



PUBLIC NOTICE

US Army Corps of Engineers
Baltimore District
In Reply to Application Number
CENAB-OP-RMN(FERRY POINT MARINA/
DREDGING)04-60264-24

Comment Period: 23 December 2003 to 23 January 2004

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: *Ferry Point Marina*
Attn: Mr. Gary O. Williams
Suite 1, 401 Academy Street
Cambridge, Maryland 21613

LOCATION: Mill Creek, Anne Arundel County, Maryland

WORK: To mechanically maintenance dredge an area approximately 827 feet by 50 feet to -6.0 feet mean low water in Mill Creek at Ferry Point Marina, Anne Arundel County, Maryland. The approximately 3,100 cubic yards of dredged material will be placed in an approved upland DMP site, Herrington Harbour North, Anne Arundel County, Maryland.

A permit for this project would authorize periodic maintenance dredging for 10 years, subject to the prior notification of the District Engineer.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public law 104-267), requires all federal agencies to consult with the National Marine fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH. The EFH designations within the Northeast Region (Maine to Virginia), dated March 1, 1999, include EFH for a number of species in various life stages. A review of the appropriate literature indicates that this waterway has EFH listed for adult and juvenile Paralichtys dentatus (summer flounder), adult and juvenile Scopthalmus aquosus (windowpane flounder), and adult and juvenile Pomatomus saltatrix (bluefish). They are managed species under the MSFCMA. A preliminary assessment indicates that the proposed project may have an adverse effect on EFH based on potential disturbance due to dredging. The aforementioned species are not estuarine resident species but could use the project area as a foraging area and as a nursery area, on a seasonal basis, primarily during summer. The project has the potential to adversely effect the managed species and/or their EFH quality and/or quantity, and their prey species. No EFH measures have been developed for this project. However, it is expected that conservation measures may include time of year restrictions on when the proposed work may be performed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Mary A. Frazier at (410) 962-5679.

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 has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, 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. It should be noted that CZ Division has a statutory limit of 6 months in which 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 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.

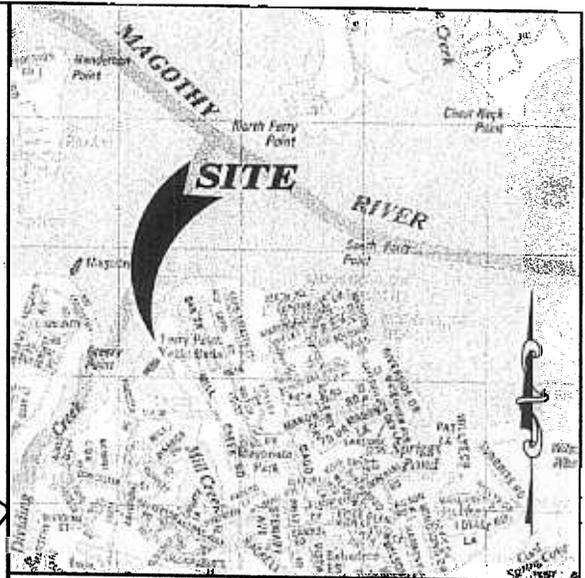
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

SHEET 1 OF 2

PROPOSED MAINTENANCE DREDGING

IN: MILL CREEK
AT: FERRY POINT MARINA
ANNE ARUNDEL COUNTY, MARYLAND
APPL. BY: MILL CREEK, LLC
DATE: SEPTEMBER 2003
REVISED: 12-8-03

N/F
GREGORY W. &
MARY E. BANISTER
350 OAK DRIVE
ARNOLD, MD 21012
MAP 32, PARCEL # 537

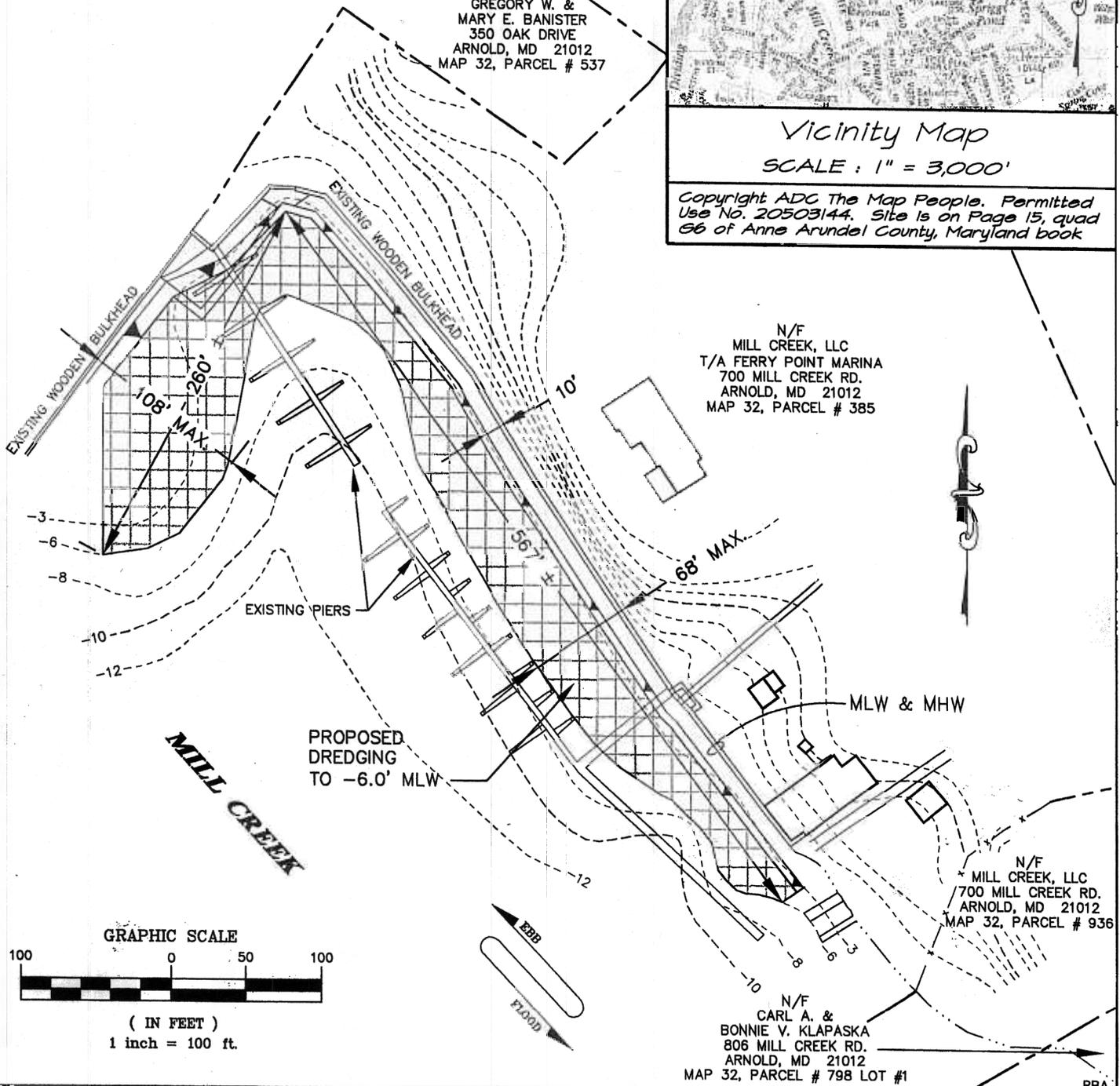


Vicinity Map

SCALE: 1" = 3,000'

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N/F
MILL CREEK, LLC
T/A FERRY POINT MARINA
700 MILL CREEK RD.
ARNOLD, MD 21012
MAP 32, PARCEL # 385



MILL CREEK

GRAPHIC SCALE

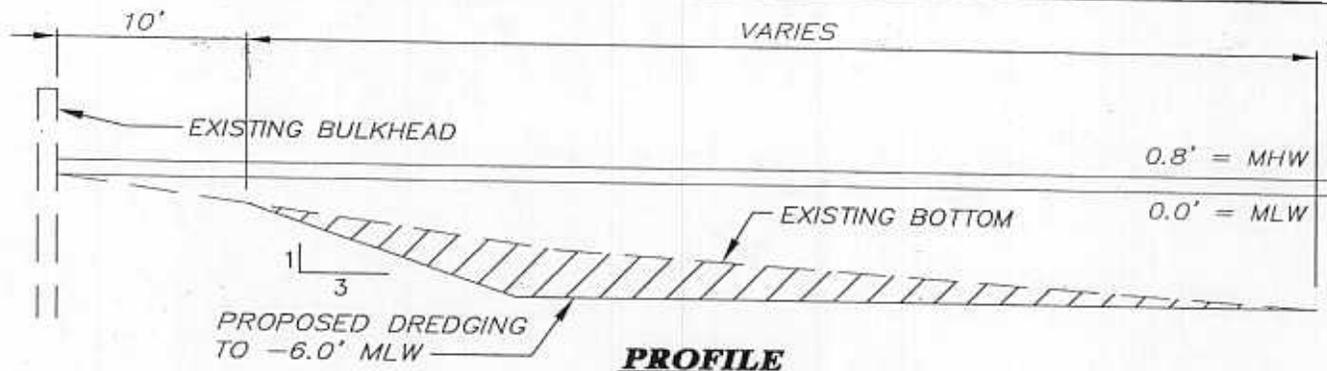


(IN FEET)
1 inch = 100 ft.

N/F
MILL CREEK, LLC
700 MILL CREEK RD.
ARNOLD, MD 21012
MAP 32, PARCEL # 936

N/F
CARL A. &
BONNIE V. KLAPASKA
806 MILL CREEK RD.
ARNOLD, MD 21012
MAP 32, PARCEL # 798 LOT #1

RBA



TYPICAL DREDGING SECTION

SCALE: 1" = 10'



GENERAL NOTES:

1. TIDAL RANGE IS 0.8 FEET.
2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
3. APPROXIMATELY 3,100 c.y. OF SAND TO BE MECHANICALLY DREDGED TO -6.0' MLW. APPROXIMATELY 600 c.y. OF SAND TO BE PLACED LANDWARD OF THE PROPOSED SILL; APPROXIMATELY 2,500 c.y. TRUCKED TO AN APPROVED OFF-SITE LOCATION.
4. PERMIT PREVIOUSLY ISSUED UNDER TIDAL WETLANDS LICENSE NO. 96-0861(R) AND CENAB-OP-RW-96-61438-15.
5. THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

SHEET 2 OF 2

APPL. BY: MILL CREEK, LLC
 DATE: SEPTEMBER 2003
 REVISED: 12-8-03