



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMS(WI REC, PARKS &
TOURISM/CEDAR HILL
PARK/DREDGING)05-61826-2

Comment Period: March 11, 2005 to March 28, 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 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: *Wi Co Dept of Recreation, Parks & Tourism
c/o Andrews, Miller & Associates
401 Academy Street, Suite 1
Cambridge, Maryland 21613*

LOCATION: *In Bivalve Harbor and the entrance channel to the Harbor at Bilvalve, Wicomico County, Maryland.*

WORK: *The applicant proposes to maintenance dredge approximately 32,000 cubic yards of sand, silt, and clay by mechanical or hydraulic methods from an existing 50' X 1,179' channel and an existing 180' (maximum) X 1,177' basin to a maximum depth of -7' MLW. The dredged material is to be deposited and retained in an existing disposal site on the applicant's property which is to be leveled and reconstructed for the proposed dredging project. The applicant has requested that a 10-year maintenance clause be made a part of the Department of the Army permit, if issued. Authority for maintenance dredging will be permitted provided an adequate upland disposal site is available. The purpose of the proposed work is to maintain navigable access. All work is to be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Mr. John Roop, of this office, at (410) 962-5688.*

*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 lies in or adjacent to EFH as described under MSFCMA for red hake *Urophycis chuss* (juveniles and adults), windowpane flounder *Scopthalmus aquosus* (juveniles and adults), Atlantic sea herring *Clupea harengus* (adult), bluefish *Pomatomus saltatrix* (juveniles and adults), Atlantic butterfish *Peprilus triacanthus* (eggs, larvae, juveniles and adults), summer flounder *Paralichthys dentatus* (larvae, juveniles and adults), scup *Stenotomus chrysops* (juveniles and adults), black sea bass *Centropristus striata* juveniles and adults, king mackerel *Scomberomorus cavalla* (eggs, larvae, juveniles, and adults), Spanish mackerel *Scomberomorus maculatus* (eggs, larvae, juveniles, and adults), cobia *Rachycentron canadum* (eggs, larvae, juveniles and adults), red drum *Sciaenops ocellatus* (eggs, larvae, juveniles and adults), managed species under MSFCMA. The project has the potential to adversely effect EFH on 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. 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 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.

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

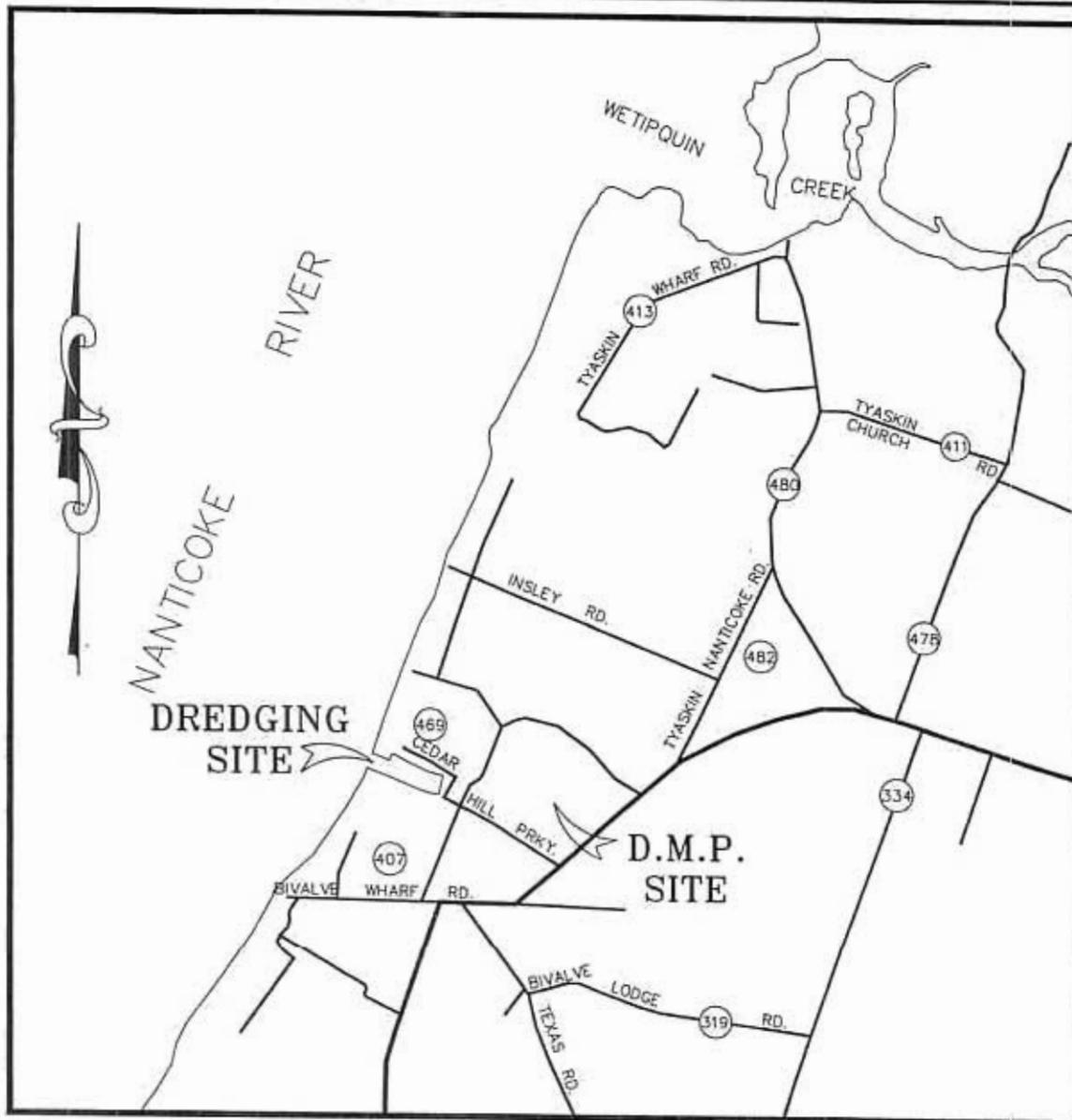
which the interest may be adversely affected

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

151

WALTER WASHINGTON, JR.
Chief, Maryland Section Southern



Copyright ADC The Map People
Permitted Use Number 20405112

PROJECT SITE VICINITY MAP

NOTES



1. DREDGING PREVIOUSLY PERMITTED UNDER WETLANDS LICENSE No. 92-0700(R) AND USACE PERMIT# 95-64601-2
2. PUBLISHED MEAN TIDAL RANGE IS 2.2 FEET.
3. APPROX. 32,000 CU. YDS. OF SAND, SILT AND CLAY SHALL BE HYDRAULICALLY AND/OR MECHANICALLY DREDGED TO -7.0' MLW.
4. RECONSTRUCTION OF AN EXISTING D.M.P. SITE.
5. THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

SHEET 1 OF 7

PROPOSED MAINTENANCE DREDGING AND D.M.P. CONSTRUCTION

IN: NANTICOKE RIVER

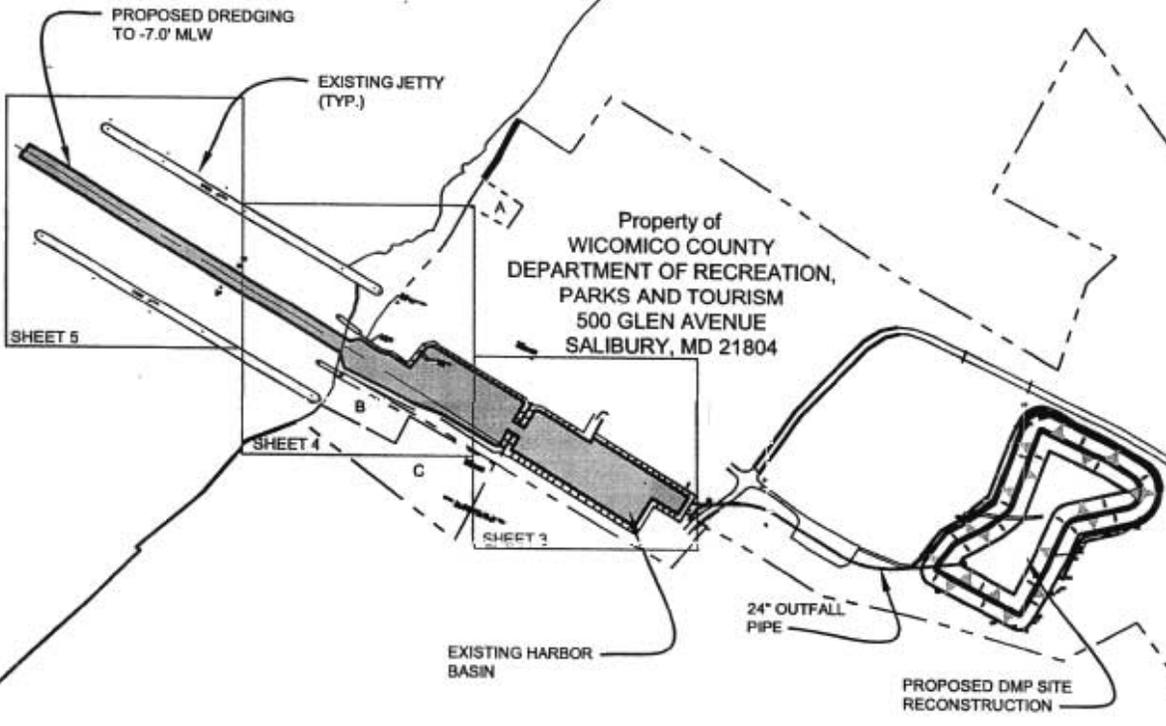
AT: BIVALVE

WICOMICO COUNTY, MARYLAND

APPL. BY: WICOMICO COUNTY DEPARTMENT
OF RECREATION, PARKS AND TOURISM
DATE: JANUARY 2005

L.B.D.

NANTICOKE RIVER



Property of
WICOMICO COUNTY
DEPARTMENT OF RECREATION,
PARKS AND TOURISM
500 GLEN AVENUE
SALIBURY, MD 21804

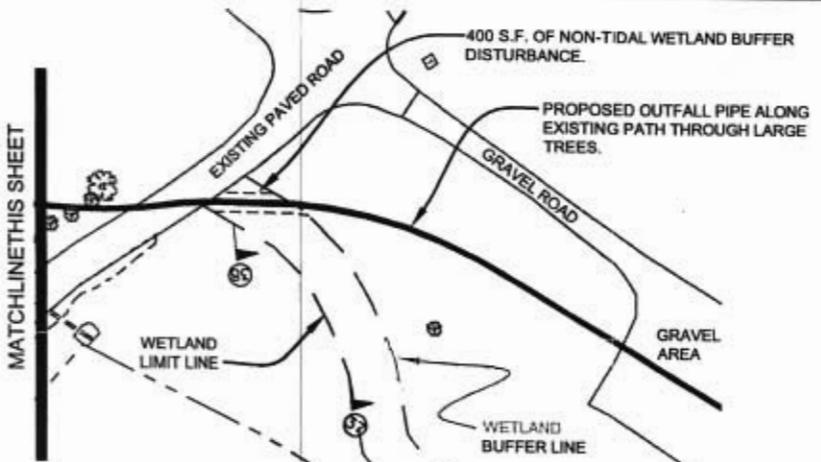
NEIGHBORING PROPERTIES

- A Donald N. & Anne M. Alders
4270 Sunset Drive
PO Box 17
Bivalve, MD 21814-0017
- B Carol A. & C. Edward Prager
9911 Martin CT
Berlin, MD 21811-2173
- C Jane W. Dayton
P.O. Box 42
Bivalve, MD 21814

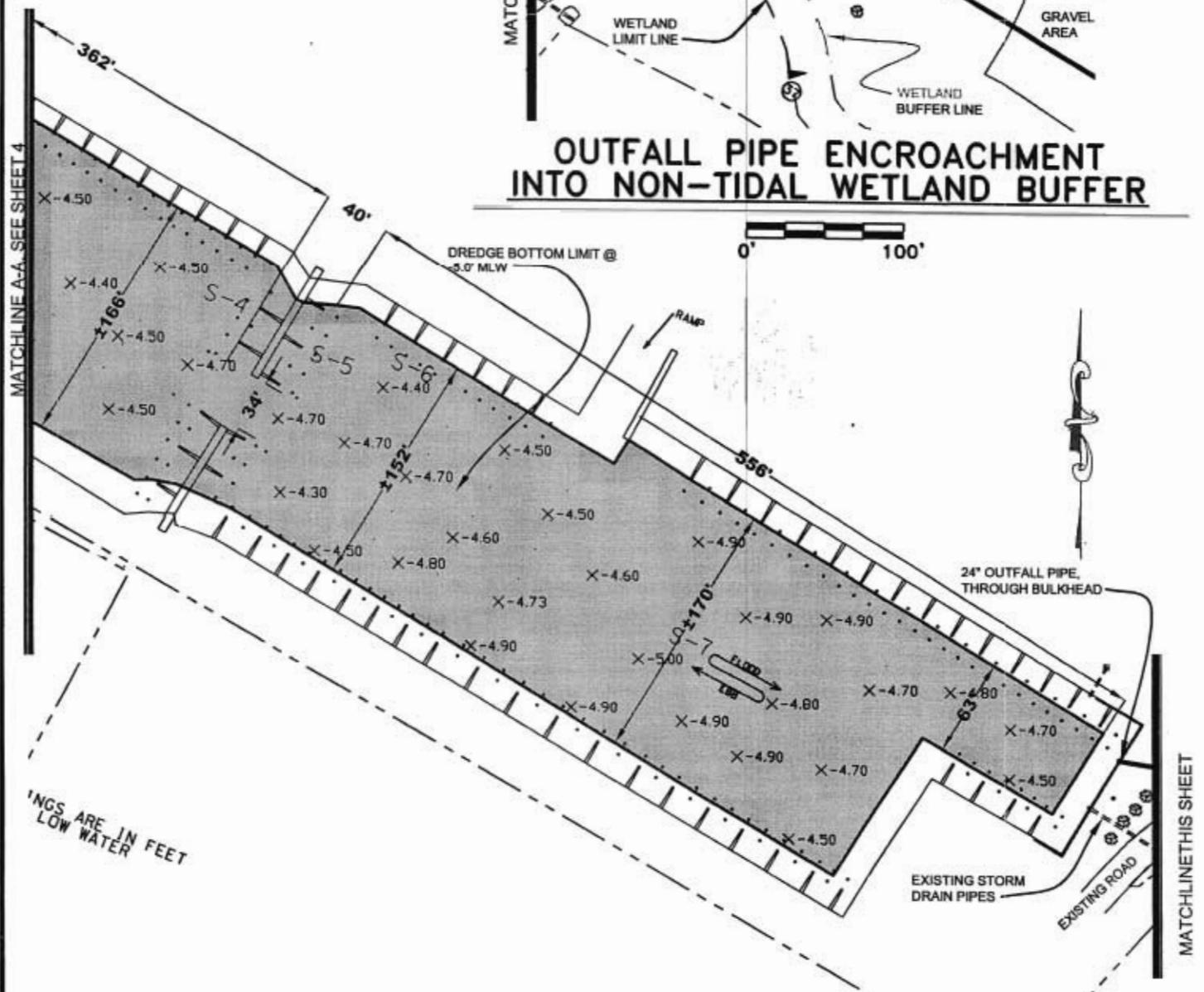
PROJECT SITE



SHEET 2 OF 7
APPL. BY: WICOMICO COUNTY DEPARTMENT
OF RECREATION, PARKS AND TOURISM
DATE: JANUARY 2005



OUTFALL PIPE ENCROACHMENT INTO NON-TIDAL WETLAND BUFFER

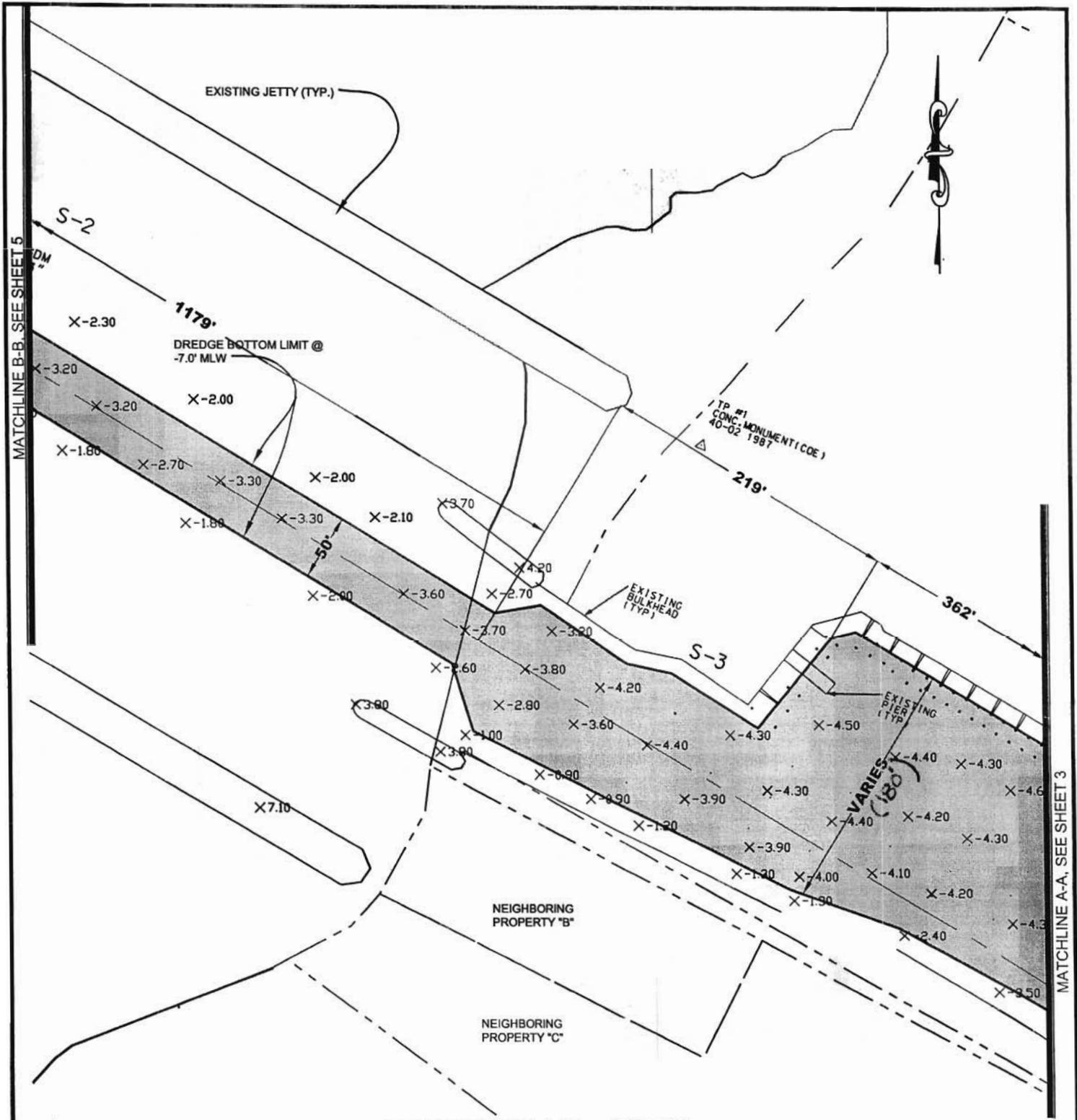


ALL ELEVATIONS ARE IN FEET
UNLESS OTHERWISE NOTED

DREDGING SITE



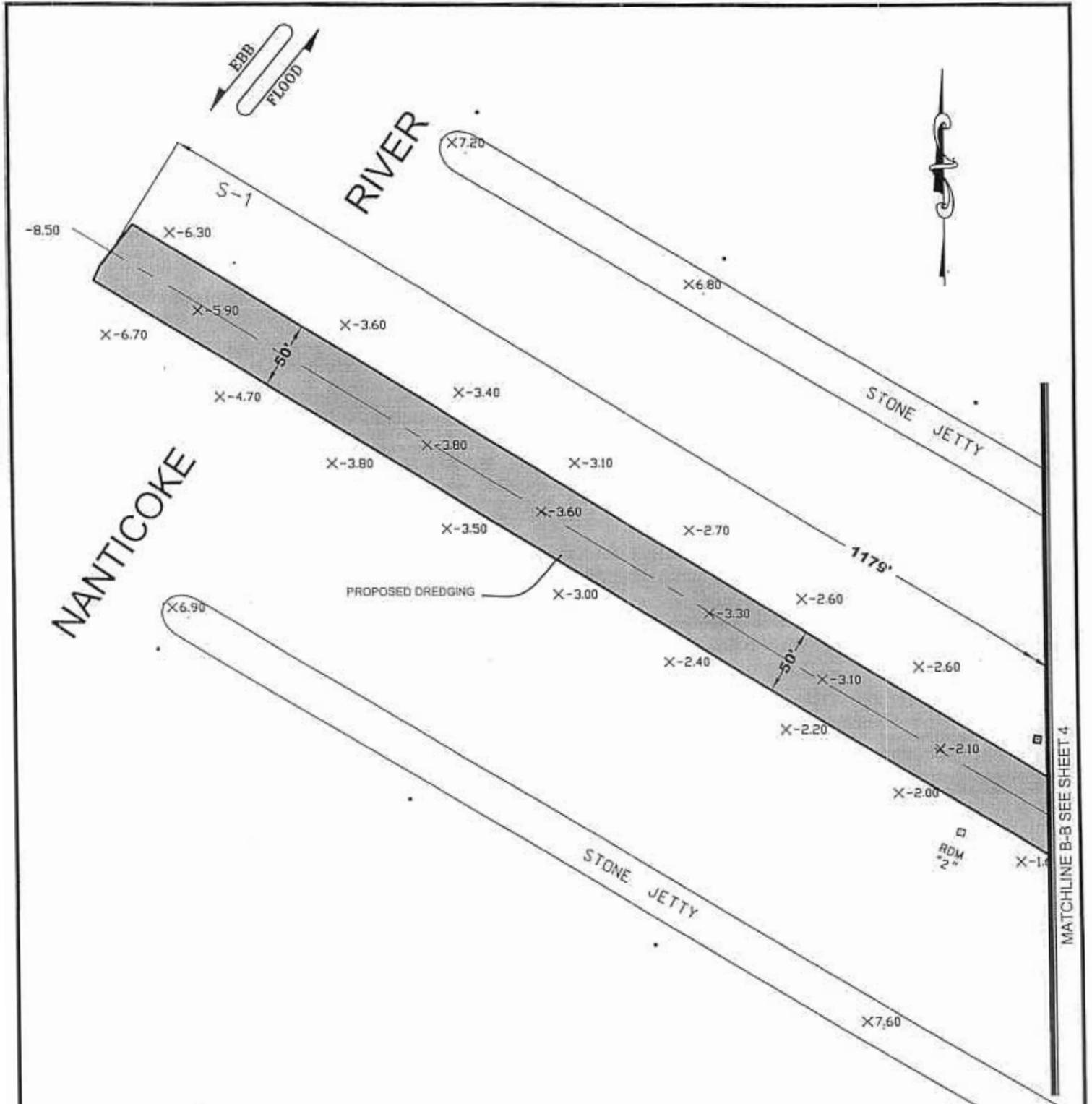
SHEET 3 OF 7
 APPL. BY: WICOMICO COUNTY DEPARTMENT
 OF RECREATION, PARKS AND TOURISM
 DATE: JANUARY 2005



DREDGING SITE



SHEET 4 OF 7
 APPL. BY: WICOMICO COUNTY DEPARTMENT
 OF RECREATION, PARKS AND TOURISM
 DATE: JANUARY 2005

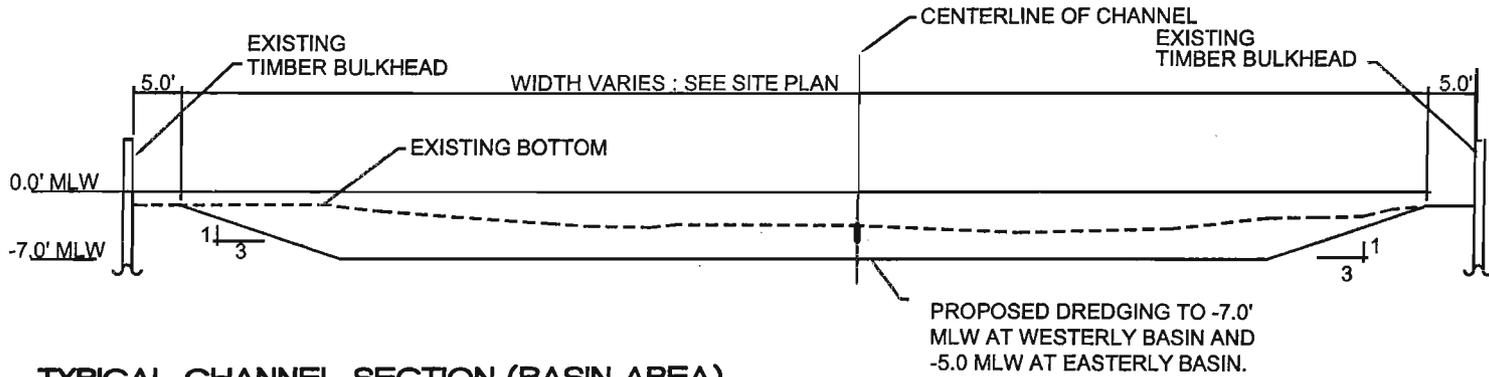


DREDGING SITE

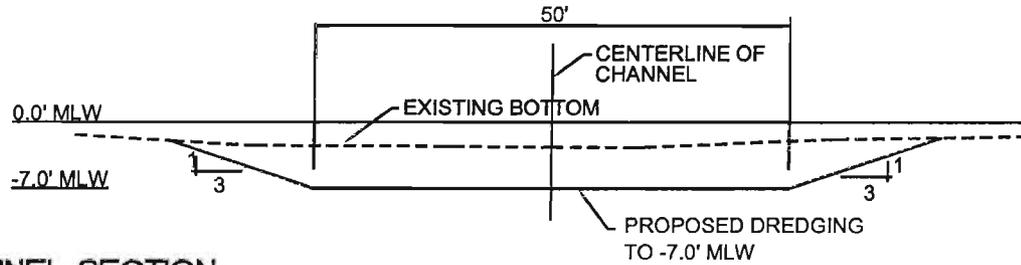
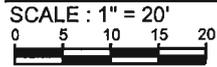


SHEET 5 OF 7
 APPL. BY: WICOMICO COUNTY DEPARTMENT
 OF RECREATION, PARKS AND TOURISM
 DATE: JANUARY 2005

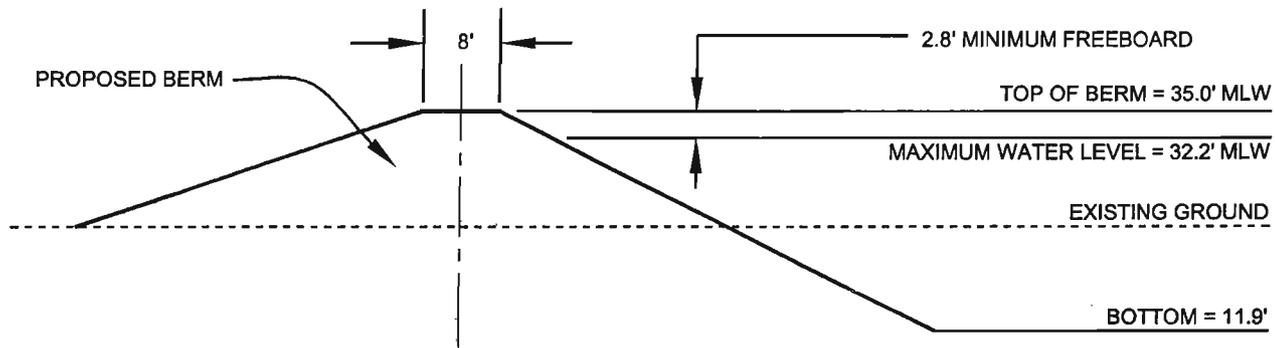
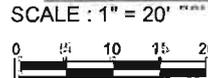
TYPICAL SECTIONS



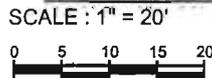
TYPICAL CHANNEL SECTION (BASIN AREA)



TYPICAL CHANNEL SECTION



TYPICAL BERM SECTION



SHEET 6 OF 7
 APPL. BY: WICOMICO COUNTY DEPARTMENT
 OF RECREATION, PARKS AND TOURISM
 DATE: JANUARY 2005

