

PUBLIC NOTICE

US Army Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMS(MES/AQUATIC REEFS, VARIOUS
LOCATIONS)01-00419-14

Comment Period: March 2, 2001 to April 2, 2001

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: Mr. Wayne Young
Maryland Environmental Service
2011 Commerce Park Drive
Annapolis, Maryland 21401

LOCATION: In the Chesapeake Bay 1.5 nautical miles west of Paw Paw Cove, east of Tilghman Island, Talbot County, Maryland

WORK: For after-the-fact authorization for placement of a 3-foot by 110-foot reinforced concrete cylinder located approximately 150 feet north of Tilghman Reef's authorized northern boundary with a minimum vertical clearance of -22 feet mean low water. In addition, the applicant proposes to add an approximate 23.1 acre buffer zone north of the existing reef boundary to expand the authorized limits of the original reef. The project site is near the confluence of the Chesapeake Bay and Choptank River. The project was previously permitted under application CENAB-OP-RP(MD DNR, Fisheries Services/Aquatic Reefs Various Locations) 97-62368-9 on June 23, 1997. The additional material is consistent with the material authorized by the original permit.

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), 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. After reviewing the appropriate literature, this waterway has EFH listed for the red hake (*Urophycis chuss*), windowpane flounder (*Scopthalmus aquosus*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropistus striata*), adult and juvenile, and Atlantic sea herring (*Clupea harengus*), adult managed species under the MSFCMA. Studies suggest that red hake commonly prey on small benthic and pelagic crustaceans and adults consume a variety of demersal and pelagic fish and squid; windowpane flounder feed on small crustaceans and various fish larvae, including their own species; bluefish eat whatever taxa are locally abundant; atlantic butterfish feed primarily on planktonic prey; summer flounder are opportunistic feeders and bury themselves next to edge areas to conceal themselves and ambush prey; juvenile scup feed principally on polychaetes, epibenthic amphipods and other small crustaceans, mollusks, and fish eggs and larvae and adult scup are benthic feeders and forage on a variety of prey; black sea bass prey on small benthic crustaceans and other epibenthic estuarine and coastal organisms; and Atlantic sea herring feed opportunistically on whatever zooplankton of appropriate size are abundant, primarily copepods. A preliminary assessment indicates that the proposed project may have an adverse

effect on EFH for windowpane flounder and summer flounder because potential habitat of these species would be buried under the footprint of any deployed reef structures. However, this loss is relatively minor considering the total area of potential habitat for these species within the Chesapeake Bay. Moreover, the areas surrounding deployed reef structures would increase foraging opportunities for those species by providing substrate and/or enhanced habitat for various species of invertebrates and bait fish. Additionally, deployed reef structures would also benefit EFH for other species of fish dependent on structure. Consequently, after reviewing the appropriate literature of the MSFCMA, we have determined that the adverse effects described above are not substantial to either managed species or to their EFH quality and/or quantity nor to their prey species. Therefore, no EFH conservation measures have been developed. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The purpose of the work is to improve fish habitat.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Chiquetta Hawkins at (410) 962-5694.

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, Building 30, First Floor, 2500 Broening Highway, Baltimore, Maryland 21224 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 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, 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.

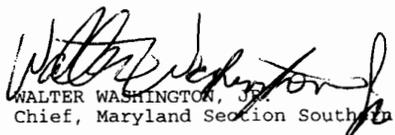
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify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

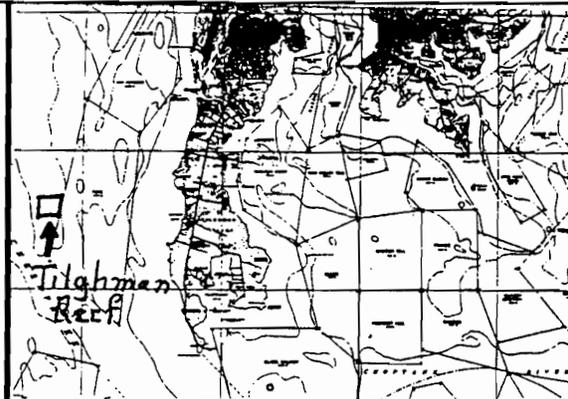
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or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

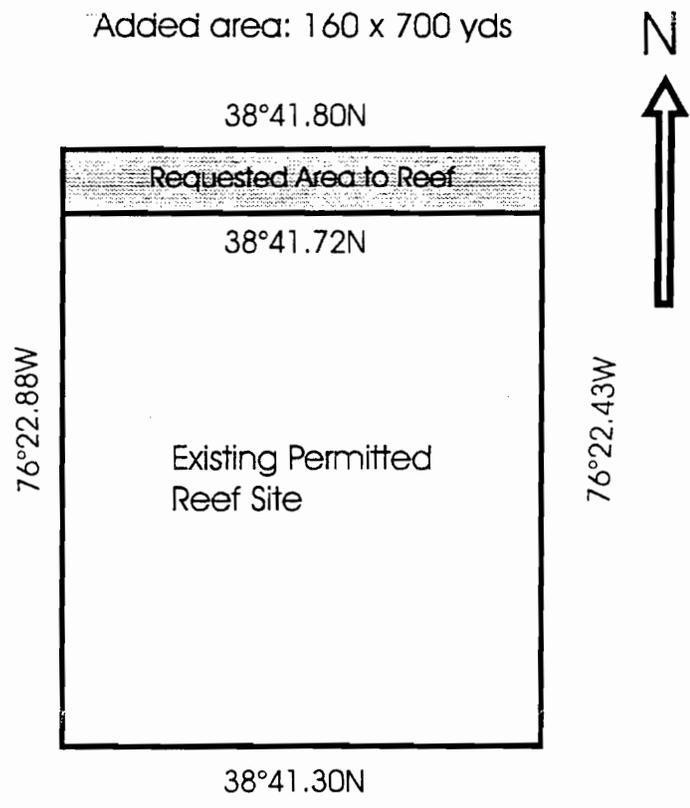
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:


WALTER WASHINGTON, JR.
Chief, Maryland Section South



Added area: 160 x 700 yds



Propose: To amend CoE Permit 97-62368-9 for additional area to Tilghman Island Reef site due to placement of material near reef site boundary. Requested area is 160 yds by 700 yds. Bottom is classified as barren of shellfish. No changes in construction requested.

Tilghman Island Reef
 Talbot County
 1.5 nm W of Paw Paw Cove,
 Tilghman Island
 Maryland Environmental Service
 2011 Commerce Park Dr.
 Annapolis, MD 21401
 January , 2000

