



Public Notice

**U.S. Army Corps
of Engineers
Baltimore District**

**Application Number: 408-NAB-2019-14, Fishing Creek
Maintenance Dredging**

PN 19-13

Comment Period: September 30, 2019 to October 30, 2019

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT AUTHORIZATION WILL BE GRANTED AT THIS TIME.

The US Army Corps of Engineers, Baltimore District has received an application to alter a US Army Corps of Engineers Civil Works Project, pursuant to 33 USC 408 (Section 408).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Town of Chesapeake Beach c/o Mayor Pat Mahoney
8200 Bayside Road, P.O., Box 400
Chesapeake Beach, MD 20732

AGENT: Ben Dyer Associates, Inc. c/o Paul B. Woodburn, .P.E.
11721 Woodmore Road, Suite 200
Mitchellville, MD 20721

FEDERAL PROJECT: Fishing Creek. A section of Federal Navigation Channel

LOCATION: Fishing Creek, Calvert County, MD

ACTIVITY: To mechanically or hydraulically dredge approximately 822 lf of Fishing Creek (a Federal navigation channel) for purposes of removing sediment that has shoaled and is currently impeding navigable access (recreational, commercial, and emergency). The dredge material will be taken to a permitted dredge disposal facility located within the Town of Chesapeake Beach.

The decision whether to issue a permit will be based on an evaluation of the proposed modification specifically to the authorized federal civil works project to ensure that it is not injurious to the public interest or affect the USACE project's ability to meet its authorized purpose(s).

In addition, a decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The decision on whether to authorize proposed non-federal alterations at existing civil works projects includes an evaluation of the probable environmental impacts of that alteration on Corps-owned facilities. The U.S. Army Corps of Engineers, Baltimore District, will prepare appropriate documentation in accordance with the provisions of the NEPA of 1969, as amended, the Council of Environmental Quality's (CEQ) regulations (40 CFR 1500-1508), and the Corps' Engineering Regulation (ER) 200-2-2, Procedures for Implementing NEPA, 4 March 1988. This process involves evaluating the potential impacts of the proposed project to the physical, chemical, and biological characteristics of the aquatic and terrestrial ecosystem, endangered and threatened species, hazardous and toxic materials, aesthetics and recreation, cultural resources, the general needs and welfare of the public, and other considerations. As the potential

significant impacts of a project increase, so does the complexity of reaching an agency action.

The Corps of Engineers has jurisdiction under Section 408 only over the specific activities or portions of activities that have the potential to alter a USACE project. Therefore, if the proposed alteration is part of a larger project (and/or its associated features) that extends beyond the USACE project boundaries, the USACE District will determine what portions or features of the larger project USACE has sufficient control and responsibility over to warrant their inclusion in the USACE review. The scope of analysis for both the technical review and NEPA compliance evaluations for the Section 408 review will be limited to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration found on USACE property or other easements.

The applicant must obtain any state or local government permits that may be required.

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 within the USACE project limits. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny authorization for this proposal.

Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

Comments on the proposed work should be submitted within 30 days via email to the undersigned, or, in writing, to the District Engineer, U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Please communicate the information in this notice to any persons you know to be interested, who did not receive a copy of this notice.

Additional information concerning this application may be obtained by calling Nicholas Krupa at 410-962-4721, via email at Nicholas.E.Krupa@usace.army.mil or writing this office at the above address.

Steven M. Brown
Chief, Flood Risk Management Branch
Operations Division