PUBLIC NOTICE

US Army Corps of Engineers Baltimore District

In Reply to Application Number CENAB-OP-RMN(US COAST GUARD YARD/CURTIS CREEK/DREDGING)02-62710-1

Comment Period: April 9, 2002 to April 24, 2002

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 River and Harbor Act of 1899 (33 U.S.C 403) 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: *US Coast Guard Yard*
Attn: Commander R. K. Murphy
Mail Stop #10
2401 Hawkins Point Road
Baltimore, MD 21226-1797

LOCATION: Curtis Creek, at the U.S. Coast Guard Yard, Anne Arundel County, Maryland

WORK: The applicant proposes to mechanically dredge a 577-foot-long by 169-foot-wide area to 34 feet below mean low water, and to deposit the approximately 15,000 cubic yards of dredged material at the Hart Miller Island disposal site; and to construct 3 mooring dolphins and a 20-foot by 20-foot mooring platform, none of the work to extend more than 577 feet channelward of the approximate mean high water shoreline. The purpose of the project is to provide for a berthing area for a Coast Guard Dry Dock. A permit for this project, if issued, would authorize periodic maintenance dredging for 10 years, subject to the prior notification of the District Engineer.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and Management 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 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 has identified EFH for a number of species in various life stages. After reviewing the appropriate literature, this waterway has EFH listed for adult and juvenile summer flounder (Paralichthys dentatus), adult and juvenile windowpane flounder (Scopthalmus aquosus), adult and juvenile bluefish (Pomatomus saltatrix), adult and juvenile Atlantic butterfish (Peprilis triacanthus), and adult and juvenile black sea bass (Centropristus striata). These are managed species under the MSFCMA. A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on the potential disturbance of an approximately 97,513 square foot area. The aforementioned species are not estaurine resident species and only use the project area as a foraging area and a nursery area on seasonal basis primarily during the summer. Consequently, after reviewing the appropriate literature of the MSFCA, there would be no apparent adverse effect to either the managed species or to their EFH quality and/or quantity, nor to their prey species, as a result of the proposed project. Therefore, no EFH conservation measures have been developed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.*

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.

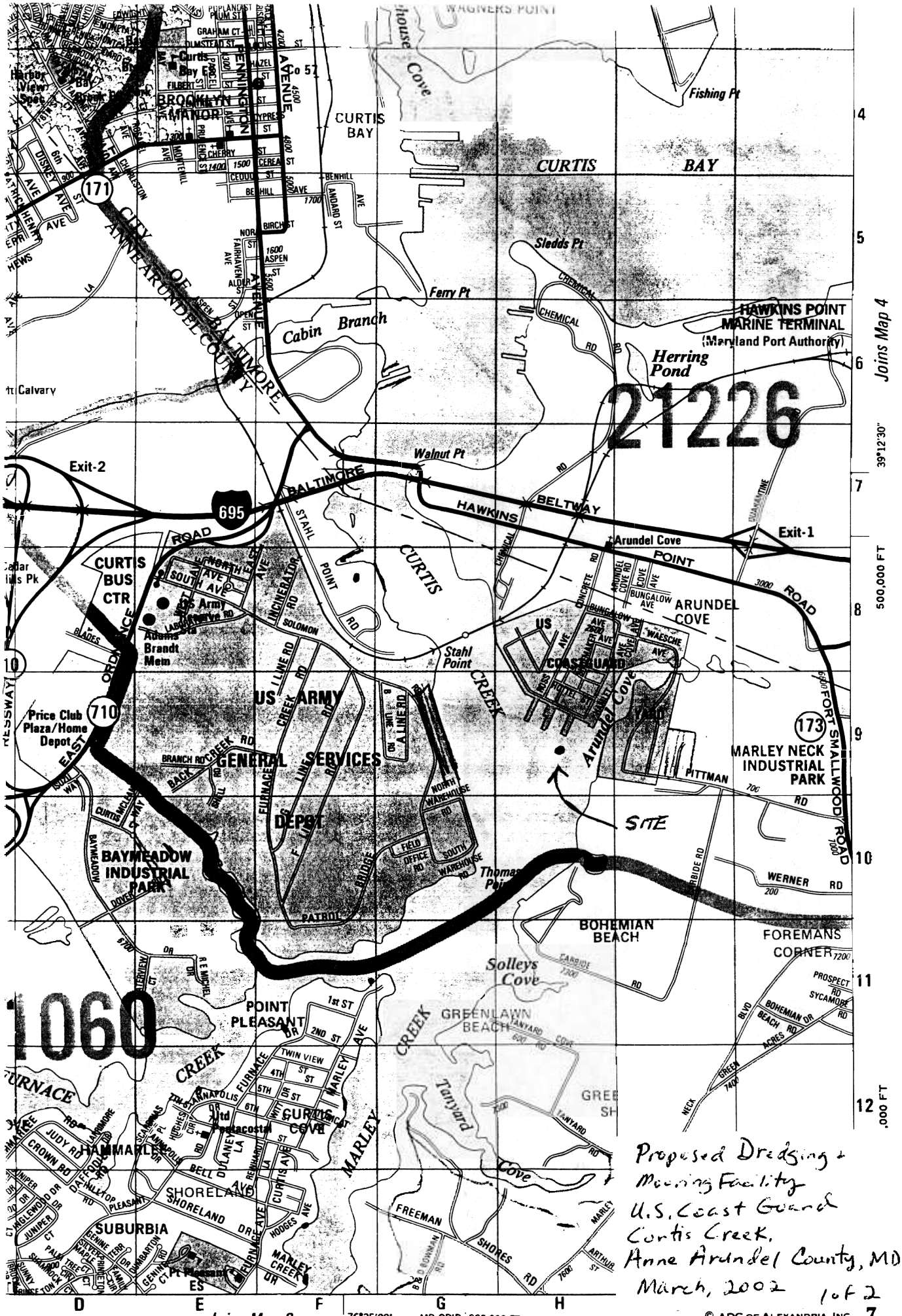
The applicant must obtain any State or local government permits which may be required.

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.



Proposed Dredging + Mooring Facility
U.S. Coast Guard
Curtis Creek,
Anne Arundel County, MD
March, 2002 1 of 2

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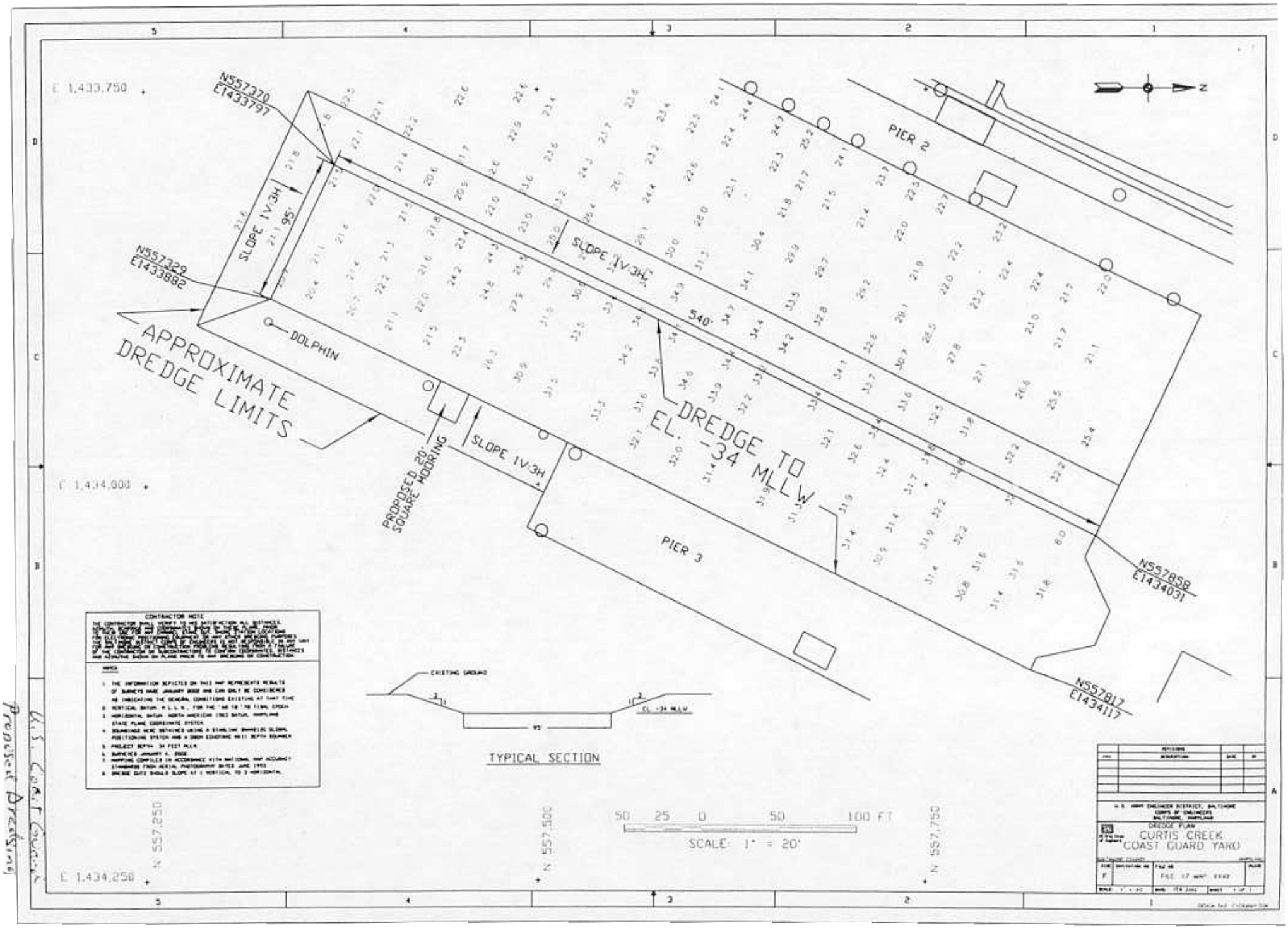
N557270
E1433797
N557329
E1433882
SLOPE 1V:3H
95'
SLOPE 1V:3H
540'
PIER 2
APPROXIMATE
DREDGE LIMITS
DOLPHIN
PROPOSED 20'
SQUARE MOORING
SLOPE 1V:3H
DREDGE TO
EL. -34 MLLW
PIER 3
N557858
E1434031
N557817
E1434117
E 1,433,750
E 1,434,000
E 1,434,250
N 557,250
N 557,500
N 557,750
EXISTING GROUND
EL. -34 MLLW
95'
TYPICAL SECTION
50 25 0 50 100 FT
SCALE: 1" = 20'
CONTRACTOR NOTE
NOTES
1. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS RESULTS
OF SURVEYS MADE JANUARY 2002 AND CAN ONLY BE CONSIDERED
AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME
2. VERTICAL DATUM: M.L.L.W., FOR THE '60 TO '78 TIDAL EPOCH
3. HORIZONTAL DATUM: NORTH AMERICAN 1983 DATUM, MARYLAND
STATE PLANE COORDINATE SYSTEM
4. SOUNDINGS WERE OBTAINED USING A STANLINE SHARPER SURVEY
POSITIONING SYSTEM AND A SIMRAD EQUIPMENT MULTI BEAM SOUNDER
5. PROJECT DEPTH -34 FEET MLLW
6. SURVEYED JANUARY 4, 2002
7. MAPPING COMPILED IN ACCORDANCE WITH NATIONAL MAP ACCURACY
STANDARDS FROM AERIAL PHOTOGRAPHY DATED JUNE 1993
8. DREDGE CUT SHOULD SLOPE AT 1 VERTICAL TO 3 HORIZONTAL
U.S. COAST GUARD
Proposed Dredging
U.S. ARMY ENGINEER DISTRICT, BALTIMORE
CORPS OF ENGINEERS
BALTIMORE, MARYLAND
DREDGE PLAN
CURTIS CREEK
COAST GUARD YARD
BALTIMORE COUNTY
FILE NO.
FILE 17 MAY 2002
SCALE 1" = 20'
DATE 17 MAY 2002
SHEET 1 OF 1