



# PUBLIC NOTICE

US Army  
Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-RMS(MD DNR/POCOMOKE RIVER  
SP/DREDGING-)05-66466-1

#55

Comment Period: December 27, 2005 to January 27, 2006

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: Maryland Dept of Natural Resources - Pocomoke State Park  
580 Taylor Avenue  
Annapolis, Maryland 21401

LOCATION: In the Pocomoke River at Pocomoke State Park, Worcester County, Maryland

WORK: The applicant proposes to maintenance dredge by mechanical method a 950 ft. long by 75 ft. wide channel (71,250 sq. ft.) to a depth of -7 ft below mean low water and to deposit the dredged material on an upland non wetland disposal site approved and suitable for receiving dredged material. The purpose of the proposed is to maintain navigable access to an existing facility. All work is to be completed in accordance with the attached plan(s). If you have any questions concerning this matter, please contact Mr. Woody Francis at (410) 962-5689.

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 *Paralichthys dentatus* (*summer flounder*) juvenile and adult; *Charcharinus plumbeus* (*sandbar shark*) larvae, juvenile and adult; *Sphyrna lewini* (*scalloped hammerhead shark*) juvenile, and eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (*ired drum*), *Scomberomorus cavalla* (*king mackerel*), *Scomberomorus maculatus* (*spanish mackerel*), and *Rachycentron canadum* (*cobia*), all of which are 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 preliminary determination may be modified if additional information becomes available to indicate that this determination is in error.

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

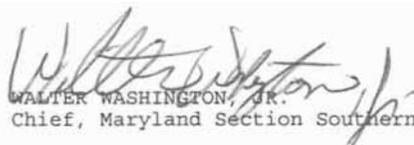
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which **could**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

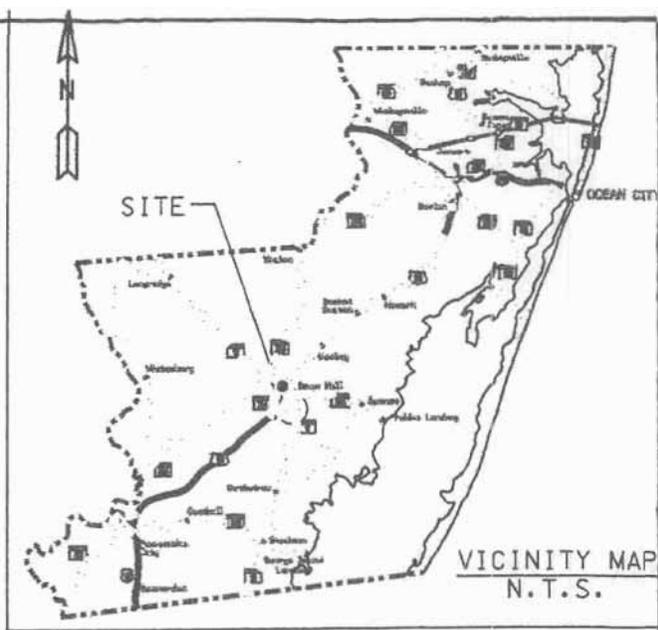
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely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

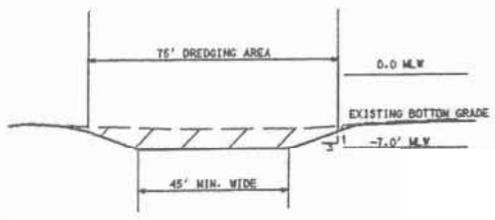


WALTER WASHINGTON, JR.  
Chief, Maryland Section Southern



**DREDGE ESTIMATE**

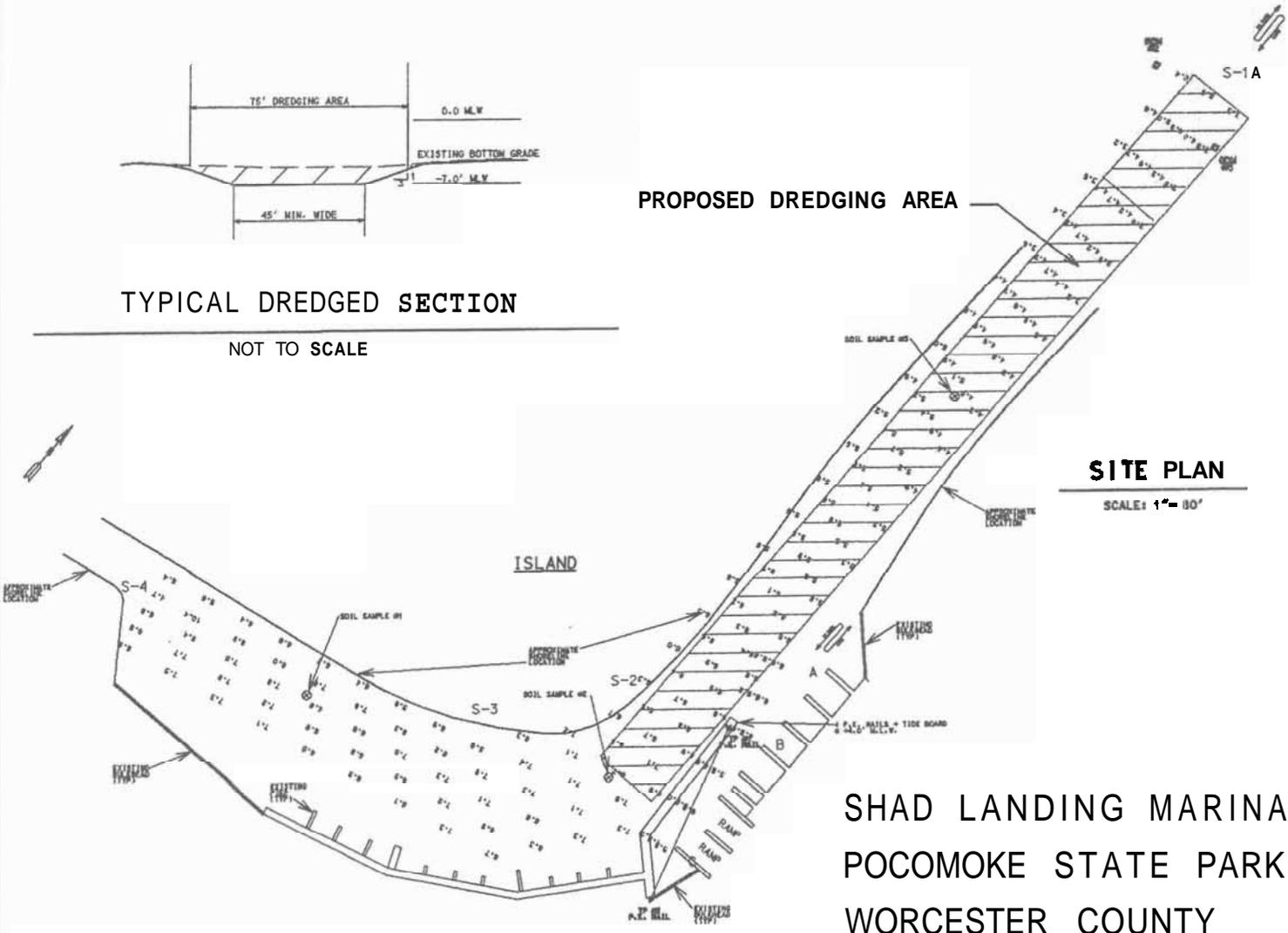
LENGTH: ± 950 FT  
 WIDTH: 75 FT  
 DEPTH: \_\_\_\_\_  
 VOLUME: ± 2800 CY



**TYPICAL DREDGED SECTION**

NOT TO SCALE

**PROPOSED DREDGING AREA**



**SITE PLAN**

SCALE: 1" = 10'

**SHAD LANDING MARINA  
 POCOMOKE STATE PARK  
 WORCESTER COUNTY**

NOTE: ALL SOUNDINGS ARE IN FEET BELOW MEAN LOW WATER.

MEAN TIDE RANGE 1.9 FT

APPROX. 2800 C.Y. DREDGED MATERIAL WILL BE HAULED AWAY TO WORCESTER COUNTY LANDFILL.

APPLICANT: MD DEPART. OF NAT. RESOURCES

DATE: SEPTEMBER 2005 PAGE 1 OF 1