PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-R(QUEEN ANNE MARINA
LLC/DREDGING)03-60521-13

Comment Period: February 18, 2003 to March 4, 2003

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 River and Harbor Act of 1899, as described below:

APPLICANT *Queen Anne Marina LLC*
412 Congressional Drive
Stevensville, MD 21666

LOCATION *in Prices Creek, near Stevensville, Queen Annes County, Maryland*

WORK: *To mechanically maintenance dredge an existing entrance channel and an existing commercial marina to zoned depths of -5 ft. MLW and -6 ft. MLW, the dredged area will total 3.19 acres, and the resulting approximately 6,400 cubic yards of dredged material will be deposited in the existing Bakers Landfill, near Queenstown. The applicant has requested that a 10 year maintenance dredging clause be included in the permit, should one be issued.*

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1986 (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 Scopthalmus aquosos (windowpane flounder) juvenile and adult; Pomatomus saltrix (blue fish) juvenile and adult; Paralicthys dentatus (summer flounder) juvenile and adult; and eggs, larvae, juvenile, and adult life stages of Sciaenops ocellatus (red drum), Scomberomus cavalla (king mackerel), Scomberomous maculatus (spanish mackerel), and Rachycentron canadum (cobia), managed species under MSFCMA. 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 mitigation 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 plans. If you have any questions concerning this matter, please contact *Rod Schwarm* at *410-820-8550*.

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 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, 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.

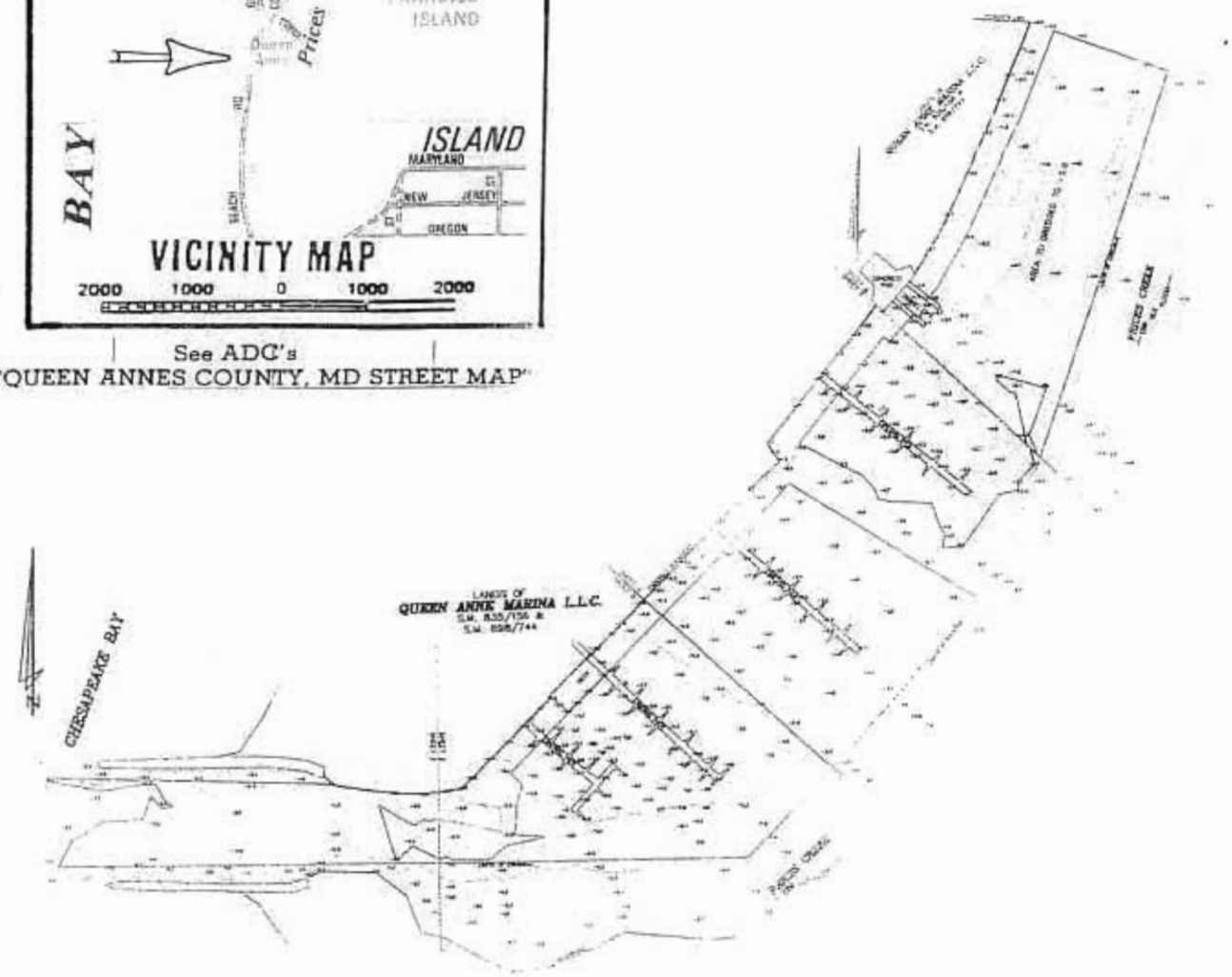
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or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

See ADC's
"QUEEN ANNES COUNTY, MD STREET MAP"



– DENOTES AREA TO BE DREDGED TO –5.0

– DENOTES AREA TO BE DREDGED TO –6.0

SOUNDINGS SHOWN HEREON ARE BASED ON FIRM ELEVATION BENCHMARK RM 231 – ELEV. 17.54

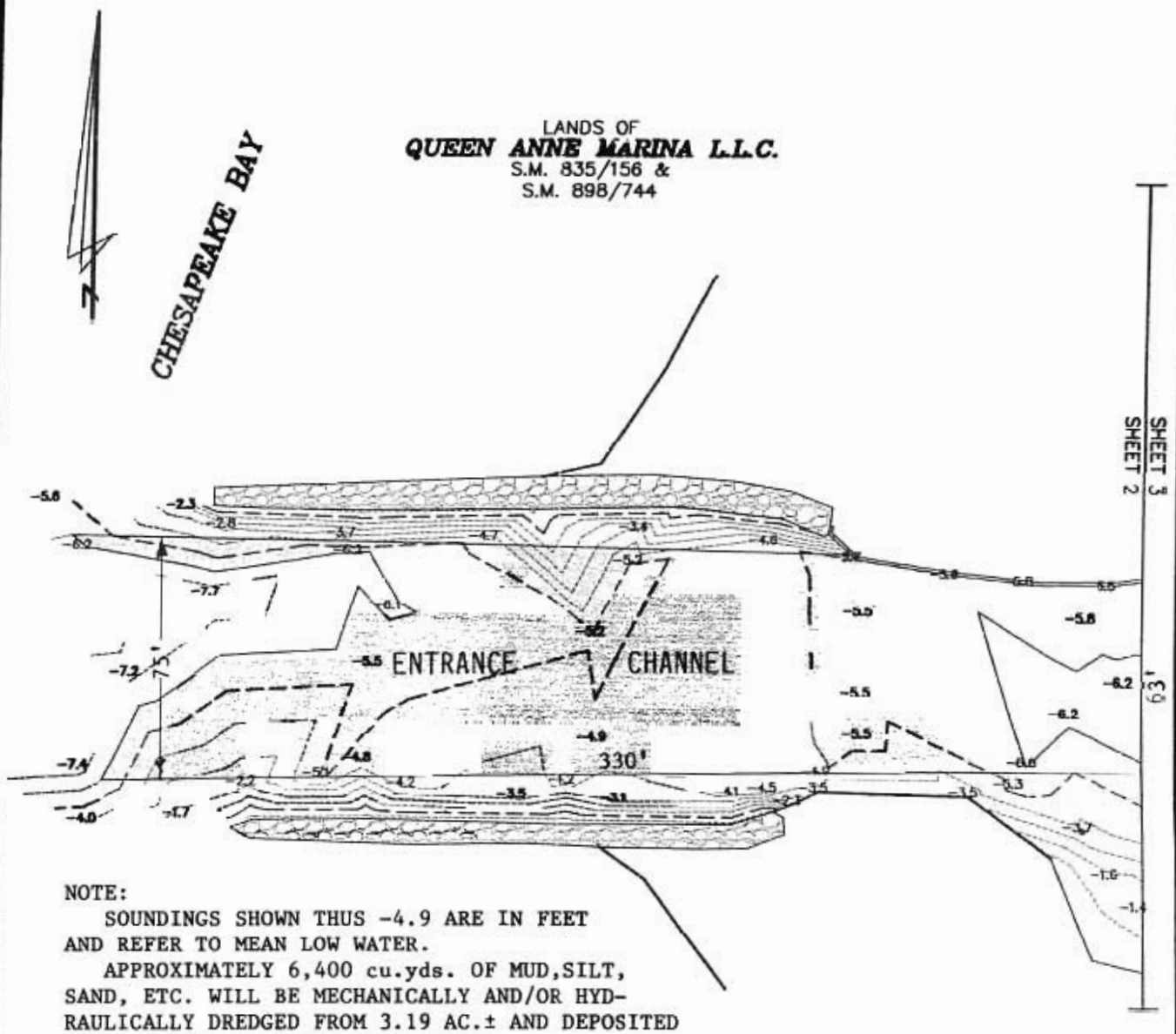
THIS PLAN IS FOR PERMIT PURPOSE ONLY

PREPARED BY:
DICK LUTTRELL'S
CONSULTING SERVICE

TELEPHONE 410-778-4680

7045 POMONA ROAD
CHESTERTOWN, MD 21620

PROPOSED MAINTENANCE DREDGING
IN: PRICES CREEK
AT: QUEEN ANNE MARINA
COUNTY: QUEEN ANNES STATE OF MARYLAND
APPLICANT: QUEEN ANNE MARINA L.L.C.
SHEET 1 OF 6 DATE: 10-16-02



NOTE:

SOUNDINGS SHOWN THUS -4.9 ARE IN FEET AND REFER TO MEAN LOW WATER.

APPROXIMATELY 6,400 cu.yds. OF MUD,SILT, SAND, ETC. WILL BE MECHANICALLY AND/OR HYDRAULICALLY DREDGED FROM 3.19 AC.± AND DEPOSITED IN AN APPROVED UPLAND SPOIL SITE.

- DENOTES AREA TO BE DREDGED TO -5.0

- DENOTES AREA TO BE DREDGED TO -6.0

0' 50' 100'

GRAPHIC SCALE

SOUNDINGS SHOWN HEREON ARE BASED ON FIRM ELEVATION BENCHMARK RM 231 – ELEV. 17.54

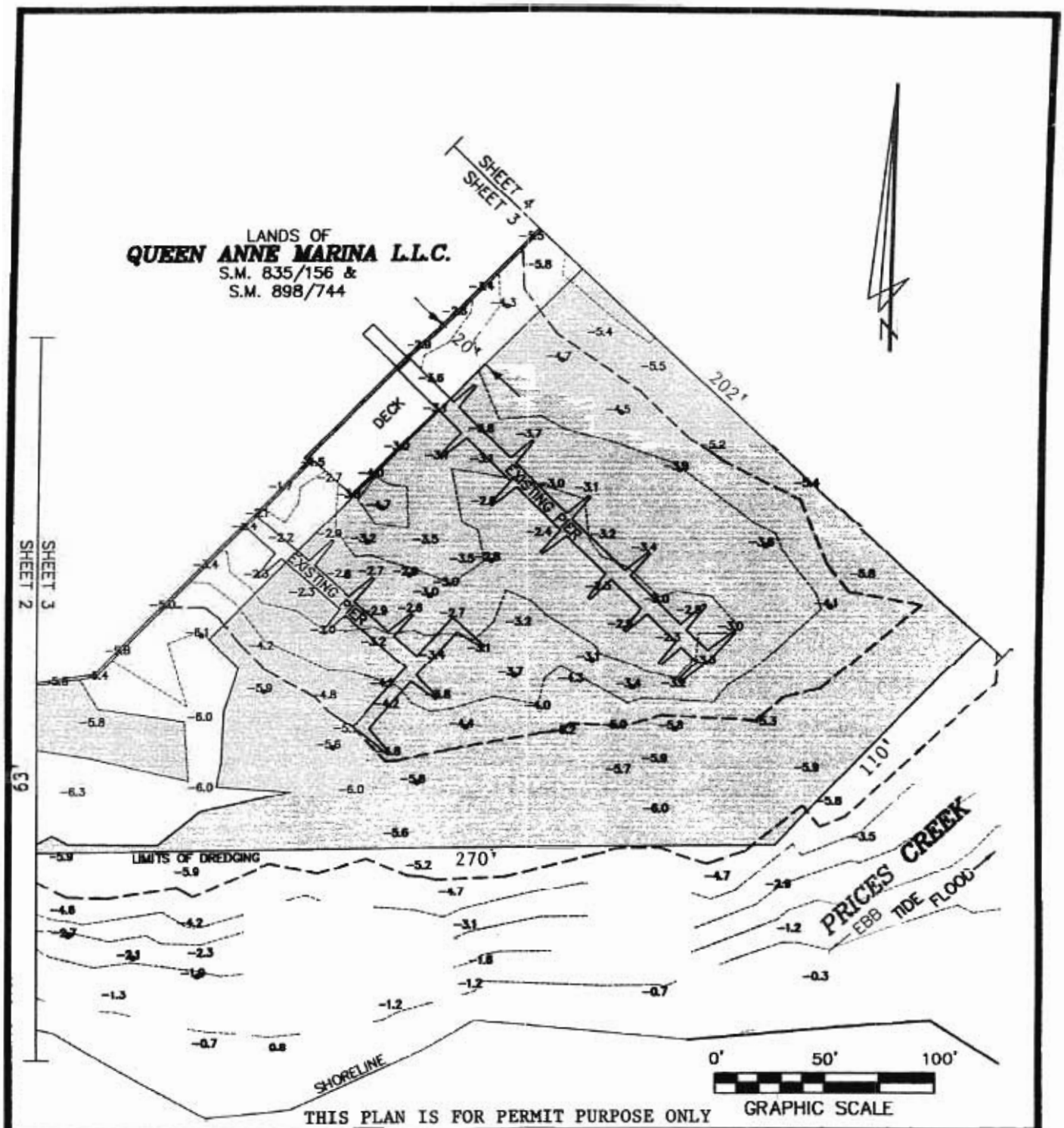
THIS PLAN IS FOR PERMIT PURPOSE ONLY

PREPARED BY:
DICK LUTTRELL'S
CONSULTING SERVICE

TELEPHONE 410-778-4680

7045 POMONA ROAD
CHESTERTOWN, MD 21620

PROPOSED MAINTENANCE DREDGING
IN: PRICES CREEK
AT: QUEEN ANNE MARINA
COUNTY: QUEEN ANNES STATE OF MARYLAND
APPLICANT: QUEEN ANNE MARINA L.L.C.
SHEET 2 OF 6 DATE: 10-16-02



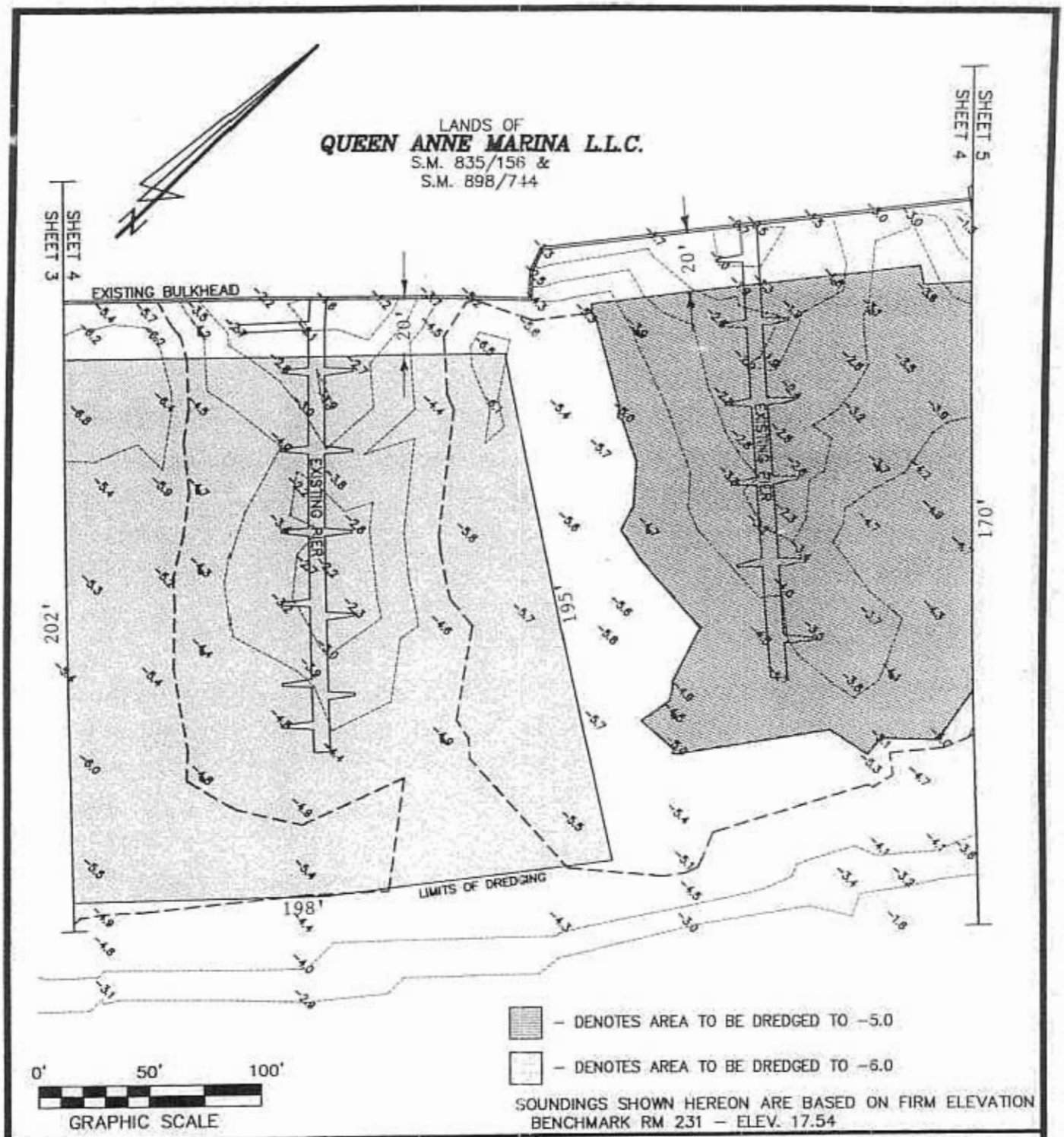
THIS PLAN IS FOR PERMIT PURPOSE ONLY

PREPARED BY:
DICK LUTTRELL'S
CONSULTING SERVICE

TELEPHONE 410-778-4680

7045 POMONA ROAD
CHESTERTOWN, MD 21620

PROPOSED MAINTENANCE DREDGING
IN: PRICES CREEK
AT: QUEEN ANNE MARINA
COUNTY: QUEEN ANNES STATE OF MARYLAND
APPLICANT: QUEEN ANNE MARINA L.L.C.
SHEET 3 OF 6 DATE: 10-16-02



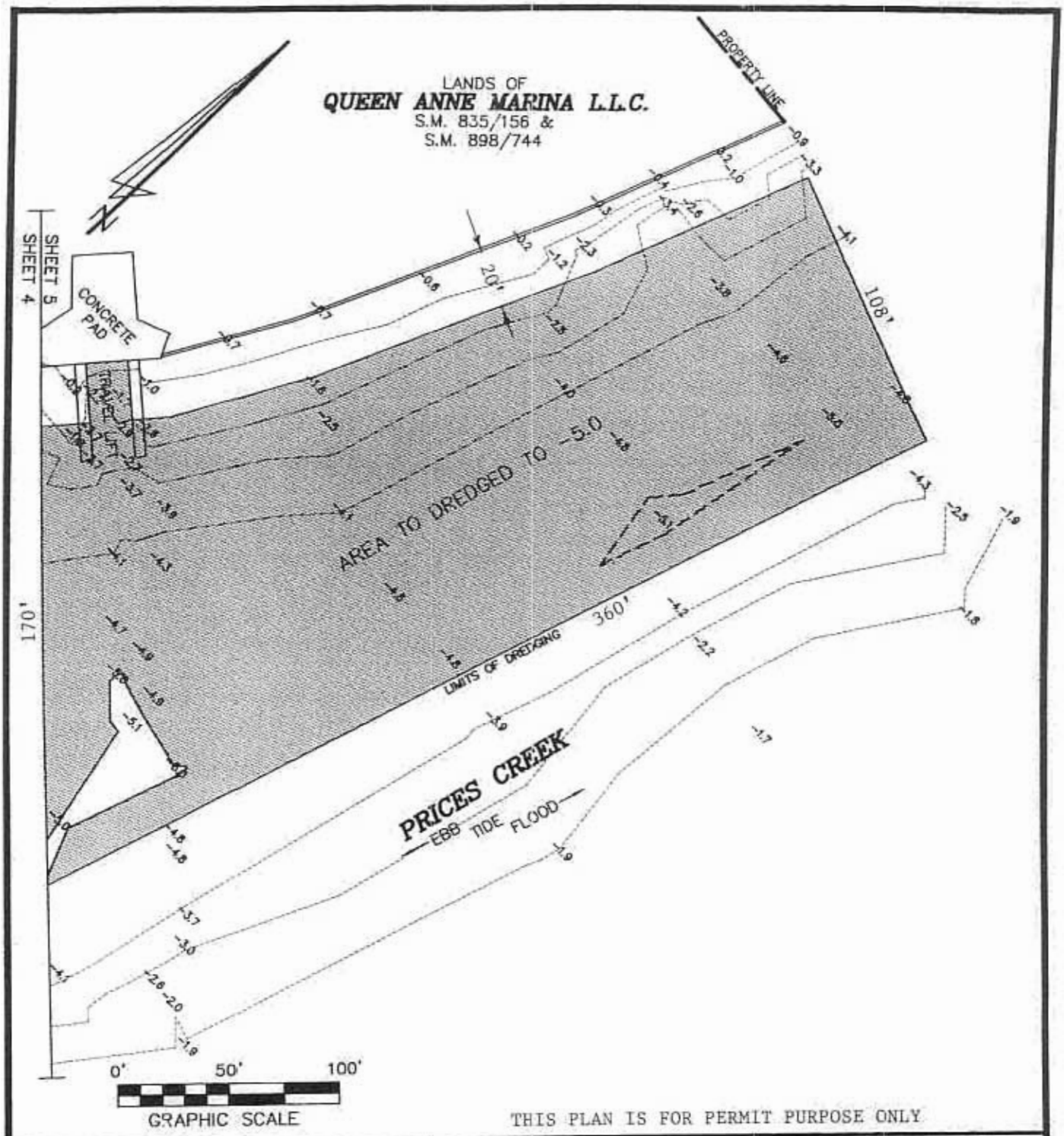
THIS PLAN IS FOR PERMIT PURPOSE ONLY

PREPARED BY:
DICK LUTTRELL'S
CONSULTING SERVICE

TELEPHONE 410-778-4680

7045 POMONA ROAD
CHESTERTOWN, MD 21620

PROPOSED MAINTENANCE DREDGING
IN: PRICES CREEK
AT: QUEEN ANNE MARINA
COUNTY: QUEEN ANNES STATE OF MARYLAND
APPLICANT: QUEEN ANNE MARINA L.L.C.
SHEET 4 OF 6 DATE: 10-16-02



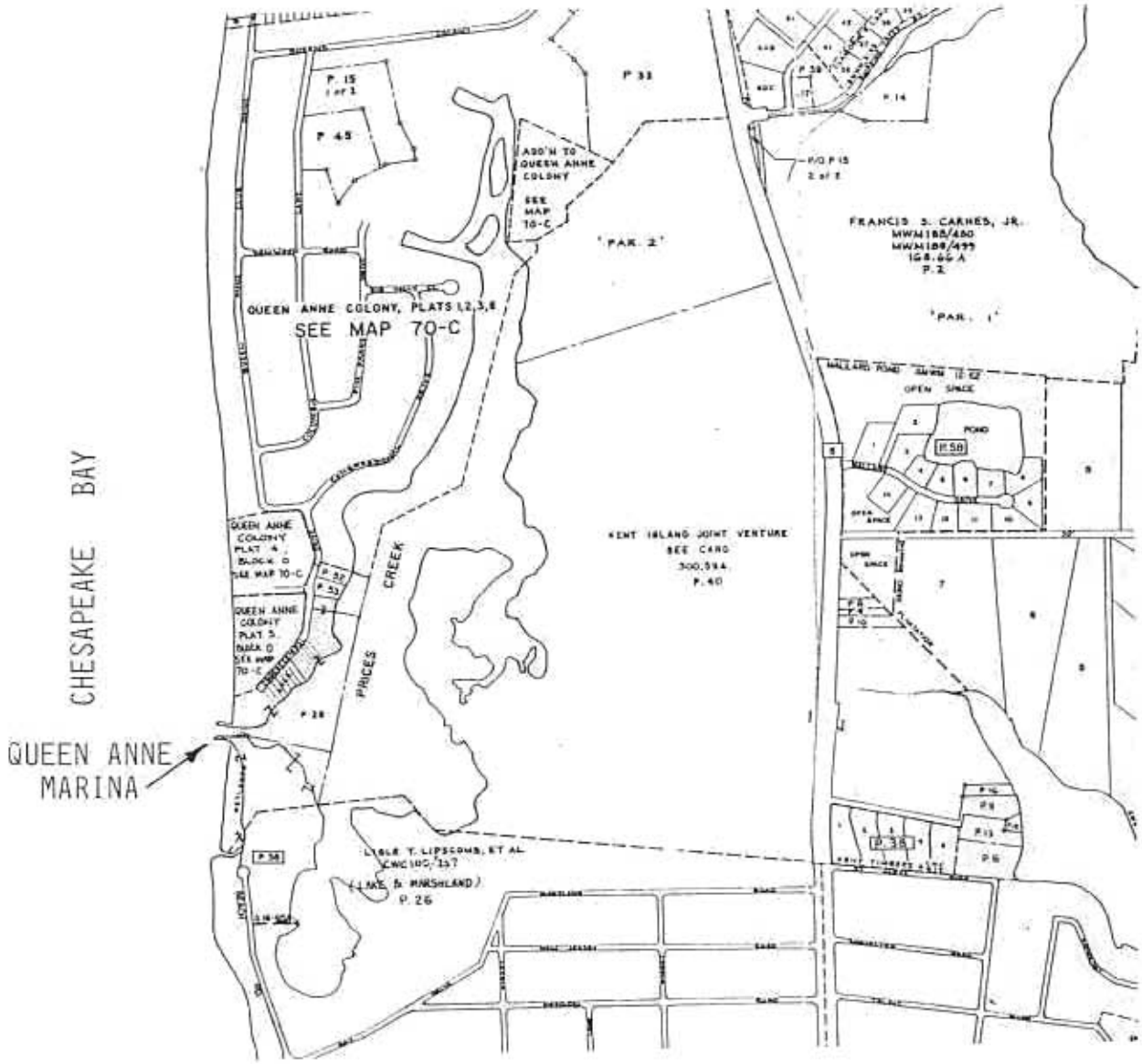
THIS PLAN IS FOR PERMIT PURPOSE ONLY

PREPARED BY:
DICK LUTTRELL'S
CONSULTING SERVICE

TELEPHONE 410-778-4680

7045 POMONA ROAD
CHESTERTOWN, MD 21620

PROPOSED MAINTENANCE DREDGING
IN: PRICES CREEK
AT: QUEEN ANNE MARINA
COUNTY: QUEEN ANNES STATE OF MARYLAND
APPLICANT: QUEEN ANNE MARINA L.L.C.
SHEET 5 OF 6 DATE: 10-16-02



THIS PLAN IS FOR PERMIT PURPOSE ONLY

TAX MAP LOCATION

DICK LUTTRELL'S
CONSULTING SERVICE

TELEPHONE 410-778-4680

7045 POMONA ROAD
CHESTERTOWN, MD 21620

PROPOSED MAINTENANCE DREDGING
IN: PRICES CREEK
AT: QUEEN ANNE MARINA
COUNTY: QUEEN ANNES STATE OF MARYLAND
APPLICANT: QUEEN ANNE MARINA LLC
SHEET 6 OF 6 DATE: 10-16-02