraulically or mechanically dredge a spur channel in Mill Creek 475 square feet to a depth of –5.0 feet MLW and to deposit approximately 27 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01724 – Mr. Tim Barger. To hydraulically or mechanically dredge a spur channel in Mill Creek 840 square feet to a depth of –5.0 feet MLW and to deposit approximately 70 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01726 – Ms. Arsinia Villanater. To hydraulically or mechanically dredge a spur channel in Mill Creek 975 square feet to a depth of –5.5 feet MLW and to deposit approximately 80 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01728 – Mr. Michael Johansen. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,669 square feet to a depth of –6.5 feet MLW and to deposit approximately 203 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

2008-01731 – Mr. William Van Der Westhuizen. To hydraulically or mechanically dredge a spur channel in Mill Creek 1,099 square feet to a depth of –5.5 feet MLW and to deposit approximately 92 cubic yards of dredged material at the Anne Arundel County Rock Creek dredged material placement site or other approved DMP Site and to authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), 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 EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999, include EFH designations for a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH listed for adult, juvenile and larvae *Paralichthys dentatus* (summer flounder), adult and juvenile *Scopthalmus aquosus* (windowpane flounder), adult and juvenile *Pomatomus saltatrix* (blue fish), eggs larvae, juvenile, and adult *Peprilus triacanthus* (Atlantic butterfish), juvenile and adult *Centropristus striata* (black sea bass), and the eggs larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), and *Rachycentron canadum* (cobia). They are managed species under MSFCMA.

A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on potential disturbance of SAV due to dredging. The aforementioned species are not estuarine resident species but could use the project area as a foraging area and as a nursery area, on a seasonal basis primarily during the summer. The project has the potential to adversely affect the managed species and/or their EFH quality and/or quantity, and their prey species. No EFH measures have been developed for this project. 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.

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, 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 and 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, U.S. Army Corps of Engineers, Baltimore District, P.O. 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 indicated 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.

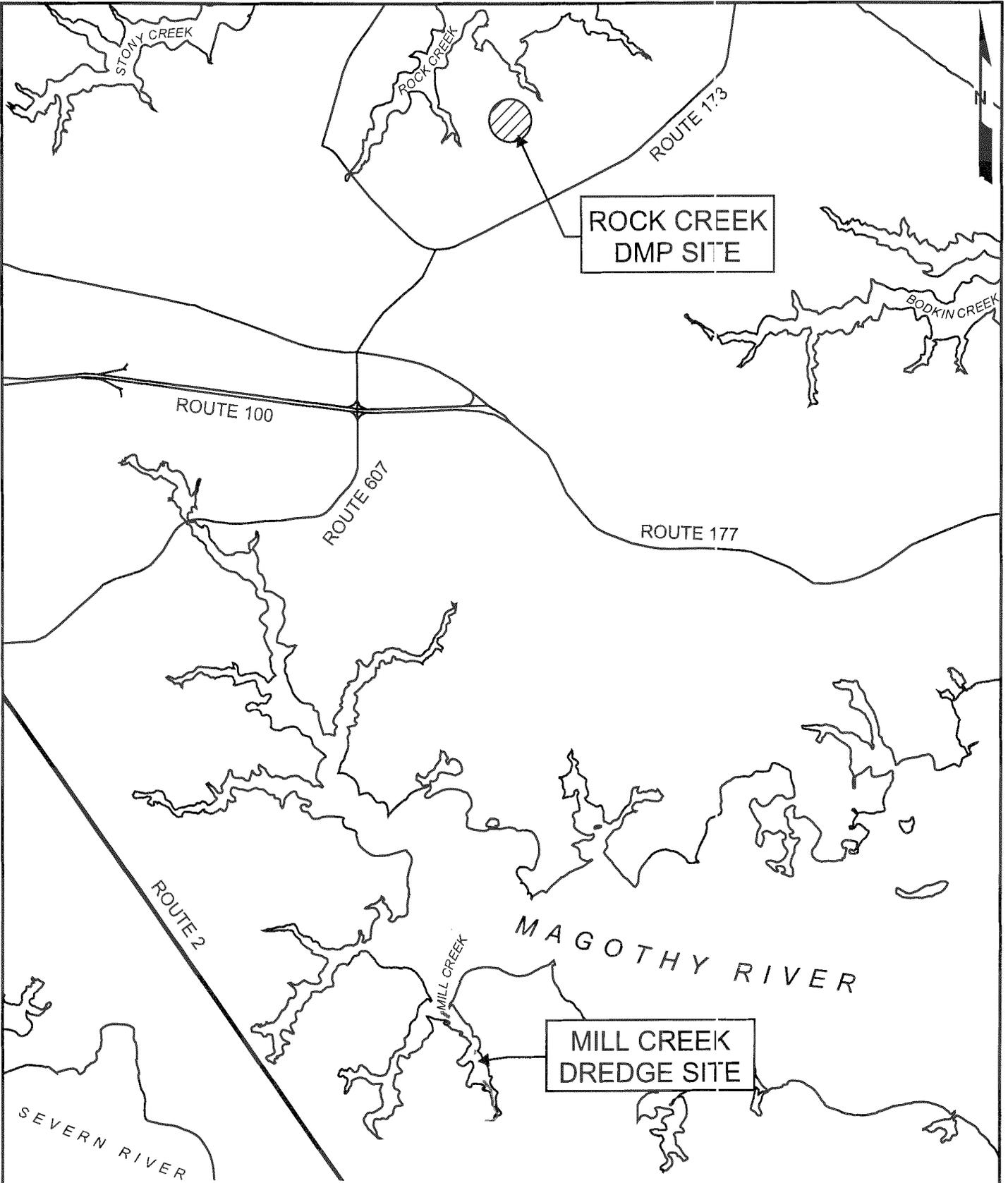
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely 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, P.O. Box 1715, Baltimore Maryland, 21203-1714, 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:



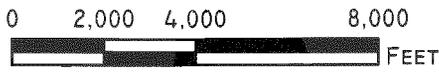
JOSEPH P. DAVIA
Chief, Maryland Section Northern



**MILL CREEK
ENTRANCE & MAINTENANCE CHANNELS
PROPOSED COUNTY DREDGING**

ANNE ARUNDEL COUNTY, MD
APPL. BY: ANNE ARUNDEL COUNTY
DEPARTMENT OF PUBLIC WORKS

GRAPHIC SCALE



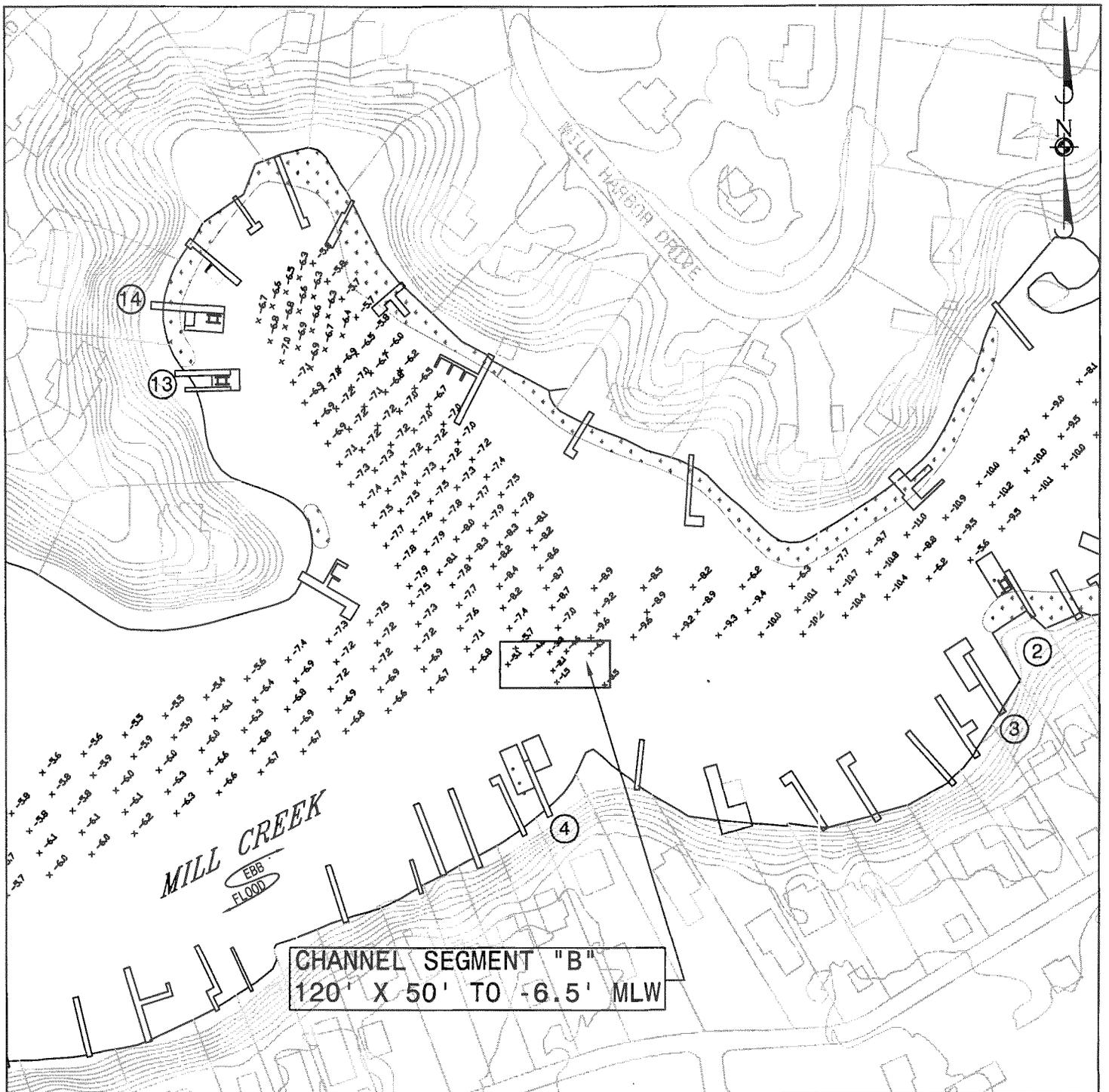
1 INCH = 4,000 FEET

BayLand
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Hanover, Maryland 21076 Fax: (410) 694-9405
email: bayland@baylandinc.com

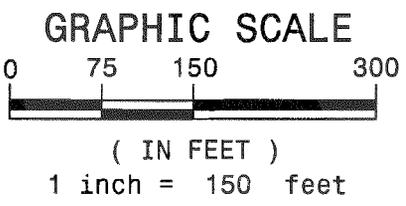
MARCH 2008

SHEET 1 OF 5

© 03/2004 Mill Creek Entrance Dredging/IS/Community Map.mxd



CHANNEL SEGMENT "B"
 120' X 50' TO -6.5' MLW



MILL CREEK
 ENTRANCE & MAINTENANCE CHANNELS
 PROPOSED COUNTY DREDGING
 ANNE ARUNDEL COUNTY, MD

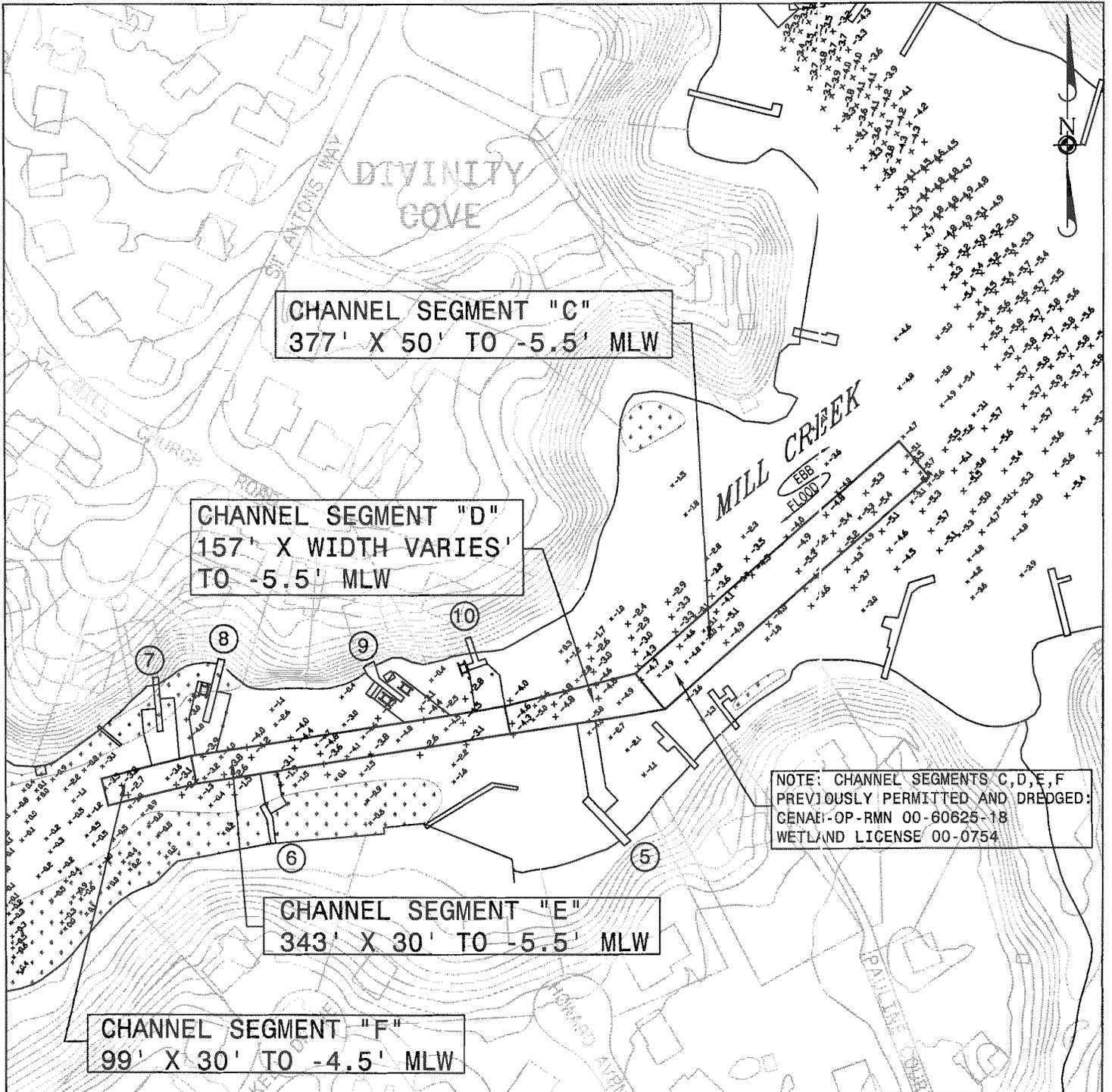
LEGEND	
	PROPOSED COUNTY CHANNEL
	PROPOSED SPUR CHANNEL
	PROPOSED CHANNEL DEPTH
	PROPOSED PIER
	x-3.6 SOUNDINGS
	APPROX. PROPERTY LINES
	SHORELINE

SAV LEGEND	
	COMPOSITE SAV BED FROM SPRING AND SUMMER SAV SURVEY
	SPRING SURVEY DATE: MAY 14, 2007
	DENSITY RANGED FROM VERY SPARSE 0-10% TO SPARSE 10-40%
	Zp ZANNICHELLIA PALUSTRIS
	SUMMER SURVEY DATE: AUGUST 14, 2007
	DENSITY VERY SPARSE 0-10%
	Ppf POTAMOGETON PERFORIATUS

APPL. BY: ANNE ARUNDEL COUNTY
 DEPARTMENT OF PUBLIC WORKS

Bay and
 Consultants & Designers, Inc.
"Integrating Engineering and Environment"
 1321 Mercedes Drive, Suite C Phone: (410) 694-9401
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MILL CREEK
 MAIN CHANNEL
 MARCH 2008



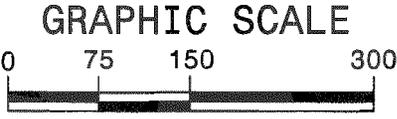
CHANNEL SEGMENT "C"
377' X 50' TO -5.5' MLW

CHANNEL SEGMENT "D"
157' X WIDTH VARIES
TO -5.5' MLW

CHANNEL SEGMENT "E"
343' X 30' TO -5.5' MLW

CHANNEL SEGMENT "F"
99' X 30' TO -4.5' MLW

NOTE: CHANNEL SEGMENTS C, D, E, F
PREVIOUSLY PERMITTED AND DREDGED:
CENAEI-OP-RMN 00-60625-18
WETLAND LICENSE 00-0754



(IN FEET)
1 inch = 150 feet

LEGEND	
	PROPOSED COUNTY CHANNEL
	PROPOSED SPUR CHANNEL
	PROPOSED CHANNEL DEP'H
	PROPOSED PIER
	X-3.6 SOUNDINGS
	APPROX. PROPERTY LINES
	SHORELINE

SAV LEGEND	
	COMPOSITE SAV BED FROM SPRING AND SUMMER SAV SURVEY
	SPRING SURVEY DATE: MAY 14, 2007
	DENSITY RANGED FROM VERY SPARSE 0-10% TO SPARSE 10-40%
	Zp ZANNICHELLIA PALUSTRIS
	SUMMER SURVEY DATE: AUGUST 14, 2007
	DENSITY VERY SPARSE 0-10%
	PpF POTAMOGETON PERFORIATUS

MILL CREEK
ENTRANCE & MAINTENANCE CHANNELS
PROPOSED COUNTY DREDGING
ANNE ARUNDEL COUNTY, MD

APPL. BY: ANNE ARUNDEL COUNTY
DEPARTMENT OF PUBLIC WORKS

MARCH 2008 SHEET 4 OF 5

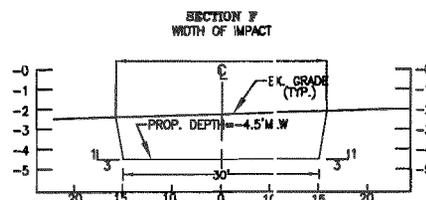
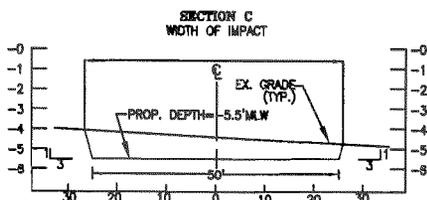
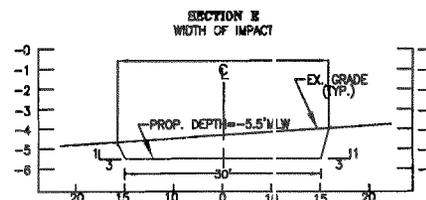
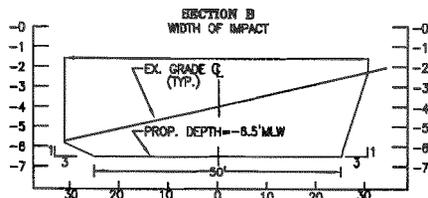
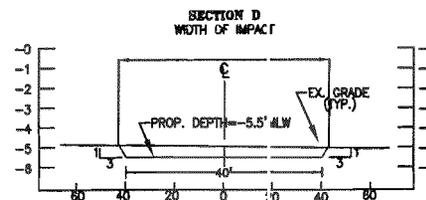
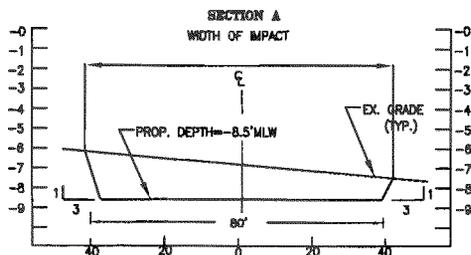
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MILL CREEK
MAIN CHANNEL
MARCH 2008

MAIN CHANNEL

SEGMENT	LENGTH (FT)	WIDTH (FT)	DEPTH (MLW)
SEGMENT A	315	80	-8.5'
SEGMENT B	120	50	-6.5'
SEGMENT C	377	50	-5.5'
SEGMENT D	157	40	-5.5'
SEGMENT E	343	30	-5.5'
SEGMENT F	99	30	-4.5'
MAIN CHANNEL VOLUME			2,974 CY
MAIN CHANNEL LENGTH			1,411 FT
MAIN CHANNEL MAXIMUM AREA OF IMPACT			74,777 SF = 1.72 AC

TYPICAL CHANNEL SECTIONS



MILL CREEK

ENTRANCE & MAINTENANCE CHANNELS

PROPOSED COUNTY DREDGING

ANNE ARUNDEL COUNTY, MD

APPL. BY: ANNE ARUNDEL COUNTY
DEPARTMENT OF PUBLIC WORKS

MARCH 2008

SHEET 5 OF 5

NOTES:

1. TIDAL RANGE IS 1.0 FEET.
2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
3. MATERIALS WILL BE PLACED AT ROCK CREEK DMP.
4. THESE ARE PERMIT DRAWINGS ONLY. DESIGN DRAWINGS WILL BE PREPARED SEPARATELY.

Bay
and
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