

PUBLIC NOTICE

**US Army
Corps
of Engineers
Baltimore
District**

**In Reply to Application Number
CENAB-OP-RMS(BAY BOAT
WORKS/DREDGING)01-61654-2**

Comment Period: March 22, 2001 to April 23, 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 Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Bay Boat Works
c/o Victor Schuler
P.O. Box 340
North East, Maryland 21901

LOCATION: In Hance Point Creek near Hance Creek, Cecil County, Maryland

WORK: The applicant proposes to maintenance dredge an approximate 5.14 acre within and adjacent to the existing marina by hydraulic method to a depth of -4 feet mean low water. The work is to be performed in shallow water, during the winter months, and in an area with no history of SAV. This area has potential essential fish habitat (EFH) described under the Magnuson-Stevens Fishery Conservation & Management Act (MSFCMA) for the juvenile and adult forms of windowpane flounder, bluefish and summer flounder. 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 shallow water, 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. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. The dredged material is to be deposited and retained in an existing upland disposal area (Disposal Area A), landward of geotubes in an open water/wetland area which is to be allowed to revegetate naturally (Disposal Area B), and on an upland area within the marina which is to be contained with jersey barriers (Disposal Area C). The applicant has requested that a 10 year maintenance dredging clause be made a part of the Department of the Army permit, if issued. Maintenance dredging will be permitted provided an adequate upland disposal area is available. The purpose of the proposed work is to provide boating access and egress to the existing marina.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. John Roop at (410) 962-5688.

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 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 Standards and Certification Division Maryland Department of the Environment, Building 30, First Floor, 2500 Broening Highway, Baltimore, Maryland 21224 within the comment period as specified above to receive consideration. 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 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

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.

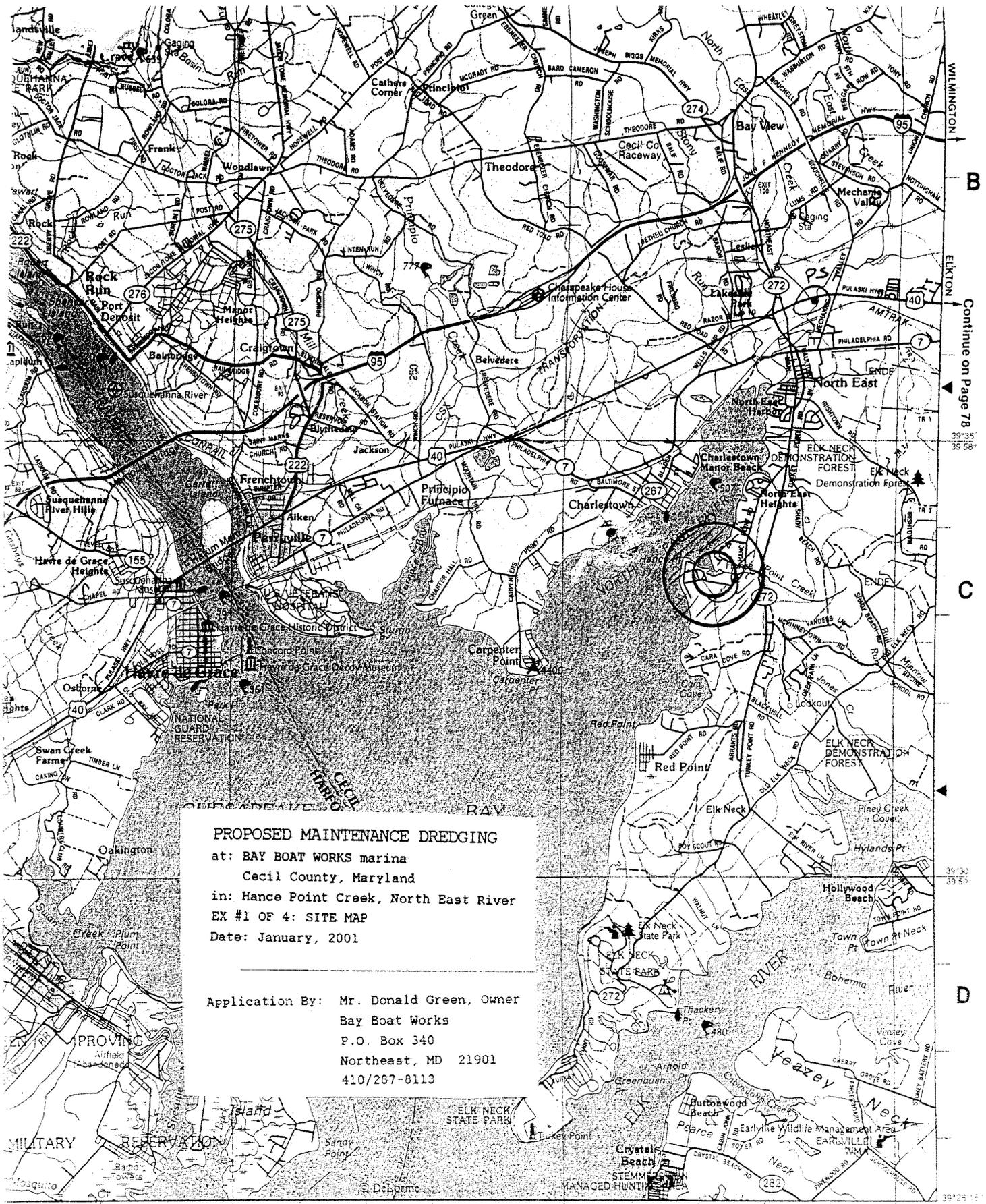
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

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.

FOR THE DISTRICT ENGINEER:

WALTER WASHINGTON, JR.
Chief, Maryland Section Southern



PROPOSED MAINTENANCE DREDGING
 at: BAY BOAT WORKS marina
 Cecil County, Maryland
 in: Hance Point Creek, North East River
 EX #1 OF 4: SITE MAP
 Date: January, 2001

Application By: Mr. Donald Green, Owner
 Bay Boat Works
 P.O. Box 340
 Northeast, MD 21901
 410/287-8113

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Continue on Page 78

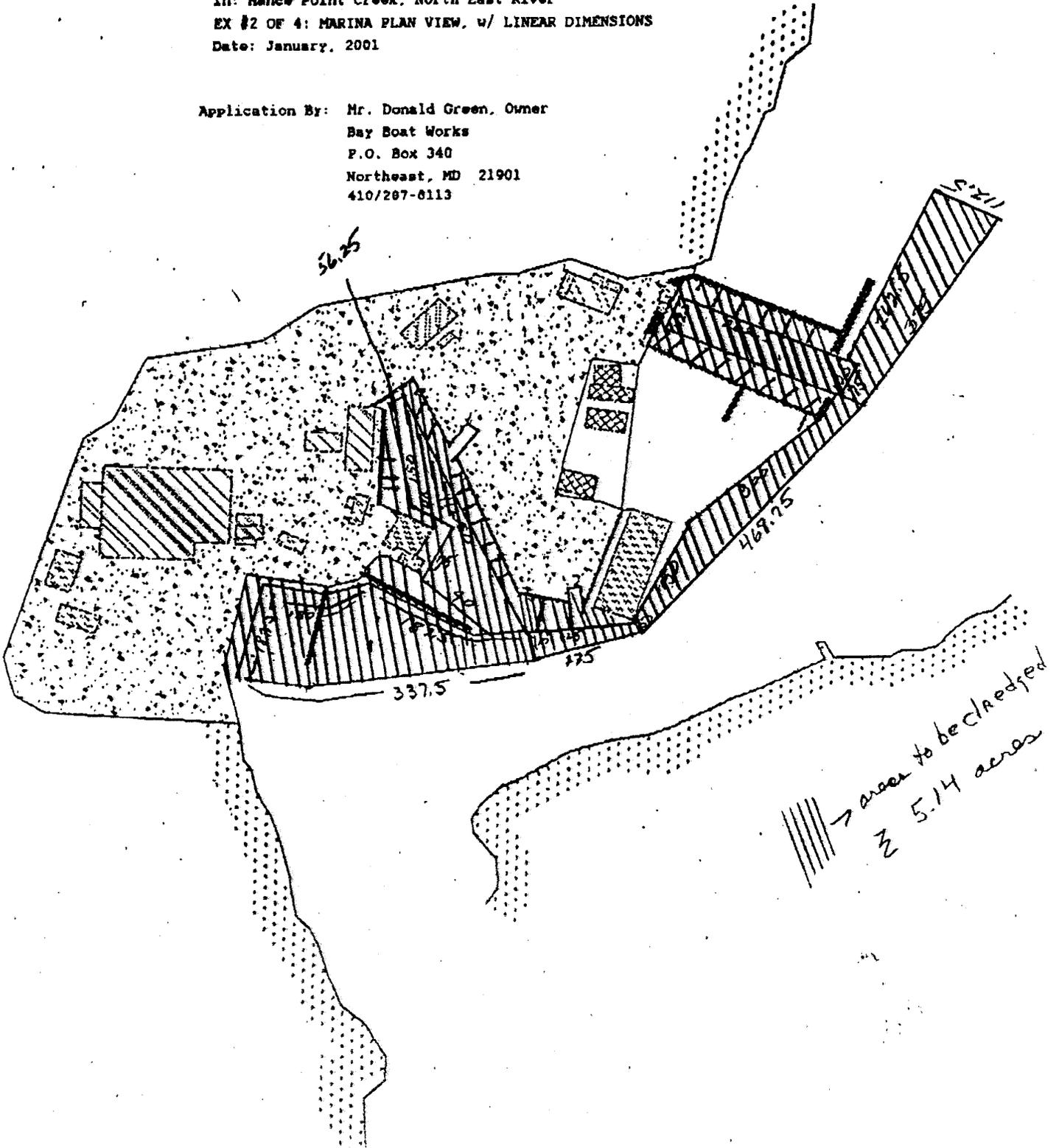
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Scale: 1:100,000
 equals 1.6 miles

Contour interval
 50 feet (15.2 meters)

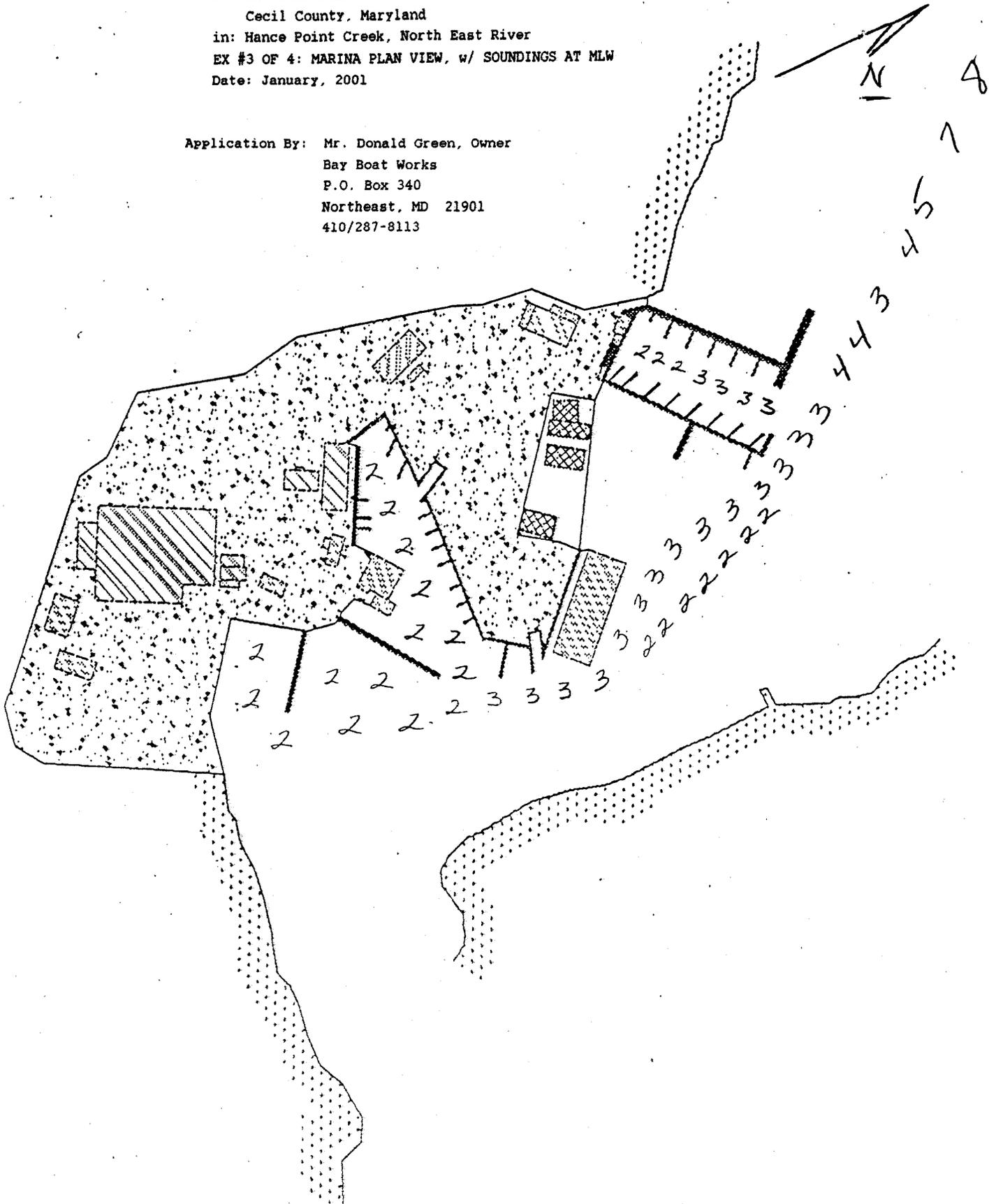
PROPOSED MAINTENANCE DREDGING
at: BAY BOAT WORKS marina
Cecil County, Maryland
in: Hance Point Creek, North East River
EX #2 OF 4: MARINA PLAN VIEW, w/ LINEAR DIMENSIONS
Date: January, 2001

Application By: Mr. Donald Green, Owner
Bay Boat Works
P.O. Box 340
Northeast, MD 21901
410/287-6113



PROPOSED MAINTENANCE DREDGING
at: BAY BOAT WORKS marina
Cecil County, Maryland
in: Hance Point Creek, North East River
EX #3 OF 4: MARINA PLAN VIEW, w/ SOUNDINGS AT MLW
Date: January, 2001

Application By: Mr. Donald Green, Owner
Bay Boat Works
P.O. Box 340
Northeast, MD 21901
410/287-8113



PROPOSED MAINTENANCE DREDGING
 at: BAY BOAT WORKS marina
 Cecil County, Maryland
 in: Hance Point Creek, North East River
 EX #4 OF 4: SITE VIEW, W/ DETENTION/STORAGE AREAS
 Date: January, 2001

Application By: Mr. Donald Green, Owner
 Bay Boat Works
 P.O. Box 340
 Northeast, MD 21901
 410/287-8113

Adjacent property owners:

- #1: Phylis Blew
49 Mallard Jn.
Northeast, MD, 21901
- #2: Carl D. Walbeck
47 Mallard Lane
Northeast, MD, 21901
- #3: Edward P. Howell
36 Mallard Lane
Northeast, MD, 21901
- #4: Sally A. Green
50 Mallard Lane
Northeast, MD, 21901
- #5: Andrew Speer
165 Hances Pt. Rd.
Northeast, MD, 21901
- #6: Joyce Loving
163 Hances Point Rd.
Northeast, MD, 21901

