



# PUBLIC NOTICE

US Army  
Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-R MN (AA DPW/MILL  
CREEK/DREDGING)01-64972-18

**Comment Period: September 26, 2001 to October 26, 2001**

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore 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 State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT: *Anne Arundel County Dept of Public Works*  
*Attn: John Scarborough*  
*2662 Riva Road*  
*Annapolis, MD 21401*

LOCATION: *Mill Creek, Anne Arundel County, Maryland*

WORK: The applicant proposes, in accordance with the attached plans, to maintenance dredge by hydraulic or mechanical method, a 389 foot long by 30 foot wide main channel extension to -3 feet mean low water (MLW) and to dredge four associated private spur channels to a depth of -3 feet MLW in the headwaters of Mill Creek, a tributary to the Magothy River in Arnold, Anne Arundel County. The total estimated quantity of dredged material from the main channel dredging area is approximately 1,608 cubic yards. The total estimated quantity of dredged material from the associated spur channels is approximately 875 cubic yards. The proposed dredging project area including the four spur channels and the main channel extension is 20,431 square feet. The material, consisting of primarily silts and sands, will be deposited in the approved County regional dredged material placement (DMP) site on Edwin Raynor Boulevard in Anne Arundel County. The work is to be performed in shallow water, during the winter months, in an area with a history of SAV. Ten year maintenance dredging is requested for the main channel extension and the four related spur channels. The purpose of the work is to improve navigable access. In addition, two of the four spur channel applicants propose to construct new piers, one 6'x 70' and one 5'x 40'. A third applicant proposes to extend an existing pier 4'x 35'. The main channel extension is part of the overall Anne Arundel DPW capital dredging project for Mill Creek, CENAB-OP-RMN (AADPW/Mill Creek) #200060625. Additionally, the project area was authorized by the Corps of Engineers for dredging on August 9, 1984 under permit #84-0415.

The proposed project complies with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended. The 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 MFSCMA for *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and *Morone americana* (white perch) juvenile and adult. However, the juvenile and adult forms, and their prey species move to deeper waters for the winter. Any possible effects to EFH are mitigated for by winter dredging. Consequently, after reviewing the appropriate literature

under MSFCMA, there will be no apparent adverse effect to either the managed species or to their EFH quality and/or quantity nor to their "prey" species as a result of this proposed project.

<u>Spur #</u>	<u>Applicant</u>	<u>Area (sq.ft.)</u>	<u>Volume (cu.yds)</u>
1. 01-64973	Kemp, David	1,227	140
2. 01-64976	Wheatley, J. Vincent	733	74
3. 01-64978	Dent, Thomas & Mary	3,626	473
4. 01-64980	Smith, Brian	1,659	188

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Richard Kibby at (410) 962-0694.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably 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, economics, 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, 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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 listed 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 requested permit.

It is requested that you communicate the foregoing 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.