



PUBLIC NOTICE

US Army In Reply to Application Number
Corps CENAB-OP-RMS(MARINETICS INC/SITE
of Engineers A/AQUACULTURE)04-63120-7 & (MARINETICS
Baltimore INC/SITE B/AQUACULTURE)04-63121-7
District

Comment Period: August 16, 2004 to September 16, 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, as described below:

APPLICANT *Marinetics, Inc.*
 Attn: Mr. Kevin McClarren
 6035 Castle Haven Road
 Cambridge, Maryland 21613

LOCATION *In the Choptank River and LeCompte Bay near Castle Haven, Dorchester County, Maryland*

WORK: *The applicant proposes to emplace 6-foot long by 3-foot wide oyster aquaculture floats constructed of 4-inch diameter PVC pipe and positioned -4 inches below the water surface within a 4.13 acre area (Site A) surrounding an existing 421' long commercial pier not to exceed 400 feet channelward of the approximate mean high water shoreline and within a 1.06 acre area (Site B) surrounding an existing 200' long pier not to exceed 200 feet channelward of the approximate mean high water shoreline. The purpose of the work is off bottom oyster aquaculture of Crassostrea virginica (Eastern oyster). All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact, Mrs. Maria Lasek, at (410) 962-4501.*

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 (bluefish) juvenile and adult; Peprilus triacanthus (Atlantic butterfish) eggs, larvae, juvenile and adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; and eggs, larvae, juvenile and adult stages of Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (Spanish mackerel), Rachycentron canadum (cobia), and Sciaenops ocellatus (red drum), managed species under MSFCMA. The project has the potential to adversely effect EFH on the species of concern by loss of spawning, nursery, forage and/or shelter habitat. The Baltimore District has determined that the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH, at this time. 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.

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.

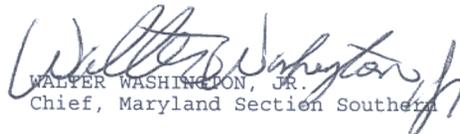
The applicant must obtain any State or local government permits which may be required.

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.

FOR THE DISTRICT ENGINEER:


WALTER WASHINGTON, JR.
Chief, Maryland Section Southern

Castle Haven Site A

200' X 300'
1.38 Acres

Boat House

400' X 300'
2.75 Acres

(each grid square = 25' x 25')

Lawn / Field

Brush / Trees

Sand / Gravel

Growout

Pokety Farm Site B

150' X 200'
0.69 Acres

100' X 162.5'
0.37 Acres

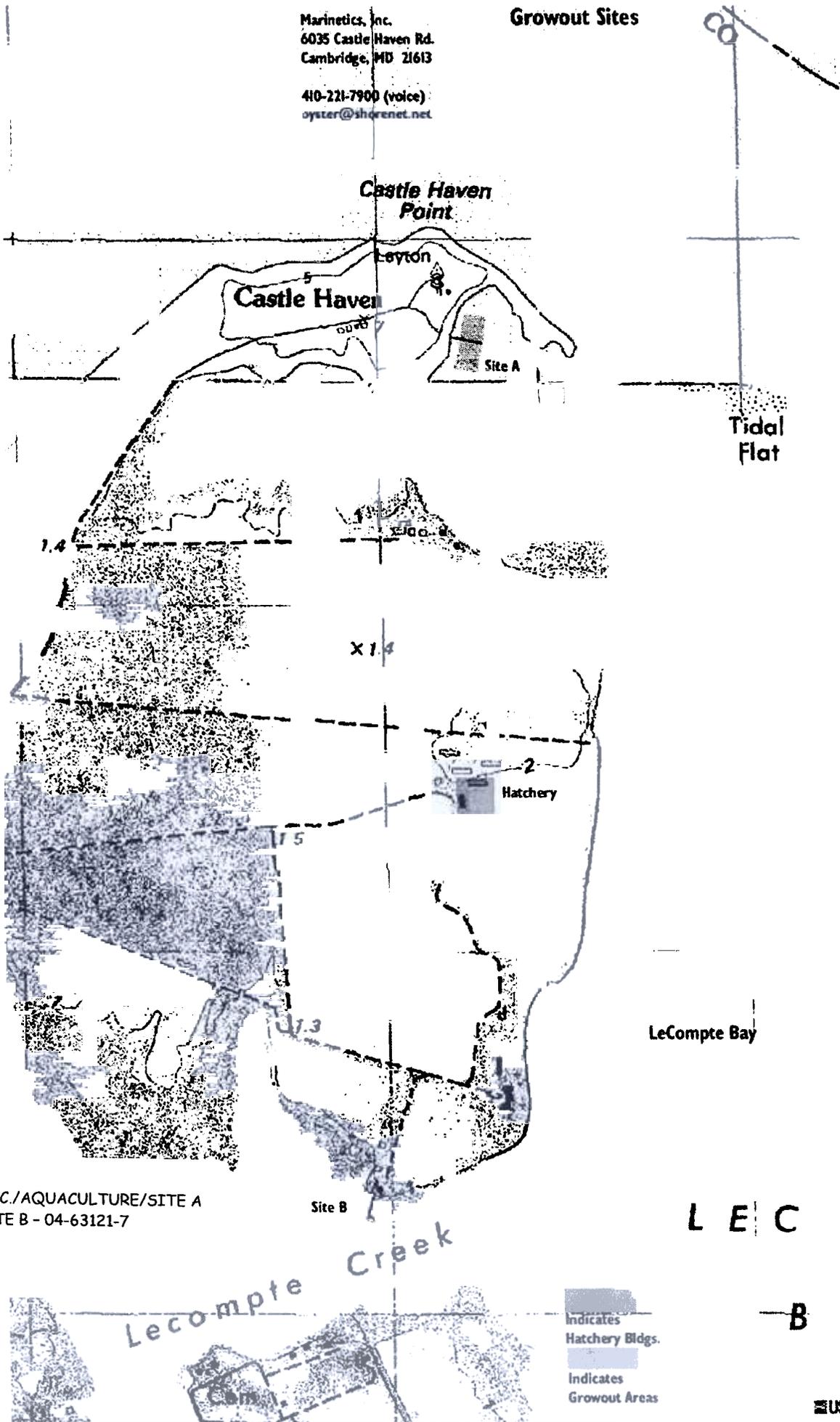
Boat House

- Sand
- Lawn
- Brush
- Stone
- Growout

(each grid square = 12.5' x 12.5')

Marinetics, Inc.
6035 Castle Haven Rd.
Cambridge, MD 21613
410-221-7900 (voice)
oyster@shorenet.net

Growout Sites

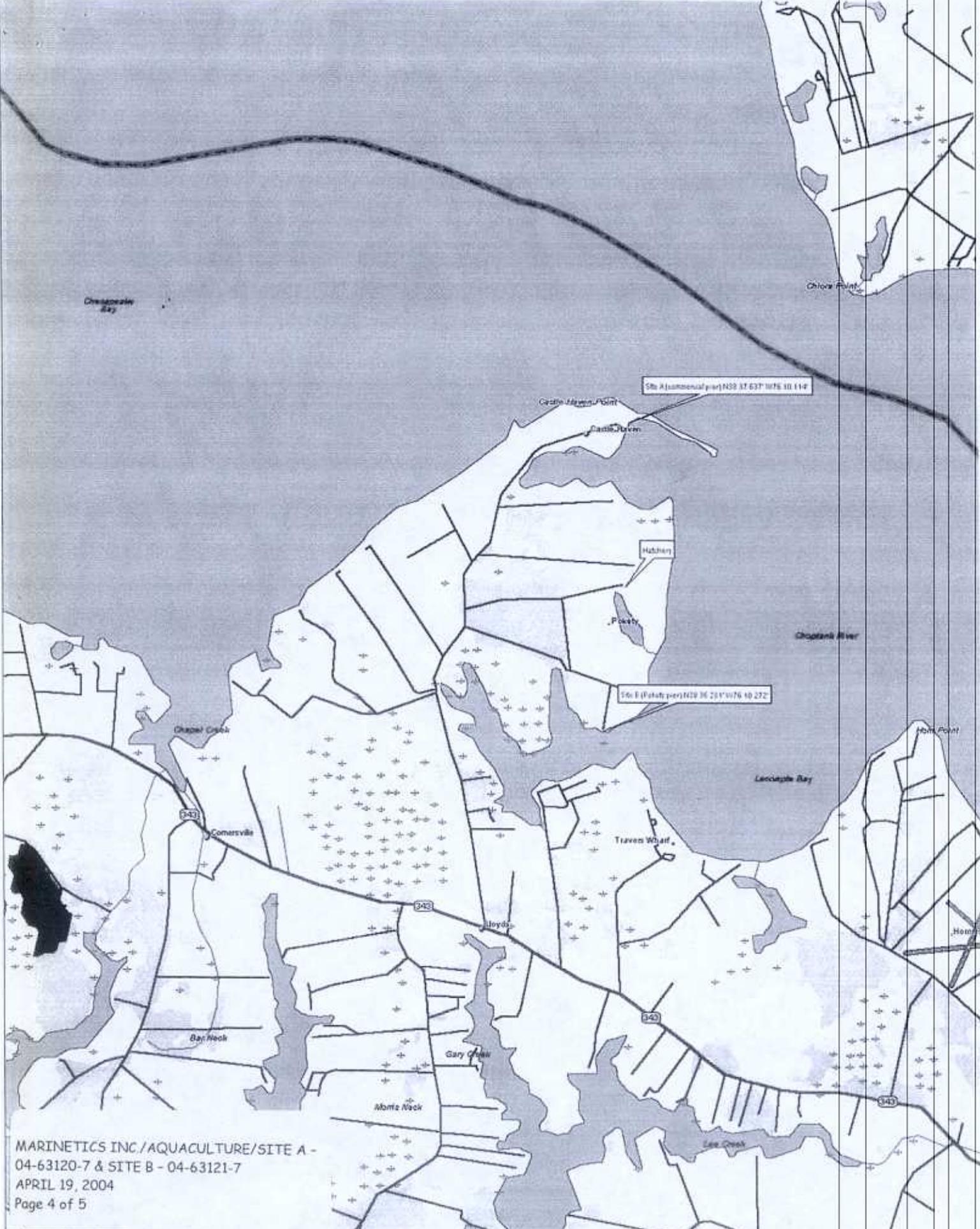


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Indicates Hatchery Bldgs.
Indicates Growout Areas

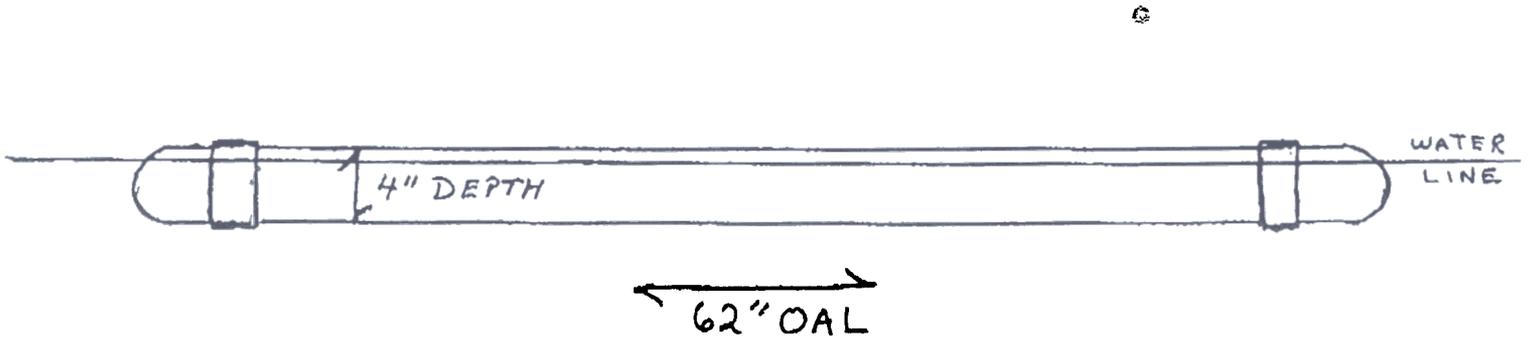
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Proposed Oyster Float - Schematic

