

U.S. Army Corps
of Engineers
Baltimore District
PN-19-37

Public Notice

In Reply to Application Number
NAB-2018-61554-P02 (Peterson/Jackson/Bengston Dredging)

Comment Period: June 12, 2019 to July 12, 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 A PERMIT WILL BE ISSUED AT THIS TIME.

This 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/or Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

APPLICANTS: Thomas Peterson
93 Spa Drive
Annapolis, Maryland, 21403

John T. and Lucinda L Jackson
95 Spa Drive
Annapolis, Maryland, 21403

Charles P. Bengston
115 Spa Drive
Annapolis, Maryland, 21403

c/o Mr. Frank Biba
715 Springdale Avenue
Annapolis, Maryland 21403

WATERWAY AND LOCATION OF THE PROPOSED WORK: In Spa Creek, Anne Arundel County, Maryland.

PROPOSED WORK AND PURPOSE: To mechanically dredge a 520-foot long main channel with three connected spur channels to -5.0 feet below mean low water, including a maintenance dredging provision of 6-years. A 300-foot section of the main channel is proposed to be dredged 35-feet wide with 2-spur channels; and a 120-foot section of the main channel is proposed to be dredged 25-feet wide with 1-spur channel. Approximately 1,470 cubic yards of clean dredged material will be mechanically excavated from a barge and transported to an identified upland dredged material disposal area as part of the initial dredging of the areas. The project will directly impact 22,225 square feet of subtidal area ranging in existing depth of -1.5 to -5.0 feet below mean low water. A 10,000 pound boat lift with 4 pilings is proposed at 95 Spa Drive with a maximum channel ward encroachment of 30 linear feet from the mean high water line. The project is located in Spa Creek, Anne Arundel County, Maryland. The purpose of the proposed work is to improve navigable access. All work is proposed to be completed in accordance with the enclosed plan(s).

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 reasonable 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, economic, 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, mineral needs, and consideration of property ownership 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 provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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, Carlisle Field Office, 401 East Louther Street, Suite 205, Carlisle, PA, 17013, Attn: Michael Danko, within the comment period specified above.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), 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 Essential Fish Habitat (EFH). The project site lies in or adjacent to EFH as described under MSFCMA for larvae, juvenile and adult *Paralichthys dentatus* (summer flounder); juvenile and adult *Scophthalmus aqueous* (windowpane flounder); juvenile and adult *Pomatomus saltatrix* (bluefish); juvenile and adult *Stenotomus chrysops* (scup) and *Centropristus striata* (black sea bass); juvenile and adult *Clupea harengus* (Atlantic herring); juvenile and adult *Raja aglanteria* (clearnose skate); adult *Leucoraja erinacea* (little skate); adult *Leucoraja ocellata* (winter skate); and eggs, larvae, juvenile and adult *Urophycis chuss* (red hake), all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage, and/or shelter habitat. The project may have an adverse effect on an approximately 0.51 acre area of EFH as described under the MSFCMA for the species and life stages identified above. The project area is not a Habitat Area of Particular Concern (HAPC). The project habitat consists mainly of a silt substrate that does not support submerged aquatic vegetation. The Baltimore District has made a preliminary determination that site specific impacts would not be substantial and an abbreviated consultation will be conducted with National Marine Fisheries Service. No mitigative measures are recommended at this time to minimize adverse effects on EFH. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

COASTAL ZONE MANAGEMENT PROGRAMS: Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement. It should be noted that the Coastal Zone Management Program has a statutory limit of 6 months 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 federal listed threatened or endangered 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 request permit.

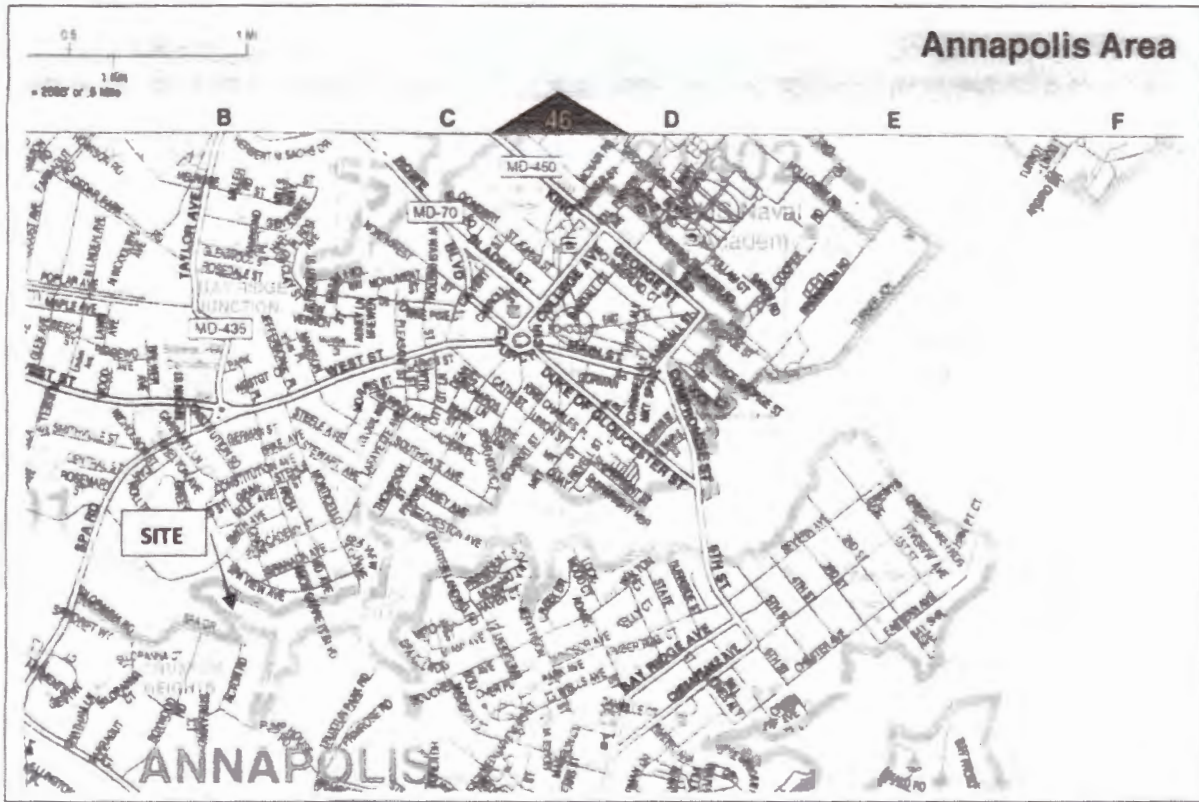
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Carlisle Field Office, 401 East Louthier Street, Suite 205, Carlisle, Pennsylvania, 17013 Attn: Mr. Mike Danko, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

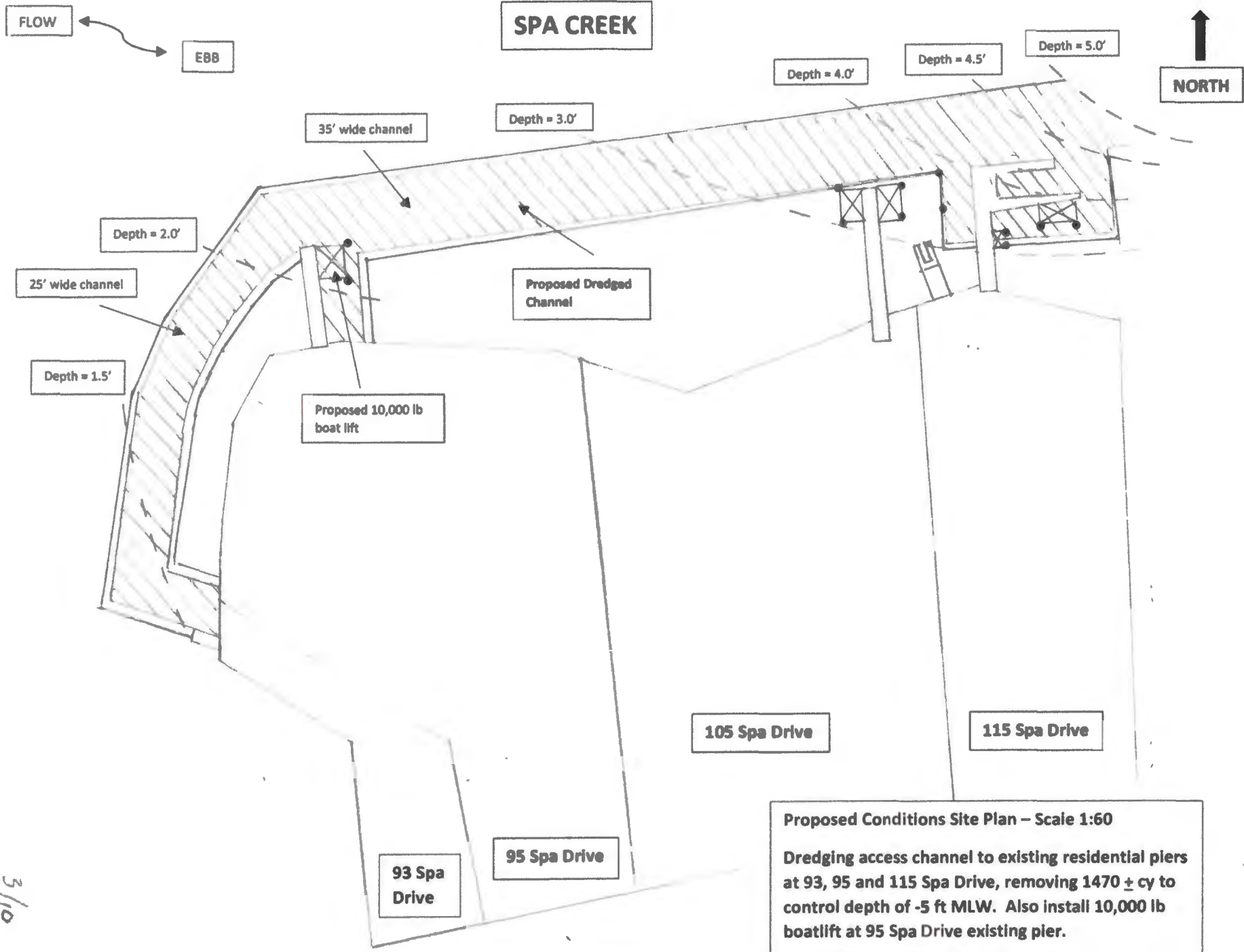
It is requested that you communicate this information concerning the proposed work to any persons know by you to be interested and not being known to this office, who did not receive a copy of this notice.

If you have any questions concerning this matter, please contact Mr. Michael Danko, Pennsylvania Section, at (717) 249-8730 or by e-mail at mike.danko@usace.army.mil.

FOR THE DISTRICT ENGINEER:

Wade B. Chandler
Chief, Pennsylvania Section
Regulatory Branch

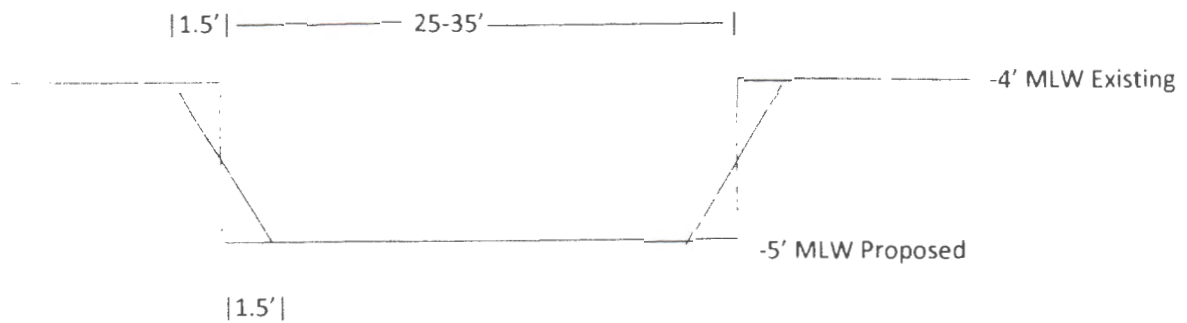
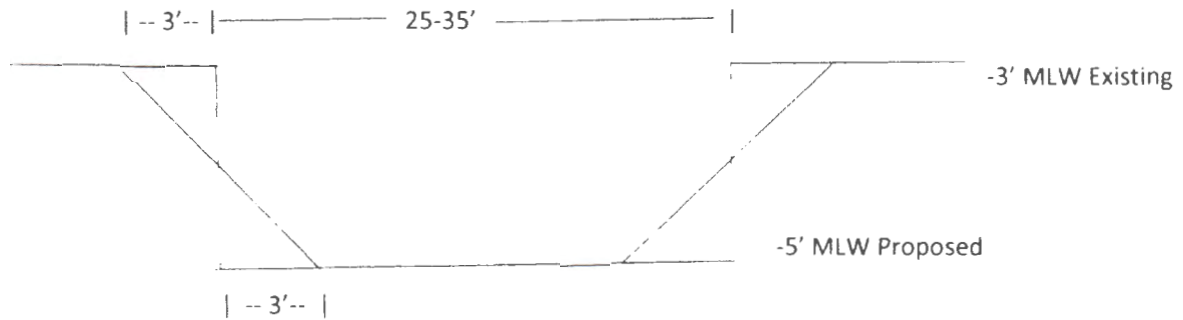
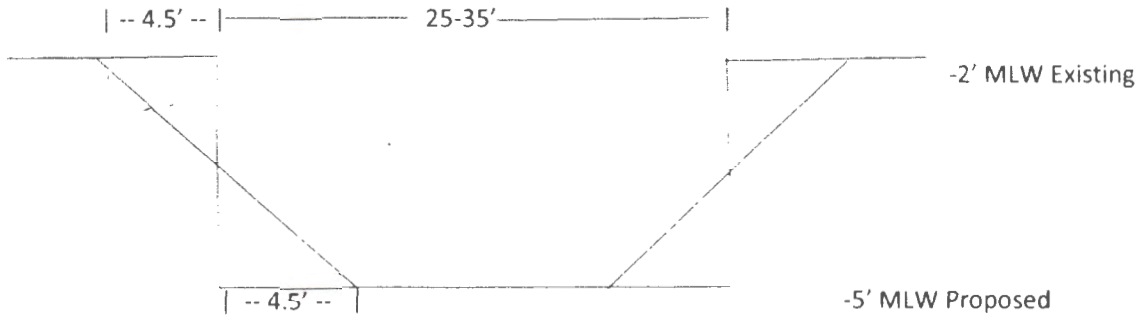




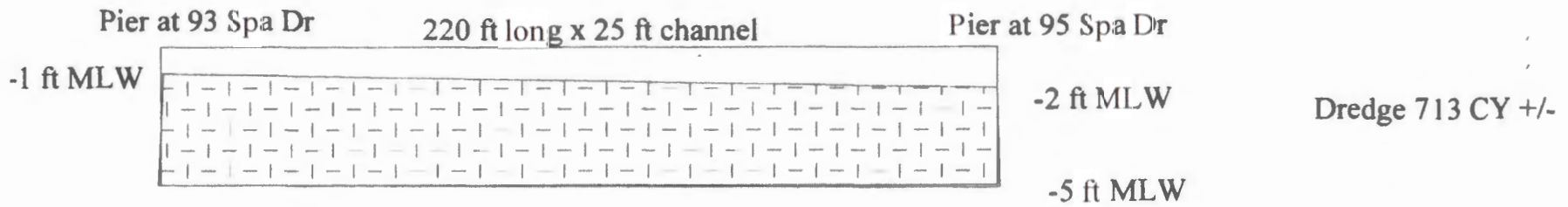
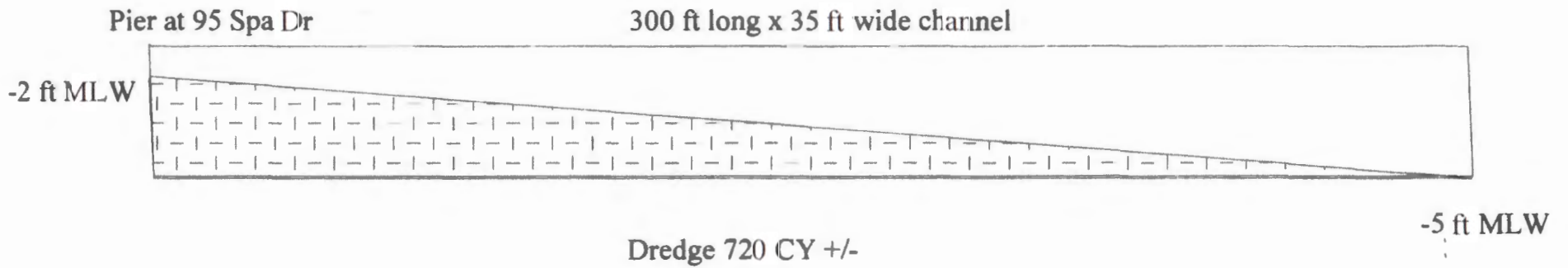
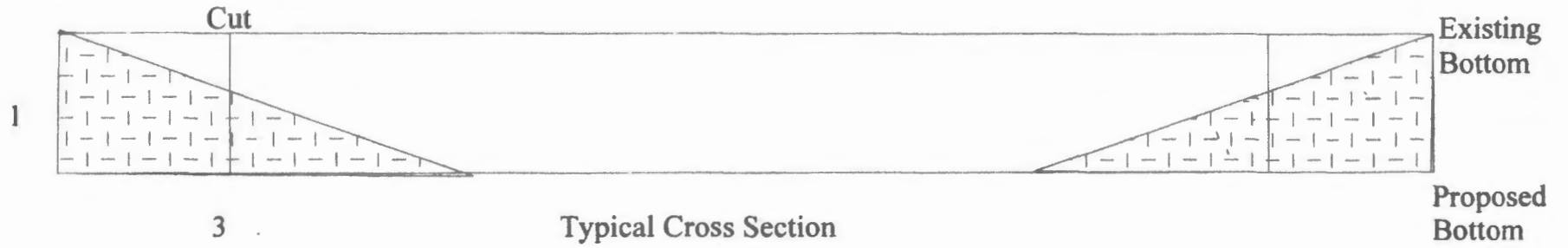
3/10

Slump @ 3:1 angle from proposed bottom of cut to pre-existing depth. Width of cut varies.

Not to Scale.



Cross section depiction of top cut of the dredge area with expected slumping of side walls after the bottom cut has been dredged.



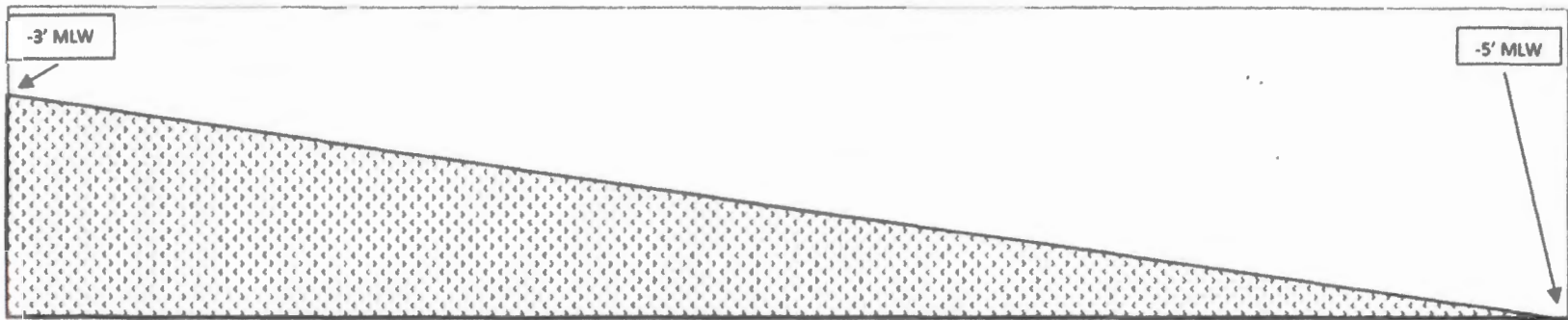
5/10

Dredge approximately 37 CY



115 Spa Drive Pier, -3 ft MLW

Match line at channel, -5 ft MLW



6/10