

Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
CENAB-OP-RM-(HESS CORP. /BALTIMORE
TERMINAL/DREDGING)2007-07412-M02

PN-07-61

Comment Period: September 24, 2007 to October 24, 2007

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 River and Harbor Act of 1899, as described below:

APPLICANT: Hess Corporation
Mr. Joe Gabriel
1 Hess Plaza, US Hwy 9
Woodbridge, New Jersey 07095

LOCATION: Curtis Creek, at 6200 Pennington Avenue, Baltimore City, Maryland

WORK: The applicant proposes to mechanically maintenance dredge four berthing areas, totaling 5.3 acres, for barges and ships. Area 1 is 500 feet long by 200 feet wide (including side slopes) and is proposed to be dredged to 37 feet below mean low water. Area 2 is 500 feet long by 150 feet wide (including side slopes) and is proposed to be dredged to 27 feet below mean low water. The approximately 24,000 cubic yards of dredged material is to be deposited at the Hart Miller Island and/or the Cox Creek dredged material containment facilities. The purpose of the project is to provide sufficient water depths for vessels. A permit for this project would authorize periodic maintenance dredging for ten years, subject to the prior notification of the District Engineer.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jon Romeo of this office at (410) 962-6079.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation Act (MSFCA), 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. This waterway has EFH listed for juvenile and adult windowpane flounder (*Scophthalmus aquosus*), summer flounder (*Paralichthys dentatus*), and bluefish (*Pomatomus saltatrix*); egg, larva, juvenile, and adult stages of king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*), and red drum (*Sciaenops ocellatus*). These are managed species under the MSFCA. A preliminary assessment indicates that the proposed work may have a minimal adverse effect on EFH based on dredging in 5.3 acres of tidal waters. Potential impacts include disturbance of bottom sediment due to dredging. Studies indicate that adult and juvenile bluefish eat various prey species and are locally abundant in summer.

Summer flounder are also present on a seasonal basis. Since the project area is relatively small compared to the overall EFH for these species, and since impacts would be temporary, it is expected that the proposed work would have no substantial adverse effect on either managed species or their prey species. Therefore, no EFH conservation measures have been developed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.

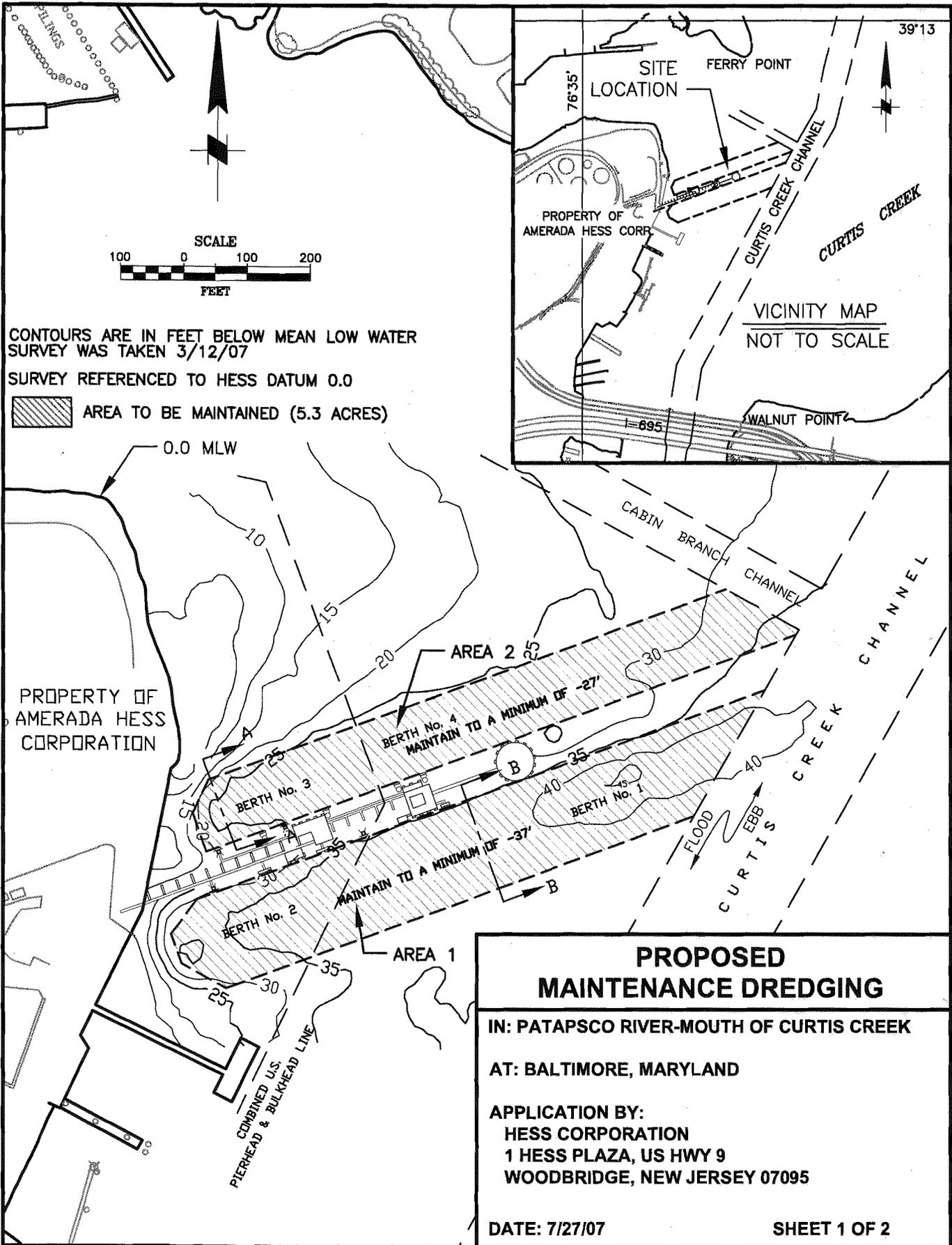
Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration.

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 communicated 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.



CONTOURS ARE IN FEET BELOW MEAN LOW WATER SURVEY WAS TAKEN 3/12/07

SURVEY REFERENCED TO HESS DATUM 0.0

 AREA TO BE MAINTAINED (5.3 ACRES)

0.0 MLW

PROPERTY OF AMERADA HESS CORPORATION

COMBINED U.S. PIERHEAD & BULKHEAD LINE

PROPOSED MAINTENANCE DREDGING

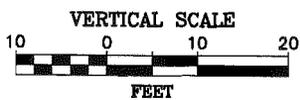
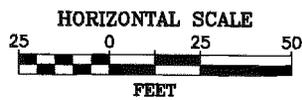
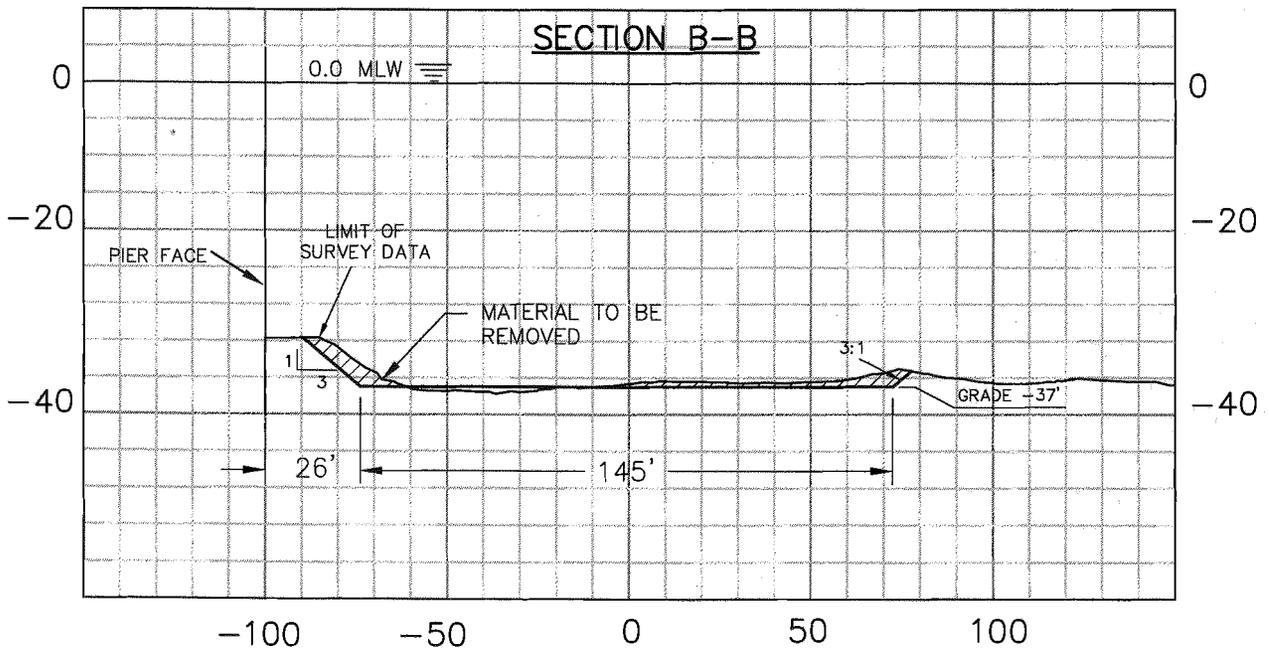
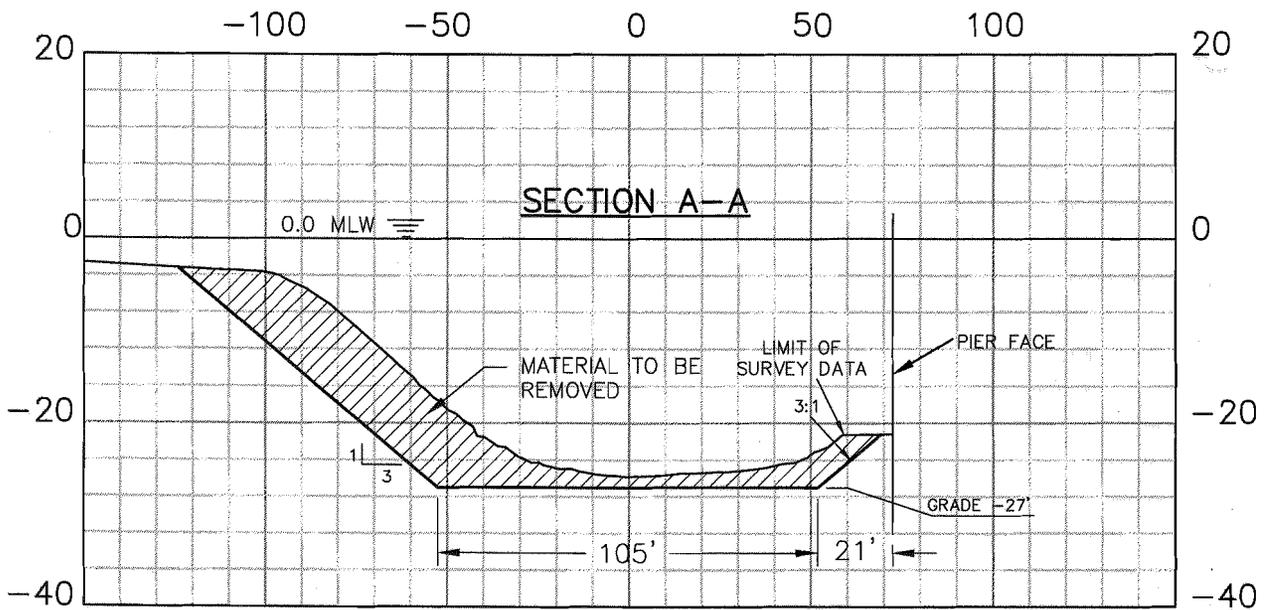
IN: PATAPSCO RIVER-MOUTH OF CURTIS CREEK

AT: BALTIMORE, MARYLAND

APPLICATION BY:
 HESS CORPORATION
 1 HESS PLAZA, US HWY 9
 WOODBRIDGE, NEW JERSEY 07095

DATE: 7/27/07

SHEET 1 OF 2



PROPOSED MAINTENANCE DREDGING

IN: PATAPSCO RIVER-MOUTH OF CURTIS CREEK

AT: BALTIMORE, MARYLAND

APPLICATION BY:
HESS CORPORATION
1 HESS PLAZA, US HWY 9
WOODBRIDGE, NEW JERSEY 07095

DATE: 7/27/07

SHEET 2 OF 2