



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-RMN(BA DEPRM/PLEASURE  
ISLAND/MAINTENANCE DREDGING)03-63400-1

Comment Period: 26 July 2004 to 09 August 2004

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 and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: *Baltimore County DEPRM  
Attn: Candace Crowell  
Suite 416  
401 Bosley Avenue  
Towson, Maryland 21204*

LOCATION *Chesapeake Bay, near Miller's Island, Baltimore County, Maryland*

WORK: The applicant proposes to hydraulically dredge the remainder of the channel previously authorized by Department of the Army permit CENAB-OP-RW(BA DEPREM/Pleasure Island Channel Dredging) 94-60757-14 on July 26, 1994. The project is to dredge a 1,200 foot long, 100-foot wide channel to 6 feet below mean low water. The approximately 6,000 cubic yards of dredged material is to be deposited in the Hart-Miller Island Containment Facility. A permit for this project would authorize maintenance dredging for 10 years subject to the notification of the District Engineer.

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.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation Act (MSFCA), 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 a number of species in various life stages. This waterway has EFH listed for juvenile and adult windowpane flounder (*Scopthalmus aquosus*), summer flounder (*Paralichthys dentatus*), and bluefish (*Pomatomus saxatilis*); and egg, larva, juvenile, and adult life stages of king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), and red drum (*Sciaenops ocellatus*). These are managed species under the MSFCMA. A preliminary assessment indicates that the proposed project would have minimal impact on EFH based on the impacts associated with the proposed dredging. The aforementioned species are not resident species, but could use the project area as a foraging area on a seasonal basis, primarily during the summer. The project has the potential to minimally 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. As the evaluation of this project continues, EFH measures may be developed.

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.

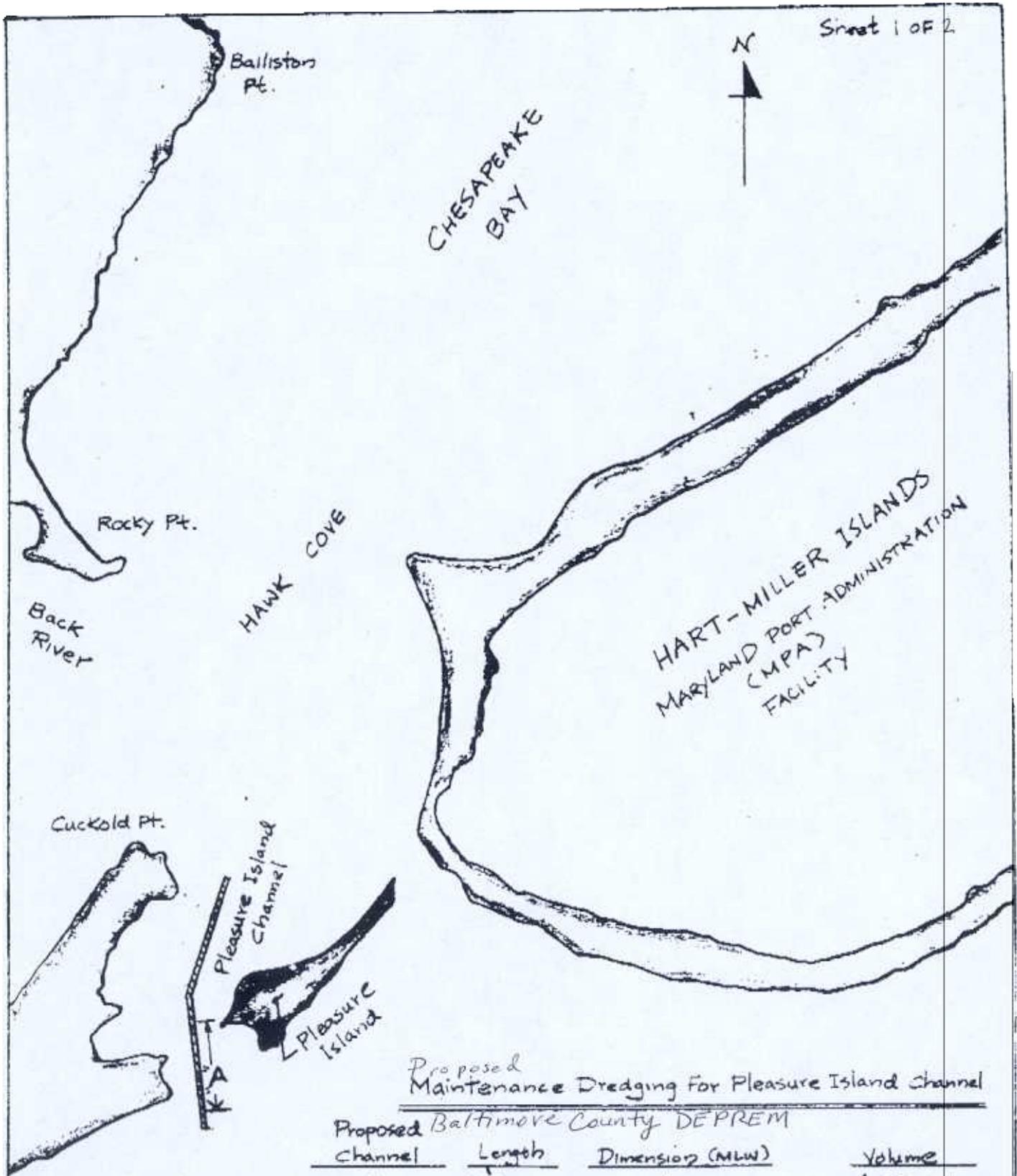
The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency 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 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.



Proposed Maintenance Dredging for Pleasure Island Channel

Proposed Baltimore County DEPREM

channel	Length	Dimension (MLW)	Volume
A	1200	100	6000cy

Project is covered under WL 03-1688:

Prior ACOE permit 94-60757-14

July 19, 2004

