



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Numbers
CENAB-OP-RMN(AA DPW/LONG
COVE/DREDGING)01-66041-1; CENAB-OP-
RMN(Langenfelder, John/Long Cove Spur
Dredging)01-66042-1; CENAB-OP-RMN(Bone,
Steve/Long Cove Spur Dredging)01-66043-1;
CENAB-OP-RMN(Clark, Paul Gordon/Long Cove
Spur Dredging)01-66044-1; CENAB-OP-
RMN(Butts, Lloyd/Long Cove Spur Dredging)01-
66045-1; CENAB-OP-RMN(Pirog, Daniel/Long Cove
Spur Dredging, Pier/Boatlift)01-66046-1; CENAB-
OP-RMN(Wright, Roy/Long Cove Spur
Dredging/Pier)01-66047-1; CENAB-OP-
RMN(Ferrer, Ron/Long Cove Spur Dredging)01-
66048-1; CENAB-OP-RMN(Oliver, Thomas/Long
Cove Spur Dredging/Pier)01-66049-1

Comment Period: October 22, 2001 to November 13, 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 River and Harbor Act of 1899 (33 U.S.C. 403) 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: *Anne Arundel County Department of Public Works
2662 Riva Road
Annapolis, Maryland 21401*

LOCATION: *Long Cove, off Stony Creek, Anne Arundel County, Maryland*

WORK: The applicant proposes to hydraulically or mechanically dredge a main channel 830 feet long and an average of 35 feet wide to no more than 4.5 feet below mean low water (MLW), and to deposit the approximately 1,990 cubic yards of dredged material at the Rock Creek Dredged Material Placement site on Water Oak Point Road, Anne Arundel County, Maryland. The purpose of the project is to improve navigable access. Associated with the dredging of the main channel is the hydraulic or mechanical dredging of eight spur channels as follows: Mr. John Langenfelder proposes to dredge an approximate 2,845 square foot area to 4.5 feet below MLW; Mr. Steven Bone proposes to dredge an approximate 2,575 square foot area to 4.5 feet below MLW; Mr. Paul Clark proposes to dredge an approximate 3,200 square foot area to 4.5 feet below MLW; Mr. Lloyd Butts proposes to dredge an approximate 3,030 square foot area to 4.5 feet below MLW; Mr. Daniel Pirog proposes to dredge an approximate 1,062 square foot area to 4 feet below MLW and to construct a 25-foot by 6-foot pier extension, to install 2 mooring piles, and to construct a boat lift, none of the construction work to extend more than 55 feet channelward of an existing bulkhead; Mr. Roy Wright proposes to dredge an approximate 750 square foot area to 4 feet below MLW, and to construct a 35-foot by 6-foot pier to extend no more than 35 feet channelward of the approximate mean high water shoreline; Mr. Ron Ferrer proposes to dredge an approximate 437 square foot area to 4 feet below MLW; and Mr. Thomas

Oliver proposes to dredge an approximate 945 square foot area to 4 feet below MLW, and to construct a 5 foot by 30 foot pier extension, the extension to extend no more than 70 feet channelward of the approximate mean high water shoreline. The approximately 863 cubic yards of material dredged for these spur channels is to be deposited at the Rock Creek dredge disposal site.

Permits for these projects would authorize periodic maintenance dredging for 10 years, subject to the prior notification of the District Engineer.

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 Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999 include EFH for a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH listed for adult and juvenile Paralichthys dentatus (summer flounder), adult and juvenile Scophthalmus aquosus (windowpane flounder), adult and juvenile Peprilis triacanthus (Atlantic butterfish), adult and juvenile Pomatomus saltatrix (bluefish), and adult and juvenile Centropristus striata (black sea bass). These are managed species under the MSFCMA. A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on potential disturbance of an approximately 49,942 square foot area. The aforementioned species are not estuarine resident species, but do 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 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 these applications 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 Mr. Jon Romeo at (410) 962-6079.

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.