Public Notice

U.S. Army Corps of Engineers
Baltimore District

In Reply to Application Number
CENAB-OP-RMS(CASTLE HARBOR MARINA)
NAB-2007-60802

PN 07-31

Comment Period: May 7, 2007 to May 29, 2007

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 ISSSUED.

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: Castle Harbor Marina
Mr. Malcolm Berman
P.O. Box 248
Chester, Maryland 21619

LOCATION: In the Chester River at Chester, Queen Anne's County, Maryland.

WORK: To mechanically dredge the existing marina and entrance channel to a depth of -8 feet MLW, the resulting 45,000 cubic yards of dredged material to be deposited at Bakers Landfill in Centreville, and to construct a 385 foot long by 43 foot wide stone extension to the existing jetty in the Chester River at Chester, Queen Anne's County, Maryland. The applicant has requested that a ten year maintenance dredging clause be included in any authorization, should it be granted. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Rod Schwarm at (410) 820-8550.

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, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH). The project lies in or adjacent to EFH as described under MSFCMA for juvenile and adult life stages for *Scopthalmus aquosos* (windowpane flounder), *Pomatomus saltrix* (blue fish), and *Paralicthye dentatus* (summer flounder); and eggs, larvae, juvenile, and adult life stages of *Sciaenos ocallatus* (red drum), *Scomberomus cavalla* (king mackerel), *Scomberomus maculates* (Spanish mackerel), *Rachycentron canadum* (cobia), managed species under MSFCMA. The project has the potential to adversely affect 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.

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, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 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 21230-1715, 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 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.

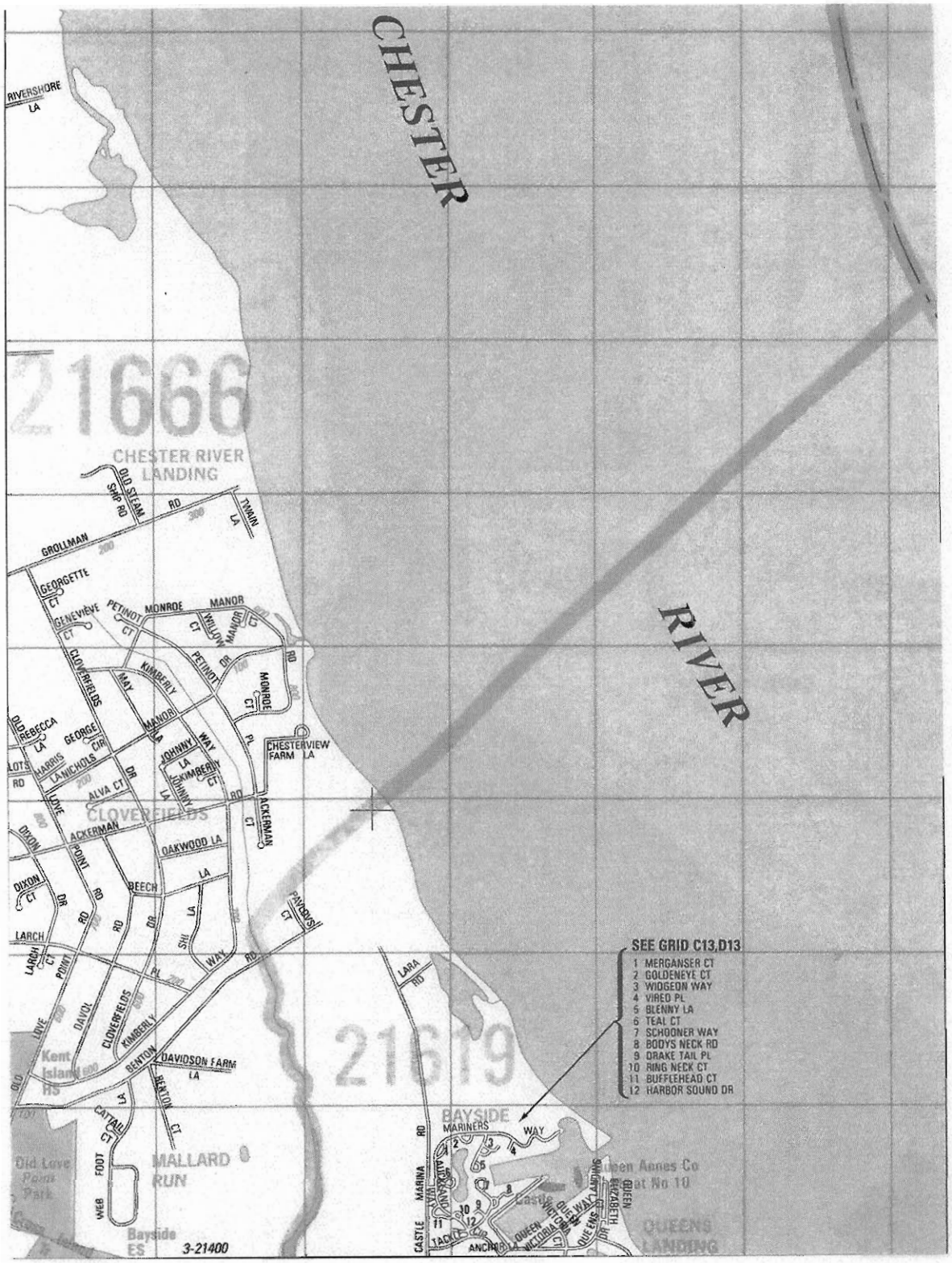
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely 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:

Paul R. Wettlaufer

PAUL R. WETTLAUFER
Acting Chief, Maryland Section Southern



Taken from:
Queen Anne's County ADC Map
Page 17, D, E, 13

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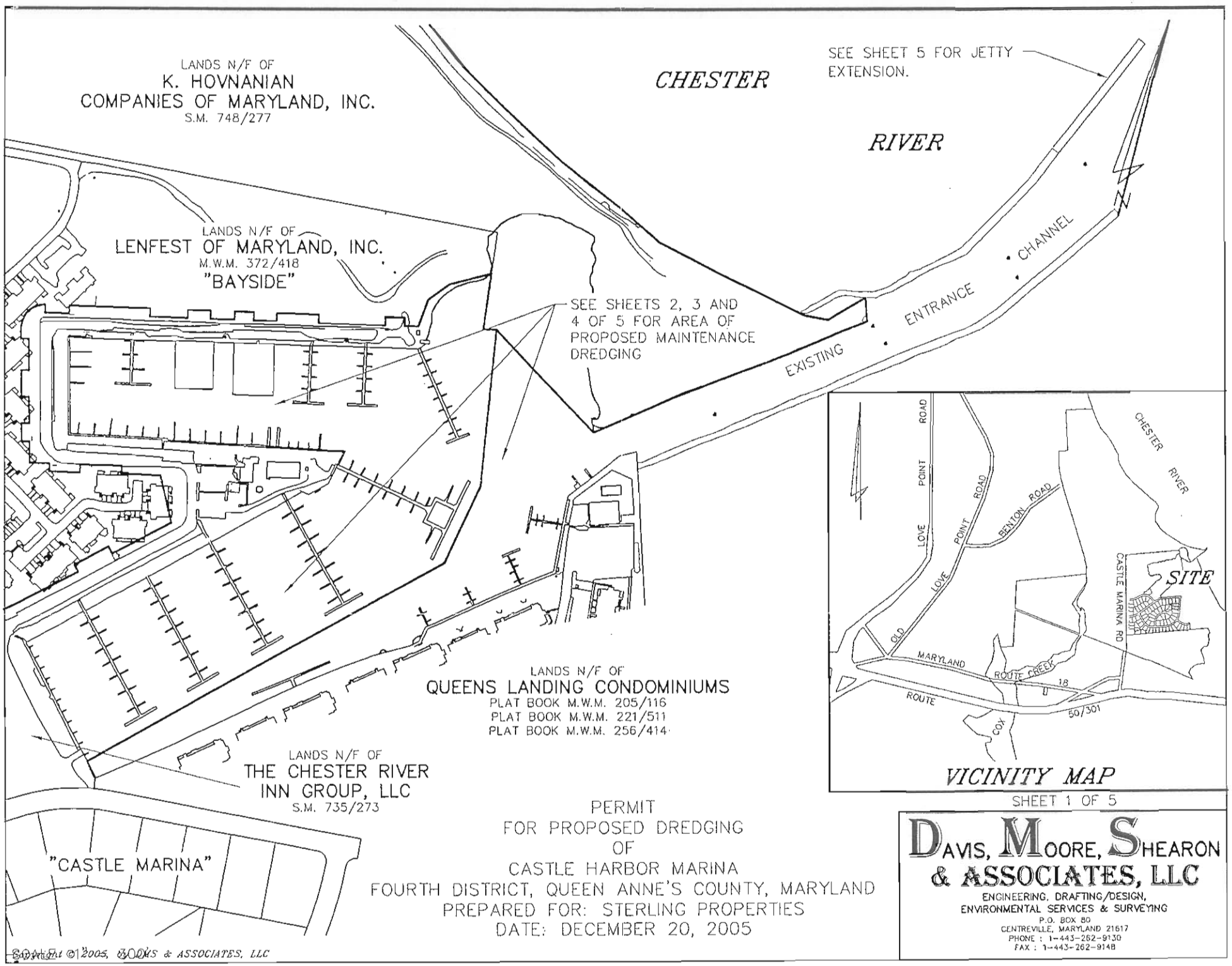
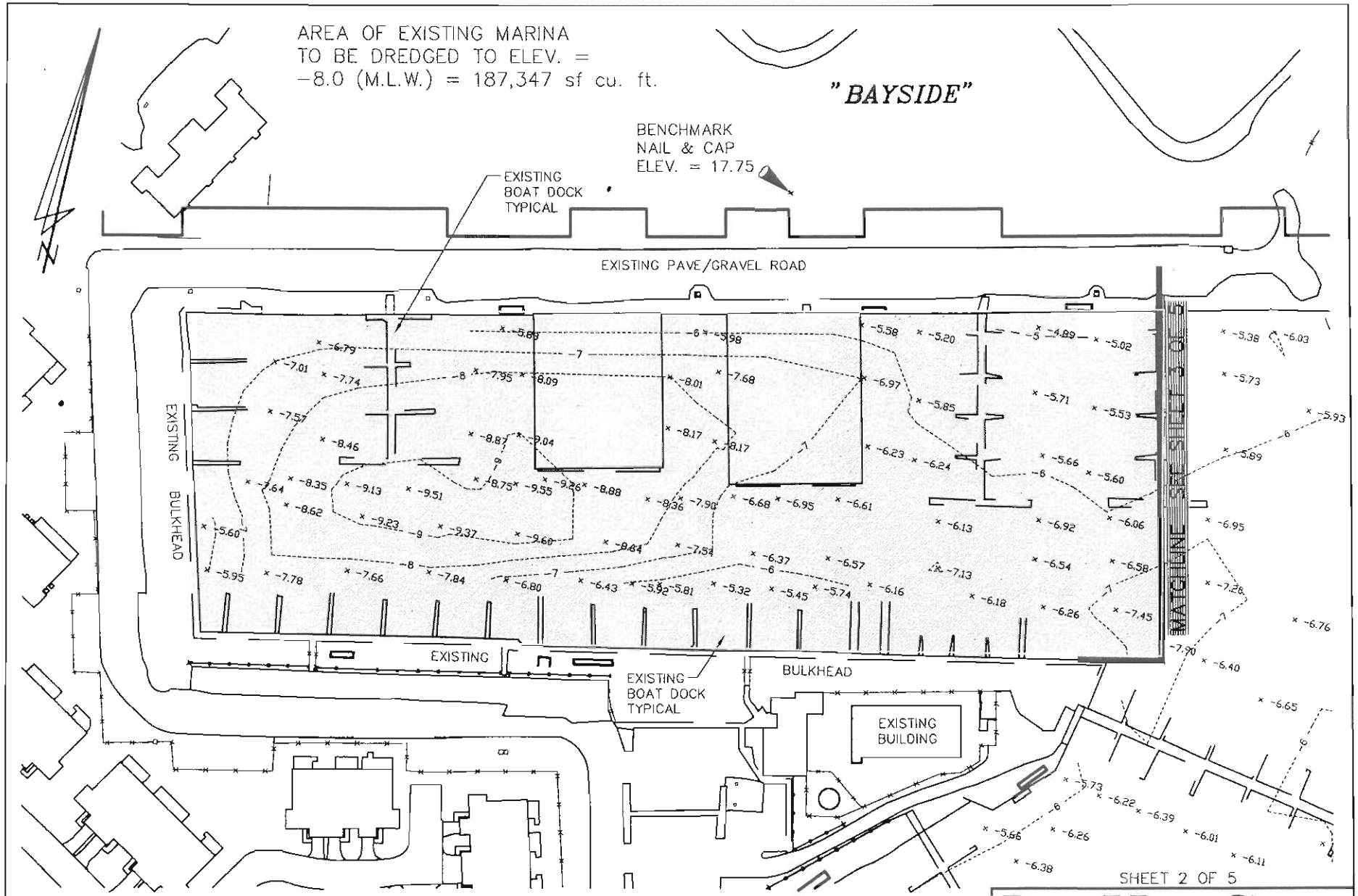
Castle Harbor Marina

Chester River
Chester, Maryland



PERMIT
FOR PROPOSED DREDGING
OF
CASTLE HARBOR MARINA
FOURTH DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
PREPARED FOR: STERLING PROPERTIES
DATE: DECEMBER 20, 2005



SHEET 2 OF 5

PERMIT DRAWING
FOR PROPOSED DREDGING
OF
CASTLE HARBOR MARINA
FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
PREPARED FOR: CASTLE HARBOR MARINA
DATE: MARCH 2006

SCALE 1" = 100'

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ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

PERMIT DRAWING
FOR PROPOSED DREDGING
OF
CASTLE HARBOR MARINA
FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, MD.
PREPARED FOR: CASTLE HARBOR MARINA
DATE: MARCH 2006

AREA OF EXISTING MARINA
TO BE DREDGED TO ELEV. =
-8.0 (M.L.W.) = 303,324 sf

EXISTING
BOAT DOCK
TYPICAL

MATCHLINE SEE SHEET 2 OF 5

MATCHLINE SEE SHEET 4 OF 5

MARITIME USE IMPROVEMENTS

RESTRICTION LINE

BENCHMARK
IRON ROD "D"
ELEV. = 3.79

SHEET 3 OF 5

EXISTING
BOAT DOCK
TYPICAL

SCALE 1" = 100'

"QUEENS LANDING"

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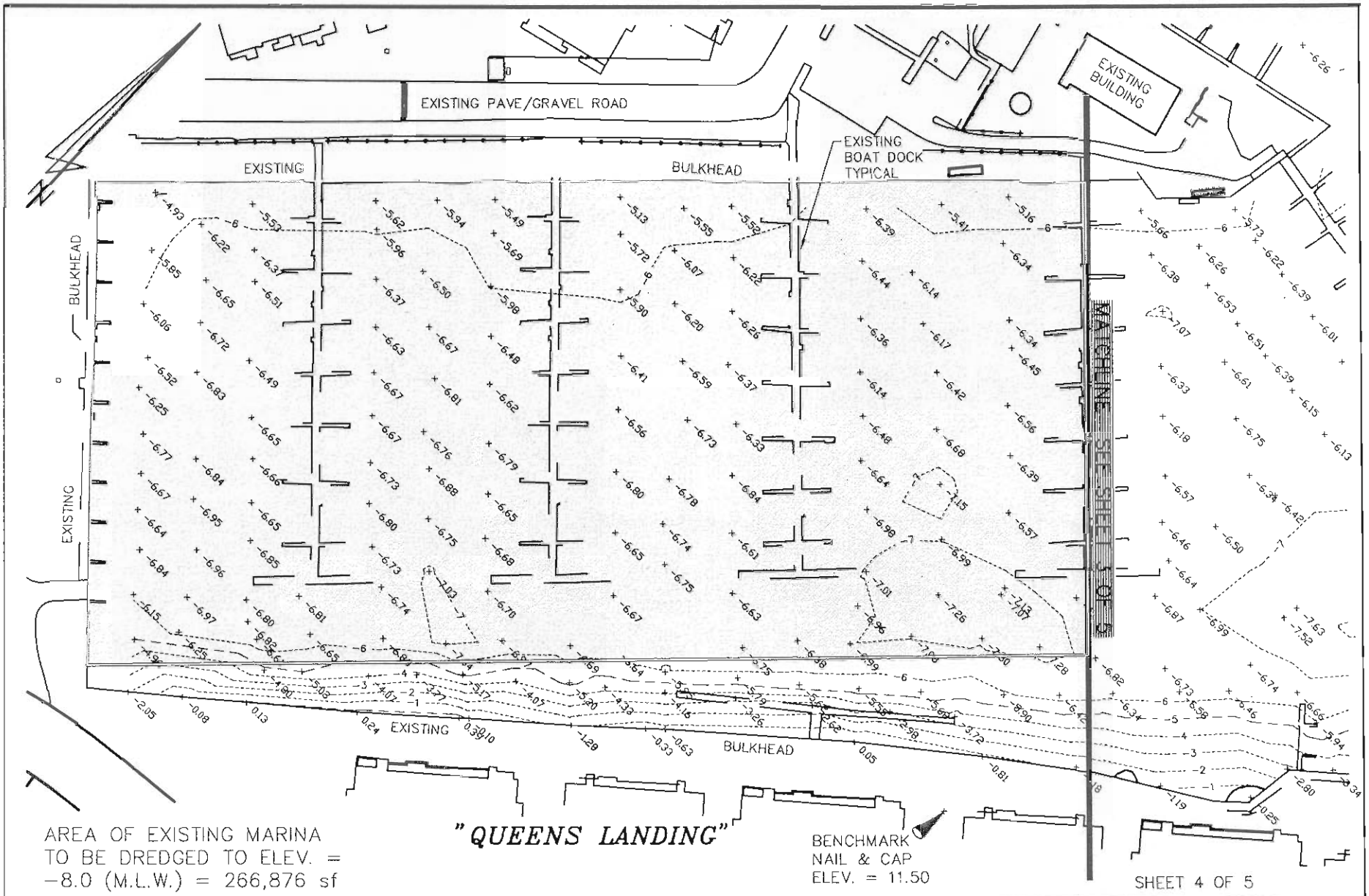

AREA OF EXISTING MARINA
TO BE DREDGED TO ELEV. =
−8.0 (M.L.W.) = 266,876 sf

"QUEENS LANDING"

BENCHMARK
NAIL & CAP
ELEV. = 11.50

SHEET 4 OF 5

PERMIT DRAWING
FOR PROPOSED DREDGING
OF
CASTLE HARBOR MARINA
FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
PREPARED FOR: CASTLE HARBOR MARINA
DATE: MARCH 2006

SCALE 1" = 100'

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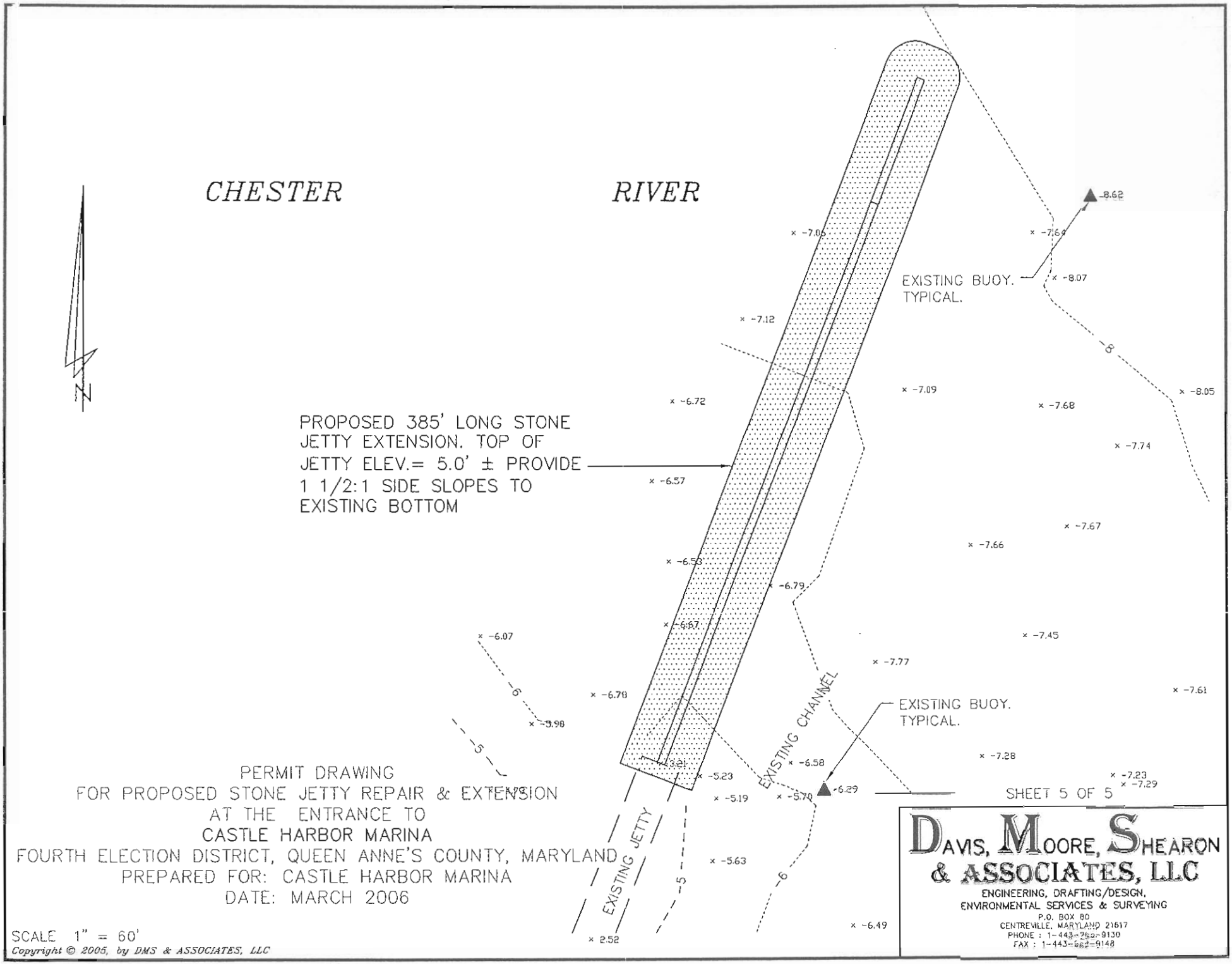

PERMIT DRAWING
FOR PROPOSED STONE JETTY REPAIR & EXTENSION
AT THE ENTRANCE TO
CASTLE HARBOR MARINA
FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
PREPARED FOR: CASTLE HARBOR MARINA
DATE: MARCH 2006

SCALE 1" = 60'

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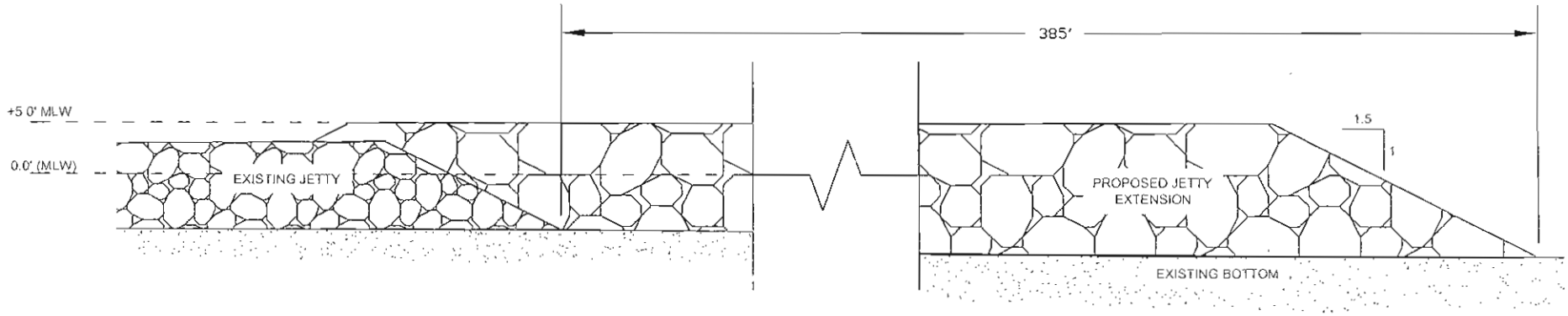
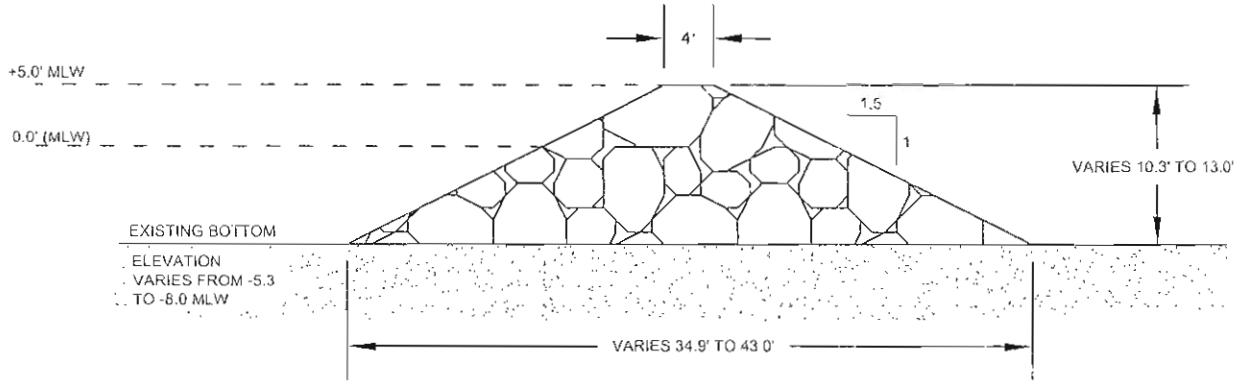
JETTY PROFILE

1"=15'



JETTY SECTION VIEW

NTS



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