



U.S. Army Corps
of Engineers

Public Notice

In Reply to Application Number
CENAB-OP-RMN(CHARLESTOWN COMMISSIONERS/
DREDGING)2008-00606-M12

PN-08-21

Comment Period: April 25, 2008 to May 25, 2008

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 as described below:

APPLICANT: *Town Commissioners of Charlestown
P. O. Box 154
Charlestown, Maryland 21914*

LOCATION: At Charlestown's Town Pier off of Water Street on the Northeast River located in Charlestown, Cecil County, Maryland.

WORK: To provide mechanical maintenance dredging in and around Charlestown's Town Pier into the waters of the Northeast River as depicted on the attached plans dated March 2008. Within the footprint of the proposed project, an area of approximately 57,560 square feet (1.32 acres) would be dredged to a depth of -4.0 feet at mean low water. Dredge spoil would be deposited at an upland dredge material placement site that is owned by the town. The purpose of the proposed work is to improve navigable access to the town's pier. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Mr. Steve Elinsky at 410.962.4503*.

The Magnuson-Stevens Fishery Conservation and Management Act (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 MSFCMA for Scophthalmus aquosus (windowpane flounder) juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; Paralichthys dentatus (summer flounder) juvenile and adult; and eggs, larvae, juvenile, and adult stages of Sciaenops ocellatus (red drum), Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (spanish mackerel), and Rachycentron canadum (cobia), all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by loss of nursery, forage and/or shelter habitat. The project may have an adverse effect on Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the 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.

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 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.

FOR THE DISTRICT ENGINEER:

A handwritten signature in black ink, appearing to read "V. G. Hobbs", written in a cursive style.

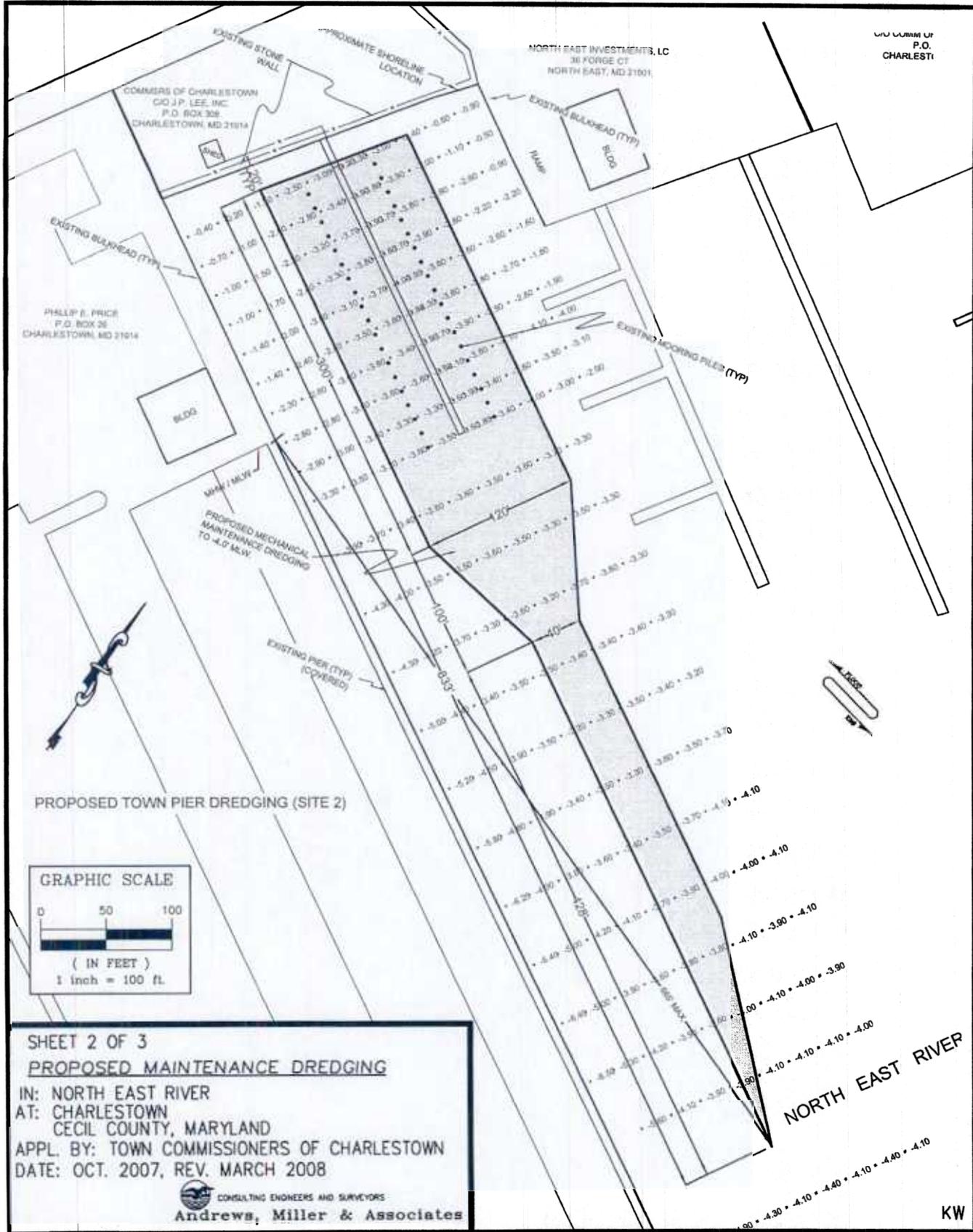
VANCE G. HOBBS
Chief, Maryland Section Northern

WJ LUMM UP
P.O.
CHARLEST

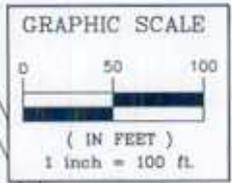
NORTH EAST INVESTMENTS, LC
36 FORGE CT
NORTH EAST, MD 21001

COMMISSIONERS OF CHARLESTOWN
C/O J.P. LEE, INC.
P.O. BOX 308
CHARLESTOWN, MD 21014

PHILIP E. PRICE
P.O. BOX 26
CHARLESTOWN, MD 21014



PROPOSED TOWN PIER DREDGING (SITE 2)

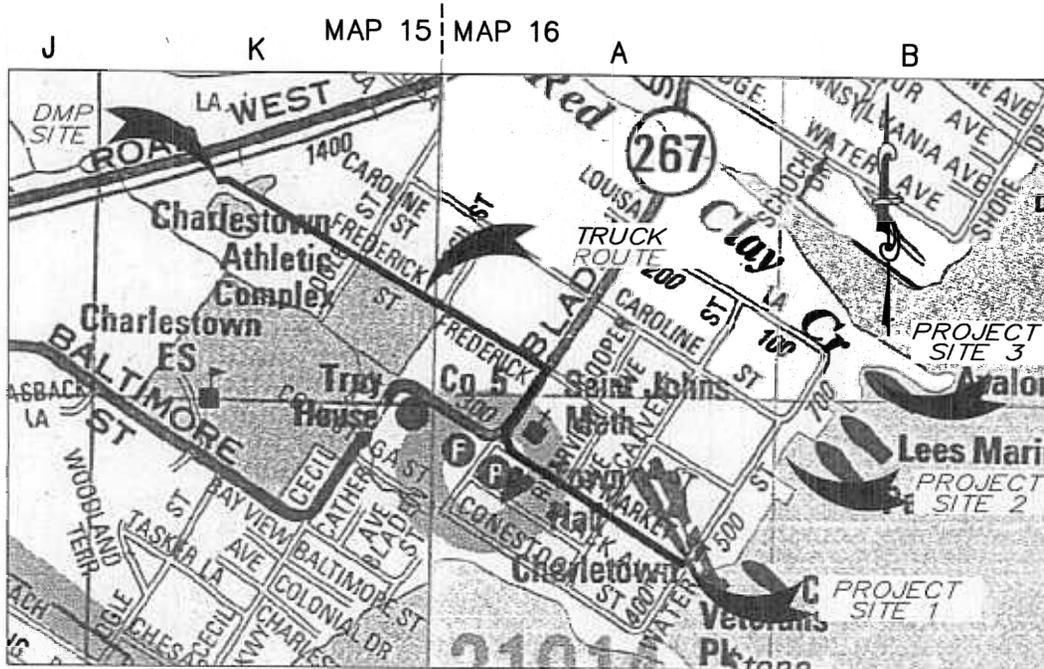


SHEET 2 OF 3
PROPOSED MAINTENANCE DREDGING
 IN: NORTH EAST RIVER
 AT: CHARLESTOWN
 CECIL COUNTY, MARYLAND
 APPL. BY: TOWN COMMISSIONERS OF CHARLESTOWN
 DATE: OCT. 2007, REV. MARCH 2008

CONSULTING ENGINEERS AND SURVEYORS
Andrews, Miller & Associates

NORTH EAST RIVER

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1
SEPARATE APPLICATION

2
THIS APPLICATION

SEPARATE APPLICATION

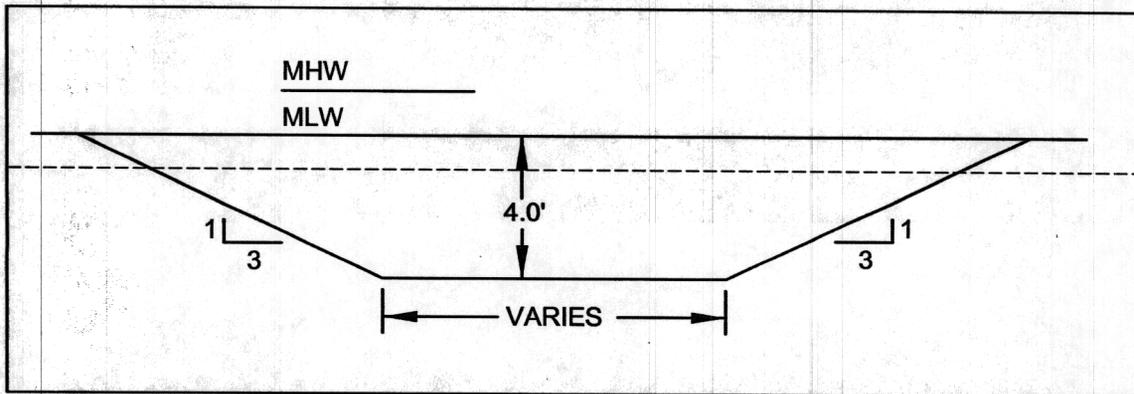
VICINITY MAP

SCALE : 1" = 250 FT



NOTES:

1. "VICINITY MAP" TAKEN FROM ADC MAPS #15 & 16. COPYRIGHT ADC THE MAP PEOPLE PERMITTED USE NO. 20607153.
2. THE DMP SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
3. THE DMP SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.



TYPICAL DREDGE SECTION

SCALE : NONE

NOTES:

1. TIDAL RANGE IS 1.9 FEET.
2. SOUNDINGS IN FEET AND REFER TO MLW.
3. APPROX. 1,500 C.Y. OF SAND, SILT AND CLAY TO BE MECHANICALLY DREDGED TO -4.0' MLW AND TRUCKED AT THE EXISTING CHARLESTOWN DMP SITE.
4. THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

SHEET 1 OF 3

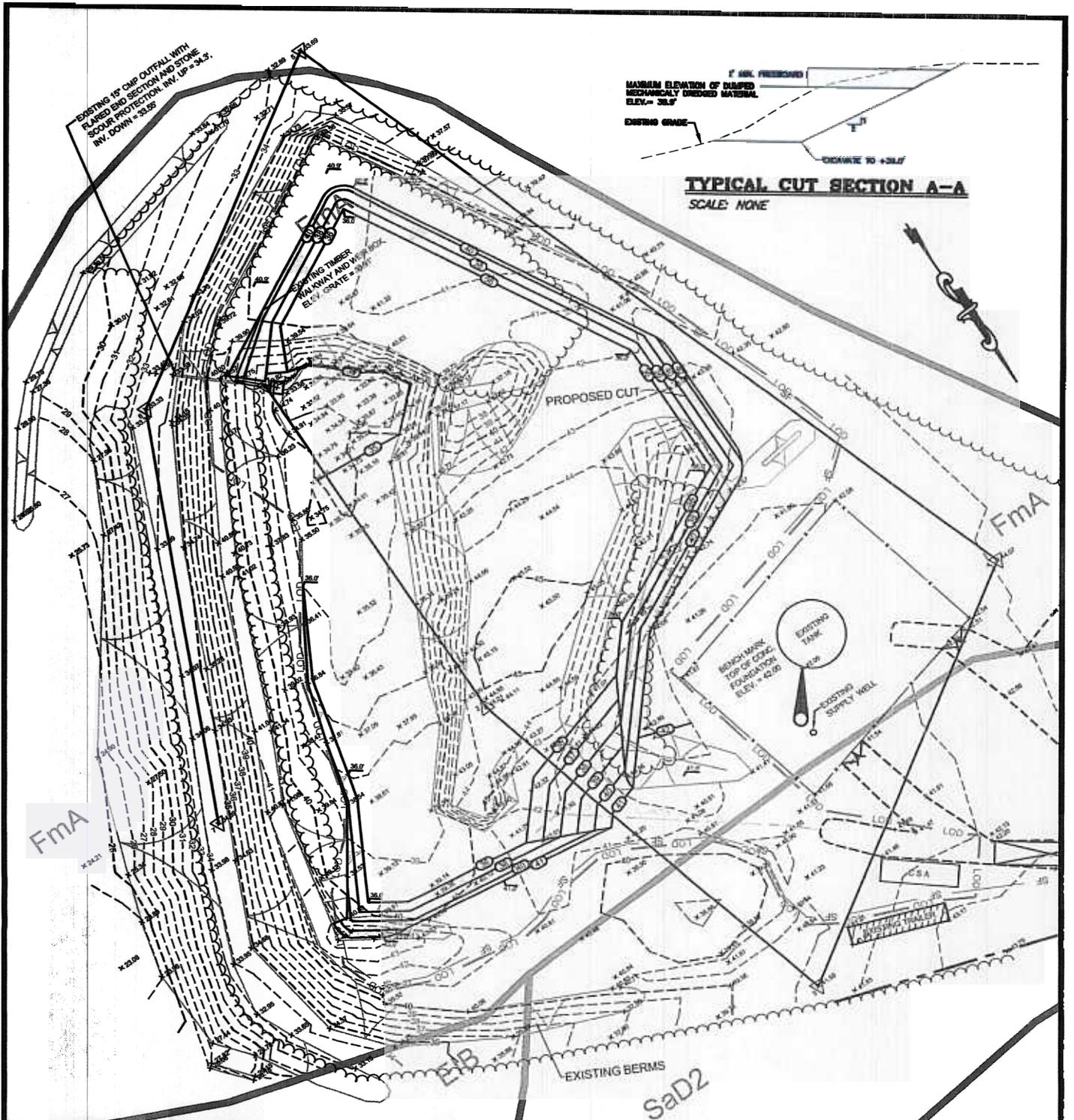
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 APPL. BY: TOWN COMMISSIONERS OF CHARLESTOWN
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SHEET 3 OF 3

PROPOSED MAINTENANCE DREDGING

IN: NORTH EAST RIVER
 AT: CHARLESTOWN
 CECIL COUNTY, MARYLAND
 APPL. BY: TOWN COMMISSIONERS OF CHARLESTOWN
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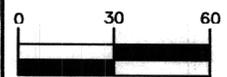


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DMP SITE

GRAPHIC SCALE



(IN FEET)
 1 inch = 60 ft.

BL