

U.S. Army Corps of Engineers

Public Notice

In Reply to Application Number
NAB-2018-61083-13 (Baltimore County Department of
Environmental Protection and Sustainability/Bird River
Maintenance Dredging)

Baltimore District

PN-19-44 Comment Period: July 03, 2019 to August 02, 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:

APPLICANT: Baltimore County Department of Environmental Protection and Sustainability
111 W. Chesapeake Avenue #319
Towson, Maryland 21204

WATERWAY AND LOCATION: Bird River and Railroad Creek channels, between Loreley Beach Road on the north and Bird River Grove Road on the south, including the main channel of Bird River and 48 adjacent spur channels, in Baltimore County, Maryland (Latitude: 39° 22' 50" N; Longitude: 76° 22' 3" W).

PROPOSED WORK AND PURPOSE: to mechanically and/or hydraulically dredge Bird River and 48 spur channels to properties on the following streets: North River Drive, Community Road, South River Drive, Mallard Road, Blackhead Road, Stuppfs Road, Bowerman Road, Lereley Beach Road, Beach Road, Stevens Road, and Bird River Grove Road. The proposed main channel work includes dredging approximately 26,630 linear feet (51.3 acres) of channel 30 to 90 feet wide to depths of -5.0 feet to -4.0 feet deep mean low water. The proposed spur channel work includes dredging 48 connecting spurs totaling approximately 6,050 linear feet (4.5 acres). The quantity of dredged material proposed to be removed from the main channel and adjacent spur channels is approximately 103,969 cubic yards of material. The dredged material is proposed to be mechanically or hydraulically transferred and placed over a two-year period in the Bird River Creek Dredged Material Placement site located nearby. In conjunction with the dredging project, the Bird River Creek Dredged Material Placement site will be excavated as part of a rehabilitation project to increase capacity. The disposal site will have approximately 111,976 cubic yards of available capacity upon rehabilitation.

Of the total dredging in the main channel of Bird River, approximately 1,137 linear feet (1.08 acres) will be new dredging and the remaining 25,493 linear feet (50.22 acres) will be dredging of areas previously dredged. Of the total 48 spur channels to be dredged, 36 spurs will be new dredging (2.6 acres) and the remaining 12 spurs (1.9 acres) will be dredging of areas previously dredged.

The purpose of the proposed work is to improve navigable access within the areas. Portions of this project were previously dredged between 2002 and 2004. Since then, channel depths have decreased in varying amounts due to sedimentation and littoral drift.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. Compensatory mitigation is not being proposed by the applicant at this time for the proposed dredging work.

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 adult Little Skate (*Leucoraja erinacea*) and Winter Skate (*Leucoraja ocellata*); juvenile and adult Windowpane Flounder (*Scopthalmus aquosus*), Red Hake (*Urophycis chuss*), Atlantic Herring (*Clupea harengus*), Clearnose Skate (*Raja eglanteria*),, Black Sea Bass (*Centropristis striata*), Bluefish (*Pomatomus saltatrix*), Summer Flounder (*Paralichthys dentatus*), and Scup (*Stenotomus chrysops*); larvae Red Hake (*Urophycis chuss*), and Summer Flounder (*Paralichthys dentatus*); eggs Red Hake (*Urophycis chuss*); and all managed species under the MSFCMA.

The project has the potential to affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an effect on the EFH area as described under the MSFCMA for the species and life stages identified above. This habitat consists of the Atlantic coastal plain sediments. According to the Virginia Institute of Marine Science survey maps, Submerged Aquatic Vegetation (SAV) has been mapped in the project area in 2016 and 2017. The proposed project overlaps the mapped SAV by approximately 53.38 acres. In 2017, two SAV surveys were conducted for the Department of Environmental Protection and Sustainability to locate spring and summer species within the waterway. Three species were documented in June of 2017 - hydrilla (*Hydrilla verticillata*), wild celery (*Vallisneria americana*), and coontail (Ceratophyllum demersum). Eight species were documented in August of 2017 - hydrilla (*Hydrilla verticillata*), wild celery (*Vallisneria americana*), coontail (*Ceratophyllum demersum*), curly pondweed (*Potamogeton crispus*), Eurasian watermilfoil (*Myriophyllum spicatum*), slender pondweed (*Potamogeton pusill*us), redhead grass (*Potamogeton perfoliatus*), and spiny naiad (*Najas minor*).

The Baltimore District has made a preliminary determination that site-specific impacts would be not be substantial and an abbreviated consultation will be conducted with National Marine Fisheries Service. Mitigative measures may be required to minimize effects on EFH, but the applicant has not included any measures to date. This preliminary determination may be modified if additional information indicates otherwise and could change the Corps' preliminary determination.

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.

WATER QUALITY CERTIFICATION AND COASTAL ZONE MANAGEMENT PROGRAM:

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 Environment. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

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 other state or local government permits which may be required.

ENDANGERED SPECIES ACT: A preliminary review of this application indicates that the proposed work will have no effect on federally 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.

NATIONAL HISTORIC PRESERVATION ACT: 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.

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.

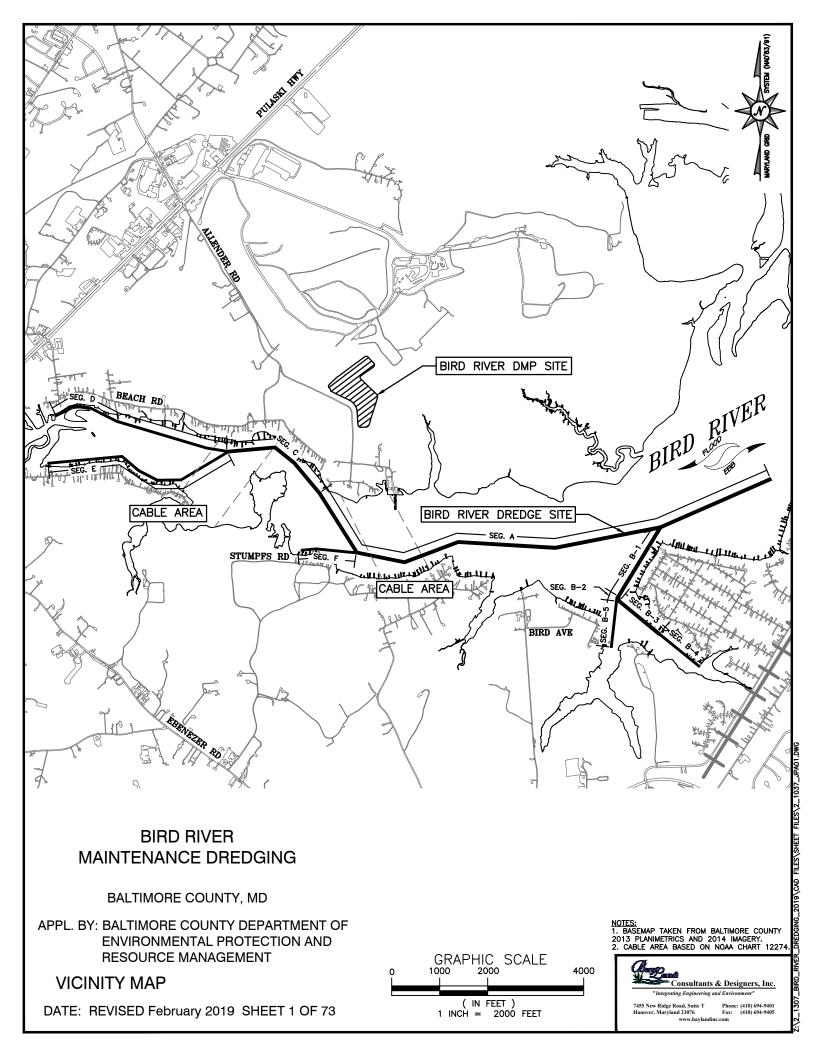
Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and 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, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania, 16801 within the comment period specified above.

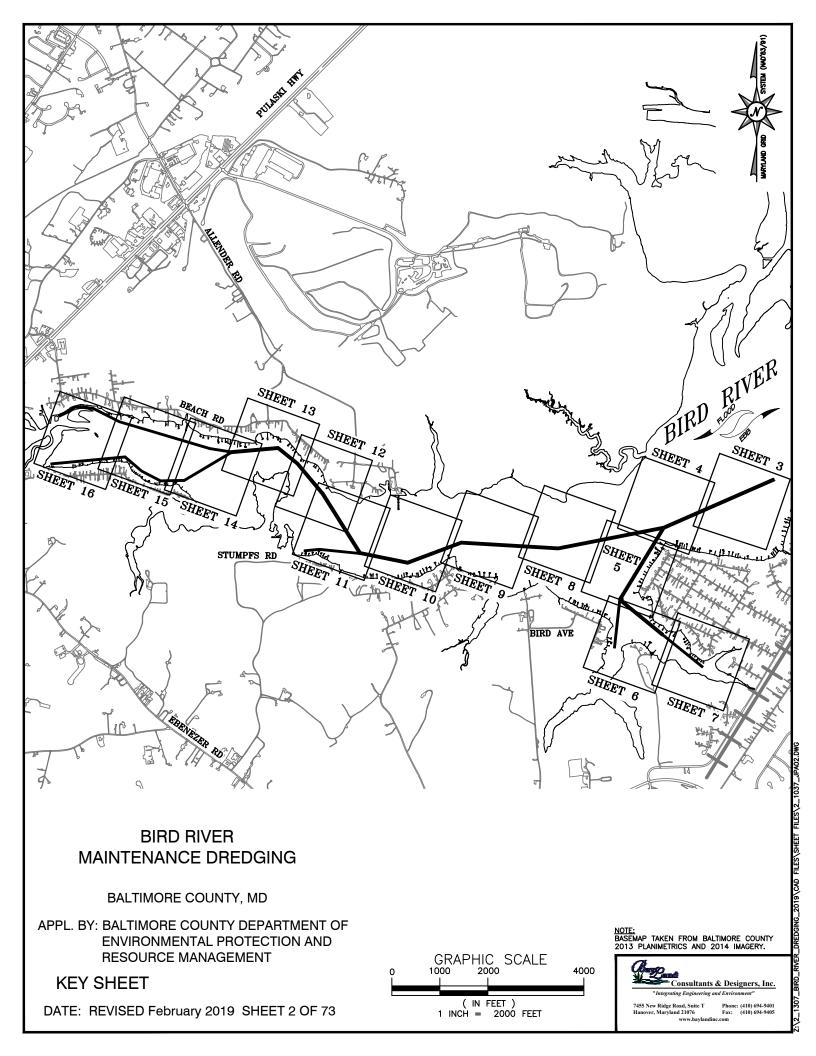
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania, 16801 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.

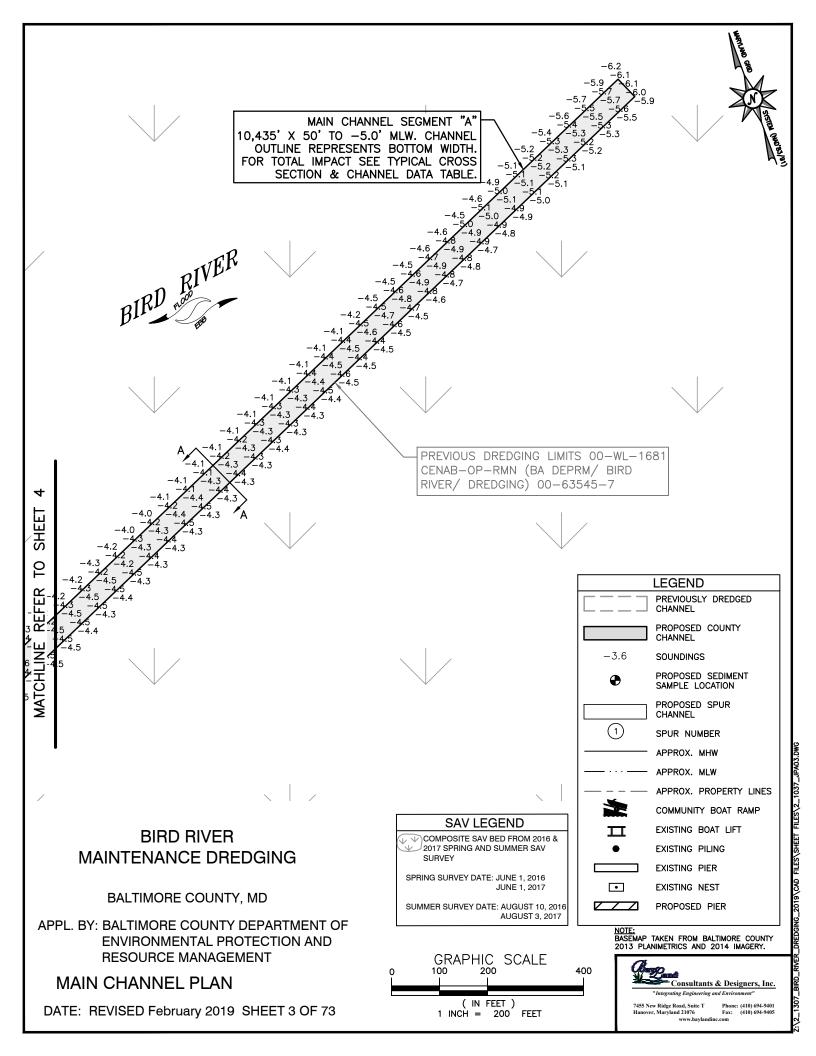
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

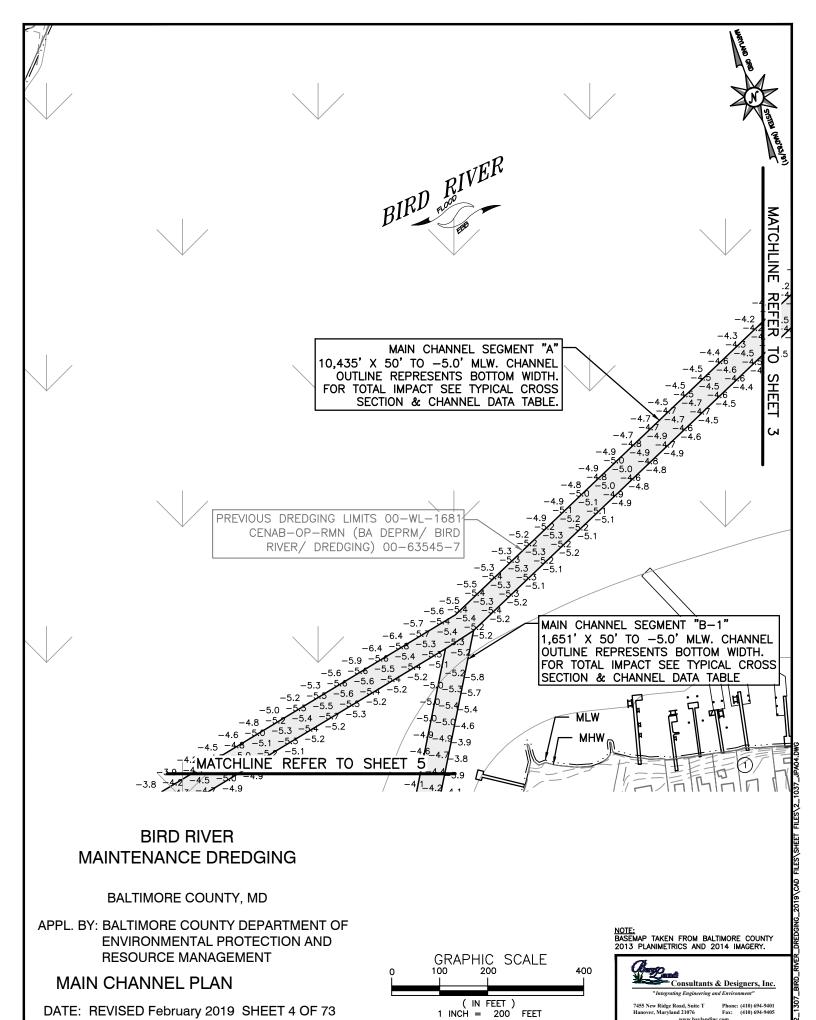
If you have any questions concerning this matter, please contact Mrs. Amy Elliott of this office at (814) 235-0573 or via email at amy.h.elliott@usace.army.mil.

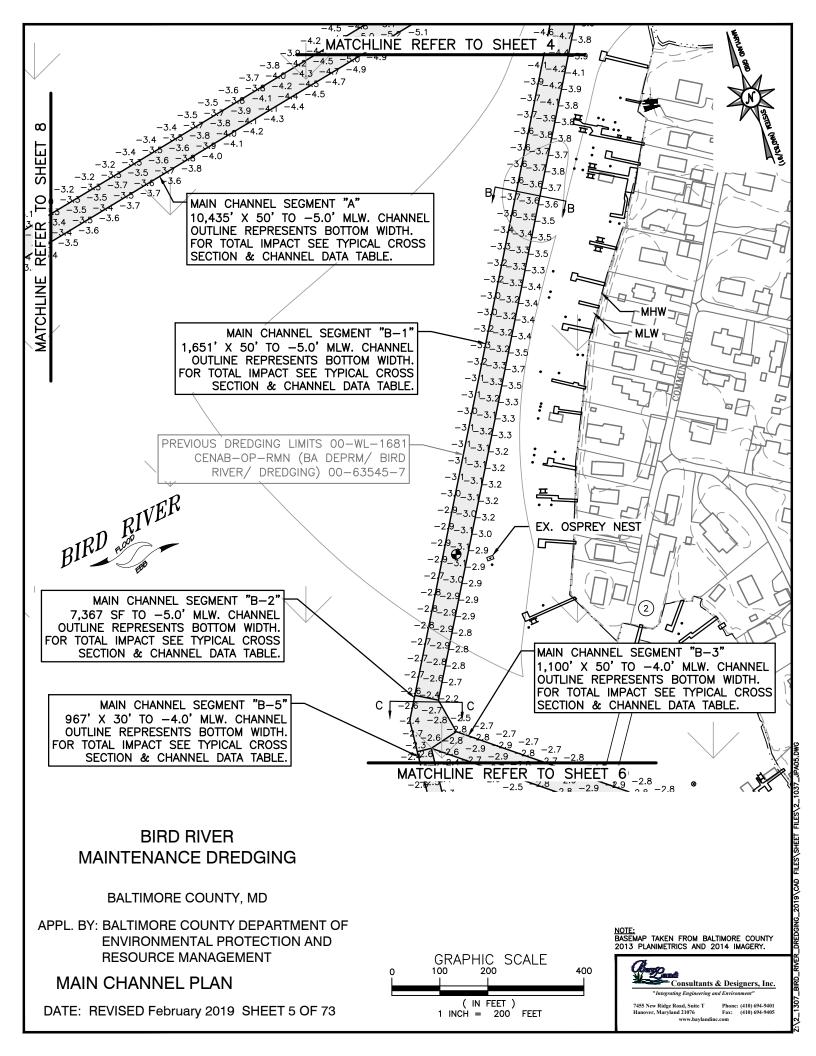
This public notice is issued by the Chief, Regulatory Branch.

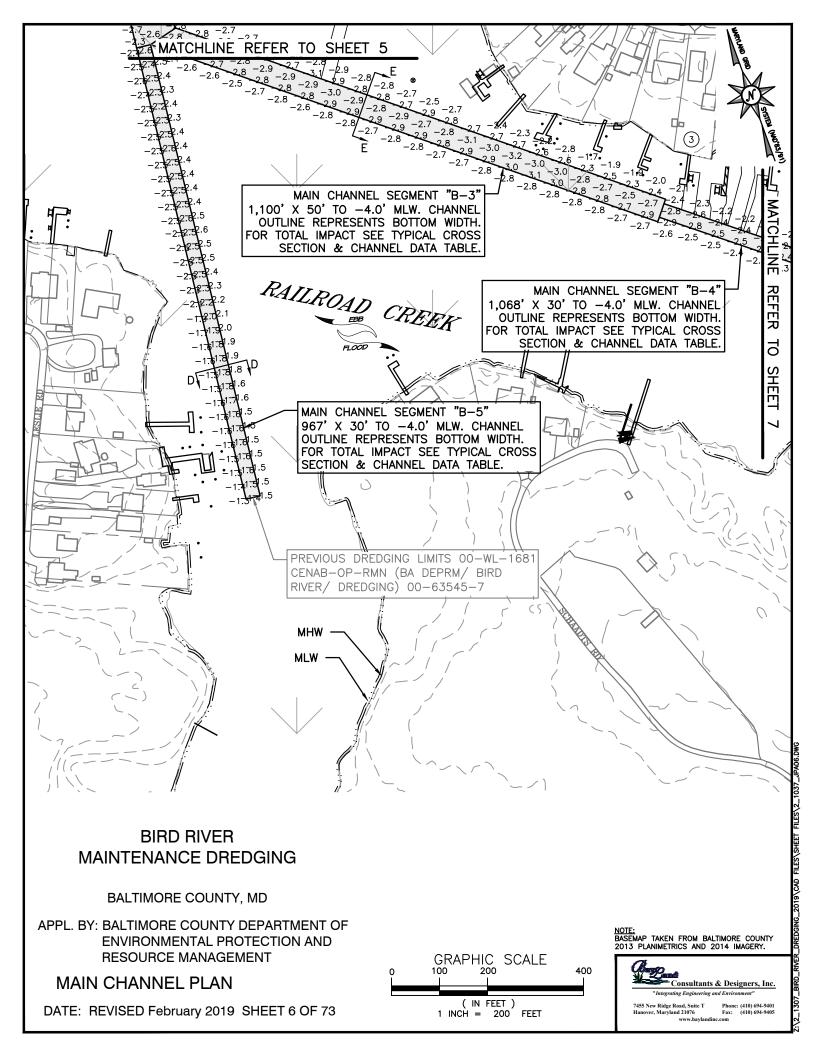


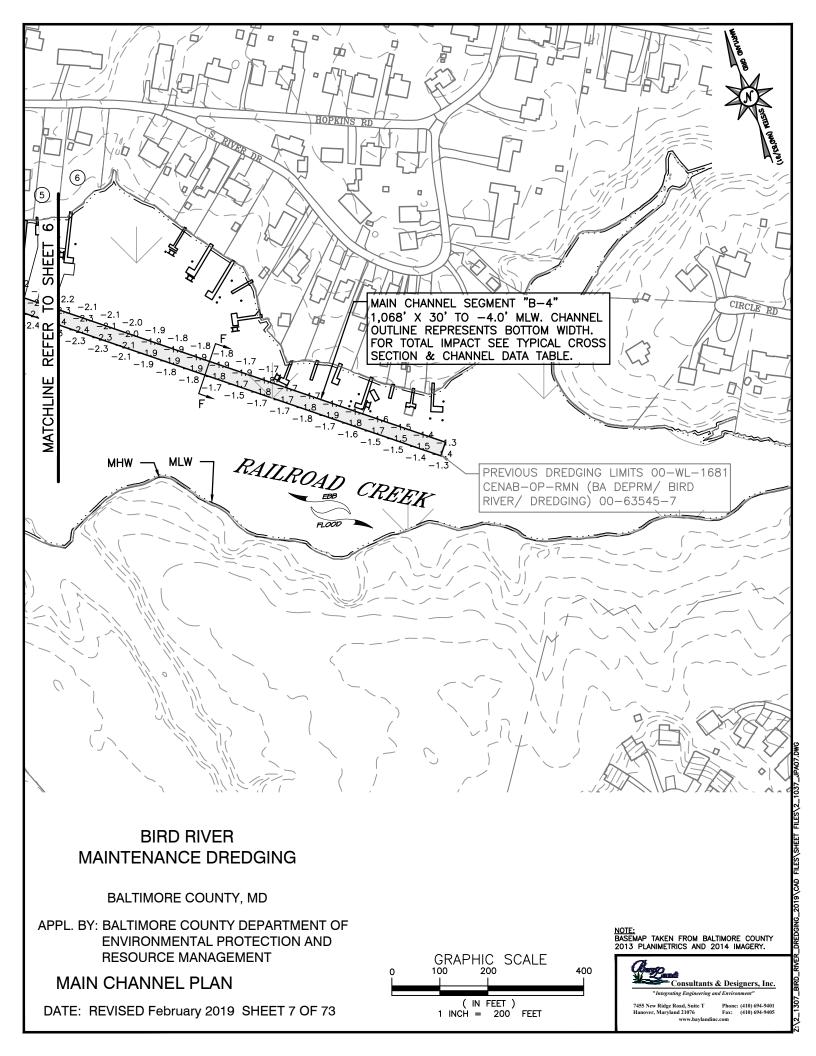


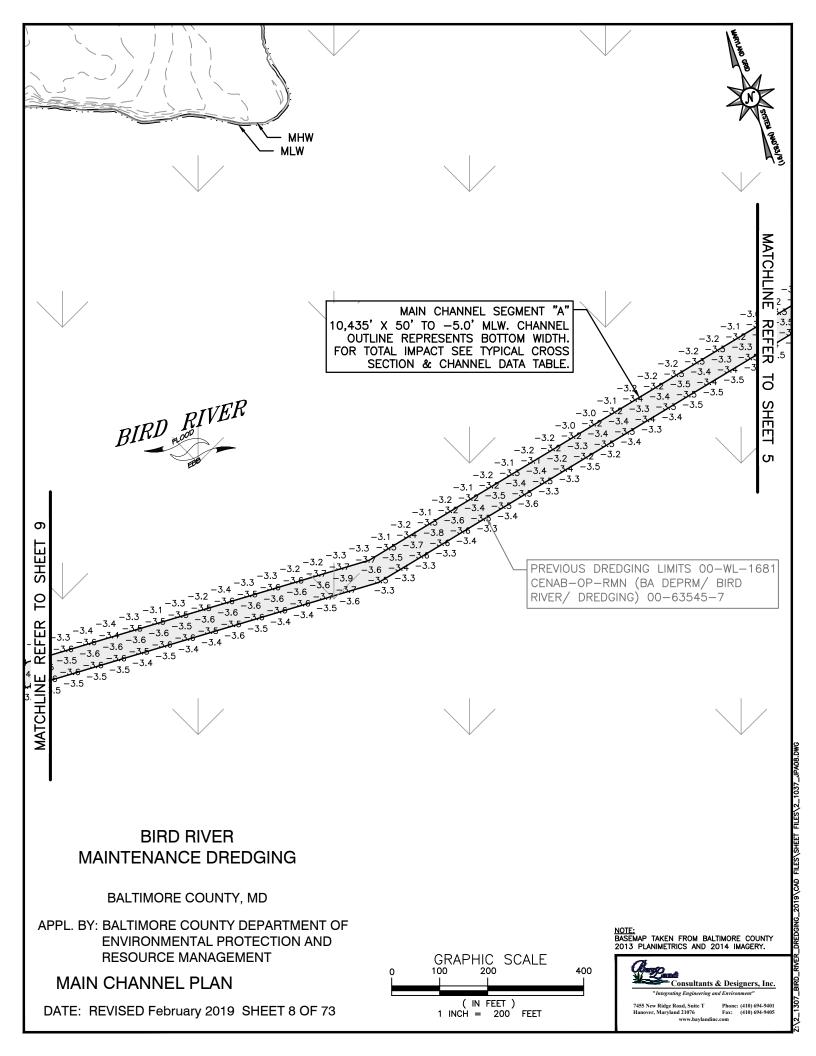


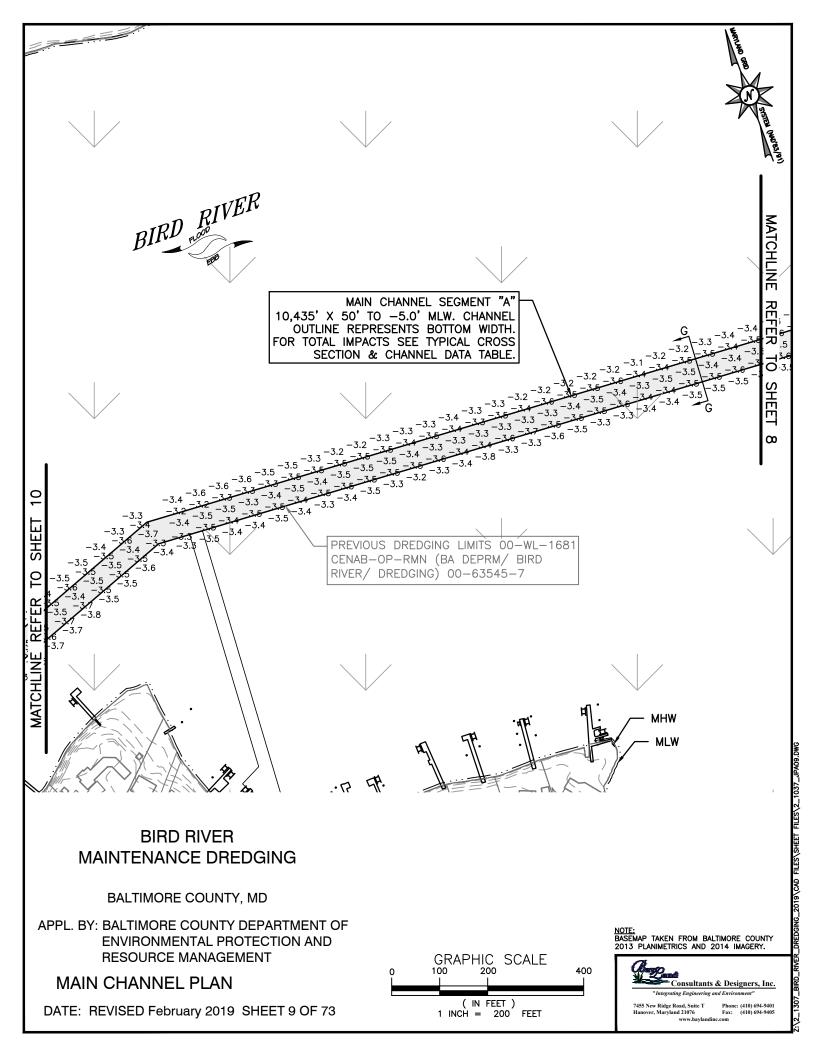


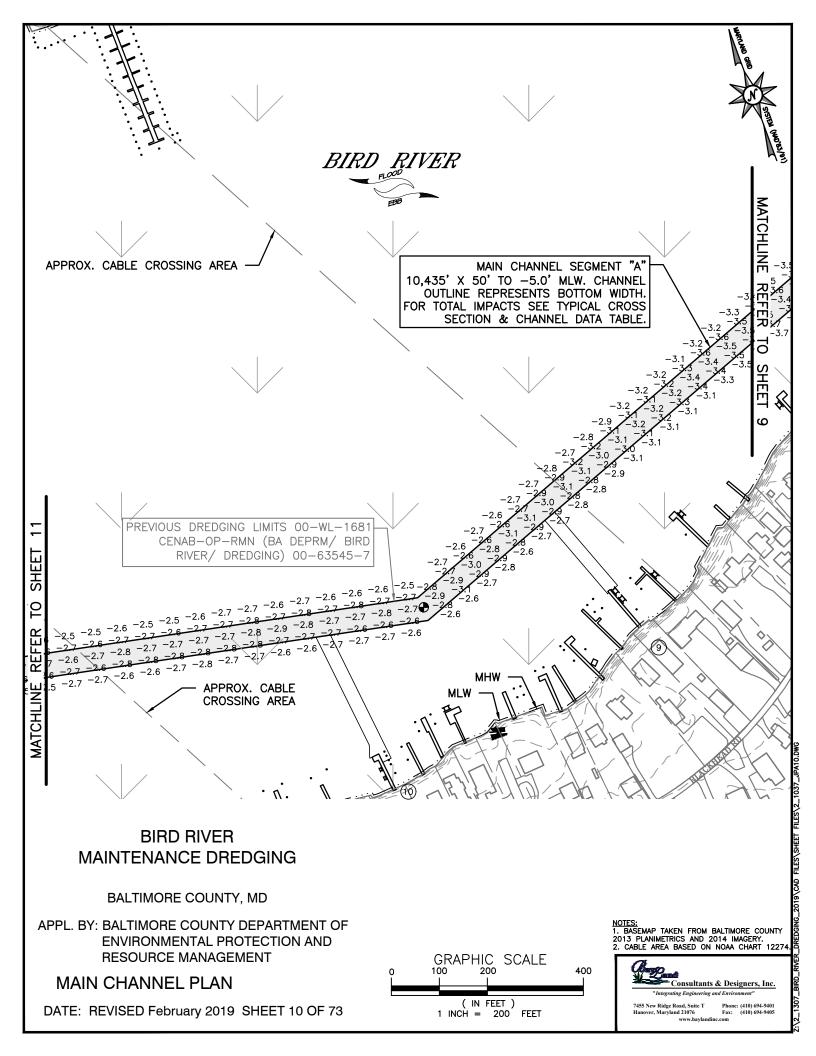


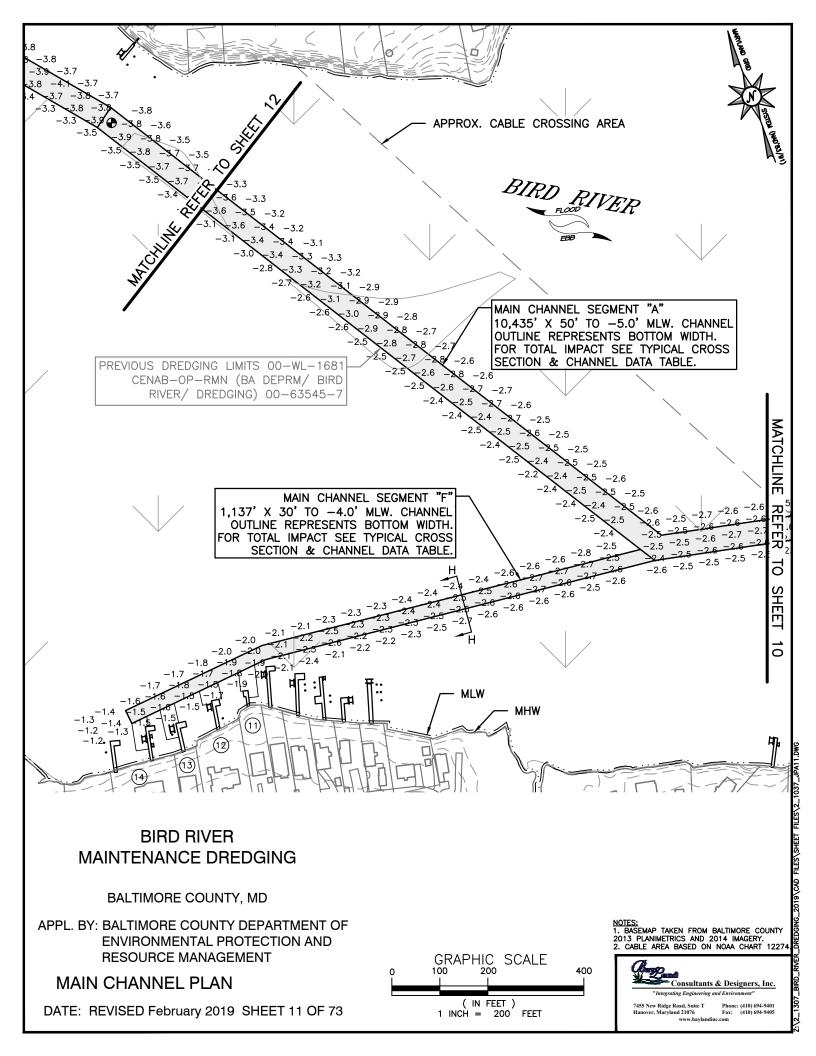


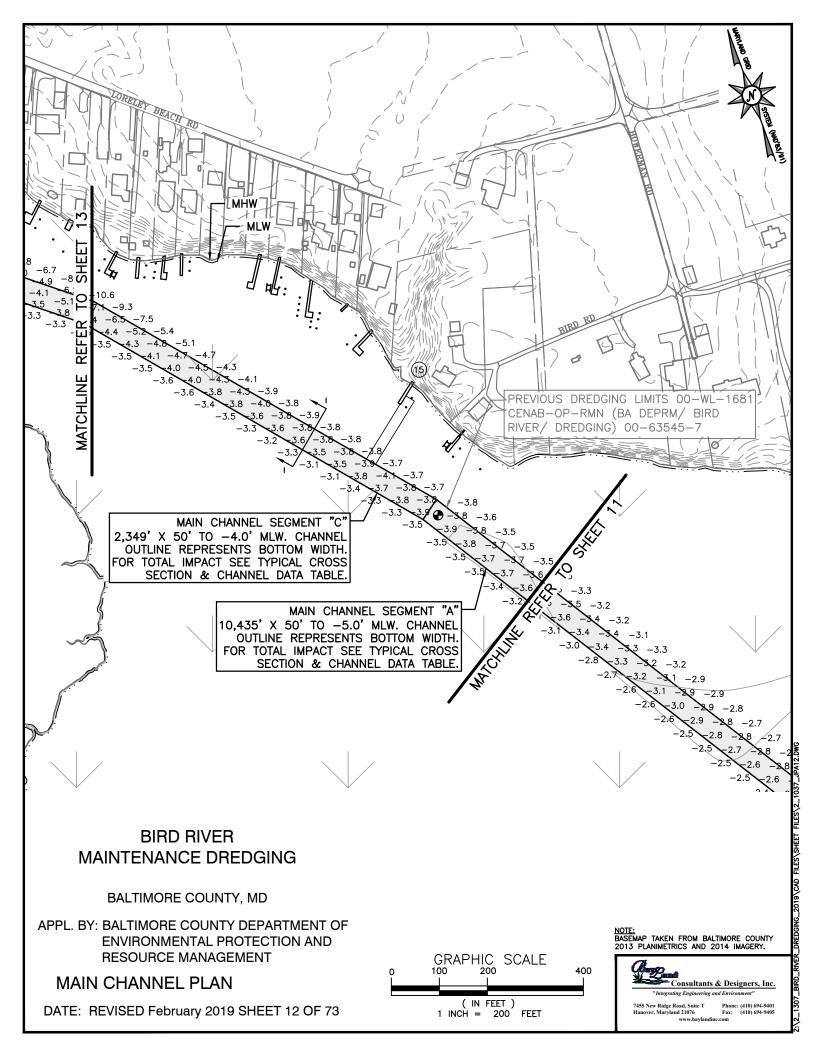


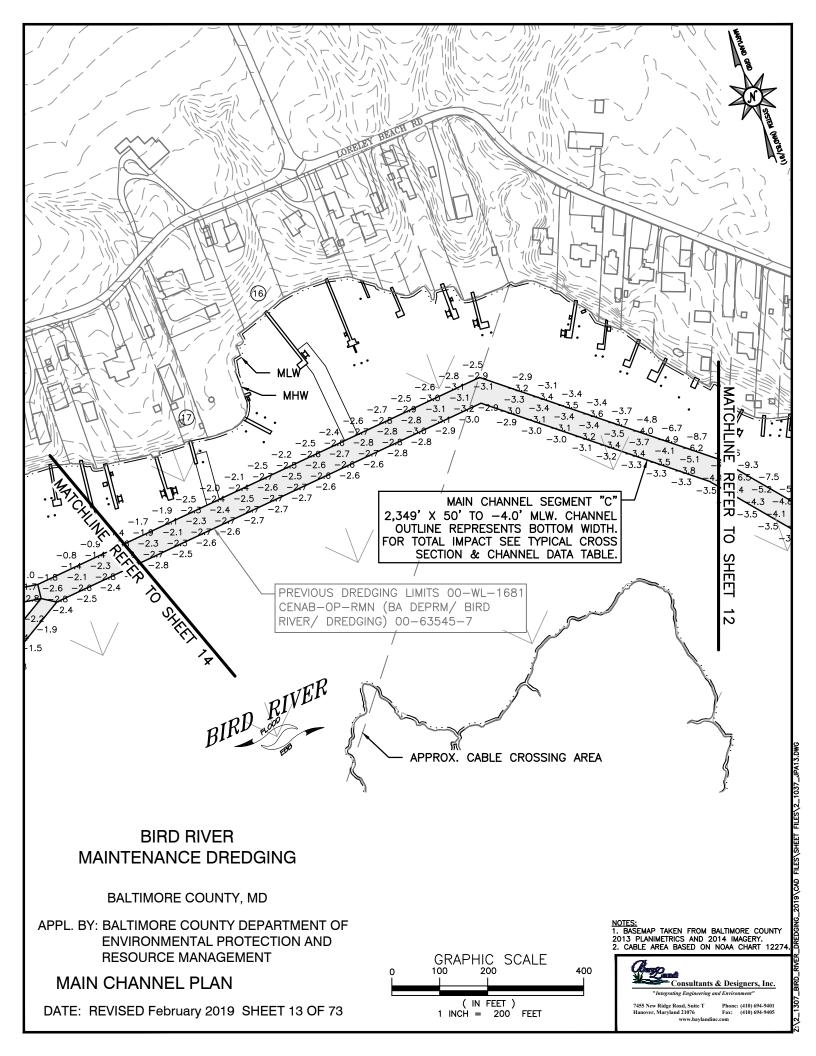


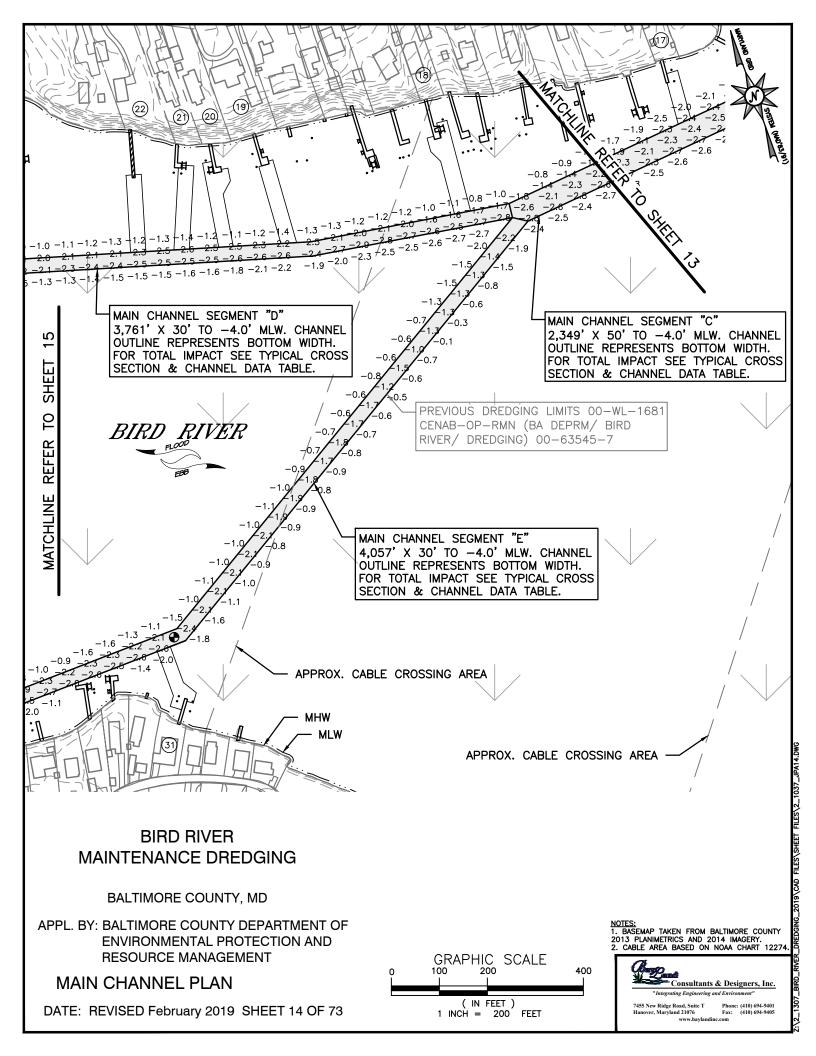


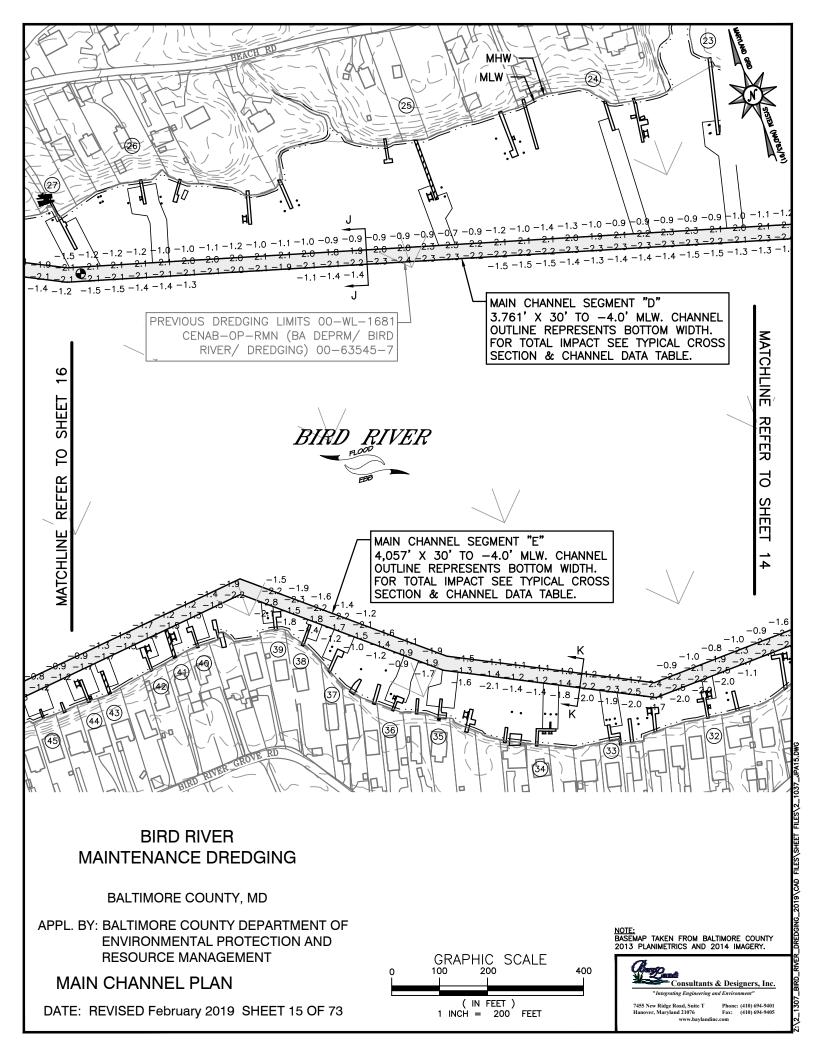


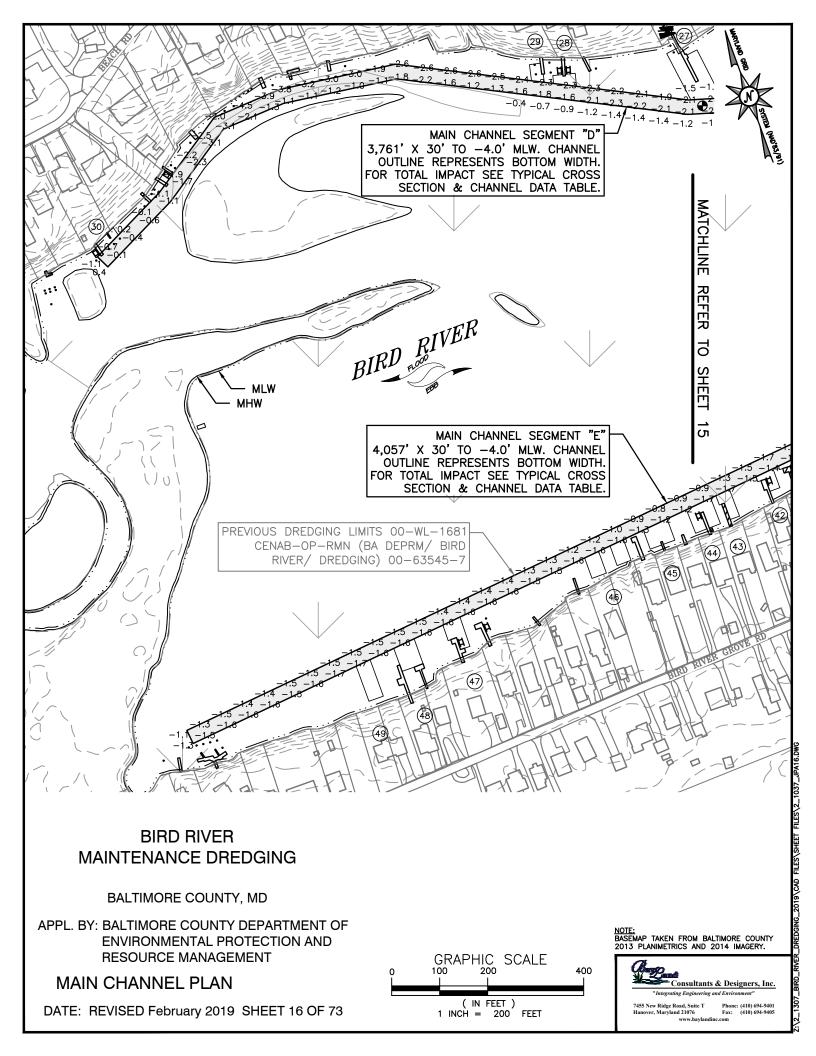


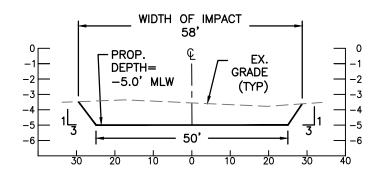


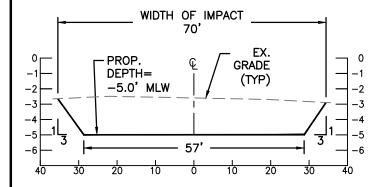


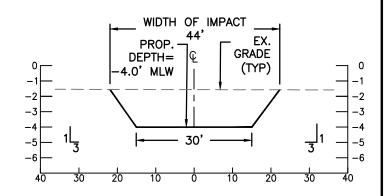












SECTION C-C

BIRD RIVER MAINTENANCE DREDGING

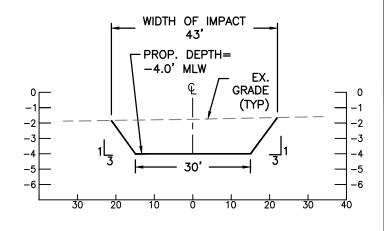
BALTIMORE COUNTY, MD

APPL. BY: BALTIMORE COUNTY DEPARTMENT OF **ENVIRONMENTAL PROTECTION AND** RESOURCE MANAGEMENT

CHANNEL SECTIONS

DATE: REVISED February 2019 SHEET 17 OF 73

Consultants & Designers, Inc. 7455 New Ridge Road, Suite T Hanover, Maryland 21076

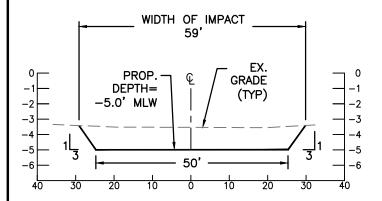


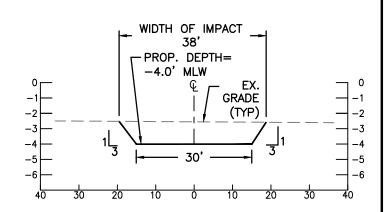
SECTION E-E

SCALE: NTS

SECTION F-F

SCALE: NTS





SECTION G-G

SCALE: NTS

SECTION H-H

SCALE: NTS

BIRD RIVER MAINTENANCE DREDGING

BALTIMORE COUNTY, MD

APPL. BY: BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

CHANNEL SECTIONS

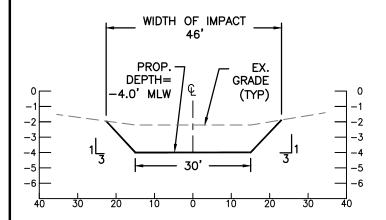
DATE: REVISED February 2019 SHEET 18 OF 73

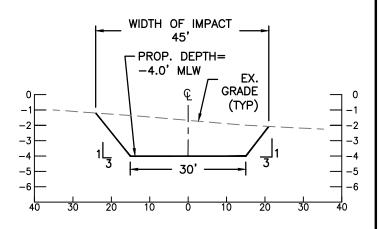


7455 New Ridge Road, Suite T Phone: (410) 694-9401 Hanover, Maryland 21076 Fax: (410) 694-9405 www.baylandinc.com

SECTION I-I

SCALE: NTS





SECTION J-J

SCALE: NTS

SECTION K-K

SCALE: NTS

BIRD RIVER MAINTENANCE DREDGING

BALTIMORE COUNTY, MD

APPL. BY: BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

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7455 New Ridge Road, Suite T Phone: (410) 694-9401 Hanover, Maryland 21076 Fax: (410) 694-9405 www.baylandinc.com RIVER_DREDGING_2019\CAD FILES\SHEET FILES\2_1037_JPA19.DWG

SPUR DETAILS	
TOTAL NUMBER OF MAINTENANCE SPURS	12
TOTAL NUMBER OF NEW SPURS	36
TOTAL SPUR VOLUME	9,848 CY
TOTAL SPUR AREA OF IMPACT	193,902 SF = 4.5 AC
TOTAL MAINTENANCE SPUR AREA OF IMPACT TO 2016-2017 SAV	73,297 SF = 1.7 AC
TOTAL NEW SPUR AREA OF IMPACT TO 2016-2017 SAV	111,423 SF = 2.6 AC

NOTES:

- 1. BASEMAP COMPILED FROM BALTIMORE COUNTY 2013 PLANIMETRICS AND 2014 IMAGERY.
- 2. TIDAL RANGE IS 1.25 FOOT.
- 3. BATHYMETRY FROM BAYLAND SURVEY DATED OCTOBER 6, 2017.
- 4. SOUNDINGS ARE IN FEET AND REFER TO MLW.
- 5. CABLE AREA BASED ON NOAA CHART 12274.
- 6. THE BIRD RIVER COUNTY CHANNEL PROPOSED FOR MAINTENANCE DREDGING WAS PREVIOUSLY PERMITTED UNDER CENAB-OP-RMN (BA DEPRM/BIRD RIVER/ DREDGING) 00-63545-7, 00-WL-1681, AND DREDGED IN THE WINTER OF 2002/2003.
- 7. THESE ARE PERMIT DRAWINGS ONLY. DESIGN DRAWINGS WILL BE PREPARED SEPARATELY.

BIRD RIVER MAINTENANCE DREDGING

BALTIMORE COUNTY, MD

APPL. BY: BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

CHANNEL DETAILS

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