

U.S. Army Corps of Engineers

Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-M (BA REC & PARKS/FORT HOWARD
PARK/MARSH CREATION) 2016-60834-M07

PN 16-67 Comment Period: December 15, 2016 to January 17, 2017

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. Patrick McDougall

Baltimore County Department of Recreation & Parks

9831 Van Buren Lane

Cockeysville, Maryland 21030

WATERWAY AND LOCATION: The proposed project is located in the Chesapeake Bay, Fort Howard, Baltimore County, Maryland.

PROPOSED WORK: To construct an approximate 4,200 linear foot shoreline stabilization and marsh creation project not to exceed a maximum distance of 195 feet channelward from the approximate mean high water (MHW) shoreline. The work would include the following:

- Marsh creation: approximately 2,900 linear feet/135-foot channelward of MHW to include spreading clean, sandy fill and planting the shoreline with low and high marsh vegetation landward of the stone breakwaters;
- New stone sill: approximately 1,786-foot long by 18-foot wide;
- Supplemental sill: approximately 789-foot long by 22-foot wide;
- Breakwater: approximately 2,318-foot long by 44-foot wide.

Additionally, temporary impacts to approximately 4,490 square feet of nontidal wetlands would result from the conversion of forested nontidal wetlands to emergent nontidal wetlands for site access. The purpose of the project is to provide shoreline stabilization and marsh creation along 4,200 linear feet of shoreline. All work will be completed in accordance with the enclosed plans dated July 2016.

If you have any questions concerning this matter, please contact Ms. Maria N. Teresi at 410-962-4501 or maria.teresi@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: Ms. Maria N. Teresi, CENAB-OPR-MN], 10 S. Howard Street, Baltimore, Maryland, 21201 or <u>maria.teresi@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).

The project site lies in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scopthalmus aquosos*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralicthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculates*), 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 Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. MDE 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 Maryland 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, Tidal Wetlands Division, 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: Ms. Maria N. Teresi, CENAB-OPR-MN], 10 S. Howard St., Baltimore, Maryland 21201, 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

FORT HOWARD PARK

SHORELINE ENHANCEMENT

FORT HOWARD PARK

BALTIMORE COUNTY, MARYLAND



SHEET LIST

SHEET NO. FIGURE NO. DRAWING TITLE

| 1 | IP-000 | COVER |
|----|--------|---------------------------|
| 2 | IP-100 | KEY MAP |
| 3 | IP-101 | IMPACT PLATE I |
| 4 | IP-102 | IMPACT PLATE II |
| 5 | IP-103 | IMPACT PLATE III |
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| 14 | IP-112 | BEST MANAGEMENT PRACTICES |
| 15 | IP-501 | IMPACT PLATE DETAILS I |
| 16 | IP-502 | IMPACT PLATE DETAILS II |
| 17 | IP-503 | IMPACT PLATE DETAILS III |

| EA Engineering, Science, and Technology, Inc.,PBC | |
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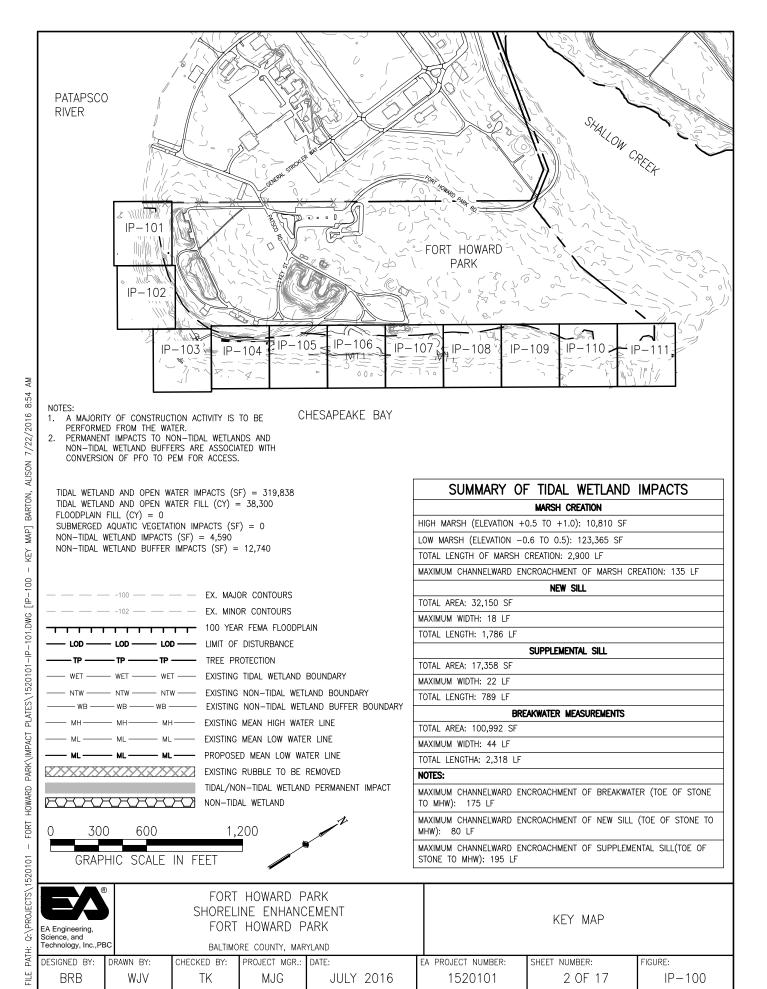
FORT HOWARD PARK SHORELINE ENHANCEMENT FORT HOWARD PARK

BALTIMORE COUNTY, MARYLAND

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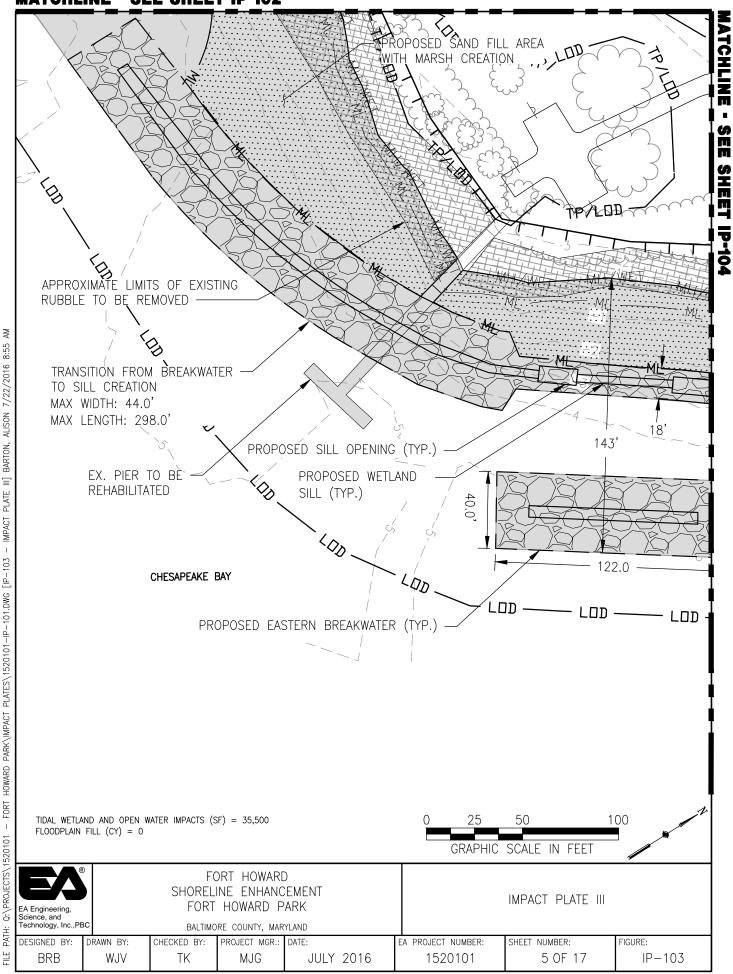
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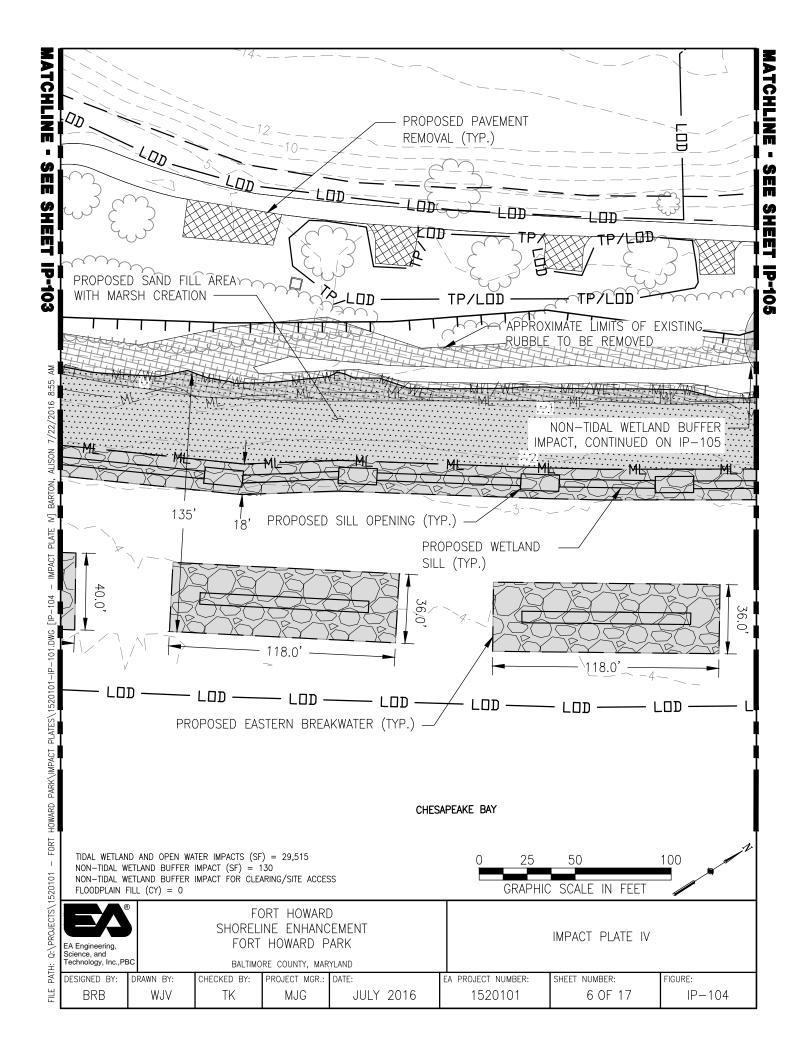
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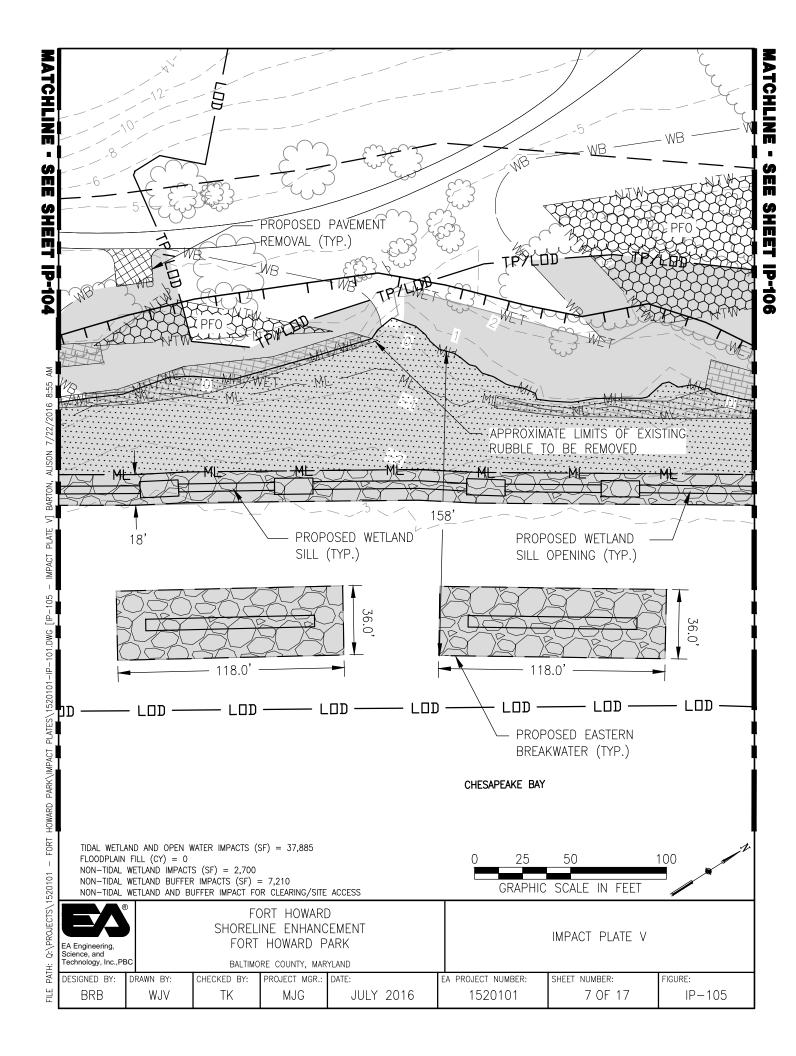


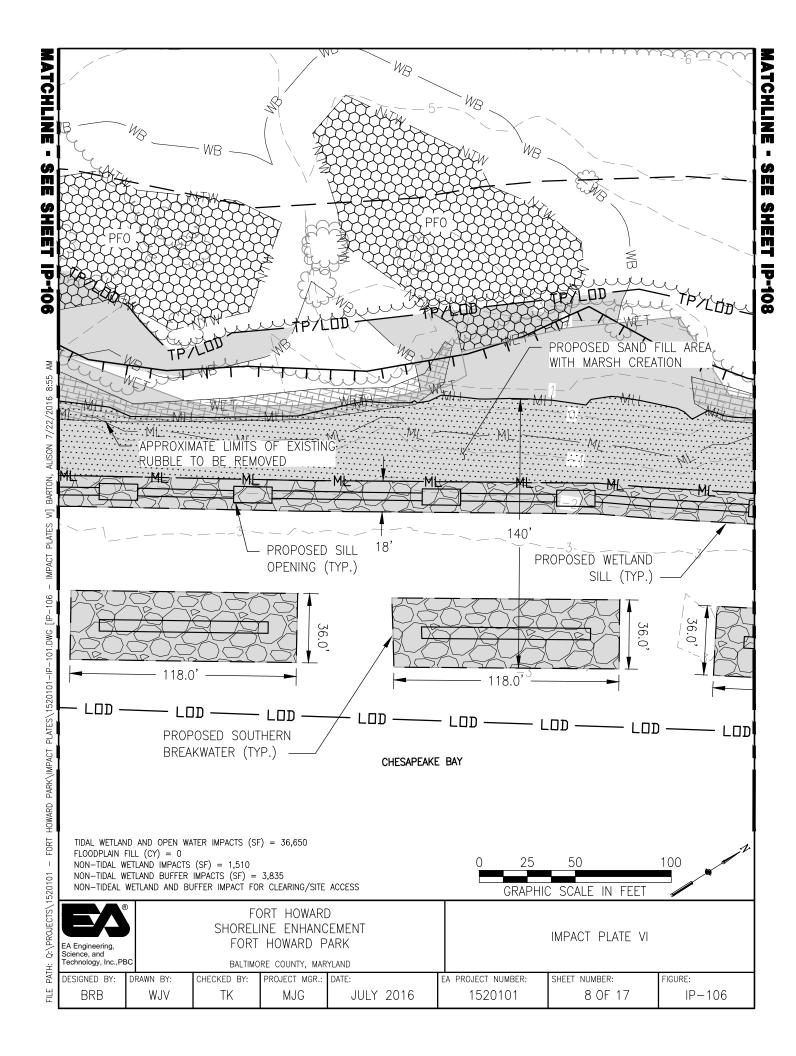
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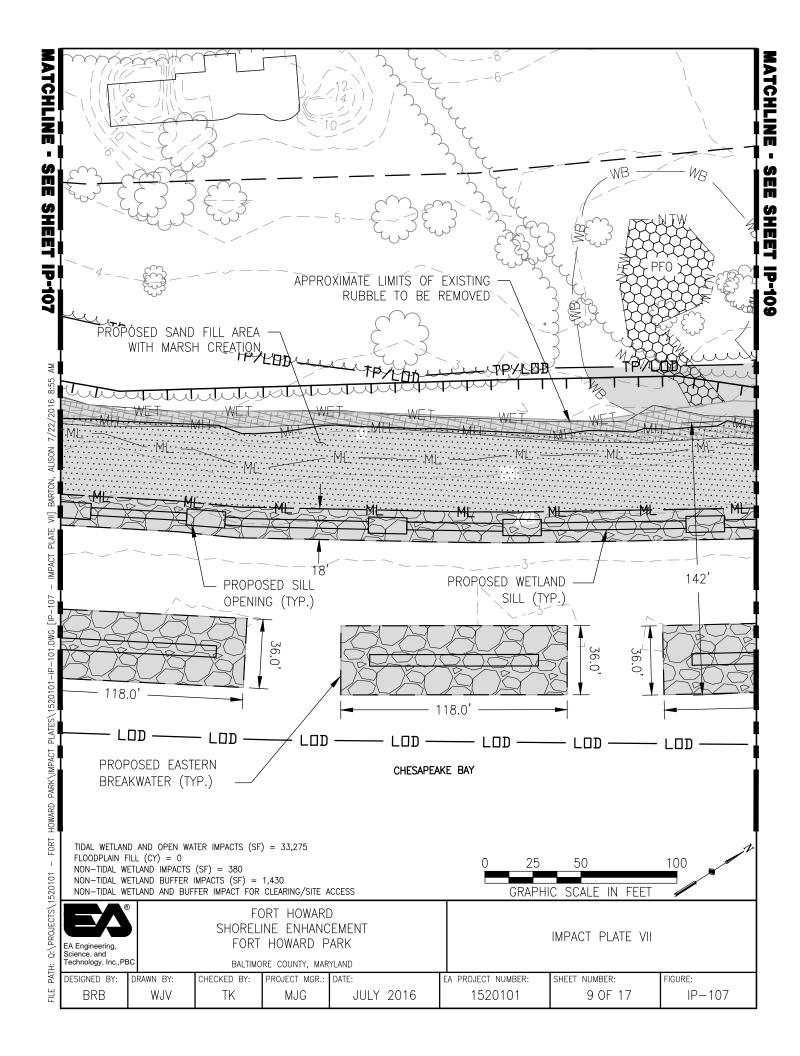
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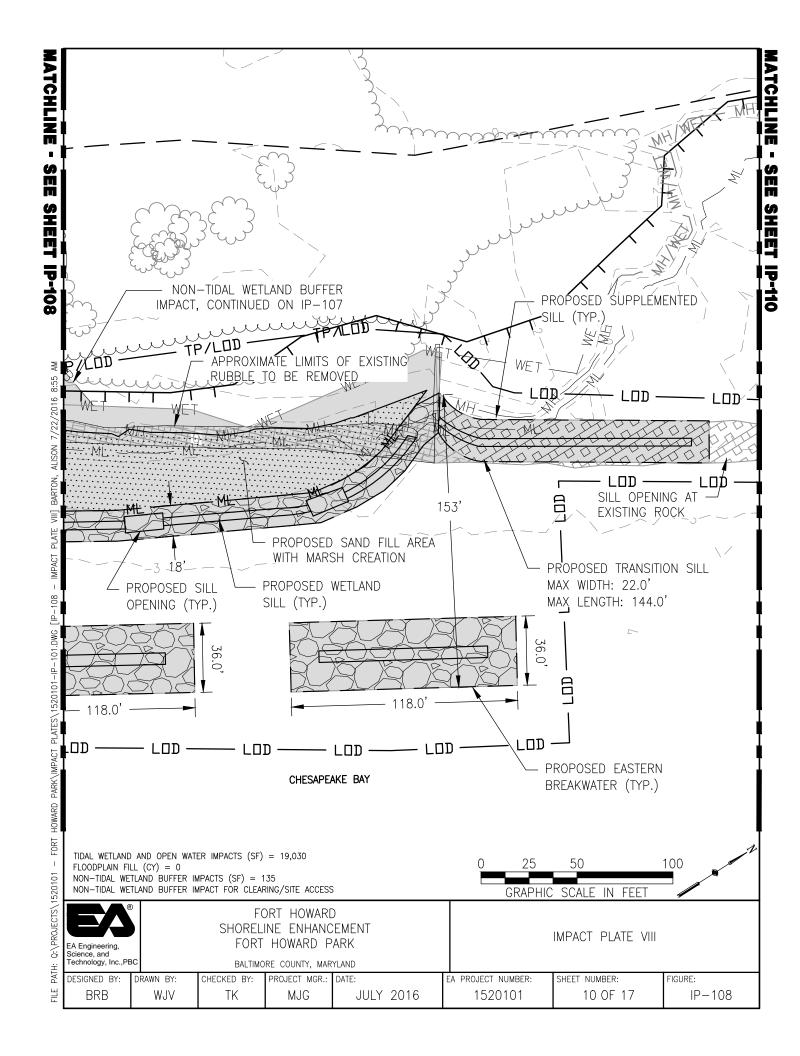


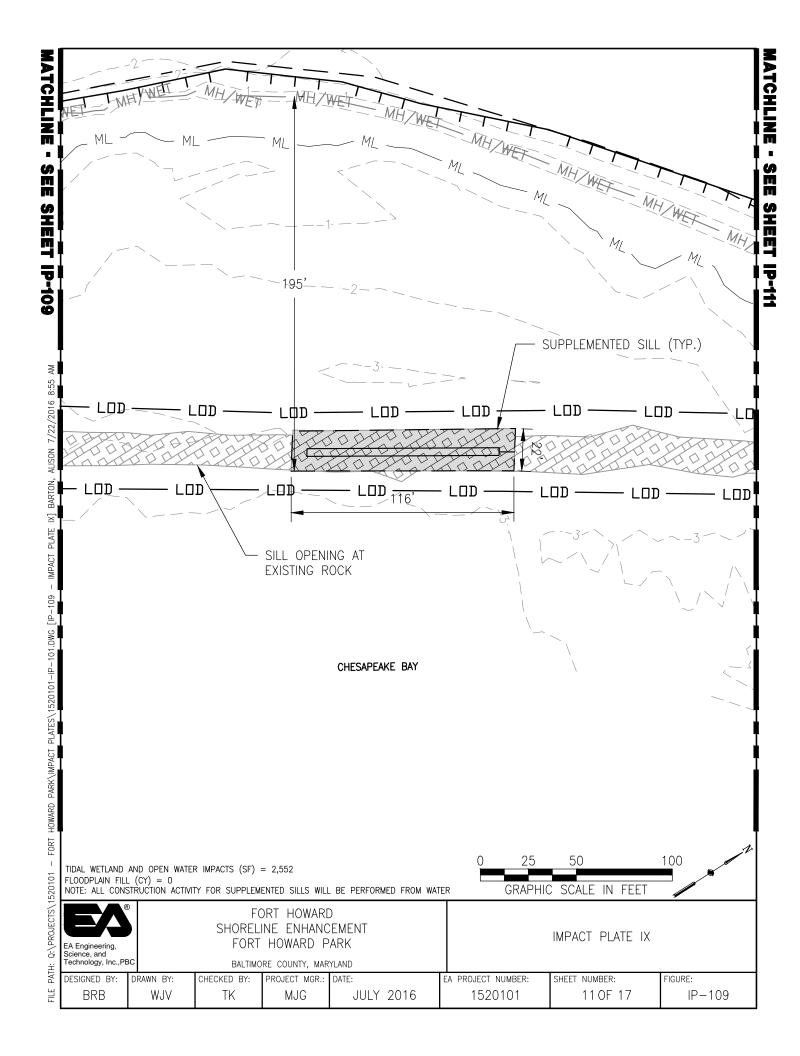


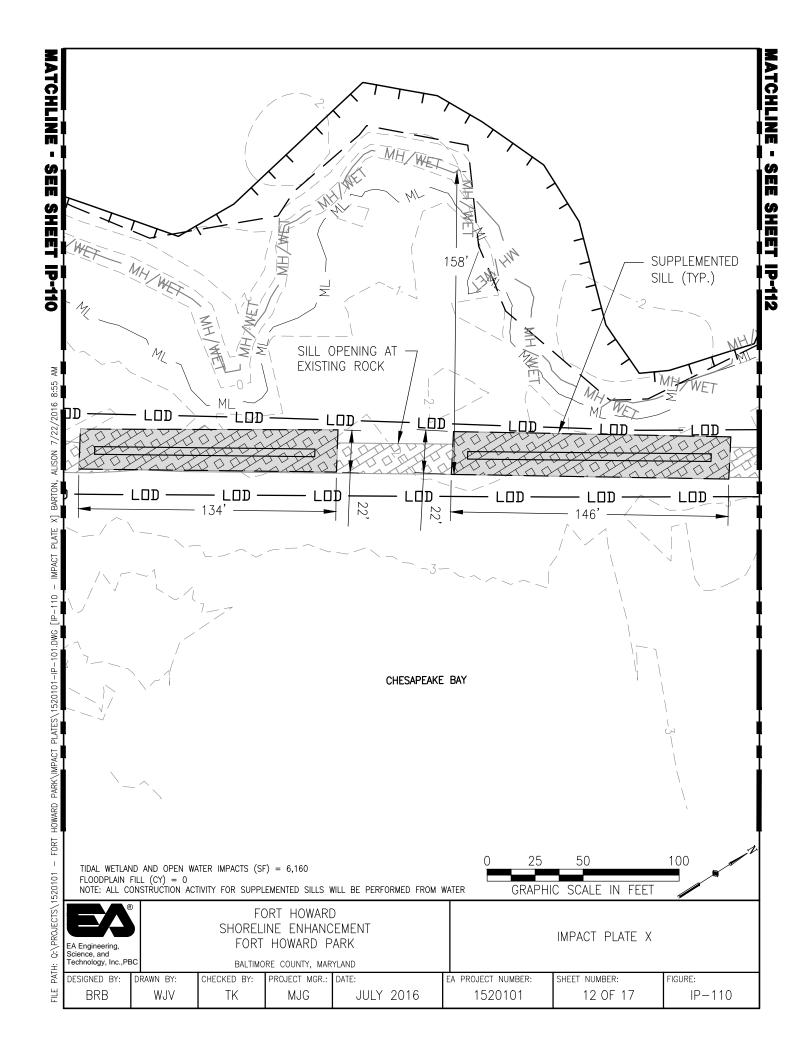


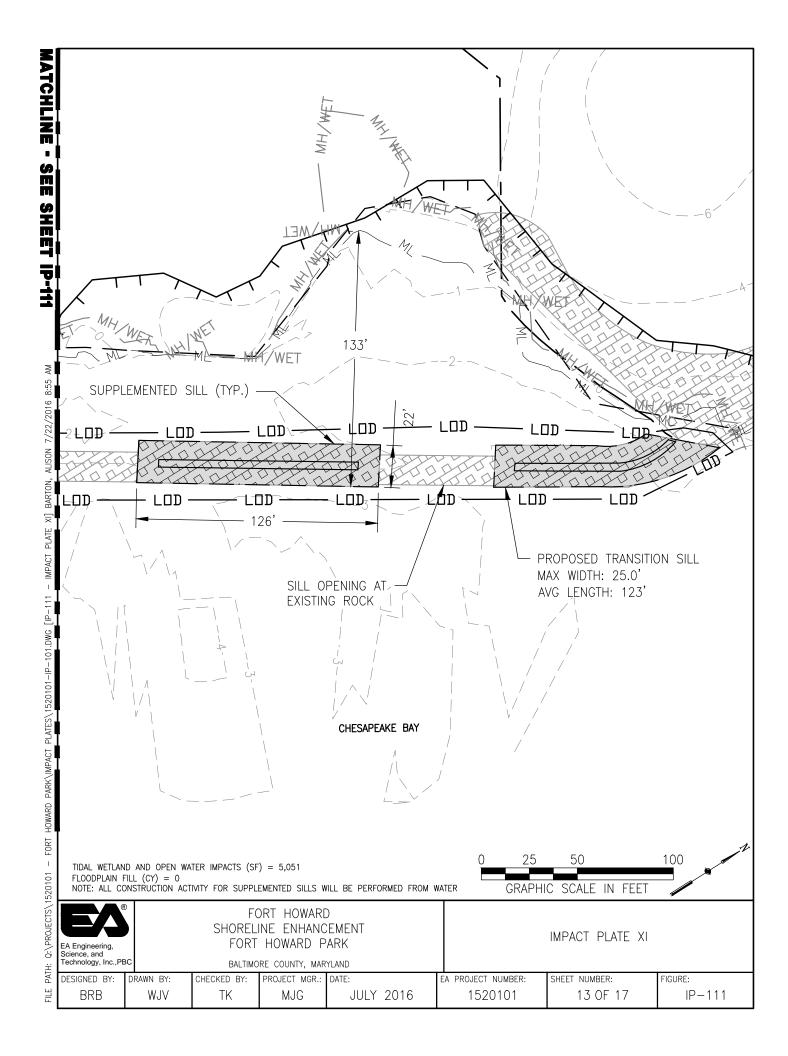












BEST MANAGEMENT PRACTICES FOR WORKING IN NONTIDAL WETLANDS, WETLAND BUFFERS, WATERWAYS, AND 100-YEAR FLOODPLAINS

- 1. NO EXCESS FILL, CONSTRUCTION MATERIAL, OR DEBRIS SHALL BE STOCKPILED OR STORED IN NONTIDAL WETLANDS, NONTIDAL WETLAND BUFFERS, WATERWAYS, OR THE 100-YEAR FLOODPLAIN.
- 2. PLACE MATERIALS IN A LOCATION AND MANNER WHICH DOES NOT ADVERSELY IMPACT SURFACE OR SUBSURFACE WATER FLOW INTO OR OUT OF NONTIDAL WETLANDS, NONTIDAL WETLAND BUFFERS, WATERWAYS. OR THE 100—YEAR FLOODPLAIN.
- 3. DO NOT USE THE EXCAVATED MATERIAL AS BACKFILL IF IT CONTAINS WASTE METAL PRODUCTS, UNSIGHTLY DEBRIS, TOXIC MATERIAL, OR ANY OTHER DELETERIOUS SUBSTANCE. IF ADDITIONAL BACKFILL IS REQUIRED, USE CLEAN MATERIAL FREE OF WASTE METAL PRODUCTS, UNSIGHTLY DEBRIS, TOXIC MATERIAL, OR ANY OTHER DELETERIOUS SUBSTANCE.
- 4. PLACE HEAVY EQUIPMENT ON MATS OR SUITABLY OPERATE THE EQUIPMENT TO PREVENT DAMAGE TO NONTIDAL WETLANDS, NONTIDAL WETLAND BUFFERS, WATERWAYS, OR THE 100-YEAR FLOODPLAIN.
- 5. REPAIR AND MAINTAIN ANY SERVICEABLE STRUCTURE OR FILL SO THERE IS NO PERMANENT LOSS OF NONTIDAL WETLANDS, NONTIDAL WETLAND BUFFERS, OR WATERWAYS, OR PERMANENT MODIFICATION OF THE 100-YEAR FLOODPLAIN IN EXCESS OF THAT LOST UNDER THE ORIGINALLY AUTHORIZED STRUCTURE OR FILL.
- 6. RECTIFY ANY NONTIDAL WETLANDS, WETLAND BUFFERS, WATERWAYS, OR 100-YEAR FLOODPLAIN TEMPORARILY IMPACTED BY ANY CONSTRUCTION.
- 7. ALL STABILIZATION IN THE NONTIDAL WETLAND AND NONTIDAL WETLAND BUFFER SHALL CONSIST OF THE FOLLOWING SPECIES: ANNUAL RYEGRASS (LOLIUM MULTIFLORUM), MILLET (SETARIA ITALICA), BARLEY (HORDEUM SP.), OATS (UNIOLA SP.), AND/OR RYE (SECALE CEREALE). THESE SPECIES WILL ALLOW FOR THE STABILIZATION OF THE SITE WHILE ALSO ALLOWING FOR THE VOLUNTARY REVEGETATION OF NATURAL WETLAND SPECIES. OTHER NON-PERSISTENT VEGETATION MAY BE ACCEPTABLE, BUT MUST BE APPROVED BY THE NONTIDAL WETLANDS AND WATERWAYS DIVISION. KENTUCKY 31 FESCUE SHALL NOT BE UTILIZED IN WETLAND OR BUFFER AREAS. THE AREA SHOULD BE SEEDED AND MULCHED TO REDUCE EROSION AFTER CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED.
- 8. AFTER INSTALLATION HAS BEEN COMPLETED, MAKE POST—CONSTRUCTION GRADES AND ELEVATIONS THE SAME AS THE ORIGINAL GRADES AND ELEVATIONS IN TEMPORARILY IMPACTED AREAS.
- 9. TO PROTECT AQUATIC SPECIES, IN-STREAM WORK IS PROHIBITED AS DETERMINED BY THE CLASSIFICATION OF THE STREAM:
 - USE I WATERS: IN-STREAM WORK SHALL NOT BE CONDUCTED DURING THE PERIOD MARCH 1 THROUGH JUNE 15, INCLUSIVE, DURING ANY YEAR.
 - USE III WATERS: IN-STREAM WORK SHALL NOT BE CONDUCTED DURING THE PERIOD OCTOBER 1 THROUGH APRIL 30, INCLUSIVE, DURING ANY YEAR.
 - USE IV WATERS: IN-STREAM WORK SHALL NOT BE CONDUCTED DURING THE PERIOD MARCH 1 THROUGH MAY 31, INCLUSIVE, DURING ANY YEAR.
- 10.STORMWATER RUNOFF FROM IMPERVIOUS SURFACES SHALL BE CONTROLLED TO PREVENT THE WASHING OF DEBRIS INTO THE WATERWAY.
- 11.CULVERTS SHALL BE CONSTRUCTED AND ANY RIPRAP PLACED SO AS NOT TO OBSTRUCT THE MOVEMENT OF AQUATIC SPECIES, UNLESS THE PURPOSE OF THE ACTIVITY IS TO IMPOUND WATER.

| EA Engineering, Science, and Technology, Inc.,PBC | ; |
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FORT HOWARD SHORELINE ENHANCEMENT FORT HOWARD PARK

BEST MANAGEMENT PRACTICES

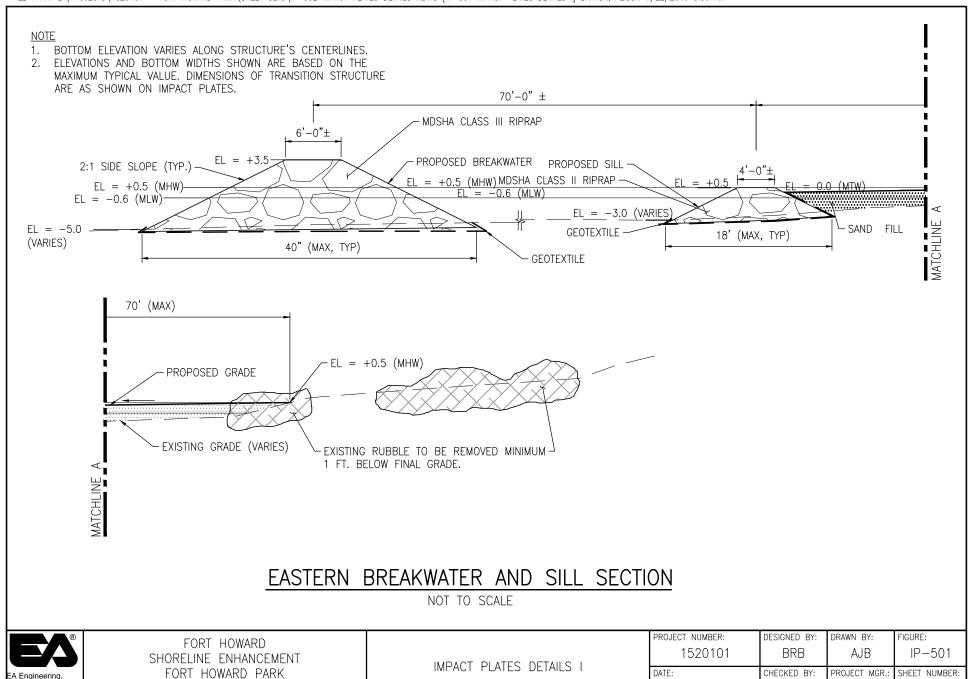
BALTIMORE, COUNTY

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BALTIMORE COUNTY, MARYLAND



JULY 2016

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