



# PUBLIC NOTICE

US Army  
Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-RMN(CUTTER MARINE, INC/MIDDLE  
RIVER/DREDGING)02-02567-14

**Comment Period: 07 November 2002 to 09 December 2002**

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: CUTTER MARINE, INC.  
Attn: Gary and Karen Rosenberger  
1900 Old Eastern Avenue  
Essex, Maryland 21221

LOCATION: In Middle River @ 1900 Old Eastern Avenue, Essex, Maryland

WORK: To mechanically or hydraulically dredge a 66,000 square foot marina basin to a maximum depth of -6.0 feet below mean low water. A total of 3,666 cubic yards of dredge material will be deposited at the Hart-Miller Island disposal site. The proposed work will expand the scope of the previous Corps authorization number 97-66590. The purpose of the proposed work is to improve navigation access. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Beth E. Bachur at (410) 962-4336.

The dredging portion of this project will impact approximately 66,000 square feet of Essential Fish Habitat (EFH) as described under the Magnuson-Stevens Fishery Conservation and Management Act for windowpane flounder (juvenile and adult), bluefish (juvenile and adult), summer flounder (juvenile and adult), and all life stages of king mackerel, Spanish mackerel, cobia, and red drum. Habitat at this site can be described as shallow water and a substrate consisting of silt. Windowpane Flounder, cobia, red drum, king mackerel, and spanish mackerel are not present in the upper or central Chesapeake Bay (Murdy, 1977). Summer Flounder are rare in the Middle River area based on salinity ranges. This species is not expected to be in the project area due to lower salinity ranges. However, the juvenile life stages of Bluefish may be present in the project area on a seasonal basis, primarily in the warmer summer months as a forage area. Juvenile bluefish might use the project area, but would tend to avoid the construction area. The proposed work will be subject to a time of year restriction from February 15 through October 15. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

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, 2500 Broening Highway, Baltimore, Maryland, 21224, 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.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. 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, 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.

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.