

PUBLIC NOTICE

US Army In Reply to Application Number
Corps CENAB-OP-RMS(MD DNR/MATAPEAKE MARINE
of Engineers TERMINAL)00-65813-3
Baltimore
District

Comment Period: June 4, 2002 to June 19, 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 Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT Maryland Department of Natural Resources
 Tawes State Office Bldg E-3
 Annapolis, MD 21401

LOCATION: At the Matapeake Marine Terminal in the Chesapeake Bay on Kent Island, Queen Annes County, Maryland.

WORK To mechanically maintenance dredge, in 2 phases, an approximately 1360-foot long by variable 90-foot to 200-foot wide entrance channel and mooring area to a depth of -8.0 feet at mean low water; to deposit approximately 1,500 cubic yards of dredged material in an on-site upland (non-wetland) disposal site; to maintenance dredge the area for ten years; to improve the existing breakwater system on the north side of the harbor by replacing the outboard 700 feet of existing timber and steel breakwater with a new 68-foot wide (maximum width) stone breakwater; and by repairing and upgrading the landward 460 linear feet of stone breakwater.

ESSENTIAL FISH HABITAT ASSESSMENT (EFH): 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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect EFH. The Essential Fish Habitat Designations within the Northeast Region (Maine to Virginia) dated March 1, 1999 has identified EFH for a number of species in various life stages. The project site is located within the Chesapeake Bay Mainstem and lies in or adjacent to EFH as described under MSFCMA. The Chesapeake Bay is listed as an EFH area for *Paralichthys dentatus* (summer flounder) for larvae, juvenile and adult stages; *Stenotomus chrysops* (scup) for juvenile and adult stages; *Centropristus striata* (Black sea bass) for juvenile and adult stages; *Pomatomus saltatrix* (bluefish) juvenile and adult stages; *Peprilus triacanthus* (Atlantic butterflyfish) for egg, larvae, juvenile and adult stages; *Urophycis chuss* (red hake) for juvenile and adult stages; *Clupea harengus* (Atlantic sea herring) for adult stages; *Scopthalmus aquosus* (windowpane flounder) for juvenile and adult stages; *Sciaenops ocellatus* (red drum) for egg, larvae, juvenile and adult stages; *Scomberomorus cavalla* (king mackerel) for egg, larvae, juvenile and adult stages; *Scomberomorus malculatus* (spanish mackerel) for egg, larvae, juvenile and adult stages; and *Rachycentron canadum* (cobia) for egg, larvae, juvenile and adult stages. The project has the potential to adversely effect EFH or 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. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please call Mrs. Lynette Rhodes at (410)962-5686.

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 received the required 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. 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 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

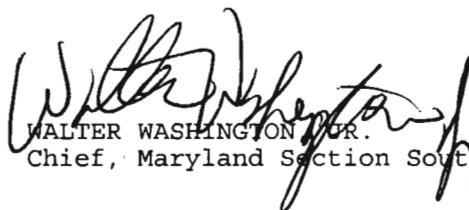
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify 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, P.O. 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.

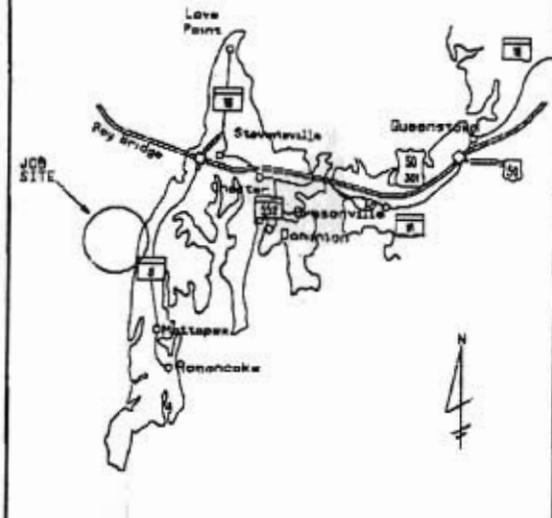
FOR THE DISTRICT ENGINEER



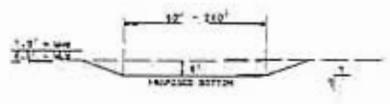
WALTER WASHINGTON, JR.
Chief, Maryland Section Southern



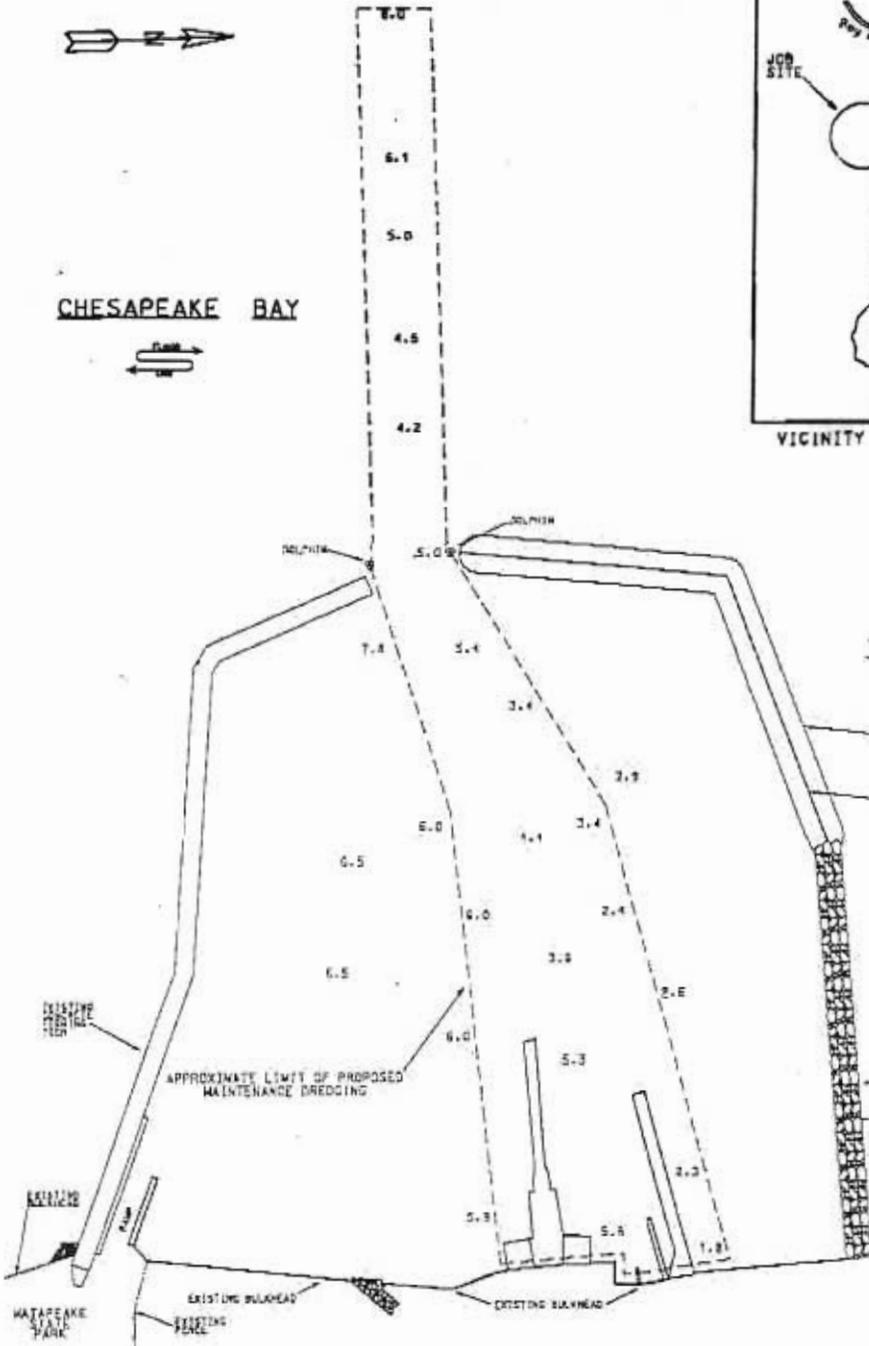
CHESAPEAKE BAY



VICINITY MAP NO SCALE



TYPICAL CHANNEL CROSS SECTION NO SCALE



PLAN VIEW

SCALE: 1" = ± 200'

NOTES:

1. TIDAL RANGE IS +1.0'
2. ALL SOUNDINGS ARE IN FEET BELOW MEAN LOW WATER
3. APPROXIMATELY 11,500 CY OF SAND AND SILT ARE TO BE MECHANICALLY MAINTENANCE DREDGED AND PLACED IN AN EXISTING UPLAND PLACEMENT SITE
4. PURPOSE: TO REHABILITATE EXISTING PUBLIC HARBOR OF REFUGE
5. THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY

PROPOSED TO LF STONE BREAKWATER

EXISTING TIMBER & STEEL BREAKWATER TO BE REPAIRED

EXISTING 460 LF OF STONE BREAKWATER TO BE REPAIRED

(460 linear feet of stone breakwater to be repaired)

PROPOSED DREDGING

AREA: 151,000 SQ.FT

DEPTH: -8.0' MLW

VOLUME: 11,500 CY

PROPOSED BREAKWATER REPLACEMENT/REPAIR AND MAINTENANCE DREDGING

IN: MATAPEAKE MARINE TERMINAL
CHESAPEAKE BAY

NEAR: STEVENSVILLE

COUNTY: QUEEN ANNES

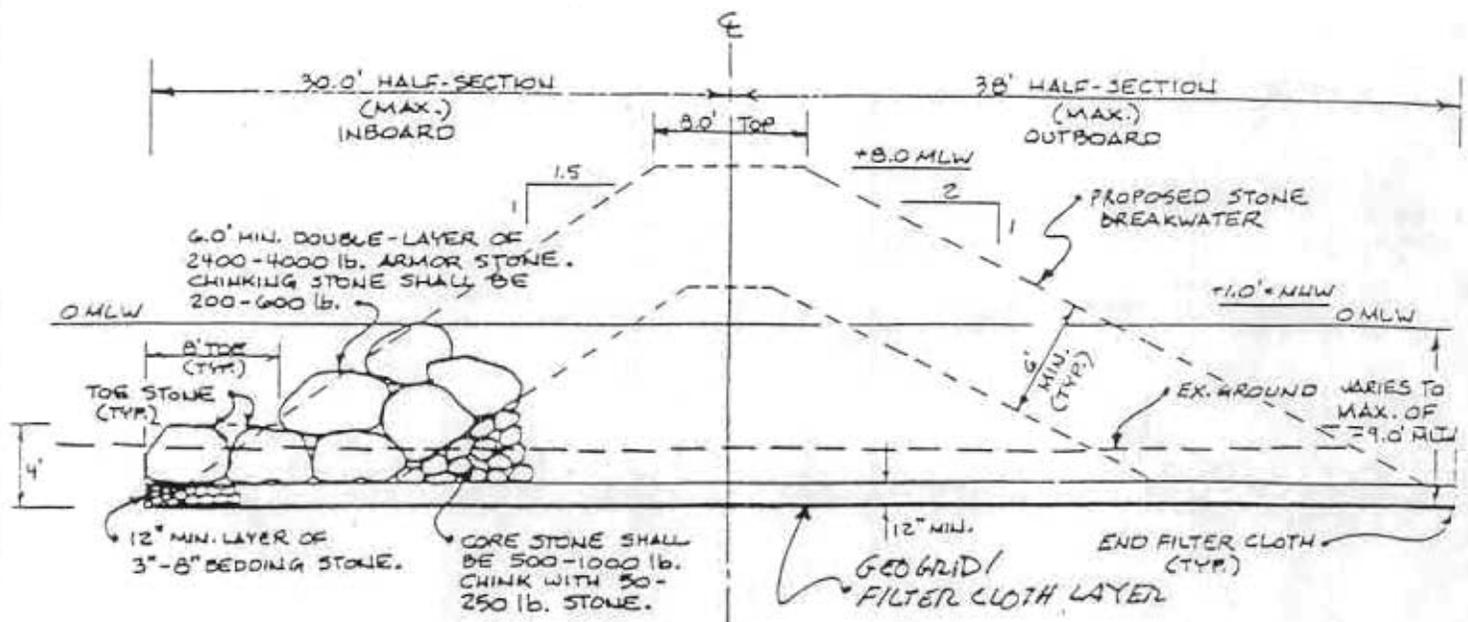
STATE: MARYLAND

APPLICANT: MARYLAND DEPARTMENT OF NATURAL RESOURCES

DATE: JULY 2000 PAGE 1 OF 2

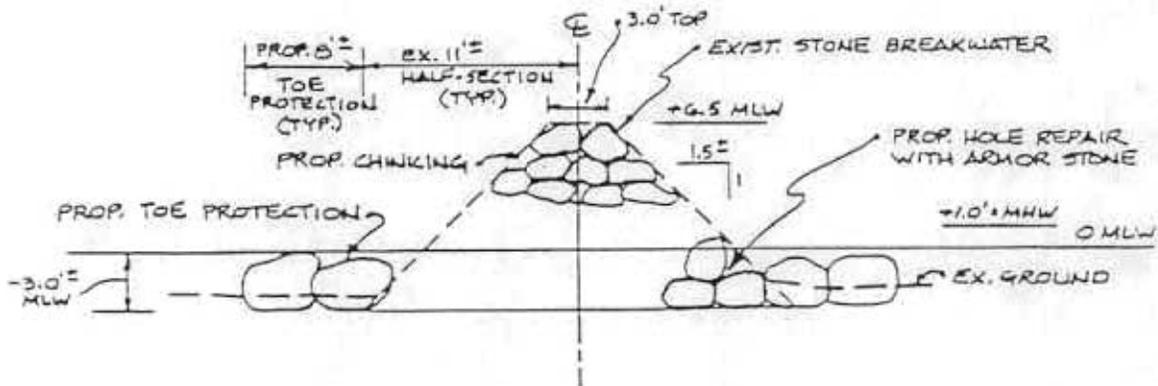
1 of 2
7/11/00

Rev February 2002 ecc



STONE BREAKWATER (TYP.)

SCALE: 1" = 10' H. + V.



EX. STONE BREAKWATER REPAIR (TYP.)

SCALE: 1" = 10' H. + V.

DETAILS
SCALE: AS SHOWN

2 of 2
7/11/00

Rev. February 2002 CRT

PROPOSED BREAKWATER REPLACEMENT/REPAIR AND MAINTENANCE DREDGING

IN: WATAPEAKE MARINE TERMINAL
CHESAPEAKE BAY

NEAR: STEVENSVILLE

COUNTY: QUEEN ANNES

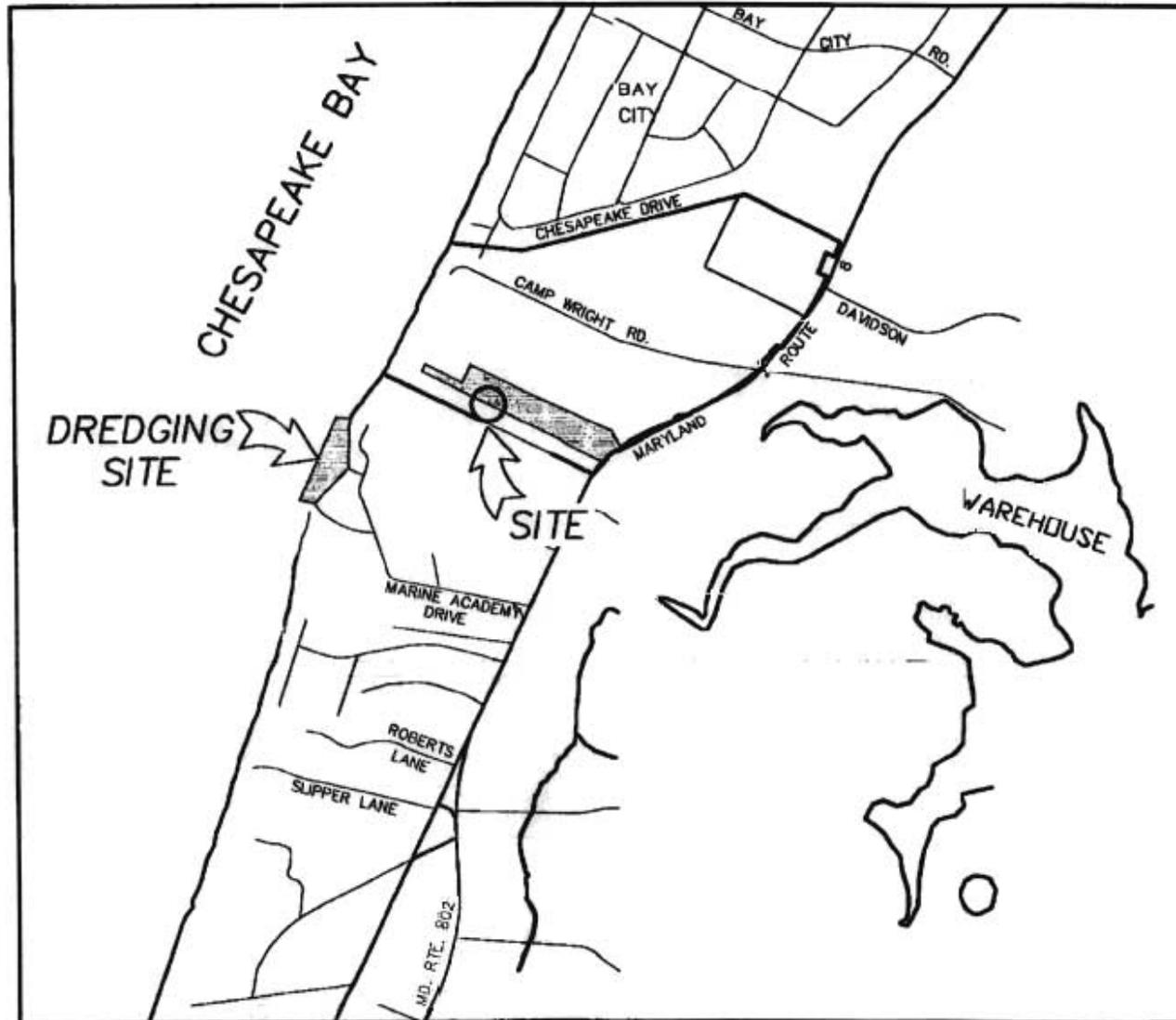
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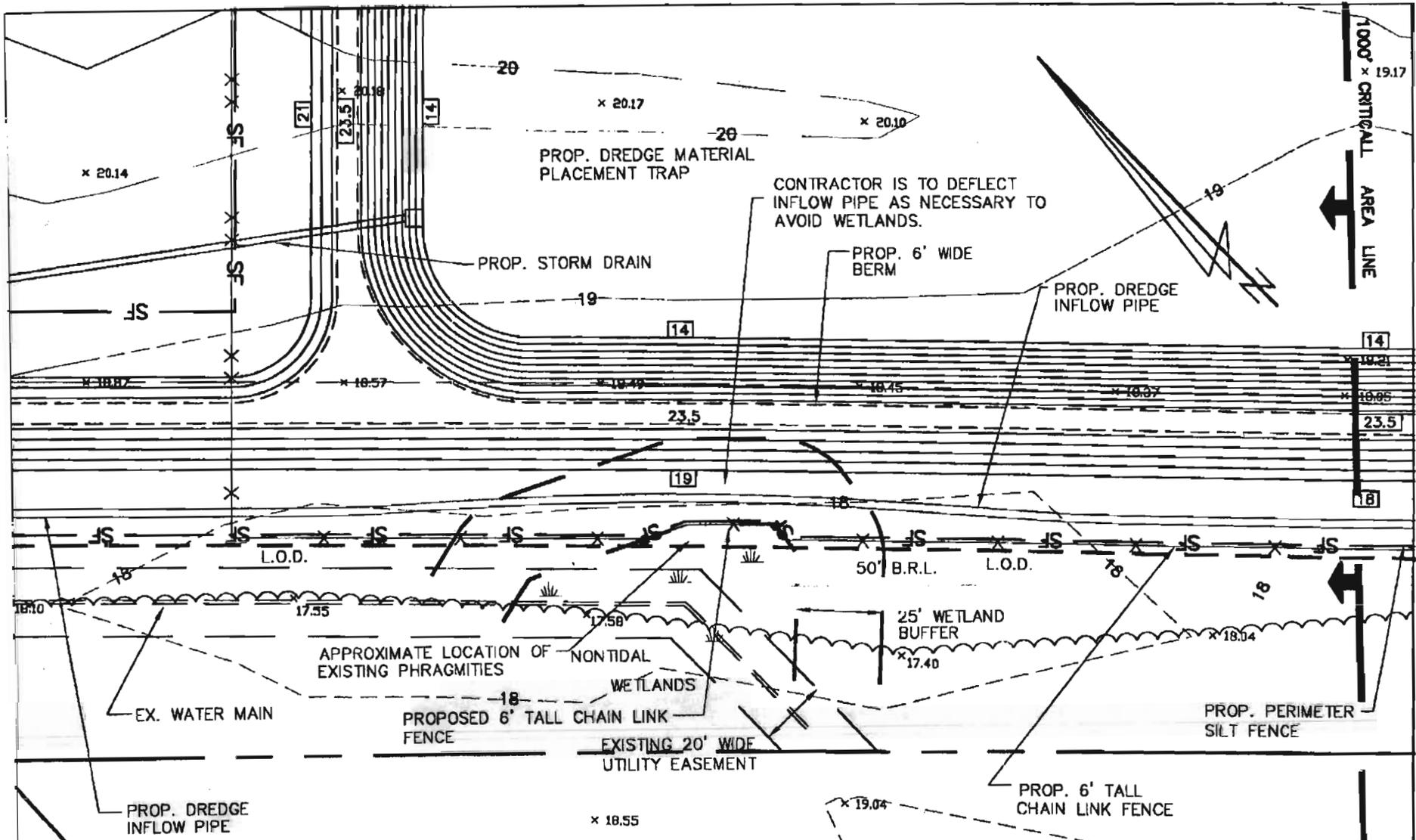


VICINITY MAP
SCALE: 1" = 1,500'

SHEET 1 OF 2
MATAPEAKE HARBOR
 FOURTH ELECTION DISTRICT, QA. CO., MD
 QA. CO. PARKS & RECREATION
 DATED: JANUARY 2002
 JOB NO. D1010327
 SCALE: 1" = AS SHOWN

Sheet 3 of 4

McCRONE
 ENGINEERING • ENVIRONMENTAL SCIENCES
 LAND PLANNING & SURVEYING
 CONSTRUCTION SERVICES
 207 NORTH LIBERTY STREET
 SUITE 100
 CENTREVILLE, MARYLAND
 (410) 756-2237



N/F LANDS OF
**COUNTY COMMISSIONERS
 OF QUEEN ANNE'S COUNTY**
 S.M. 597/949
 ZONED: SI
 USE: INSTITUTIONAL

SHEET 2 OF 2
MATAPEAKE HARBOR
 FOURTH ELECTION DISTRICT, QA. CO., MARYLAND
 PREPARED FOR: QA. CO. PARKS & RECREATION
 DATED: JANUARY, 2002
 JOB NO. D1010327
 SCALE: 1"=40'

Sheet 4 of 4

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