PUBLIC NOTICE

US Army Corps of Engineers Baltimore District

In Reply to Application Number CENAB-OP-RMS(CLEARSTREAM COMMUNICATION/PROJECTCOLONIAL/FIBER OPTIC CABLE)02-64889-4

Comment Period: July 26, 2002 to August 26, 2002

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), as described below:

APPLICANT: Clearstream Communication, Inc
c/o McCarthy and Associates, Inc
14458 Old Mill Road, #201
Upper Marlboro, Maryland 20772

LOCATION: In the Anacostia River, Herring Run, Magothy River, Patapsco River, Patuxent River, Potomac River, Severn River, South River, and Zirkle Branch in the District of Columbia, Anne Arundel County, Baltimore County, Baltimore City, Calvert County, Charles County, Montgomery County, Prince Georges County, and St. Mary's County.

WORK: The applicant proposes, in accordance with the attached plans, to deploy approximately 310 linear miles of 1/4-inch to 1/2-inch diameter fiber optic and electrical conductor cable within a 1 1/2-inch plastic conduit. All of the work is proposed to occur within an approximate 1,500-foot wide installation corridor, ranging from 60 to 19,000 feet, averaging 3,100 feet, channelward of the approximate mean high water shoreline. The cable would be buried approximately 1.5 feet to 10 feet below the bottom substrate and 100 to 200 feet below shipping channels. Additionally, the applicant proposes to install, by jetting, 100 approximately 2-foot high by 4-foot diameter connectivity access concrete vaults, buried at or 2 feet below the bottom substrate, at 3.1 mile interval node points, each node with a connectivity access point (CAP) for environmental monitoring, providing up to 10 environmental monitoring sensor connections (based on current SDI protocols) either floating, fixed, buried, or arrayed and for other data transport conductivity. The project also includes work to connect the cable to 8 on-shore sites for amplification of the optic signal at landing sites in uplands (non-wetlands) by coiled tube drilling, incision plowing, or jetting cable perpendicular to the shoreline, buried below the substrate in shallow waters.

The work would be conducted using shallow-draft watercraft operating in depths ranging from 10 to 30 feet. In sediments, the cable would be placed in a 4-inch to 6-inch wide fissure created by a plow. The fissure is expected to close immediately following the activity. In hard bottom areas, the work would be acomplished by directional drilling around and through formations or anchoring protective conduit onto the hard surface through which the cable is to be drawn. The connectivity access vaults would be jetted in by a contained jetting method by which the displaced sediments are expected to settle adjacent to the vault.

All the system installation procedures, including incision plowing, directional drilling, and contained jetting, are designed to fully contain the process and spoils generated thereby and thus avoid dispersion of plumes of sediment materials from the construction site. The cable installation and burial process is moved forward through the waterway by tow-force as opposed to ship's propulsion to avoid disturbance to sediments and other resources.

Identified infrastructure, obstacles, and sensitive resources within the installation corridor would be accommodated by either directional drilling around or underneath, beyond the limits of any buffer areas; re-routing and trenching along the shore adjacent to the proposed path; anchoring protective conduit for short distances; and using available nearby infrastructure such as piers and utility poles.

The proposal includes a 20-year maintenance and modification request, including the potential to add additional landing sites and node point connections and to upgrade as technology advances along the approximate 310-mile system.

The purpose of the work is to provide extremely high-bandwidth network connectivity for water resources monitoring; research and education; connectivity to rural and other under-served areas for data transport; telemedicine; national security; and emergency planning and response. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Mrs. Kathy Anderson* at *(410) 962-5690*.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), 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 project site lies in or adjacent to EFH as described under MSFCMA for *Scopthalmus aquosos* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralicthys dentatus* (summer flounder) juvenile and adult; and eggs, larvae, juvenile, *Peprilus triacanthus* (Atlantic butterfish) eggs, larvae, juvenile, and adult; *Centropristus striata* (black sea bass) juvenile and adult; *Urophycis chuss* (red hake) juvenile and adult; *Clupea harengus* (Atlantic sea herring) adult; and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA. The project has the potential to adversely effect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat. The Baltimore District has determined that the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH. This determination may be modified if additional information indicates otherwise and would change the 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, 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 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 at 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.

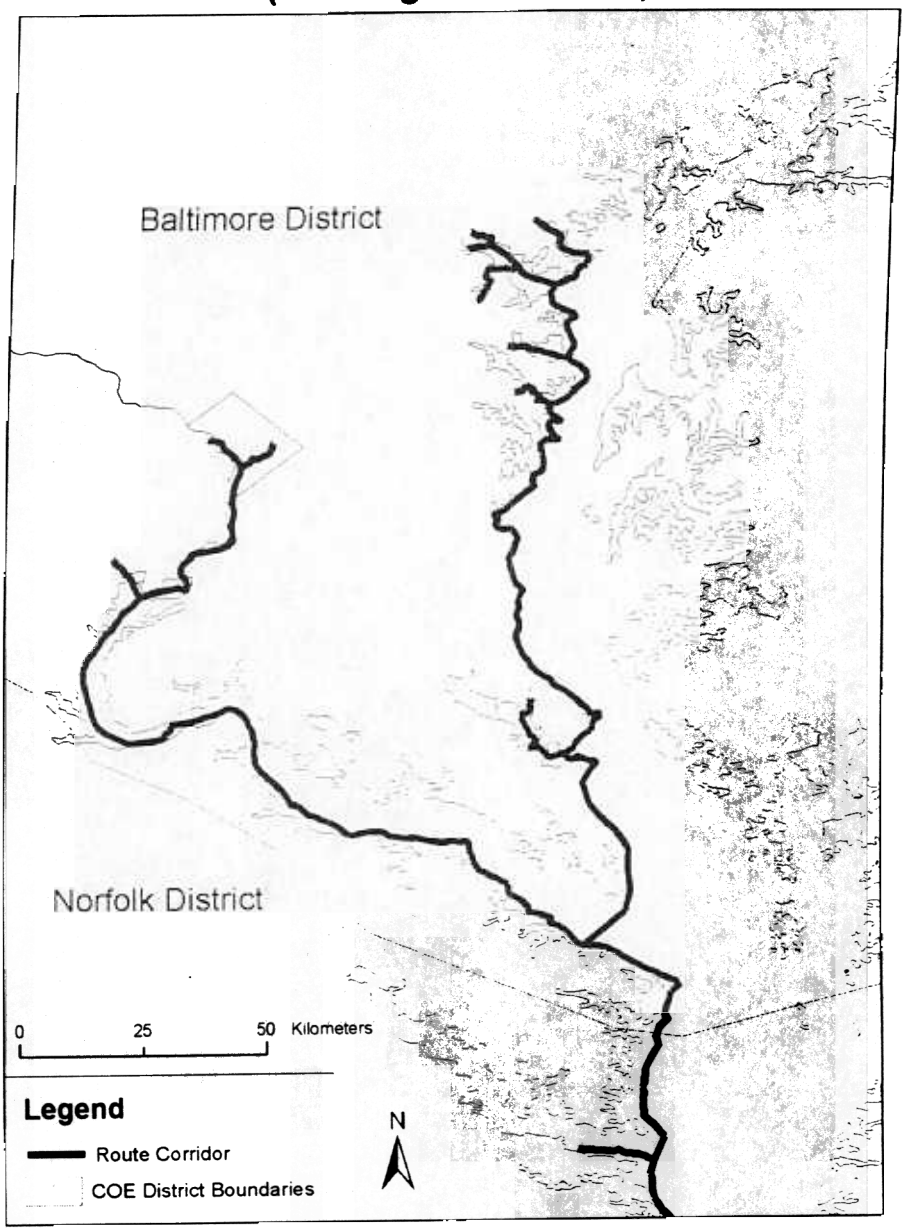
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

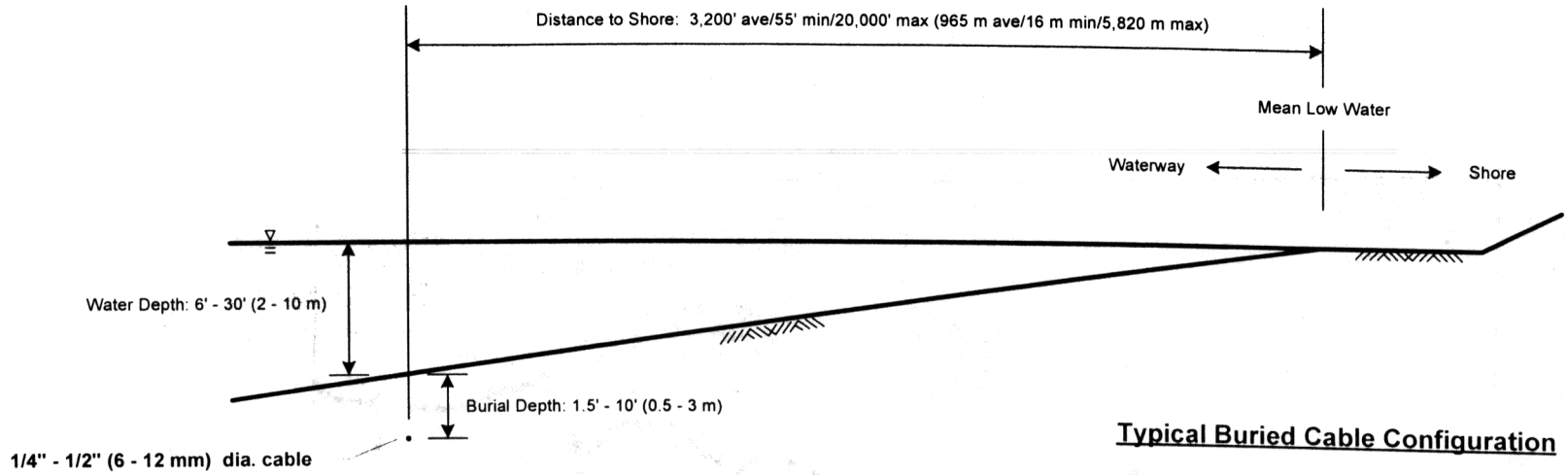
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

WALTER WASHINGTON, JR.
Chief, Maryland Section Southern

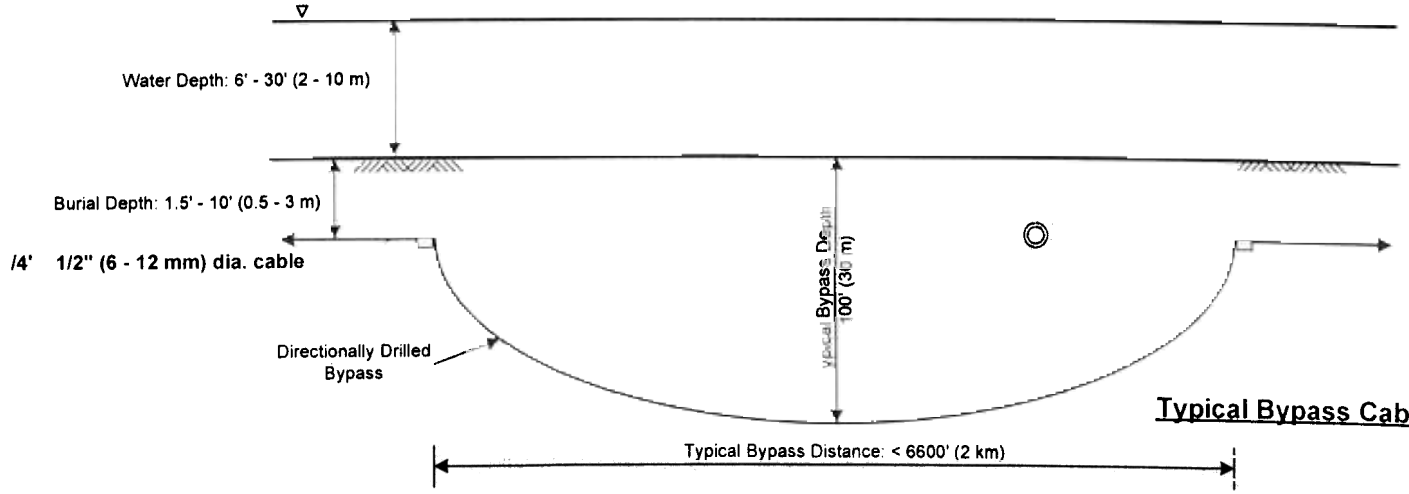
ClearStream Maryland Project
(tracking #200264889)





Typical Buried Cable Configuration

not to scale



Typical Bypass Cable Configuration

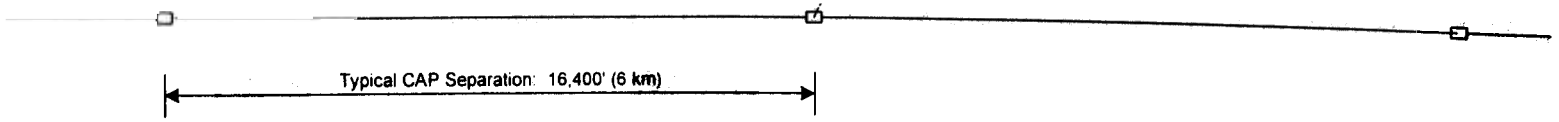
not to scale

Legend:

▽	Water Surface	◎	Pipeline Crossing or other obstacle
////\\\\////	Sediment Surfce	▭	Connectivity Access Point (CAP)

Monitors to be placed in waterway as specified by research, regulatory, or other monitoring institution

Quantity and configuration of monitors will vary from single monitor to arrays; in-sediment, surface layed, or suspended; at CAP or extending into waterway

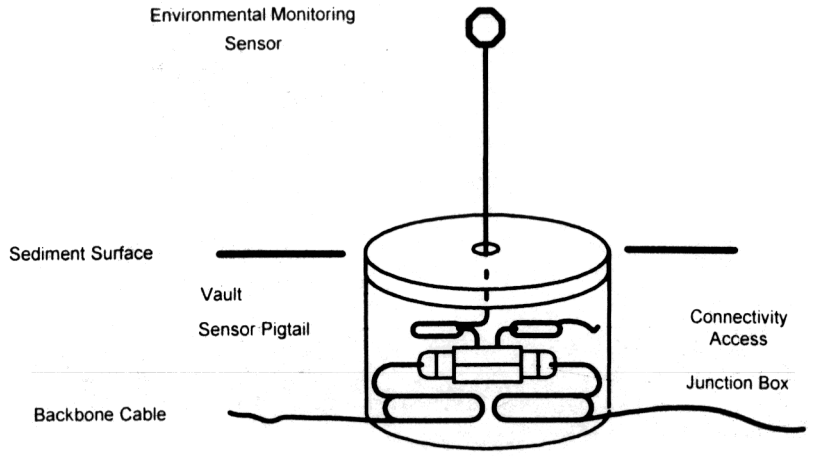


Legend:

Monitor Location

Connectivity for Monitor

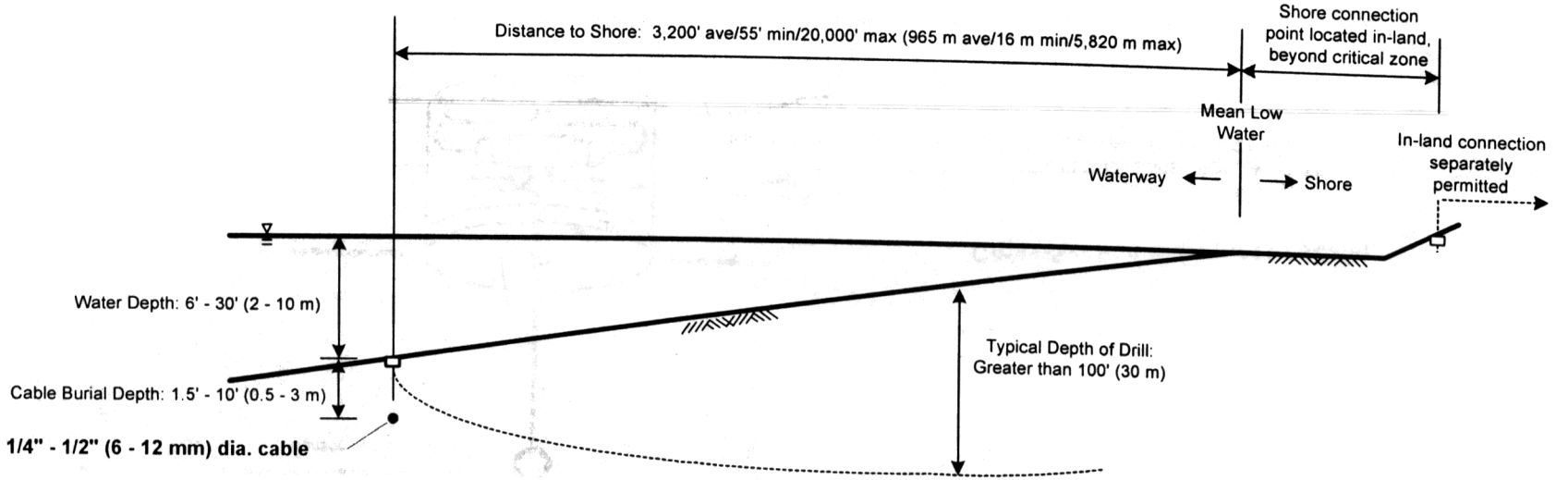
Plan View (not to scale)



Cross-Section View (not to scale)

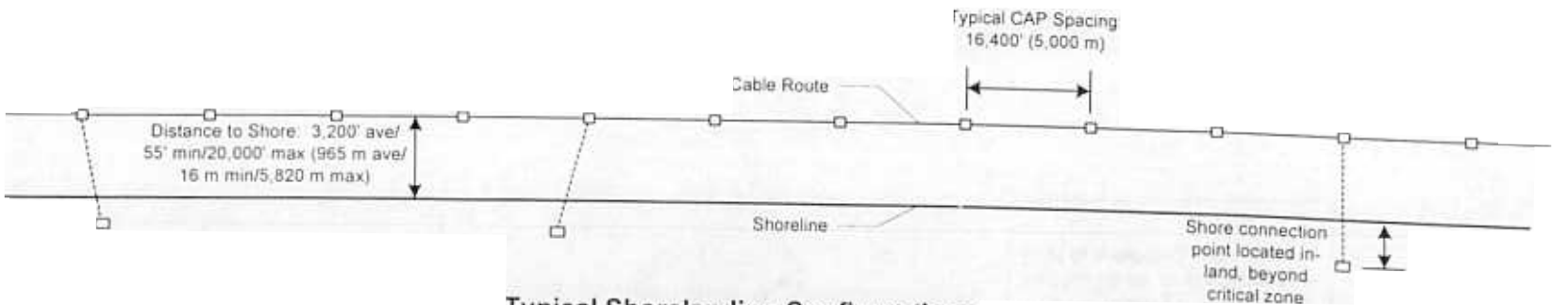
Vault Dimensions: Approx. 4' dia. x 2' deep (1.2 m x 0.6 m)

CAP and Monitor Placement (typ)



Typical Shorelanding Configuration

Cross-Section View (not to scale)



Typical Shorelanding Configurations

Plan View (not to scale)

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