



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMS(CIRCLE C OYSTER RANCHERS
ASSOCAQUACULTURE)97-62997-4

Comment Period: June 24, 2005 to July 25, 2005

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 *Circle C Oyster Ranchers Association, Inc*
 Mr. Richard Pelz
 49944 Airedede Road
 Ridge, Maryland 20680

LOCATION: *In St. Jerome Creek at Ridge, St. Mary's County, Maryland.*

WORK: *The applicant proposes, in accordance with the attached plans, to conduct an oyster (C. virginica native) aquaculture operation in a water column lease by floating approximately 900 3-foot by 10-foot plastic pipe and plastic mesh oyster trays tied to fish poles or anchors with synthetic line in a 3.5 acre area known as Area #1. Area #1 is located 50 feet from the edge of the St. Jerome Creek Federal navigation channel and from approximately 500 to 1,180 feet channelward of the approximate mean high water shoreline in water depths ranging from -1.2 feet to -2.2 feet mean low water. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Kathy Anderson at (410) 962-5690.*

This request is to modify DA permit CENAB-OP-RMS(CIRCLE C OYSTER RANCHERS ASSOC AQUACULTURE)97-62997-12 issued August 28, 2000, that authorized a 3.2-acre aquaculture operation.

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; Peprilus triancanthos (Atlantic butterflyfish) 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 Sciaenops ocellatus (red drum), Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (spanish mackerel), and Rachycentron canadum (cobia), managed species under the 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 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.

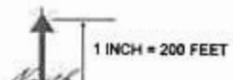
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify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

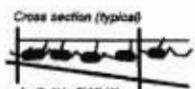
FOR THE DISTRICT ENGINEER:


WALTER WASHINGTON, JR.
Chief, Maryland Section Southern



Sheet 1 of 1

**3.2 ACRE WATER COLUMN LEASE
 FOR GROWING SHELLFISH**



depth 1' to 3' MLW
 driven posts 4" - 7" dia
 extend 1-2 feet above low
 line strength 1000 lbs +

Posts are 3' x 10'
 PVC pipe with plastic mesh

MLW soundings
 (20, Oct 1998)

N 38 07' 18.3"
 W 76 20' 53.6"

1.7 250' 1.7
 250' 345'
**2 EXISTING
 1.9 acres**
 (as determined by DNR)

Army Corps Soundings
 Sept 1962
 Federal Channel
 N 38 07' 15.0"
 W 76 20' 40.0"
 Setback from Channel 50'
 as per Army Corps
 N 38 07' 18.1"
 W 76 20' 44.3"
 1.7 1
**REQUESTED
 3.5 acres**
 (as determined by

N 38 07' 12.3"
 W 76 20' 58.2"

N 38 07' 14.4"
 W 76 20' 58.6"
**EXISTING
 1.3 acres**

N 38 07' 14.7"
 W 76 20' 57.3"
 N 38 07' 13.8"
 W 76 20' 54.2"

N 38 07' 13.0"
 W 76 20' 53.0"

N 38 07' 10.0"
 W 76 20' 43.5"

