

PUBLIC NOTICE

US Army
Corps
Of Engineers
Baltimore
District

In reply to Application Number
CENAB-OP-RMN(BA DEPRM/SENECACREEK/
DREDGING) 05-61329-23

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 **Seneca Creek**, Baltimore County, Maryland.

WORK: To hydraulically or mechanically maintenance dredge a 16,733-foot long by 30 to 50-foot wide main channel in Seneca Creek to depths of -4.5 to -6.0 feet below mean low water connecting to the Chesapeake Bay. Additionally, 61 spur channels listed below are proposed. The dredging will result in approximately 36,805 cubic yards of material from the main channel and 24,364 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. Mary Frazier at (410) 962-5679. 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. Mary Frazier, at (410) 962-5679.

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>
200561364	Chris Brigouleix, 3921 New Section Road	1,125	120	-4.0
200561365	Arthur C. Pinder 3929 New Section Road	445	48	-4.0
200561366	Patricia J. Lumpkin 3935 New Section Road	410	44	-4.0
200561403	James & Joanne Hock 3937 New Section Road	1,533	167	-4.0
200561367	James & Joanne Hock 3941 New Section Road	1,447	164	-4.0
200561368	James Hock 3943 New Section Road	5,000	278	-4.0
200561369	Robert K. Callinan 3940 New Section Road	2,200	60	-4.0
200561370	Dennis M. Faroui 3936 New Section Road	1,950	108	-4.0
200561425	Joe Waclawski	5,143	230	-5.0

200561371	3924 New Section Road Diane Goodwin	5,280	252	-5.0
200561372	3922 New Section Road Robert Barrett	3,360	88	-4.0
200561373	3920 New Section Road Robert H. Deurer	3,000	156	-6.0
200561374	3834 New Section Road Charles A. Taylor	7,652	340	-4.0
200561375	3824 New Section Road Don Fry	4,932	274	-4.0
200561376	Andoco LTD Partnership 3814 New Section Road Anthony E. Serson	795	88	-4.0
200561377	3800 New Section Road Steve Janowich	900	90	-4.0
200561378	1229 Seneca Road Robert Pegram	1,531	156	-4.0
200561379	1227 Seneca Road Kenneth J. Wamecka	3,137	267	-4.0
200561380	1225 Seneca Road Edward Meehan and 1221 Seneca Road Stephan M. Clay, Sr.	3,037	225	-4.0
200561381	1219 Seneca Road Patricia Baynes	7,592	554	-5.0
200561382	1121 Seneca Road Keefer Pine Jr.	2,000	74	-4.0
200561383	4016 Chestnut Road Patricia Baynes	1,800	67	-4.0
200561384	4006 Chestnut Road Chris Johnson	3,300	174	-4.0
200561385	3808 Chestnut Road Jesse R. Sudbrock	2,813	82	-4.0
200561386	3728 Chestnut Road Robert Baynes	2,320	172	-4.0
200561388	1025 Bowleys Quarters Road William Norris	800	74	-4.0
200561389	1023 Bowleys Quarters Road Henry W. Roesner	3,403	126	-5.0
200561390	925 Bowleys Quarters Road Terry Myrick	2,820	218	-5.0
200561391	921 Bowleys Quarters Road Suzann & John Bottaro	3,840	209	-5.0
200561392	913 Bowleys Quarters Road Rusti Butts LLC: Carl Stallard	72,088	8,010	-6.0
200561393	Beacon Light Marina 825 Bowleys Quarters Road Middleborough Properties: Mary Beth Koplin	1,870	339	-5.0
200561394	3715/3713/3711 Clarks Point Rd. Blaine Smith	1,800	133	-5.0
200561395	3727 Clarks Point Road Joseph Westerman	3,300	349	-5.0
200561396	3733 Clarks Point Road John H. & Karen A. Michel	2,900	193	-5.0
200561397	3735 Clarks Point Road John S. Steele	3,550	125	-5.0
200561398	3749 Clarks Point Road Victor Bassetti	3,365	121	-4.0
200561399	3751 Clarks Point Road Arnold C. Dumsha	4,890	197	-6.0
200561400	3801 Clarks Point Road Ottavio M. Grande	1,800	67	-4.0
200561401	3821 Clarks Point Road Richard E. Campbell	2,630	146	-4.0
200561402	3825 Clarks Point Road W. Kenneth & Shirley J. Gue	3,313	215	-6.0
	725 Seneca Gardens Road			

200561404	Frances E. Stein 721 Seneca Gardens Road	5,570	254	-5.0
200561405	Neal Fisher 719 Seneca Gardens Road	3,240	108	-4.0
200561406	Bernard A. Kaufman 711 Seneca Gardens Road	6,130	201	-4.0
200561407	Yonglae Kim Kimbroke Investment Corp. 601 Seneca Gardens Road	5,042	280	-3.0
200561408	Richard A. Hess 834 Luthardt Road	3,040	121	-3.5
200561409	Joseph & Cheryl Geise 836 Luthardt Road	2,900	219	-5.0
200561410	John Paige 701 Luthardt Road	6,750	375	-4.0
200561411	Roy Jones 722 Seneca Park Road	2,000	150	-4.0
200561412	Sharyn Rhodes & Tom Pokomy & 856 Seneca Park Road John & Joanne Nadeau 858 Seneca Park Road	4,652	251	-5.0
200561413	Joseph F. Drasal 862 Seneca Park Road	2,440	45	-4.0
200561414	Joseph F. Drasal Jr. 866 Seneca Park Road	2,000	37	-4.0
200561415	Donna Carbone 874 Seneca Park Road	13,400	957	-6.0
200561416	Karl Kiesling 3503 Beach Road	7,330	441	-4.0
200561417	Kevin Kauders & 3507 Beach Road John Cherry 3509 Beach Road	4,270	155	-4.0
200561418	Raymond Porter 918 Seneca Park Road	41,760	4,640	-6.0
200561419	Michael Aiken 960 Seneca Park Road	3,220	298	-4.0
200561420	Ihor M. Remsky 964 Seneca Park Road	3,393	314	-4.0
200561421	John M. Guzick 966 Seneca Park Road	2,180	202	-4.0
200461422	Thomas & Linda Daiker-Spear 970 Seneca Park Road	1,900	176	-4.0
200561423	William R. Daiker 976 Seneca Park Road	1,840	184	-4.0
200561424	John S. Gephardt 980 Seneca Park Road	1,360	156	-4.0

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 Scophthalmus 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.

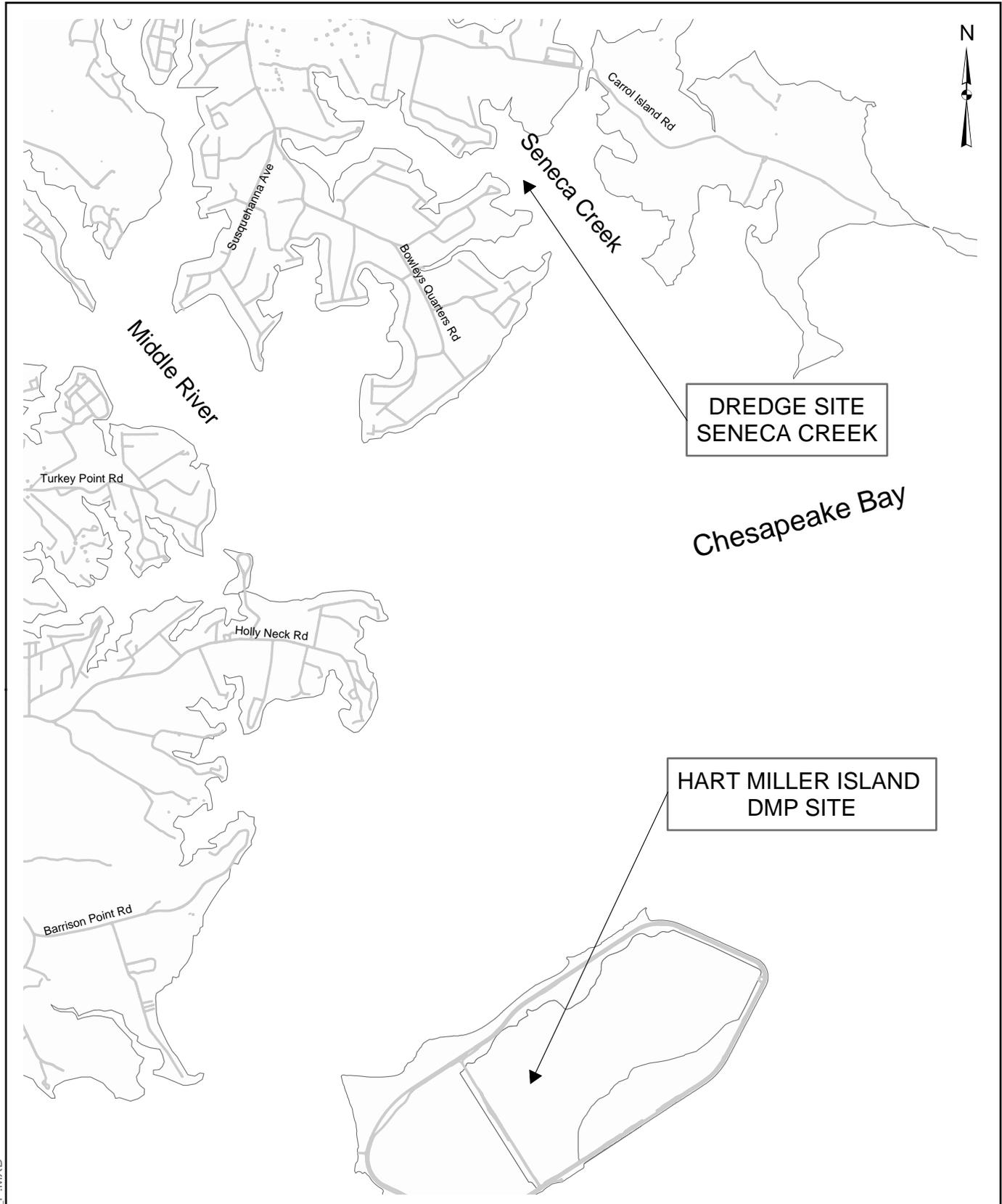
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify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

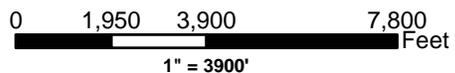
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely 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
SENECA CREEK
MIDDLE RIVER
BALTIMORE COUNTY, MD



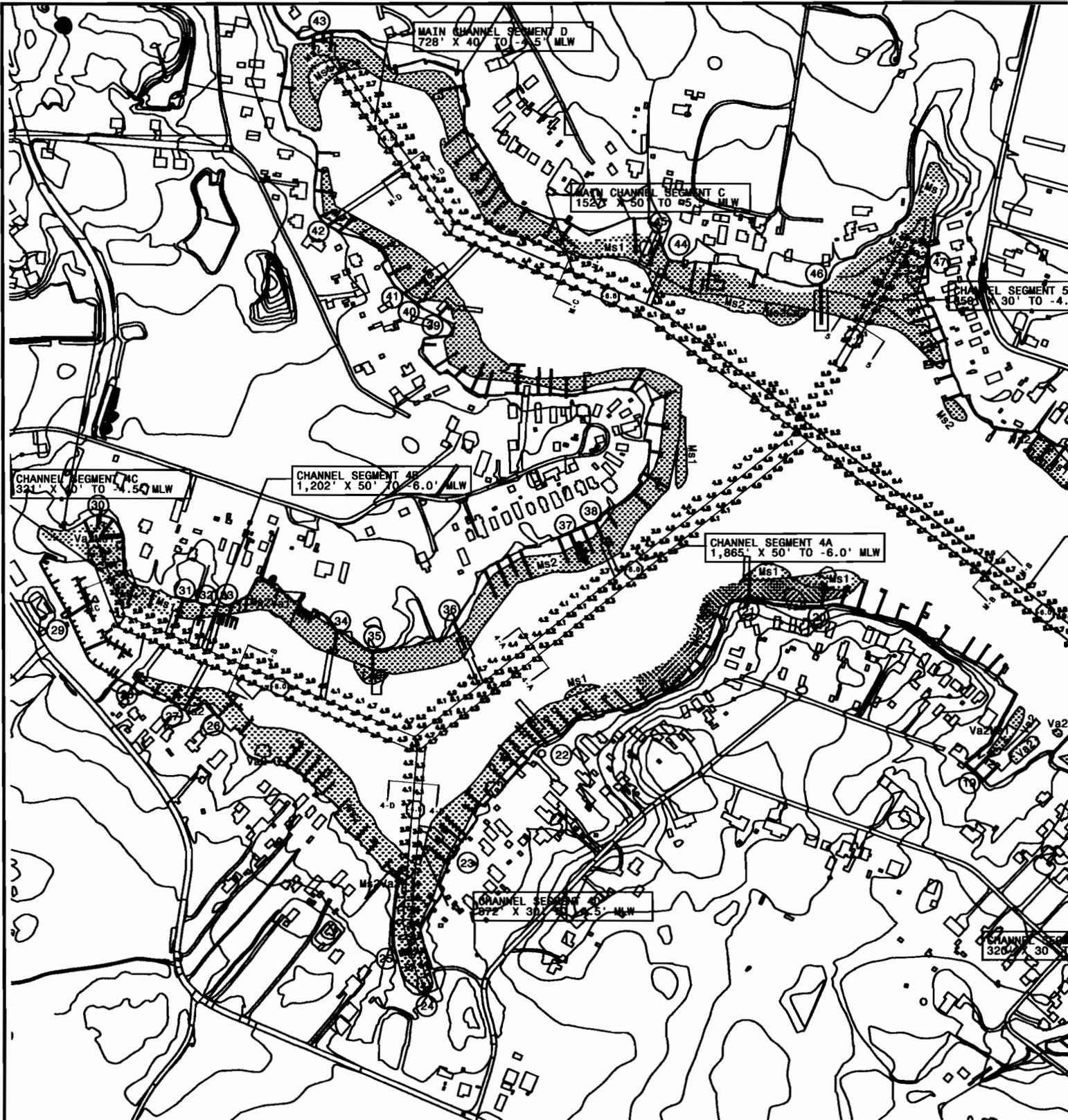
APPL. BY BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION & RESOURCE MANAGEMENT

DATE: OCTOBER 2004 SHEET 1 OF 2

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

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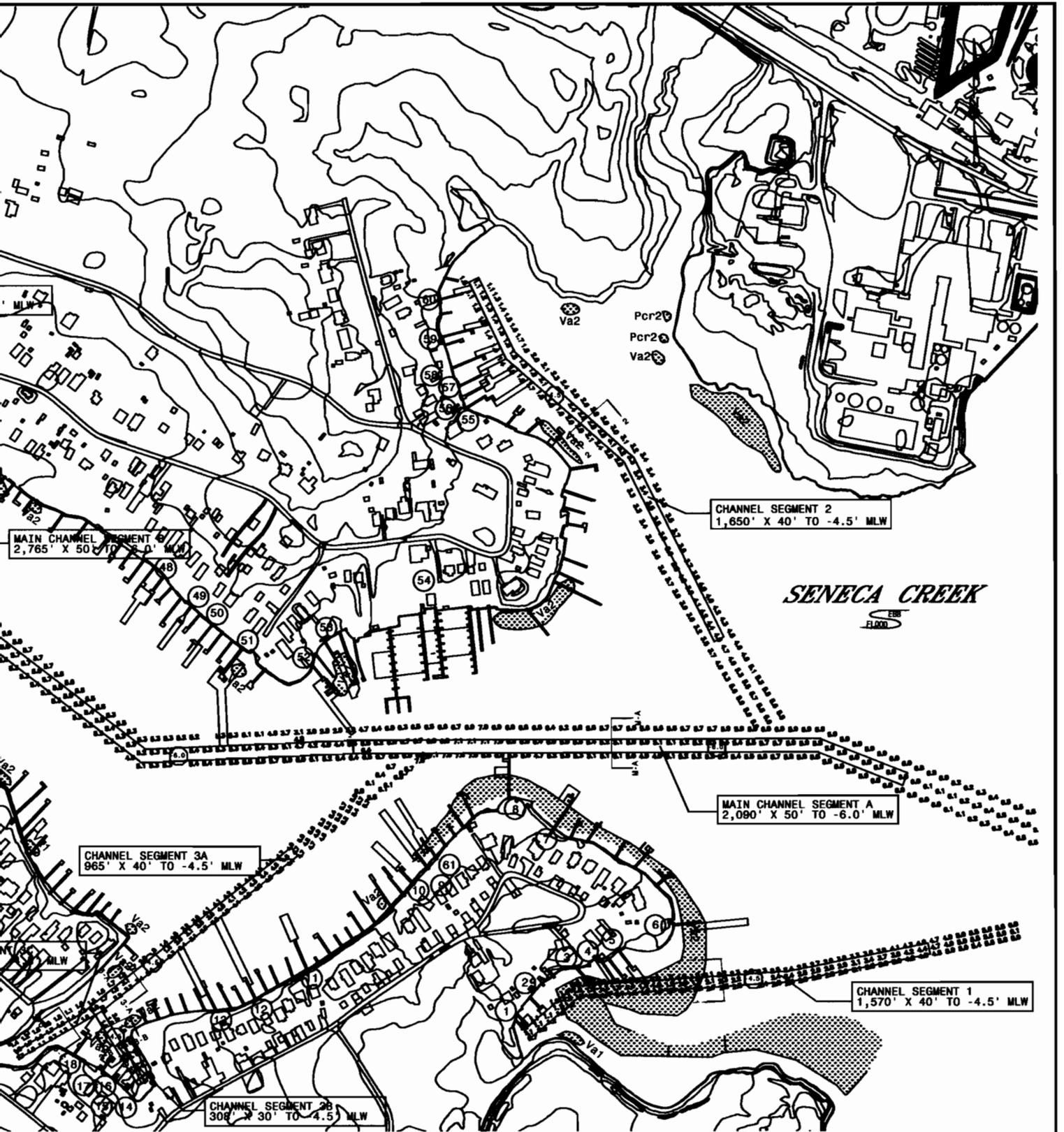


**SPUR LOCATION MAP
SENECA CREEK
MIDDLE RIVER
BALTIMORE COUNTY, MD**

APPL. BY: BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
NOVEMBER 2004 SHEET 2 OF 2

LEGEND	
	PROPOSED COUNTY CHANNEL
	PROPOSED SPUR CHANNEL
	PROPOSED CHANNEL DEPTH
	SPUR APPLICANT NUMBER
	PROPOSED PIER OR PIER EXTENSION
	3.6 SOUNDINGS BY MD DNR

SAV LEGEND	
SPRING SURVEY DATE: MAY 20, 2003 SUMMER SURVEY DATE: JULY 29, 2003	
	COMPOSITE SAV BED OF SPRING AND SUMMER SAV
	VS - VERY SPARSE 0-10%
	S - SPARSE 10-40%
	M - MODERATE 40-70%
	Va Vallisneria americana
	Ms Myriophyllum spicatum
	Pcr Potamogeton crispus
	Cd Ceratophyllum demersum



GRAPHIC SCALE



(IN FEET)

1 Inch = 500 Feet

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