



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(BA DPW/STEMMERS RUN
FORCE MAIN & PUMPING STATION)02-62675-14

Comment Period: January 6, 2003 to February 6, 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 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 Dept of Public Works
Attn: Glen Keller
111 W. Chesapeake Avenue
Towson, MD 21204*

LOCATION: *In Back River, Stemmers Run, and adjacent wetlands in Baltimore County, Maryland*

WORK: To construct the Stemmers Run Relief Wastewater Pumping Station, an extension of the Brien Run sewer interceptor, and a 54-inch sewer force main. The project will impact 1.04 acres of nontidal waters of the U.S., including jurisdictional wetlands (25,285 sq. ft. of forested nontidal wetlands; 249 sq. ft. of scrub-shrub nontidal wetlands; 1,324 sq. ft. of emergent nontidal wetlands; and 18,440 sq. ft. of nontidal streams) and 3.0 acres of Back River tidal waters and adjacent wetlands (71,578 sq. ft. of tidal wetlands and 57,684 sq. ft. of tidal waters). A pile-supported platform will be erected for the purpose of providing access for the construction of the new sewer interceptor across Back River. The project begins at the proposed pumping station located on Race Road and ends at the existing Back River WWTP, Essex, Baltimore County, Maryland. The purpose of the proposed work is to augment capacity of the existing sewerhshed wastewater transport system for conveyance of future design-year (2025) peak flow capacity from the Stemmers Run tributary area to the Back River Wastewater Treatment Plant (WWTP). The 16,000 cubic yards of dredged material from the Back River Crossing will be disposed of at Hart Miller Island Disposal site and those excavated areas will be backfilled with clean sand and/or gravel.

The project will impact approximately 3.0 acres of Essential Fish Habitat (EFH) as described under the Magnuson-Stevens Fishery Conservation and Management Act for windowpane flounder (juvenile and adult), bluefish (juvenile and adult), summer flounder (juvenile and adult), and all life stages of king mackerel, spanish mackerel, cobia, and red drum. The habitat at this site can be described as an intertidal mudflat and vegetated wetland and a small subtidal channel with bottom sediments comprised of very soft silts. Impacts may adversely affect juvenile life stage of bluefish by increasing turbidity, altering sediments, and disturbing the benthic community. Juvenile bluefish may occupy the project area on a seasonal basis, primarily in warmer summer months as a forage area, but would tend to avoid the areas of construction and therefore will not be impacted. The disturbance of 3.0 acres of tidal mudflat and wetlands will also result in the temporary loss of benthic invertebrates (prey species). However, they will recolonize within a few seasons. There are no submerged aquatic vegetation beds located within the project area so there will be no adverse impact to summer flounder Habitat Area of Particular Concern. The Back River crossing will take approximately 1 year to complete by contained open-cut dredging and backfill of clean sand fill within sheet pile cells. A turbidity curtain will contain the work area during construction to control water turbidity near the dredging area. However, the District Engineer has made a preliminary

determination that the site-specific adverse effect will not be substantial. Further consultation with National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Beth E. Bachur at (410) 962-4336.

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.