

U.S. Army Corps of Engineers Baltimore District

## **Public Notice**

In Reply to Application Number CENAB-OP-RMN (Anne Arundel County DPW / College Parkway Stream Restoration) 2013-60597-M18

## PN-15-53 Comment Period: September 10, 2015 to October 09, 2015

## THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FORM 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 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

## **APPLICANT:**

Mr. Masoud Ghatineh Anne Arundel County Bureau of Engineering 2662 Riva Road, Third Floor, MS-7301 Annapolis, Maryland 21401

**WATERWAY AND LOCATION:** The proposed project is located in the main stem of Mill Creek, a perennial tributary to the Magothy River, at 305 College Parkway, Arnold, Anne Arundel County, Maryland.

**PROPOSED WORK:** To perform stream restoration and wetland creation activities in the main stem of Mill Creek, a perennial tributary to the Magothy River. The project will impact approximately 1,247 linear feet of a non-tidal stream and approximately 43,663 square feet of a non-tidal wetland due to the installation of grade control measures to correct existing stream bank erosion. Upon completion of the construction, the site will be planted with native plant species. The purpose of the proposed project is to stabilize the eroding channel, reconnect the channel to the adjacent floodplain, and improve water quality within the stream system.

All work will be completed in accordance with the enclosed plan(s) dated February 2013. If you have any questions concerning this matter please contact Mr. Richard Kibby CENAB-OP-RMN, P.O. Box 1715, Baltimore, Maryland, 21203-1715 (410) 962-0694 or <u>richard.kibby@usace.army.mil</u>.

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.

An evaluation of the work described above on the public interest will include application of the Clean Water Act Section 404 (b) (1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under the authority of the 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 <u>richard.kibby@usace.army.mil</u>, 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). A preliminary assessment indicates that the proposed work would not have a substantial adverse effect on EFH therefore, an abbreviated consultation will be conducted with NMFS. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

**SECTION 401 WATER QUALITY CERTIFICATION:** The applicant is required to obtain a water quality certification from the Maryland Department of the Environment in accordance with Section 401 of the Clean Water Act. 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 Maryland Department of the Environment 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. Public comments relating to consistency must be received by the Maryland Department of the Environment, Wetlands and Waterways Program, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period specified

above to receive consideration. MDE has a statutory limit of 6 months to concur or object to the applicant's 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.

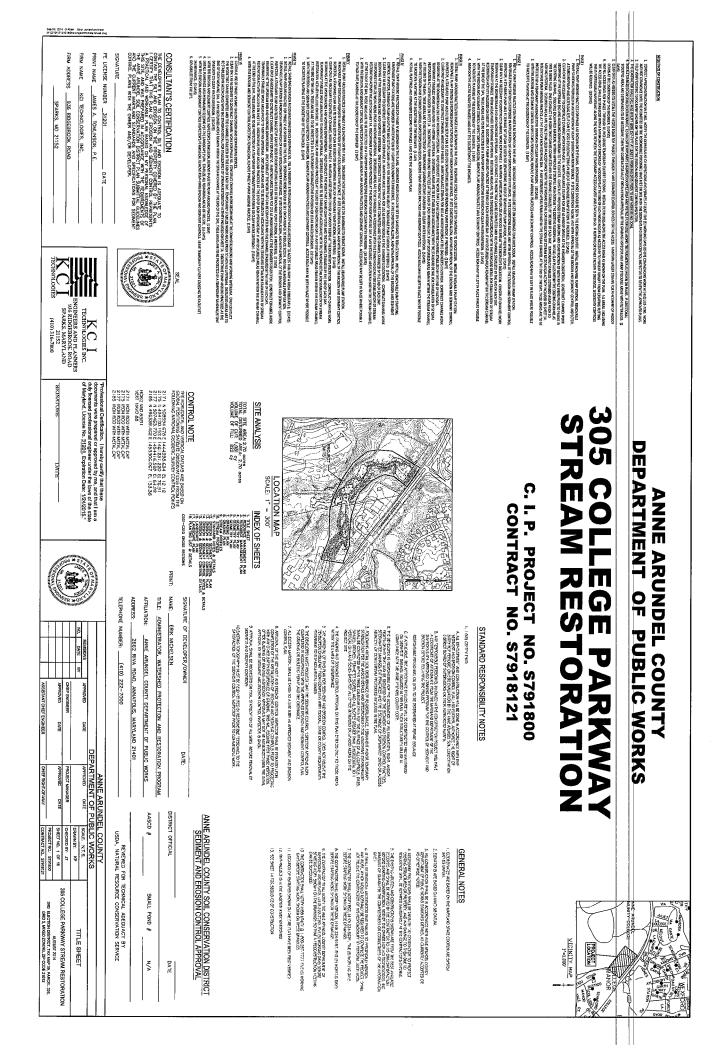
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

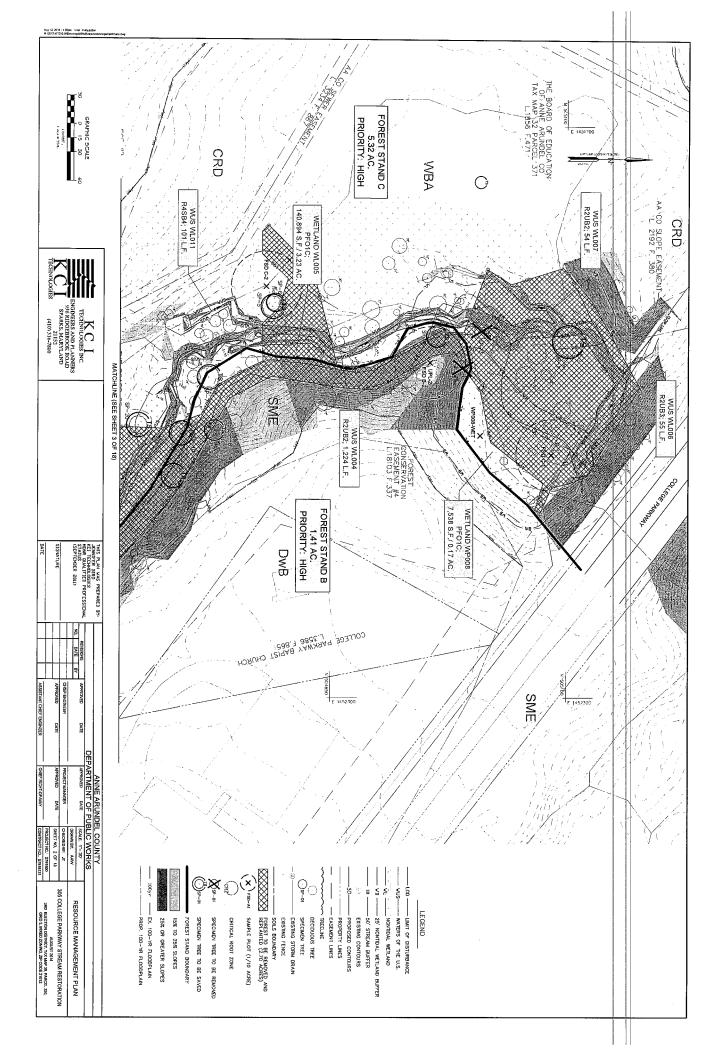
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Richard Kibby, CENAB-OP-RMN], P.O. 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.

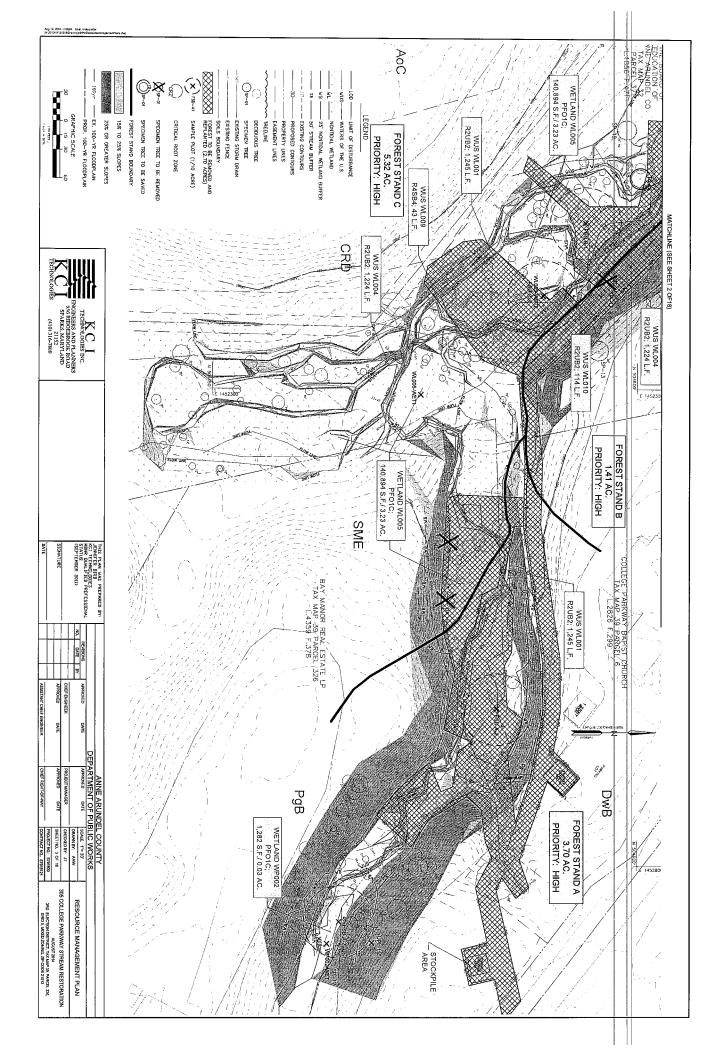
It is requested that you communicate this information concerning the proposed work to any persons know by you to be interested and not being known to this office, who did not receive a copy of this notice.

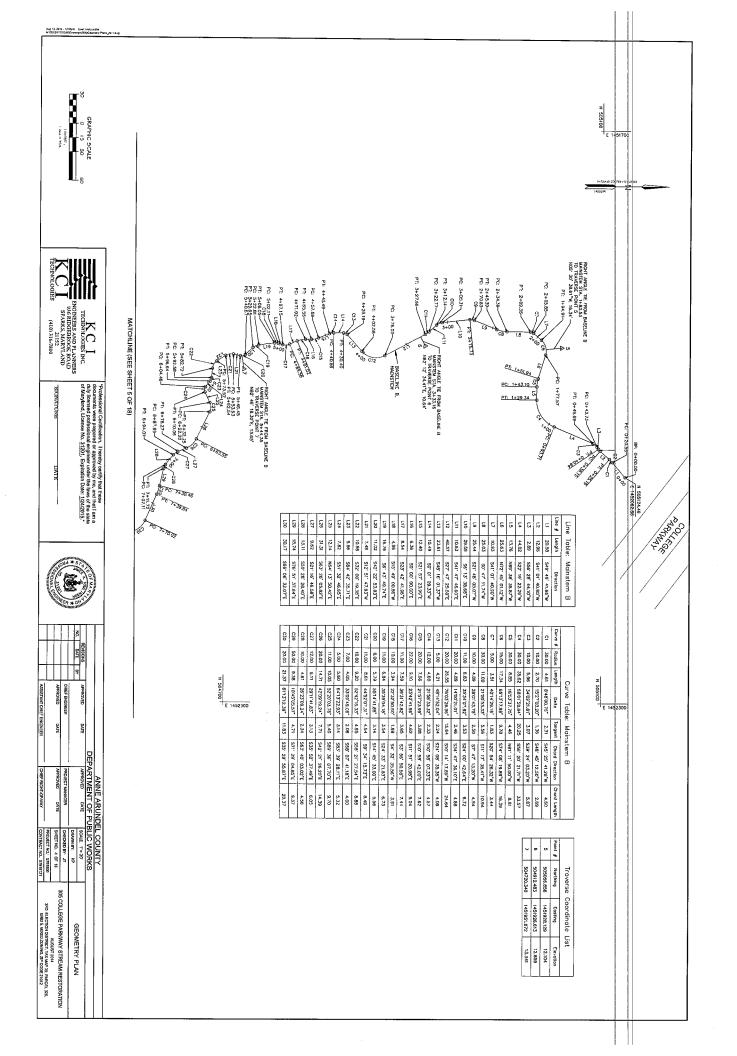
FOR THE DISTRICT ENGINEER:

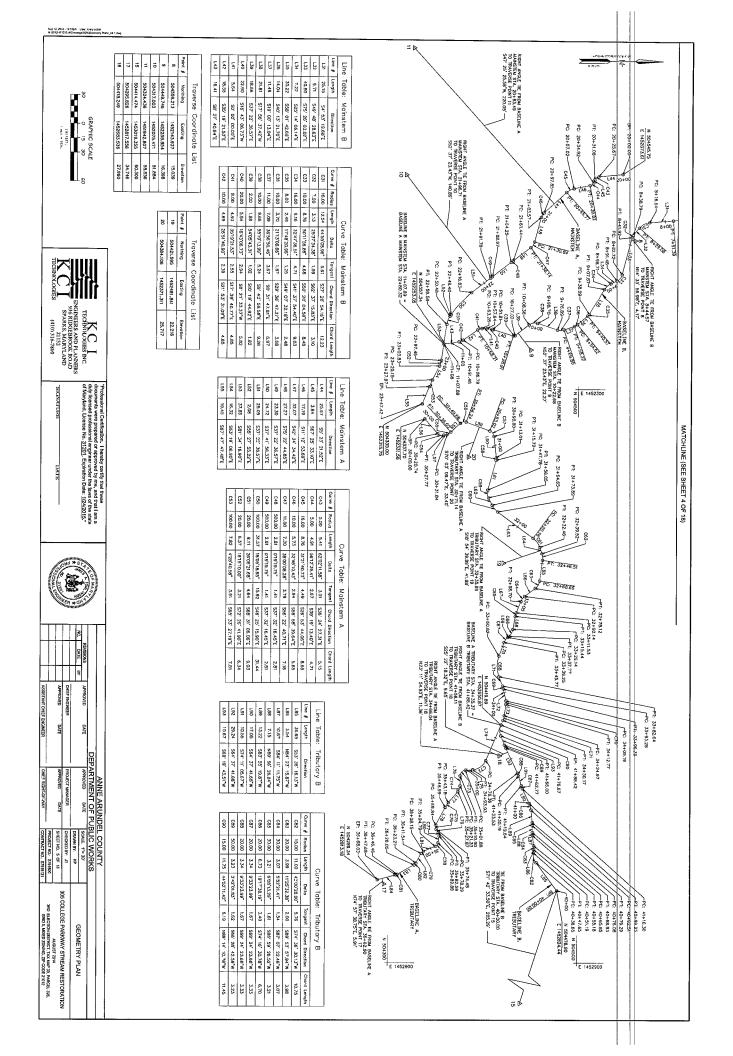
Joseph P. DaVia Chief, Maryland Section Northern



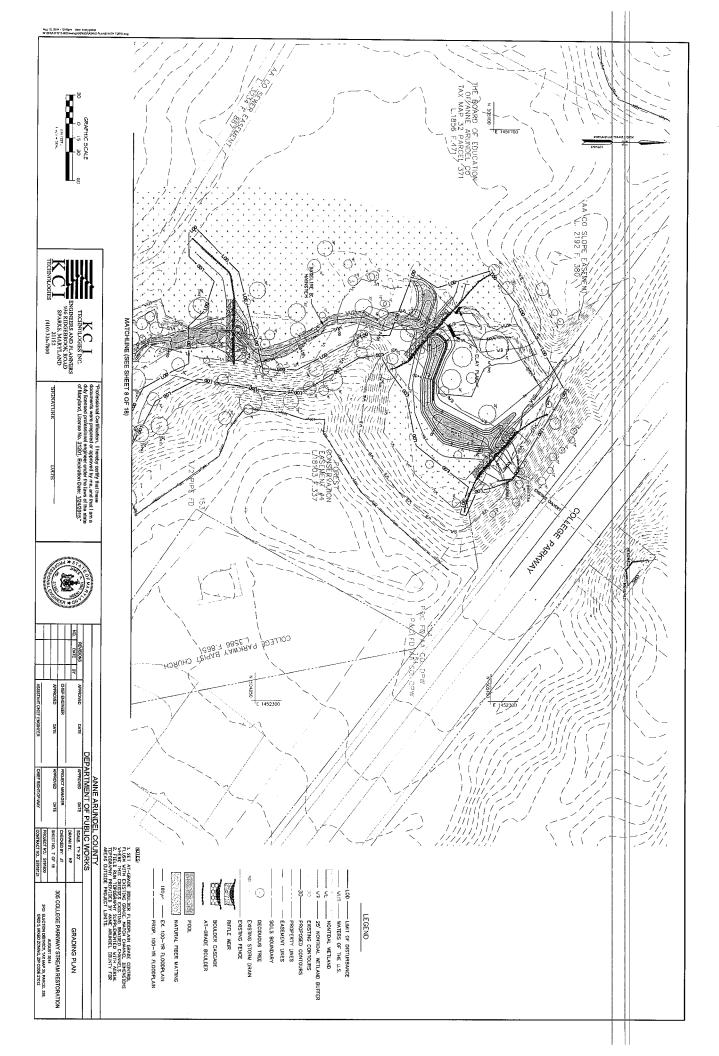


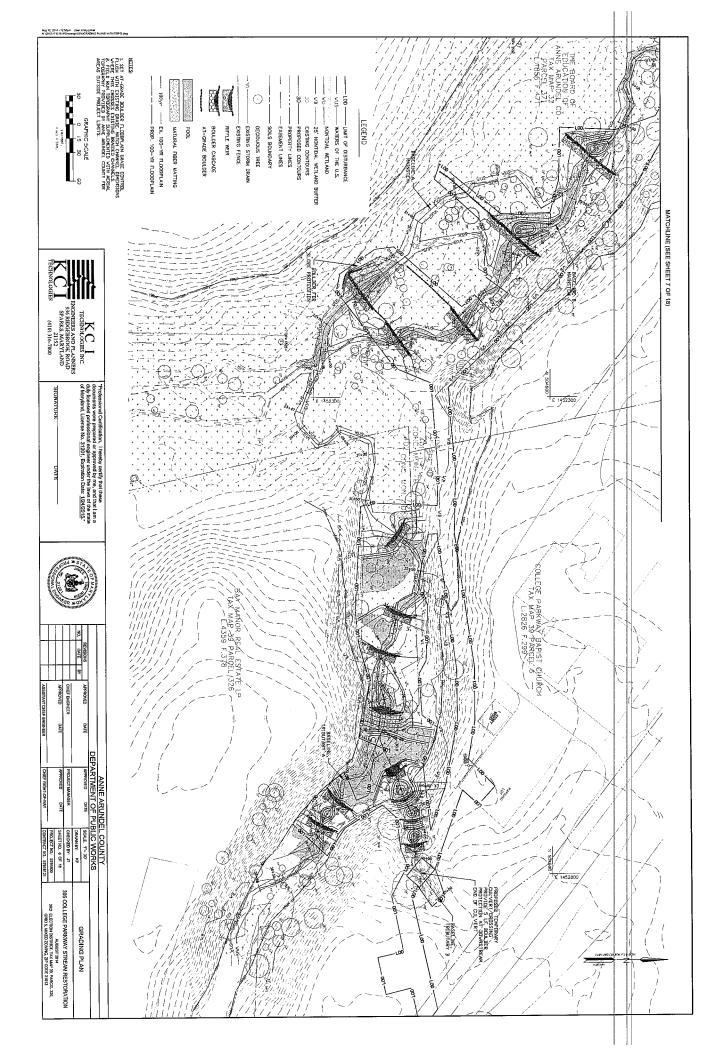


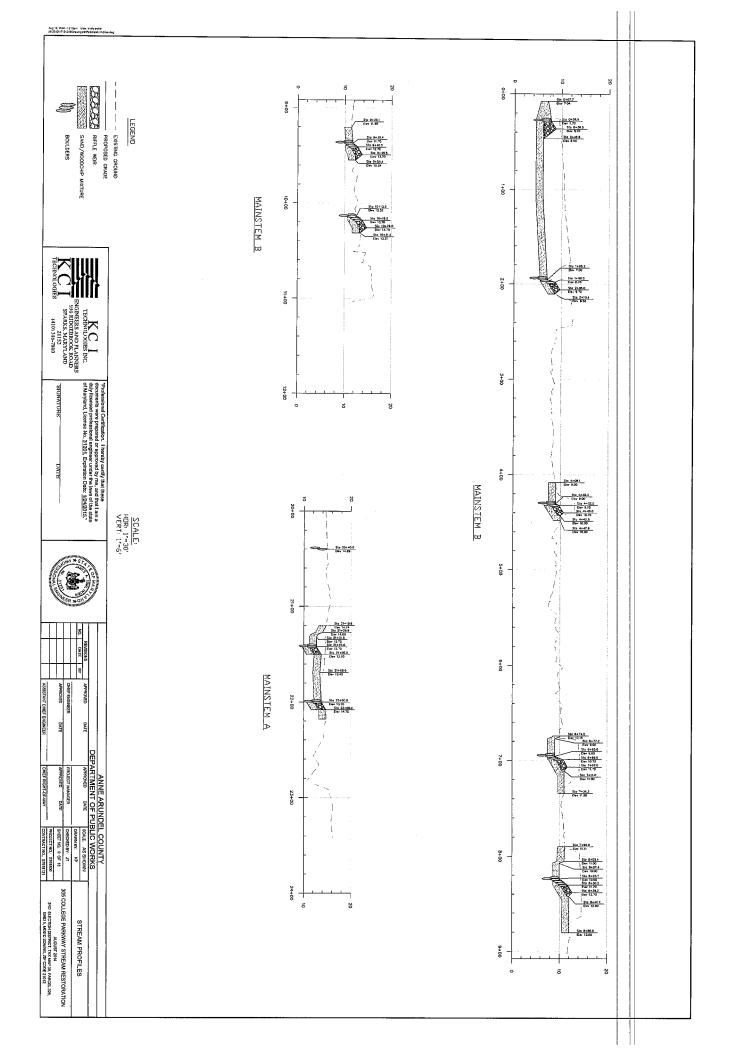


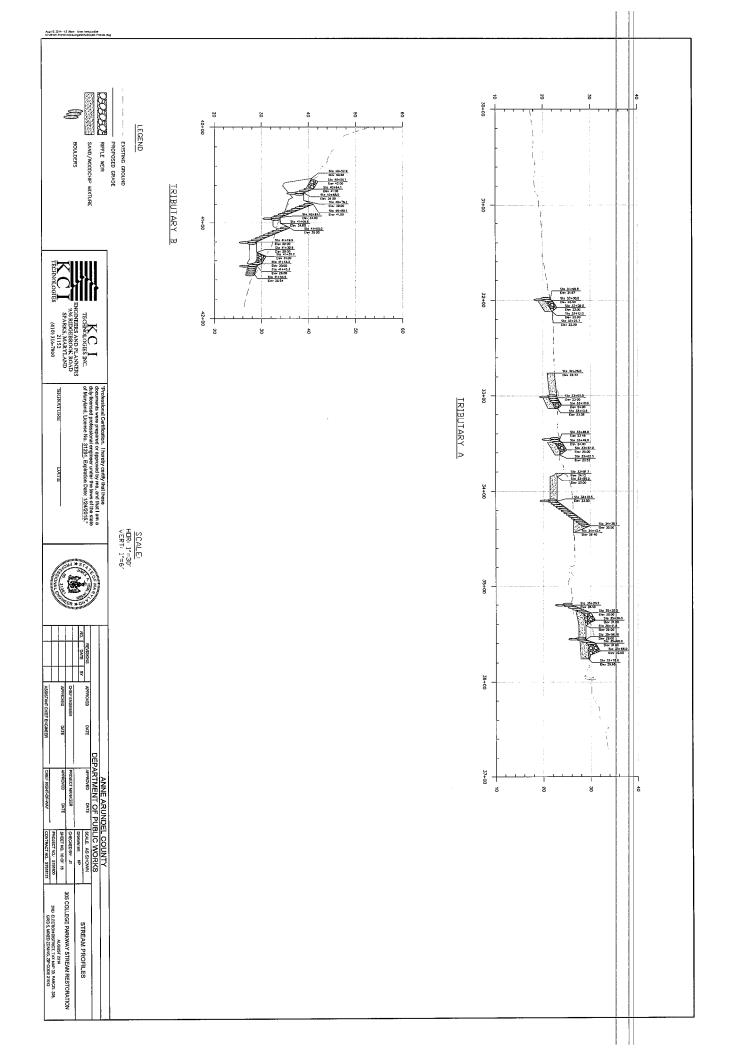


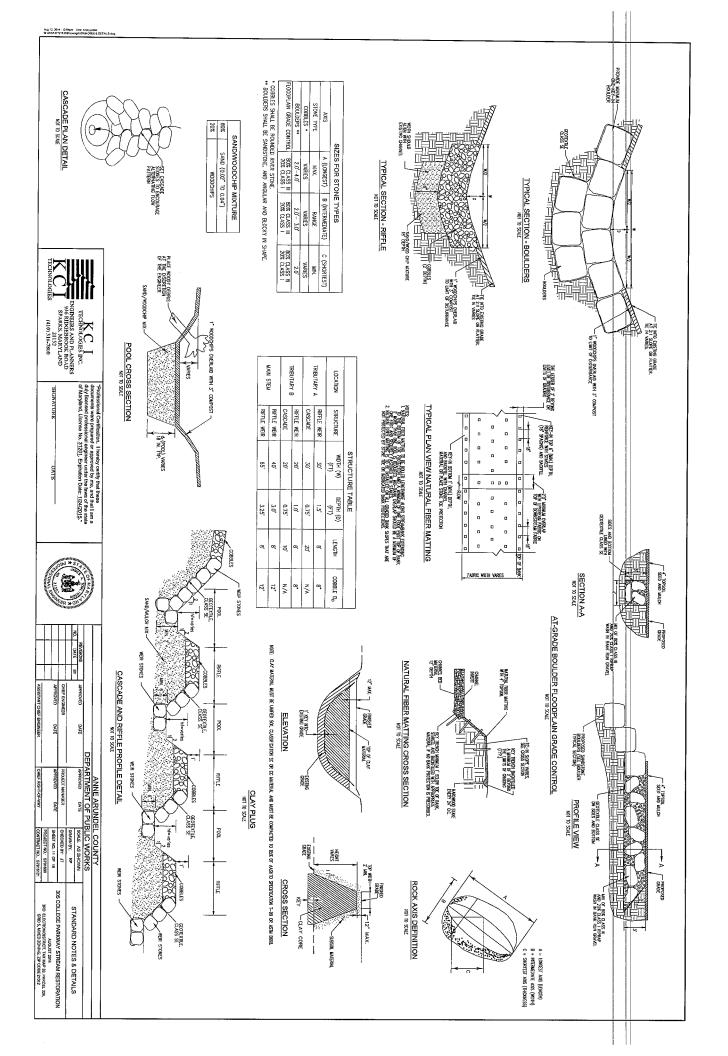
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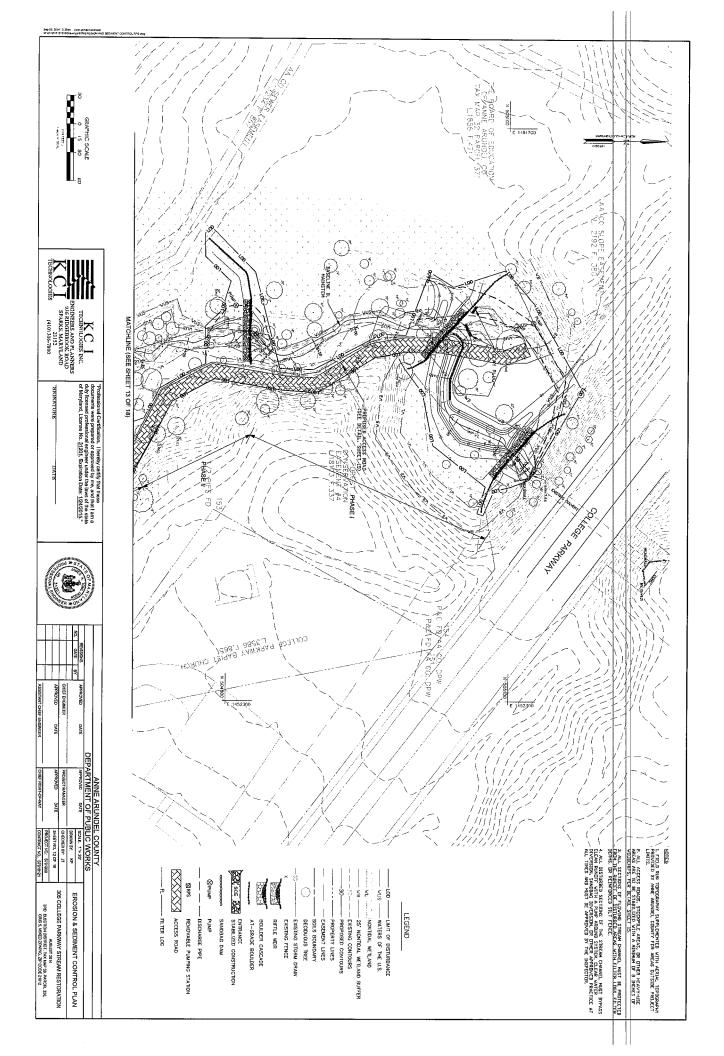


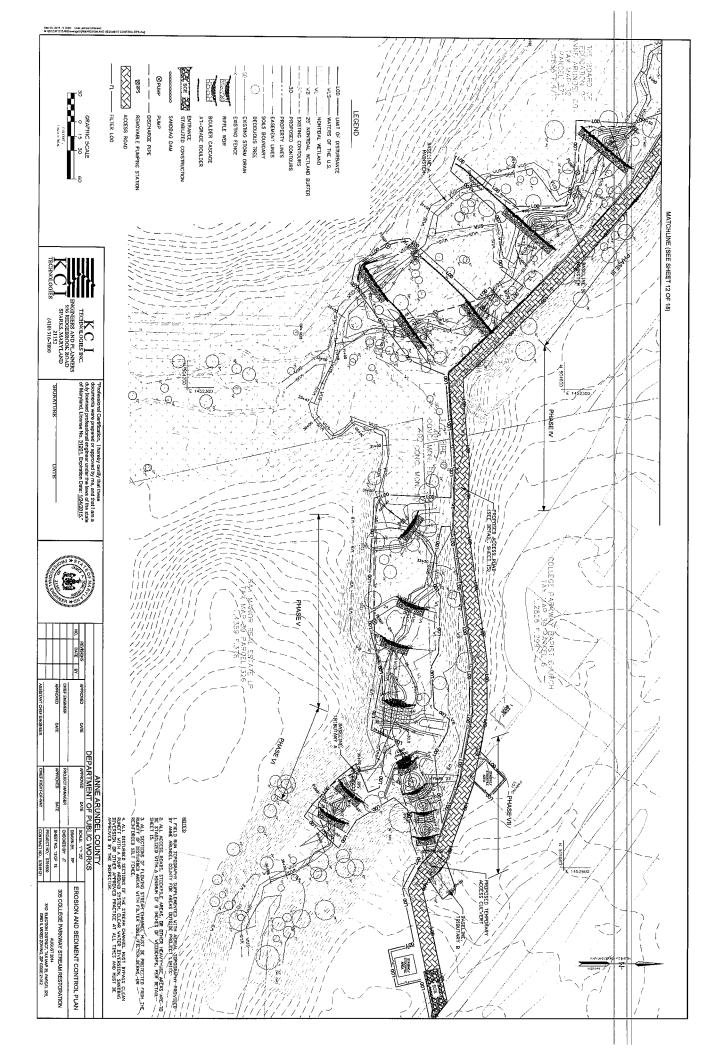




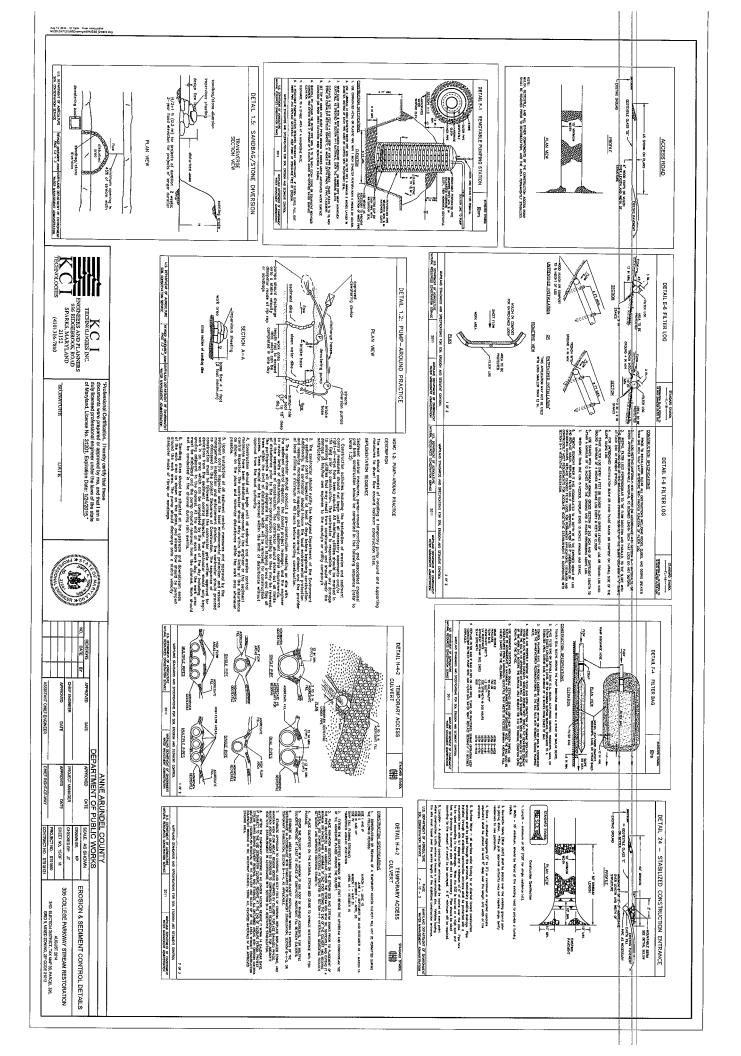


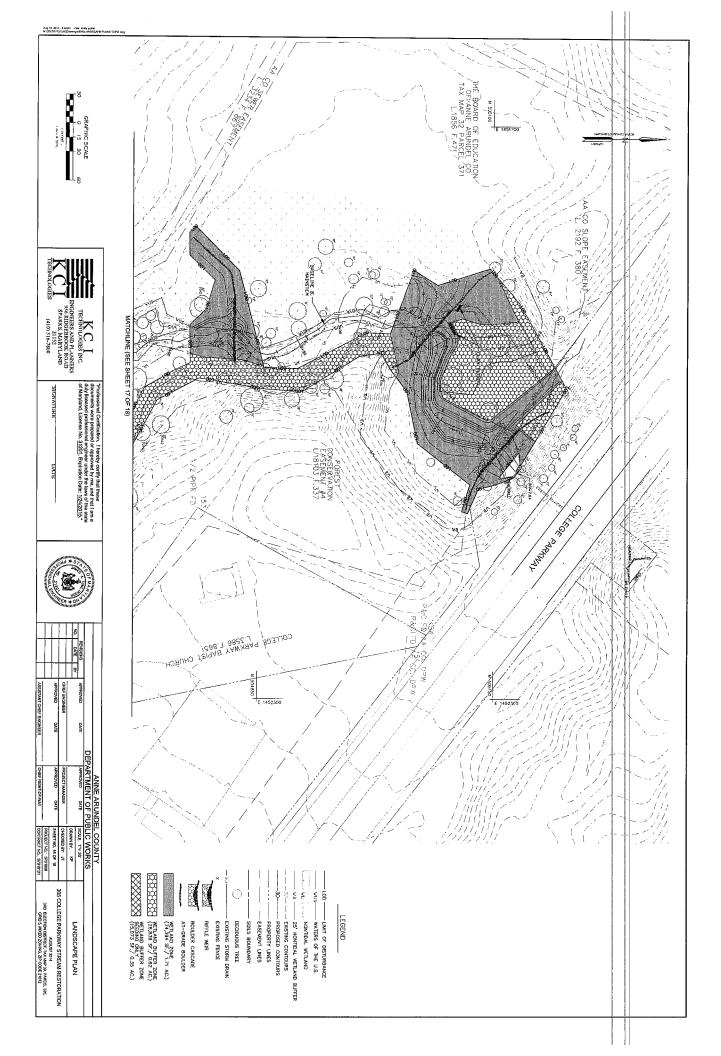


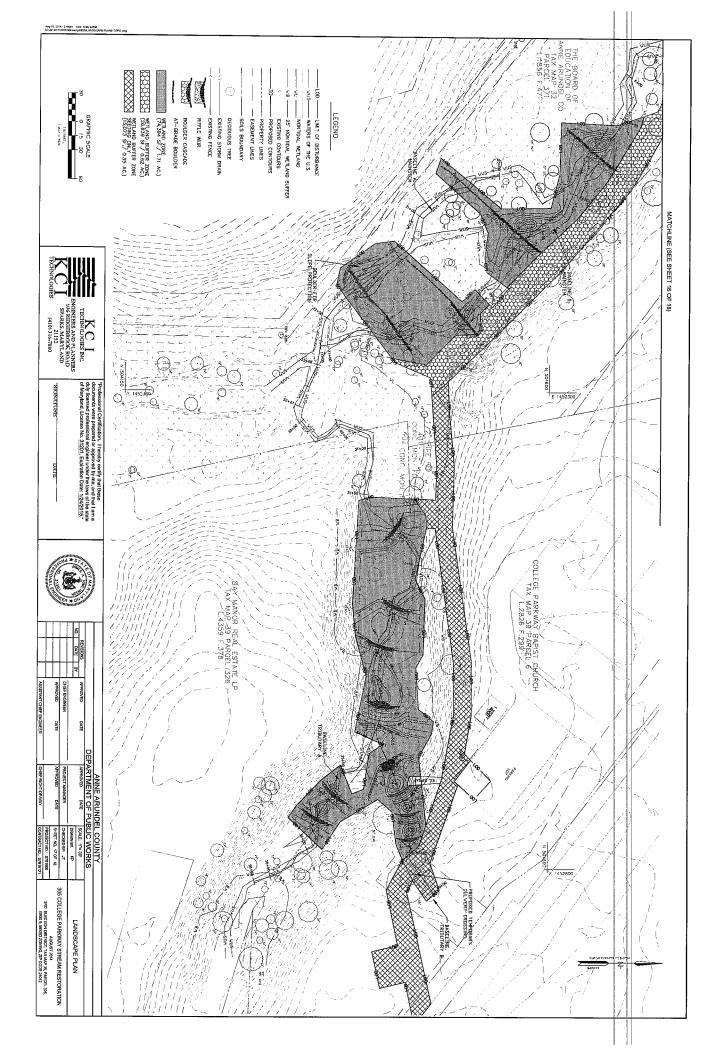




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