

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OP-RMN (Herrington Harbour, Inc./Dredging & Pier)
2014-60967-M18

PN 14-47

Comment Period: August 28, 2014 to September 29, 2014

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: Mr. Steuart Chaney
Herrington Harbour, Inc.
7149 Lake Shore Drive
Friendship, Maryland 20758

WATERWAY AND LOCATION: The proposed project is located in Herring Bay, at the Herrington Harbour South Marina, 7149 Lake Shore Drive, Friendship, Anne Arundel County, Maryland.

PROPOSED WORK: To mechanically or hydraulically maintenance dredge approximately 25 acres of an existing entrance channel and marina basin to -8.0 feet at mean low water. The dredged material will be placed in the approved disposal site on the applicant's property located at Rose Haven on Lake Shore Drive, Anne Arundel County, Maryland. To construct a 10-foot wide by 100-foot long landing dock with a 10-foot wide by 20-foot long access ramp on the east side of the existing west jetty extending a maximum of 20 feet channelward of the approximate mean high water shoreline along the stone jetty. To extend an existing pier located parallel to the east jetty 350 linear feet. The proposed structure will extend a maximum of 20 feet channelward of the approximate mean high water shoreline along the stone jetty. The existing pier located on "V" dock is proposed to be extended landward 35 feet by 8 feet wide for pedestrian access to the land. The purpose of the project is to provide navigable ingress and egress to the marina and to provide safe docking facilities.

All work will be completed in accordance with the enclosed revised plans dated May 2014. If you have any questions concerning this matter, please contact Mr. Richard Kibby, CENAB-OP-RMN, P.O. Box 1715, Baltimore, Maryland, 21203-1715 or richard.kibby@usace.army.mil.

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 evaluation of the impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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, [Attn: Mr. Richard Kibby, CENAB-OP-RMN], P.O. Box 1715, Baltimore, Maryland, 21203-1715 or richard.kibby@usace.army.mil, 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 (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scopthalmus aquosus*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralichthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*), 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 as described under the MSFCMA for the species and life stages identified above. 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. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

WATER QUALITY CERTIFICATION: 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.

COASTAL ZONE MANAGEMENT PROGRAMS: 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 (CZM) 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 CZM 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, [Attn: Mr. Richard Kibby, CENAB-OP-RMN], 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:

Joseph P. DaVia
Chief, Maryland Section Northern

SHEET 1 OF 6

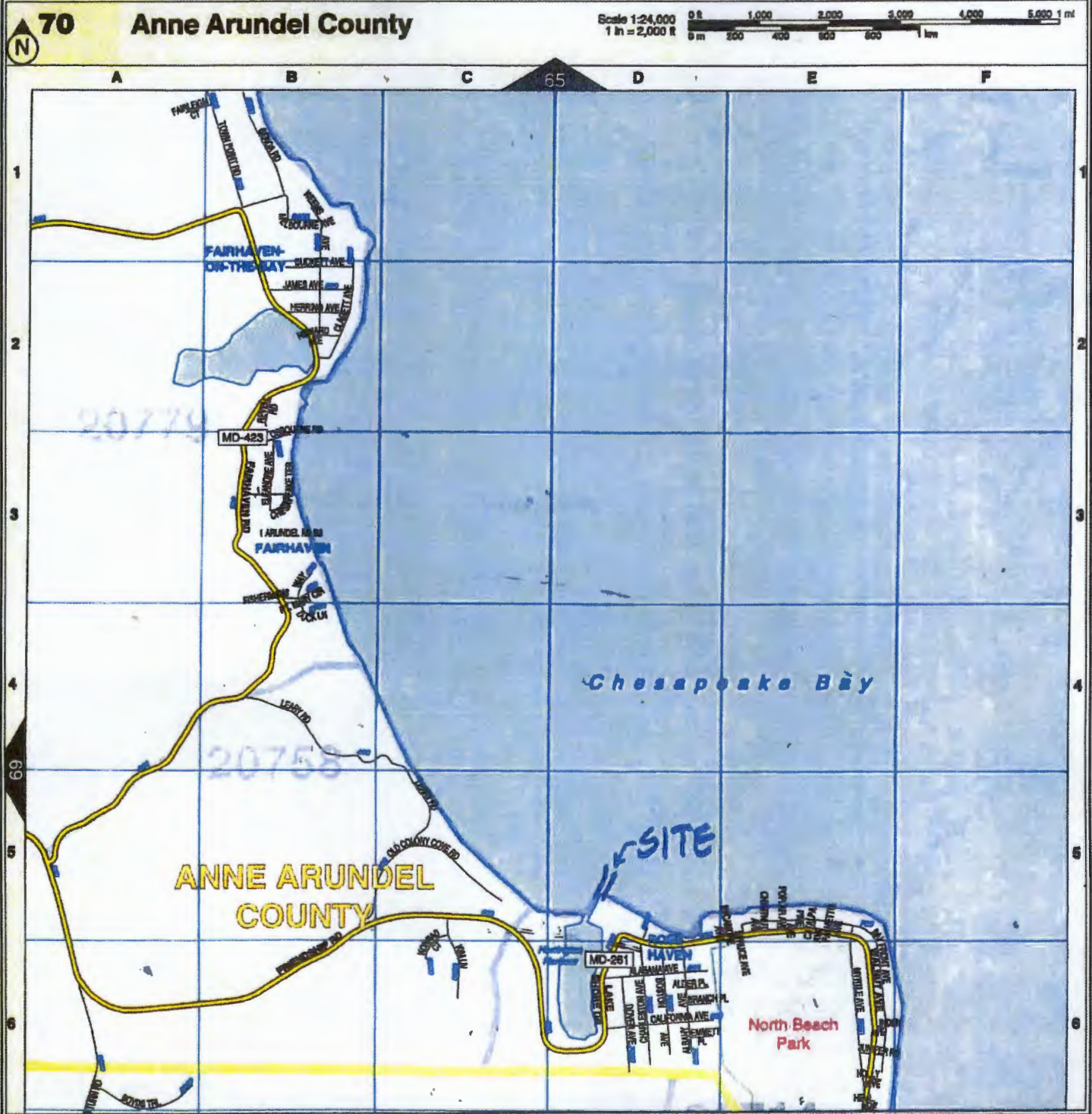
PERMIT FOR DREDGING CHANNEL & BASIN
HERRINGTON HARBOUR, SOUTH MARINA
BODY OF WATER - HERRING BAY

DATE: MAY 2014

APPLICANT: HERRINGTON PARTNERSHIP, INC.

VICINITY MAP

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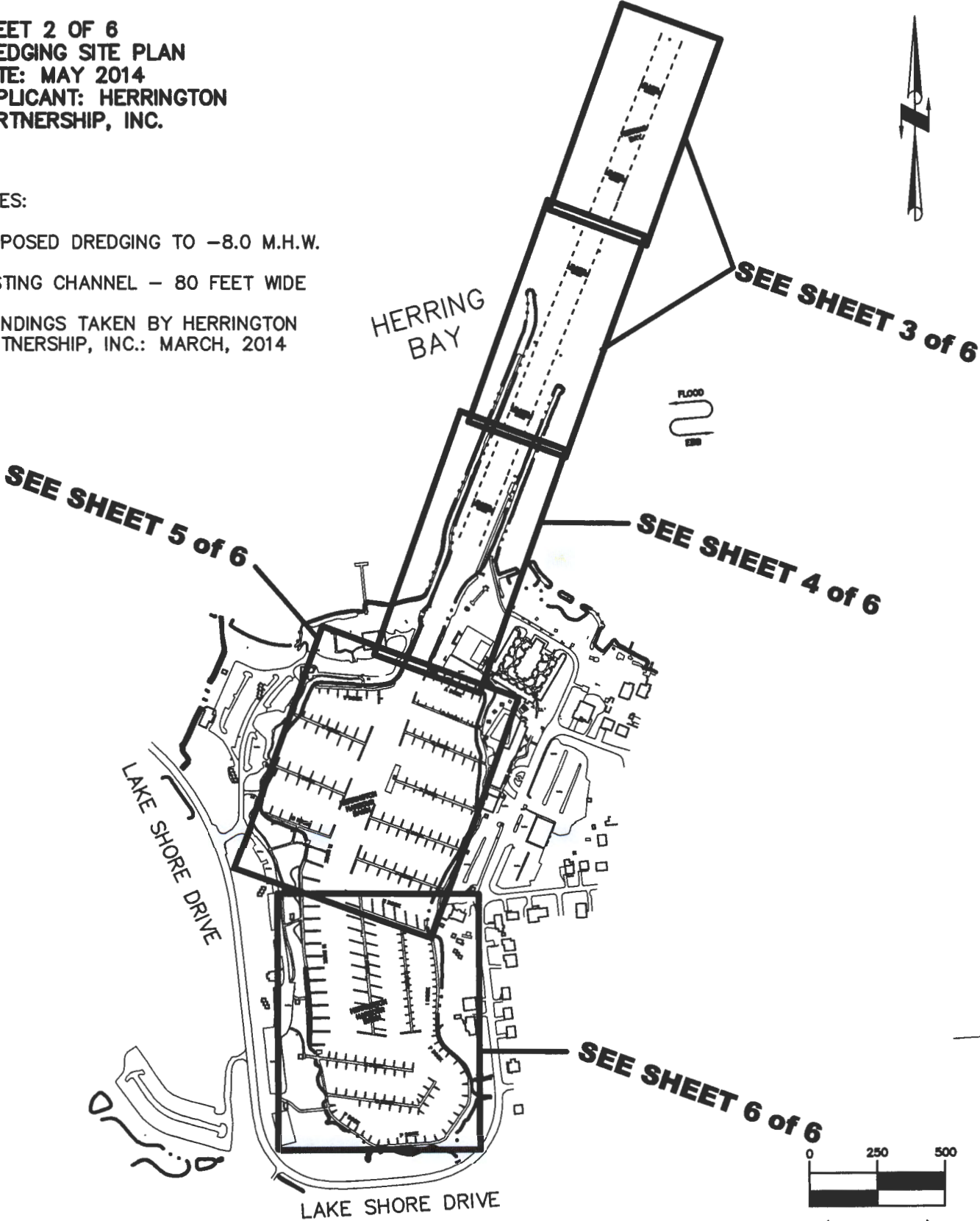
**SHEET 2 OF 6
DREDGING SITE PLAN
DATE: MAY 2014
APPLICANT: HERRINGTON
PARTNERSHIP, INC.**

NOTES:

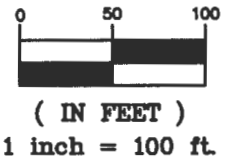
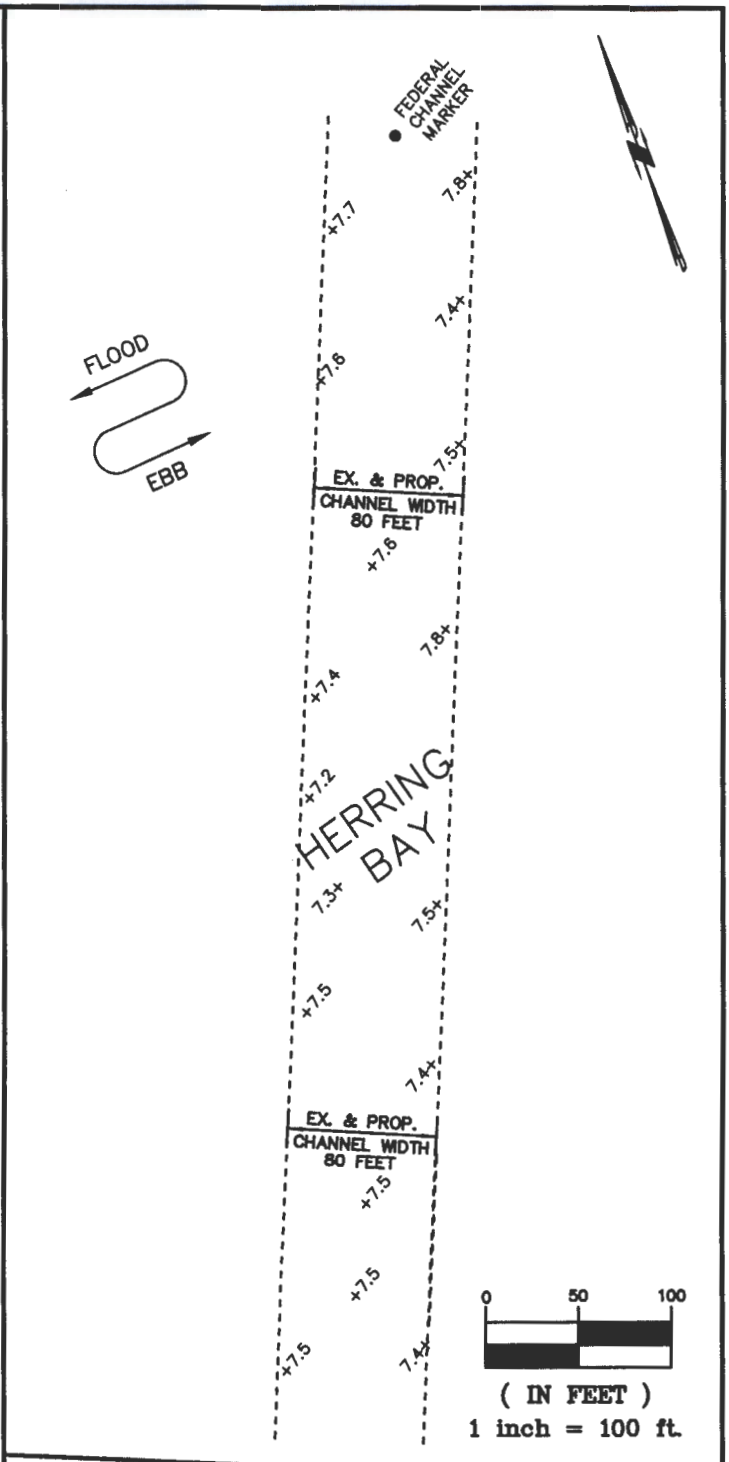
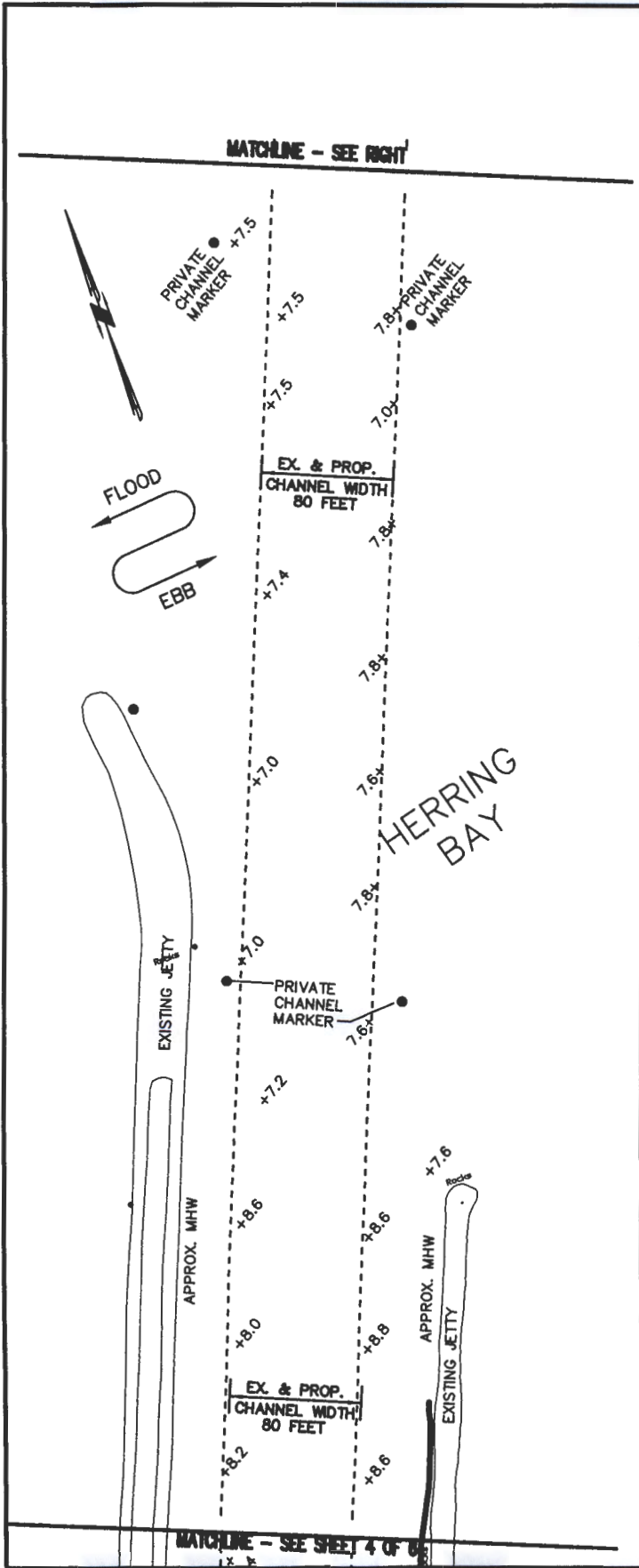
PROPOSED DREDGING TO -8.0 M.H.W.

EXISTING CHANNEL - 80 FEET WIDE

SOUNDINGS TAKEN BY HERRINGTON
PARTNERSHIP, INC.: MARCH, 2014

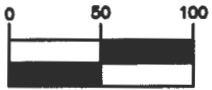


(IN FEET)
1 inch = 500 ft.



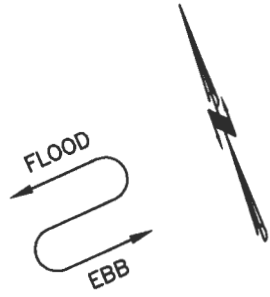
SHEET 3 OF 6
DREDGING SITE PLAN
DATE: MAY 2014
APPLICANT: HERRINGTON PARTNERSHIP, INC.

SHEET 4 OF 6
DREDGING SITE PLAN
DATE: MAY 2014
APPLICANT: HERRINGTON
PARTNERSHIP, INC.



(IN FEET)
1 inch = 100 ft.

MATCHLINE - SEE SHEET 3 OF 6



HERRING BAY

HERRING BAY

EX. & PROP.
CHANNEL WIDTH
80 FEET

EXISTING JETTY

EXISTING BEACH PIER

EXISTING JETTY

APPROX. MHW

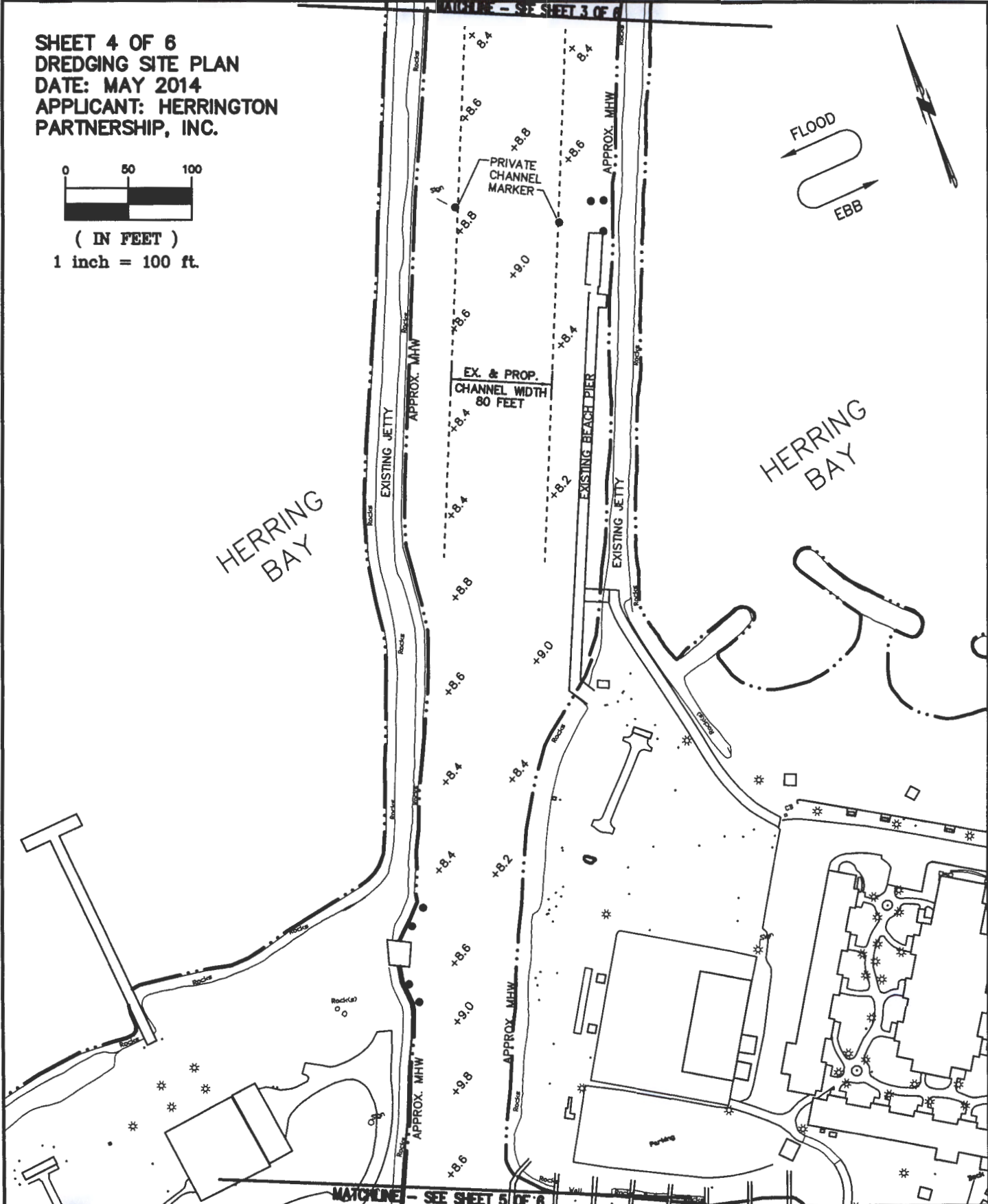
APPROX. MHW

APPROX. MHW

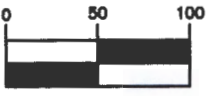
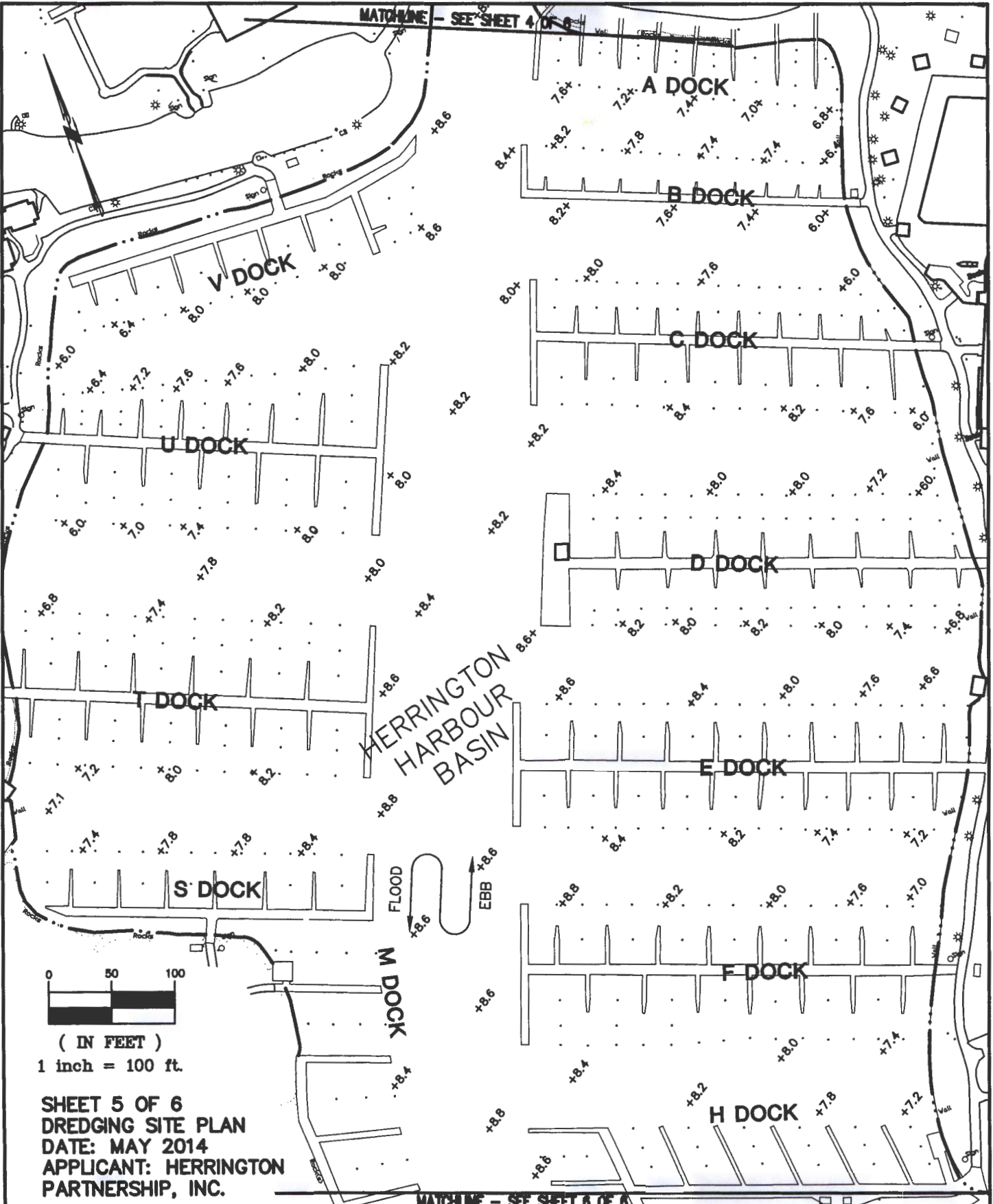
APPROX. MHW

APPROX. MHW

MATCHLINE - SEE SHEET 5 OF 6



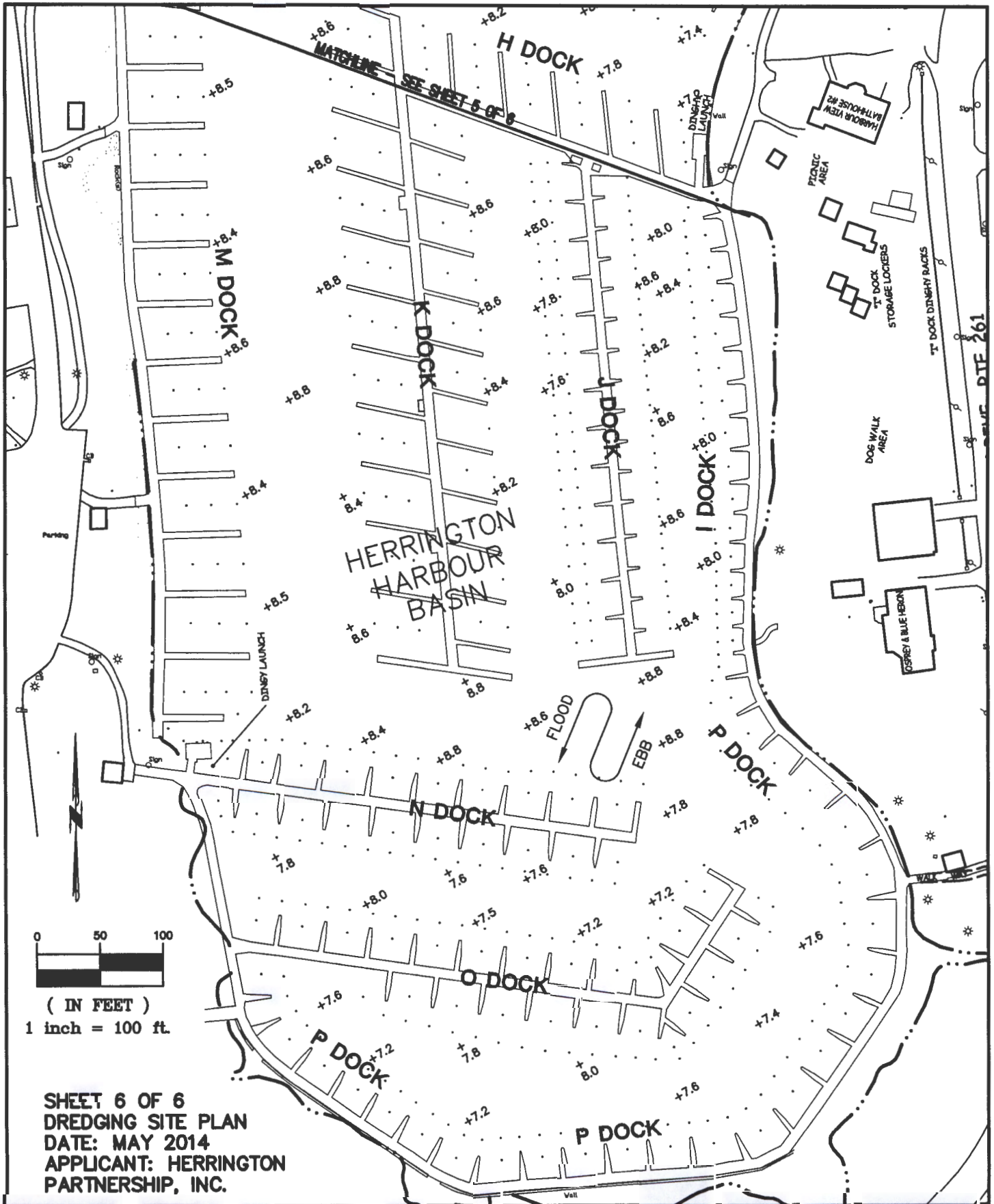
MATCHLINE - SEE SHEET 4 OF 6



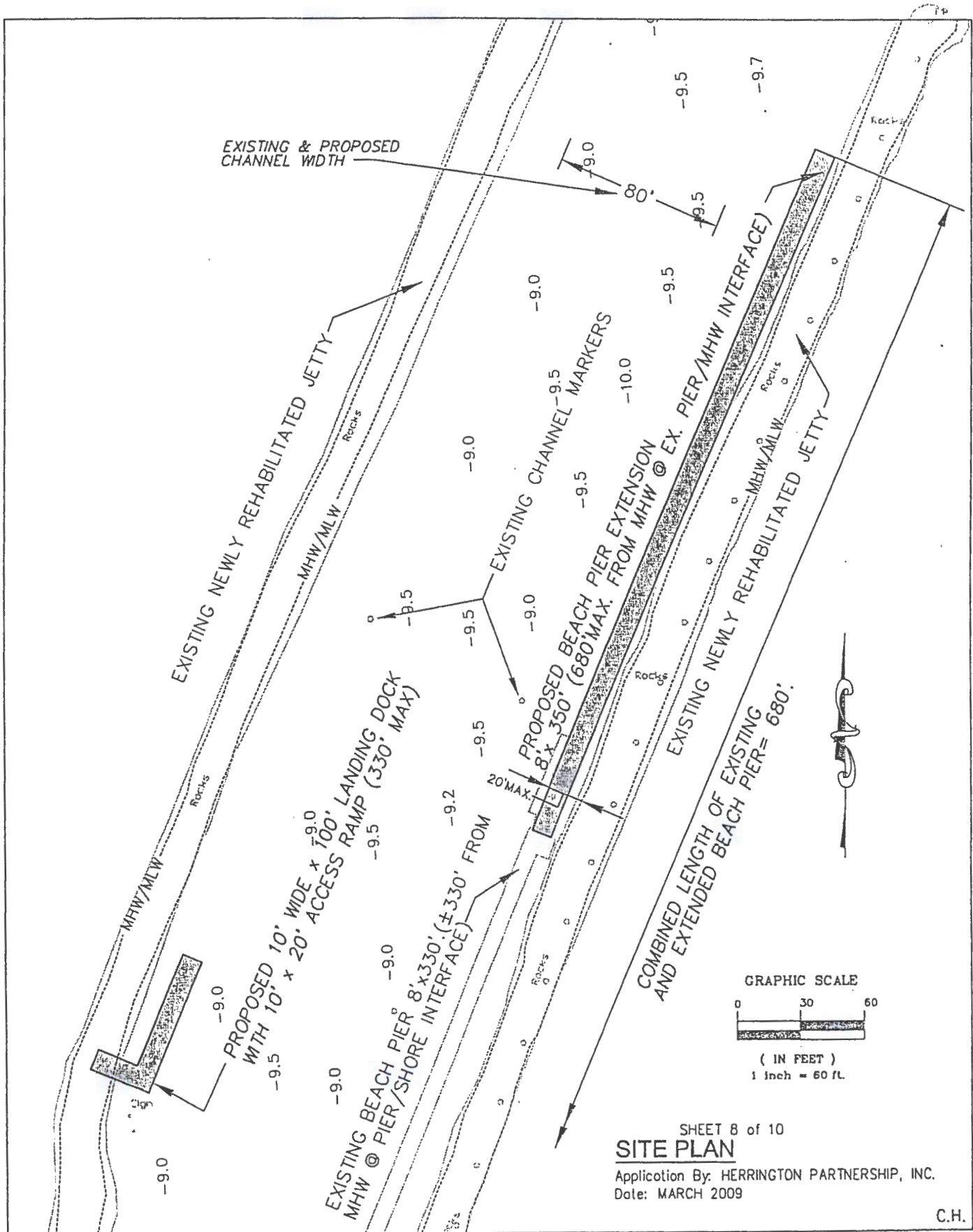
(IN FEET)
 1 inch = 100 ft.

SHEET 5 OF 6
DREDGING SITE PLAN
DATE: MAY 2014
APPLICANT: HERRINGTON
PARTNERSHIP, INC.

MATCHLINE - SEE SHEET 6 OF 6



SHEET 6 OF 6
 DREDGING SITE PLAN
 DATE: MAY 2014
 APPLICANT: HERRINGTON
 PARTNERSHIP, INC.

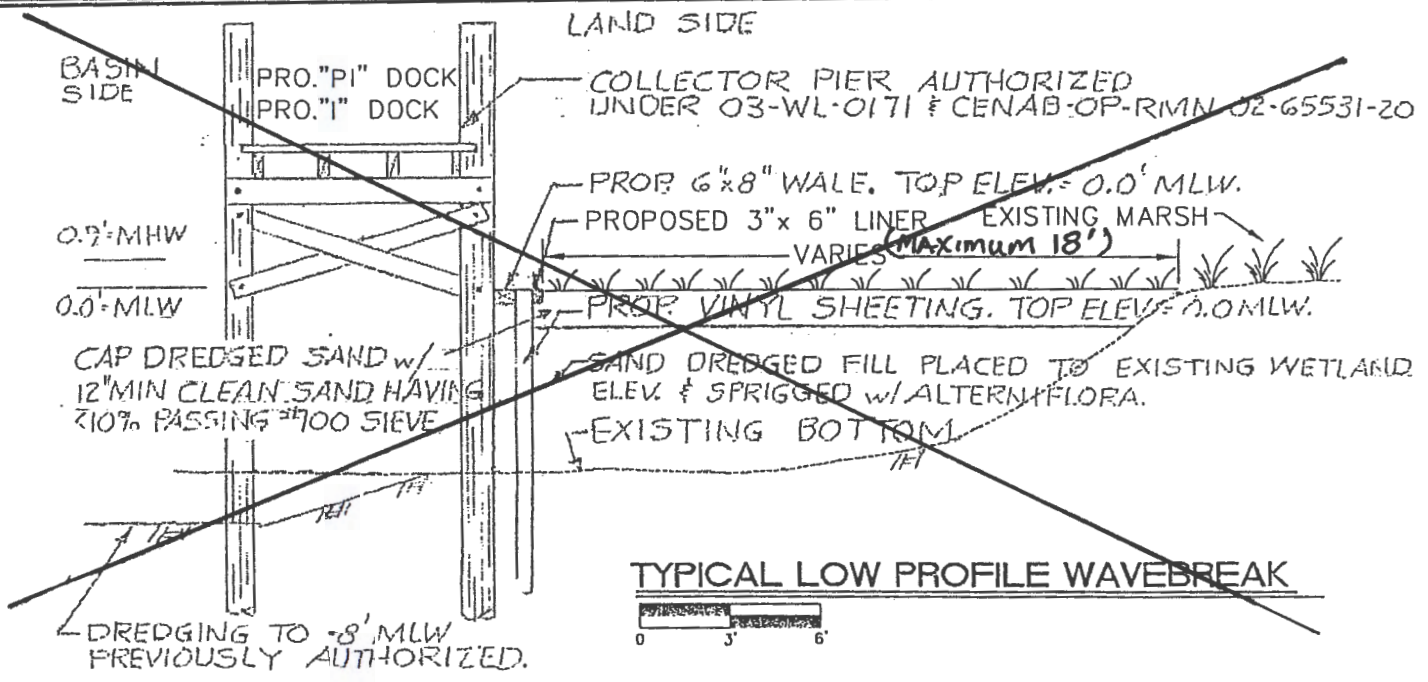
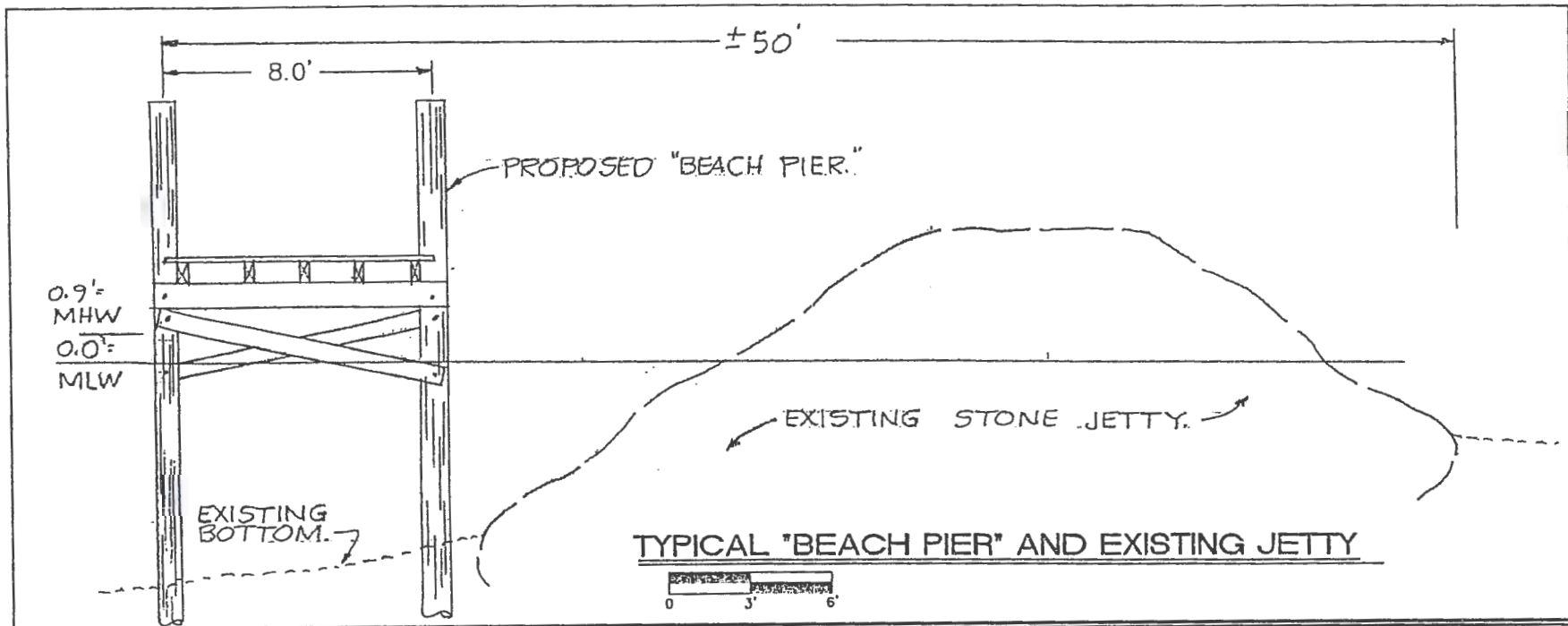


SHEET 8 of 10
SITE PLAN

Application By: HERRINGTON PARTNERSHIP, INC.
 Date: MARCH 2009

C.H.

10-WL-0006
 RAMS #200961719



Application By: HERRINGTON PARTNERSHIP, INC.
 Date: MARCH 2009
 SHEET 10 of 10
 DETAILS
 10-WL-0006
 Rams# 2009 61719
 C.H.