



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2010-60977(MARYLAND BROADBAND COOPERATIVE/
UTILITY LINE)

PN 13-52

Comment Period: August 14, 2013 to September 3, 2013

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: Maryland Broadband Cooperative
212 West Main Street, Suite 307
Salisbury, Maryland 21801

LOCATION: The proposed project originates near the intersection of U.S. Route 50 and Maryland Rote 16, continues west along Maryland Route 16 to Bay Shore Road via Hooper Neck Road, crosses the Chesapeake Bay to Cove Point, follows Maryland Route 497 to Routes 2 and 4 South, and terminates at Maryland Route 335 and Maryland Route 246 in St. Mary's County, Maryland.

WORK AND PURPOSE: To install a fiber optic cable network commencing in Dorchester County, across the Chesapeake Bay, through Calvert County and terminating in St. Mary's County varying from 1.5 inches to 2.7 inches in diameter entirely within Maryland State Highway Administration (SHA) right-of-way (ROW) with the exception of a private property crossing adjacent to the Bay in Dorchester County. The proposed alignment crosses approximately 1,377 linear feet of tidal waters in Dorchester County, including Church Creek, Woolford Creek, Parsons Creek, Slaughter Creek, Chapel Cove and Saint John Creek; 6.24 miles of the Chesapeake Bay; 3,340 linear feet of the Patuxent River in Calvert and St. Mary's Counties; and 1,400 linear feet of Town Creek in St. Mary's County. Tidal wetland crossings would be performed along the roadside shoulder in the SHA ROW by directional bore method. The Chesapeake Bay crossing would be accomplished using a combination of jet plow and directional bore method. The total impacts for the Chesapeake Bay crossing include approximately 6.24 miles (48,394 linear feet) of jet plowing the bottom at a width of approximately 14,784 feet or 487,091 square feet. The cable would be buried approximately 7 feet, 10 inches below the Bay bottom substrate. The Patuxent River crossing would utilize existing conduit on the Thomas Johnson Memorial Bridge and the Town Creek crossing would utilize existing conduit on the Route 4 bridge. The nontidal wetlands crossings would be installed using directional bore method, which would result in no permanent impacts to nontidal wetlands or waterways. All underground installation for both tidal and nontidal crossings would be a minimum of 42 inches below existing grades. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Eugene Morgenthaler at (410) 820-8629 or eugene.j.morgenthaler@usace.army.mil.

Purpose: The purpose of the proposed project is to provide broadband service to rural areas of Maryland and this project will insure broadband communications service along underserved corridors throughout Maryland.

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. In consideration of the ROW constraints, the tidal and nontidal wetlands and waterway crossings in

the ROW would result in no permanent impacts, as they would be installed using directional bore method. Where applicable, the applicants would utilize existing conduit on bridges to run the cable. Compensatory mitigation is not proposed by the applicant.

Project Plans: The plans can be found on-line at the following public FTP link:

<https://leinc.sharefile.com/d/s6d13aee35dc40a99>

Note: Depending on your download connection speed, it may take 3 or more minutes to download.

State Public Hearings: Two Public Informational Hearings have been scheduled for the proposed project. The first hearing will be conducted in Calvert County at 10:00 AM on August 19, 2013 at the Prince Frederick Branch Library, 850 Costley Way, Prince Frederick, MD 20678. The second hearing will be conducted in Dorchester County at 10:30 AM on August 20, 2013 at the Dorchester County Public Library, Cambridge Branch, 303 Gay Street, Cambridge, MD 21613. For more information, please contact Meghan Senkel at meghan.senkel@maryland.gov or at 410-537-3074.

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, P.O. Box 1715, Baltimore, Maryland 21203-1715 within the comment period specified above.

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 (NMFS) 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 the MSFCMA for the *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 may have an adverse effect on Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The Baltimore District has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended at this time to minimize adverse effects on EFH. This preliminary determination may be modified if additional information indicates otherwise and could change the Corps' preliminary determination.

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 Wetlands and Waterways Program, 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. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

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.

The evaluation of the impact of this project 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, 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. 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.

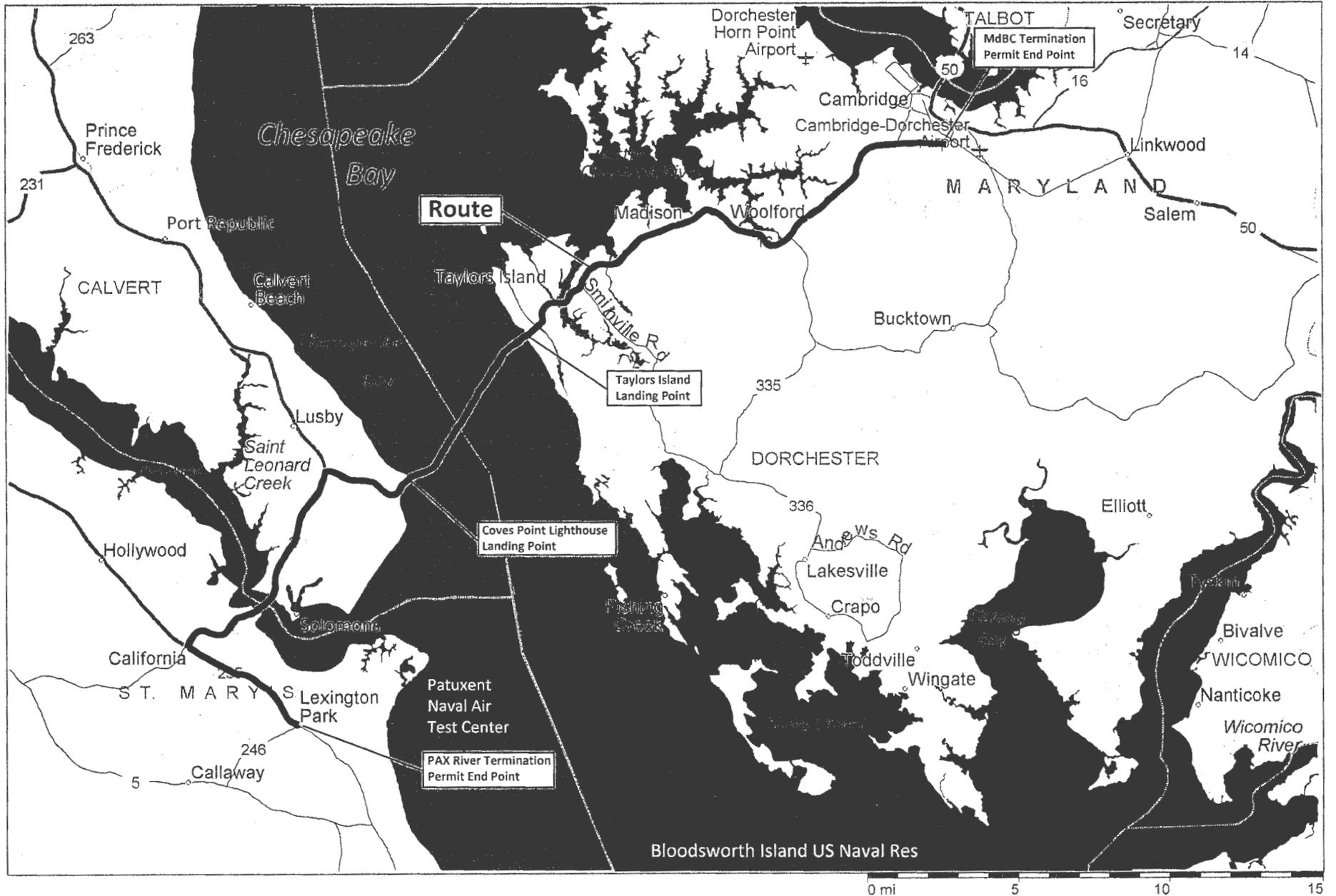
It is requested that you communicate this information concerning the proposed work to any persons know by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

Kathy B. Anderson
Chief, Maryland Section Southern

Maryland Broadband Cooperative - Fiber Build

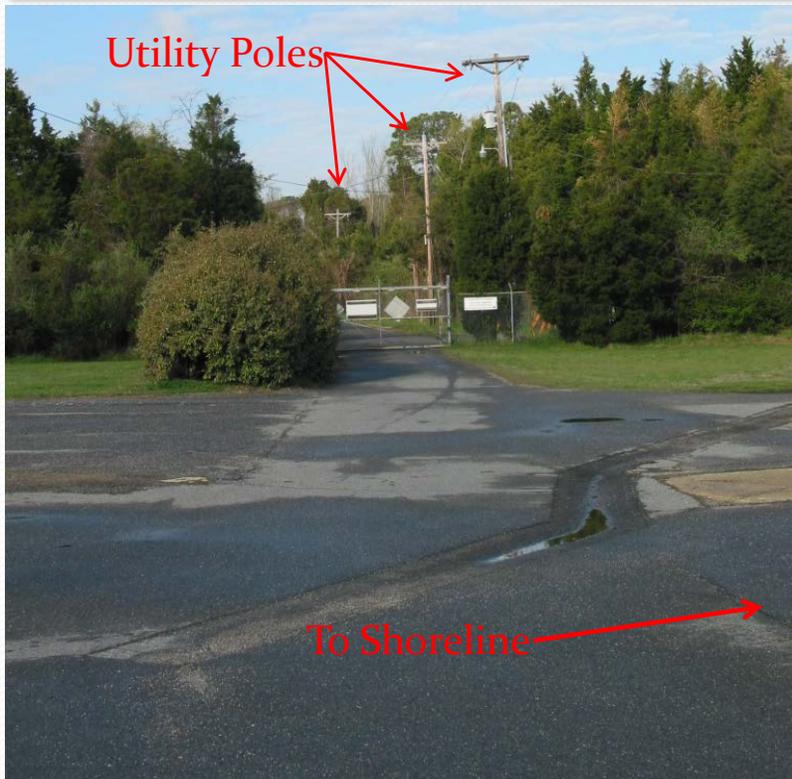
Chesapeake Bay Crossing Overview Map Terminus and Landing Points



Cove Point Aerial View



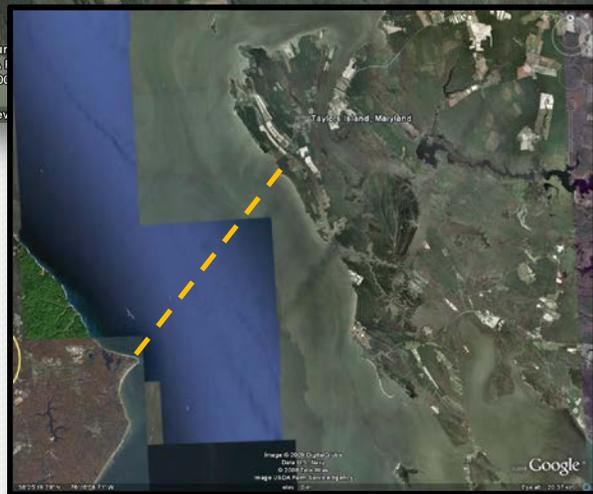
Cove Point



Cove Point Shoreline



Taylor's Island Aerial View





Cable Laying Process

Desktop Research

Side-Scan Sonar Survey

Core & Bottom Grab Sampling

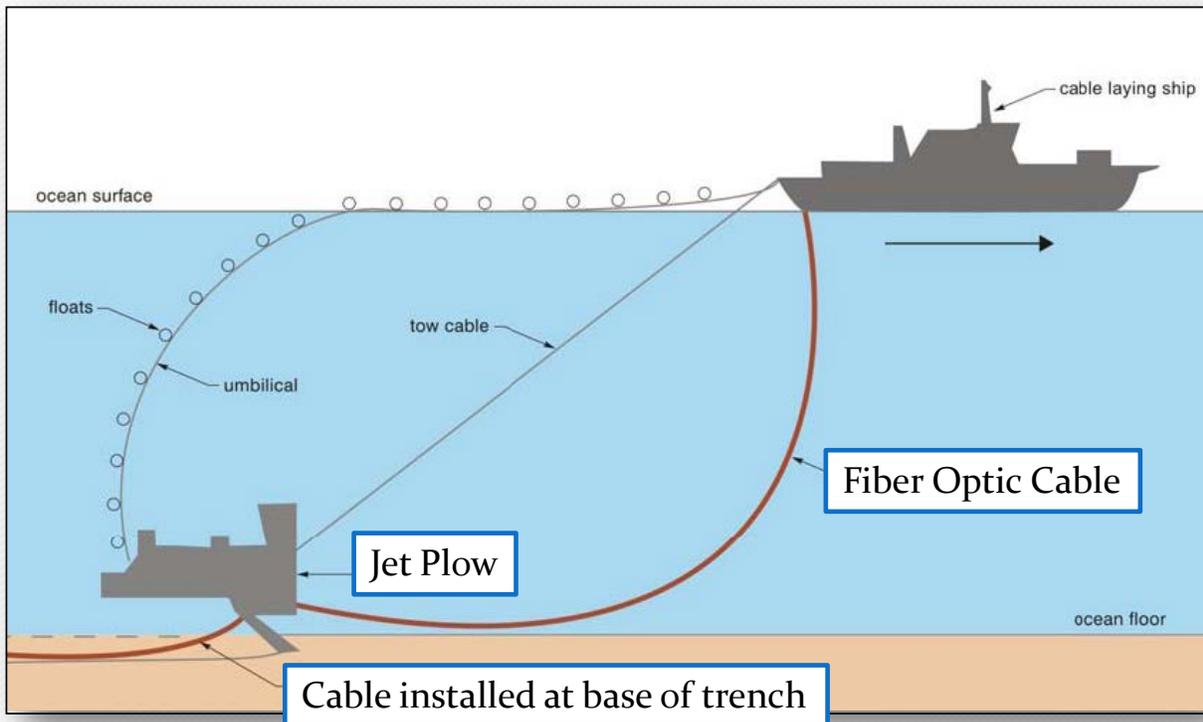
Pre-Lay Grapnel Run & Route Clearance

Directional Drilling From Shore

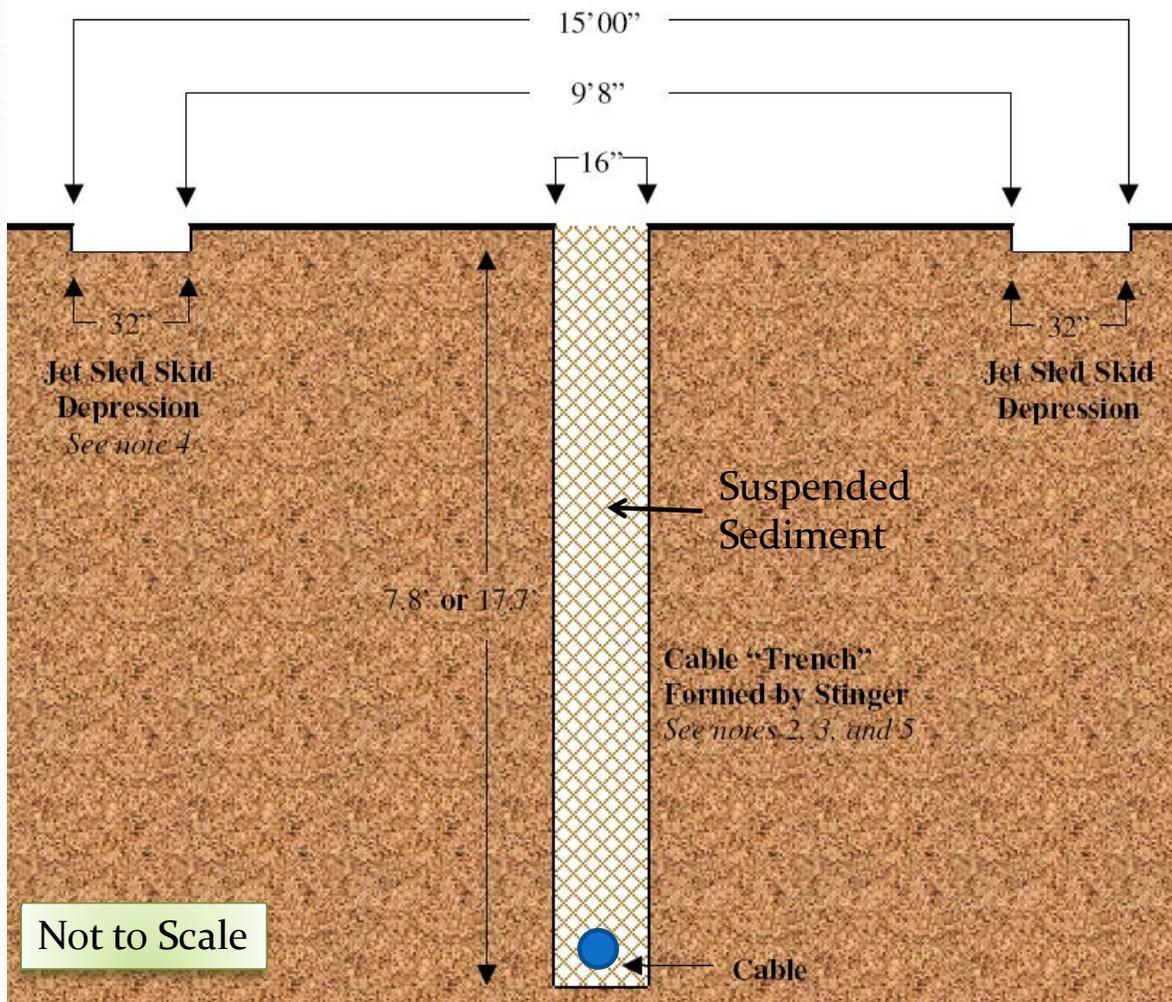
Underwater Jet Plow

Post Lay Burial Operations in Nearshore Areas:
ROV < 15 feet and Diver with Jet Hose at Landing Site

Cable Laying Schematic



Cross Section of Trench



High pressure water suspends sediments within the trench

Plow share creates a temporary trench

Cable passes through suspended sediments to bottom of trench

Sediments resettle and trench collapses around cable