



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(BA DEPRM/BIRD
RIVER/DREDGING)00-63545-7

Comment Period: October 19, 2001 to November 9, 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 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: *Baltimore County DEPRM*
Attn: Candace Szabad
Suite 416
401 Bosley Avenue
Towson, Maryland 21204-4488

LOCATION: *Bird River, Baltimore County, Maryland*

WORK: To dredge by hydraulic or mechanical method a 27,111 linear foot terraced main channel, ranging from 30 feet to 50 feet wide, to - 4.0 feet to -5.0 feet mean low water (MLW). The 47 private spur channel depths range from -3.0 feet to -4.0 feet MLW relative to the spur locations along the main channel. The resulting approximately 120,252 cubic yards of sand, silt, and clay from the main channel is to be deposited, together with the approximately 12,044 cubic yards of dredge material from the 47 spur channels, at a proposed 14 acre dredged material placement (DMP) site on Lorely Beach Road at the Eastern Sanitary Landfill. The proposed DMP site is adjacent to an existing DMP site. Approximately 35,200 square feet of nontidal wetlands (0.32 acre is forested nontidal wetlands) will be impacted with the placement of dredged material at the (DMP). The applicant proposes to mitigate for wetland losses with the creation of forested wetlands adjacent to the DMP. The proposed dredging project area is 37.6 acres. The purpose of the work is to improve navigable access. Please note that this Individual Permit (IP) notice is a revised notice that describes additional nontidal wetland impacts that were not included in the original IP notice published on July 7, 2000. Additionally, slight modifications have been made to the limits of dredging.

The proposed project site lies in or adjacent to essential fish habitat (EFH) as described under the Magnuson-Stevens Fishery Conservation and Management Act as a documented spawning and nursery ground for several species of anadromous fish, including alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), white perch (*Morone americana*), and yellow perch (*Perca flavescens*), and a late nursery ground for young-of-the-year of yellow perch, as well as striped bass (*Morone saxatilis*), hickory shad (*Alosa mediocris*), and American shad (*Alosa sapidissima*). The project has the potential to adversely effect EFH by causing the loss of spawning and nursery habitat. Certain mitigative measures, such as time-of-year restrictions, will be included to minimize adverse effects to EFH.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Phil Cwiek at (410) 962-6010.

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 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.