

PUBLIC NOTICE

US Army
Corps
Of Engineers
Baltimore
District

In reply to Application Number
**CENAB-OP-RMN(BA DEPRM/GALLOWAYCREEK/
DREDGING) 05-61137-24**

Comment Period: 1 January 2005 To 1 February 2005

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 the 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: Baltimore County Department of Environmental Protection and Resource Management
C/O Mr. William B. Heckert (Agent)
1321 Mercedes Drive, Suite C
Hanover, Maryland 21076

LOCATION: *In Galloway Creek, Baltimore County, Maryland.*

WORK: To hydraulically or mechanically maintenance dredge a 4,729-foot long by 30 to 50-foot wide main channel in Galloway Creek to depth of -4.5 feet below mean low water connecting to the Middle River. Additionally, 47 spur channels listed below are proposed. The dredging will result in approximately 12,934 cubic yards of material from the main channels and 17,498 cubic yards of material from the spurs, which will be deposited at the Hart Miller Island Disposal Site. The permit for these projects, if approved, would authorize periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material. The purpose of the proposed work is to improve navigable access to residential piers. All work is to be completed in accordance with the enclosed plan(s). A complete copy of the permit application plans is available for review at the Baltimore County Public Library in Essex, Middlesex Shopping Center, at the Baltimore County DEPRM by calling (410) 887-2904 or by contacting the Corps of Engineers Project Manager Ms. Claudia Steele at (410) 962-5675. The permit application plans can also be reviewed at <http://www.nab.usace.army.mil/Regulatory/PublicNotice/BaltimoreCounty.htm>. If you have any questions concerning this matter, please contact Ms. Claudia Steele, at (410) 962-5675.

Spur Channels:

<u>Tracking #</u>	<u>Name</u>	<u>Spur Channel Area</u> <u>Approx. sq. ft.</u>	<u>Volume</u> <u>cubic yds.</u>	<u>Proposed</u> <u>Max. Depth</u> <u>Ft. MLW</u>
200561138	Steve Moody 1641 Holly Tree Road	7,637	425	-4.0
200561139	Allen Robertson 1608 Holly Tree Road	2,180	150	-4.0
200561140	Steven Richardson 1600 Holly Tree Road	2,450	181	-4.0
200561141	William P. Huber 1622 Burke Road	6,440	252	-4.0
200561142	Michael L. Rist 1610 Burke Road	3,000	133	-4.0
200561143	David B. Janka 1602 Burke Road	1,700	51	-4.0
200561144	James M. Anders 1514 Burke Road	1,200	89	-4.0
200561145	Milton Rehbein 1426 Burke Road	3,675	170	-4.0
200561146	Milton Rehbein	134,409	6,302	-4.0

200561147	1414 Burke Road Gilbert Hartman	7,250	402	-4.0
200561148	1332 Burke Road Lori Healan	4,333	292	-4.0
200561149	1306 Burke Road and Eric Butterfield 1304 Burke Road Ron & Roxie Symenski	11,591	943	-4.0
200561150	1240 Burke Road and Donald J. Hansen 1234 Burke Road John Butler	5,311	365	-4.0
200561151	1232 Burke Road and Wayne Burgess 1230 Burke Road Ron & Paul Maas	8,700	676	-4.0
200561152	1220 Burke Road and Charles Cargile 1218 Burke Road Milton Bell	1,889	175	-4.0
200561153	1214 Burke Road Aldo Acitelli	2,890	268	-4.0
200561154	1210 Burke Road Anthony Robusto	7,450	690	-4.0
200561155	1128 Burke Road Frank C. Cook	2,096	190	-4.0
200561156	1124 Burke Road Edward & Stella Kucharski	5,311	492	-4.0
200561157	1120 Burke Road and John Giese & Joe Paul 1118 Burke Road Thomas A. Raschka	2,207	166	-4.0
200561158	1106 Burke Road Susan O'Hare	2,000	111	-4.0
200561159	1115 Cold Spring Road Susan O'Hare	1,600	89	-4.0
200561160	1107 Cold Spring Road Waring & Pamela Justis	900	67	-4.0
200561161	1007 Cold Spring Road Lonnie C. Gebhardt	9,480	289	-4.0
200561162	3508 Galloway Road Joseph P. Walters Jr.	3,022	66	-4.0
200561163	3520 Galloway Road William Clowes & Laurie Lyte	7,453	359	-4.0
200561164	3526 Galloway Road and Albert Rode Sr. 3524 Galloway Road Thomas G. Tzomides	5,435	282	-4.0
200561165	3534 Galloway Road Robert C. Hall	2,648	175	-4.0
200561166	3580 Galloway Road Robert & Donna Rode	1,780	198	-4.0
200561167	3628 Galloway Road Albert E. Rode Jr.	1,698	146	-4.0
200561168	3646 Galloway Road Douglas Zinn	1,555	149	-4.0
200561169	3652 Galloway Road Daniel Welsh	1,252	139	-4.0
200561170	3662 Galloway Road Mark & Michele Chojnacki	1,774	226	-4.0
200561171	3664 Galloway Road Dan Welsh (Myrna Guldon)	654	70	-4.0
200561172	Lot 18 Galloway Road Dan Welsh (Myrna Guldon)	3,534	393	-4.0
200561173	Lot 17 Galloway Road and Patricia Phillips 3686 Galloway Road John F. Wysokimski	3,700	206	-4.0
200561174	919 Oakdene Road Mary Ann Marks	3,000	139	-4.0

200561175	909 Oakdene Road Edward Canavan	4,458	196	-4.0
200561176	1039 Chester Road Ed Schuler	2,571	112	-4.0
200561177	1045 Chester Road Albert L. Ousborne	5,600	166	-4.0
200561178	1107 Chester Road Russell & Nina Knill	2,494	185	-4.0
200561179	1117 Chester Road Charles B. Stricker	1,171	79	-4.0
200561180	1121 Chester Road Ronald Walper	935	80	-4.0
200561181	1123 Chester Road Tim & Donna Mull	1,202	111	-4.0
200561182	1127 Chester Road Michael Pasqualone	4,542	399	-4.0
	1401 Chesapeake Avenue and Darlene G. Goeller			
	1403 Chesapeake Avenue and George Koehler			
	1407 Chesapeake Avenue and James Myrick			
200561183	1411 Chesapeake Avenue Paul Polhaus and Amy Karey	4,513	334	-4.0
200561184	1417 Chesapeake Avenue Frank Samons Jr.	5,359	347	-4.0
	923 Cold Spring Road			

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation 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 (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 aquosus (windowpane flounder) juvenile and adult; pomatomus saltatrix (blue fish) juvenile and adult; Paralichthys dentatus (summer flounder) juvenile and adult; and eggs, larvae, juvenile, 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 at this time. 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, 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 and 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, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 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, U.S. Army Corps of Engineers, Baltimore District, P.O. 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, 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.

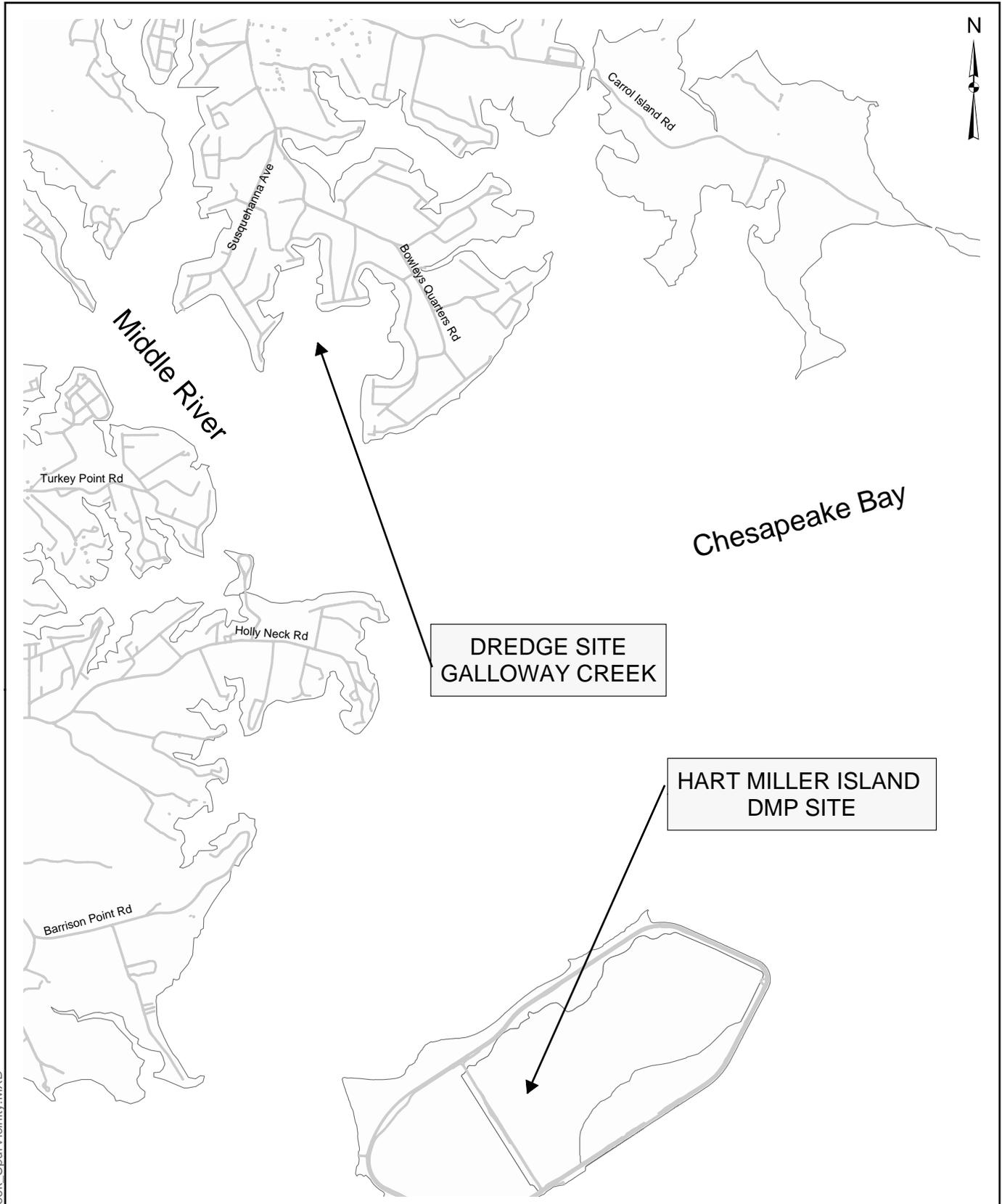
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicated 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.

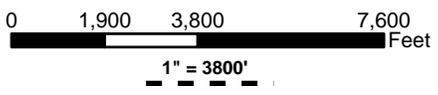
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely 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, P.O. Box 1715, Baltimore Maryland, 21203-1714, 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.

FOR THE DISTRICT ENGINEER:



SPUR LOCATION MAP
GALLOWAY CREEK
MIDDLE RIVER
BALTIMORE COUNTY, MD

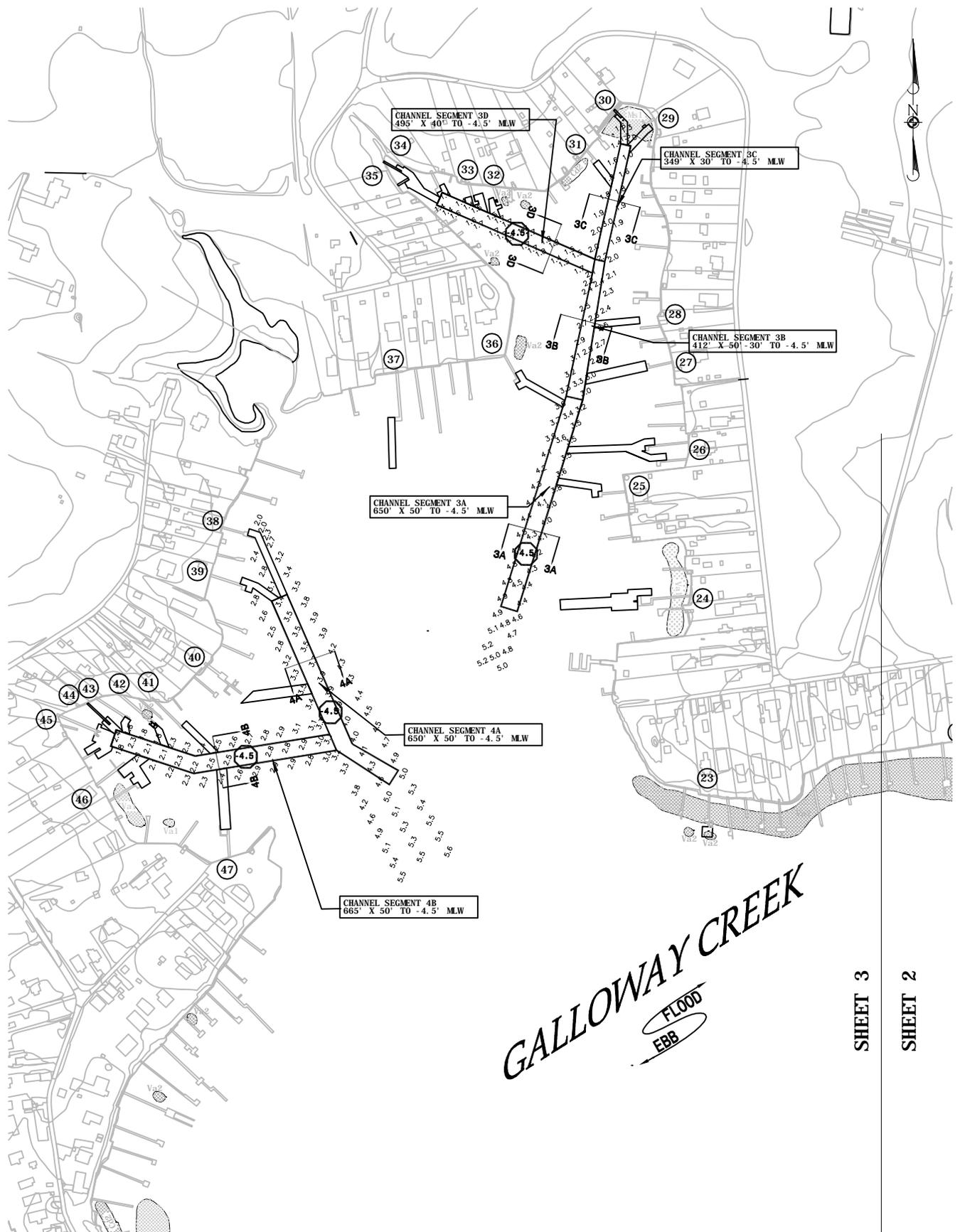


APPL. BY BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION & RESOURCE MANAGEMENT

DATE: NOVEMBER 2004 SHEET 1 OF 3

BayLand
 Consultants & Designers, Inc.
"Integrating Engineering and Environment"
 1321 Mercedes Drive, Suite C Phone: (410) 694-9401
 Hanover, Maryland 21076 Fax: (410) 694-9405

P:\Galloway\GIS\GallowayCreek_SpurVicinity.MXD



**SPUR LOCATION MAP
GALLOWAY CREEK
MIDDLE RIVER
BALTIMORE COUNTY, MD**

APPL. BY: BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
NOVEMBER 2004 SHEET 3 OF 3

GRAPHIC SCALE



(IN FEET)

1 Inch = 400 Feet

GALLOWAY CREEK
FLOOD
EBB

SHEET 3

SHEET 2

BayLand
Consultants & Designers, Inc.
"Integrating Engineering and Environment"

1321 Mercedes Drive, Suite C Phone: (410) 694-9401
Hanover, Maryland 21076 Fax (410) 694-9405