



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMS(HOMERS HIDEAWAY
LLC/DREDGING)06-63282-1

PN 06-29

Comment Period: May 30, 2006 to June 30, 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 River and Harbor Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Homer's Hideaway, LLC
c/o Mr. Mike Diffendal
11900 Tech Road
Silver Spring, Maryland 20904

LOCATION: In an existing marina basin adjacent to Sinepuxent Bay at West Ocean City, Worcester County, Maryland.

WORK: The applicant proposes, in accordance with the attached plans, to maintenance dredge by either hydraulic or mechanical method, an approximate 832 ft. long by 100 foot wide area to a depth of -6 ft. below mean low water and deposit the resulting 6,000 cubic yards of material at an off-site upland/non wetland disposal location. The purpose of the proposed work is to maintain and improve navigable access to existing boat slips. 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 Pleuronectes americanus (winter flounder) eggs, larvae, juvenile, and adult; Scophthalmus aquosus (windowpane flounder) juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; Stenotomus chrysops (scup) juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; Paralichthys dentatus (summer flounder) juvenile and adult; Urophycis chuss (red hake) eggs, larvae, juvenile; Clupea harengus (Atlantic sea herring) juvenile and adult; Merluccius bilinearis (whiting) eggs, larvae, and juvenile; Squalus acanthias (spiny dogfish) juvenile and adult; Odontaspis taurus (sand tiger shark) larvae and adult; Squatina dumerilii (Atlantic angel shark) larvae, juvenile, and adult; Charcharinus obscurus (dusky shark) larvae; Charcharinus plumbeus (sandbar shark) larvae, juvenile, and adult; Sphyrna lewini (scaloped hammerhead shark) juvenile; Galeocerdo cuvieri (tiger shark) larvae; and eggs, larvae, juvenile, and adult stages of Sciaenops ocellatus (red drum), Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (spanish mackerel), and Rachycentron canadum (cobia), all managed species under the MSFCMA.

The project has the potential to adversely effect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 11 acres of Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. This habitat consists of a mostly sandy and silty sub-tidal substrate which does not support SAV (eelgrass- Zostera or widgeon grass - Ruppia). The proposed dredging will alter the existing substrate. However, the proposed dredge depth will only be -8 feet MLW. Therefore, there will be an alteration of substrate and the proposed depth/substrate is expected to support the same benthos and fishery that existed prior to the proposed dredging. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. 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 an 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

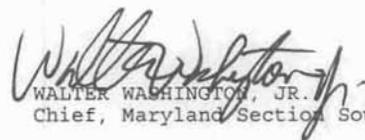
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify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

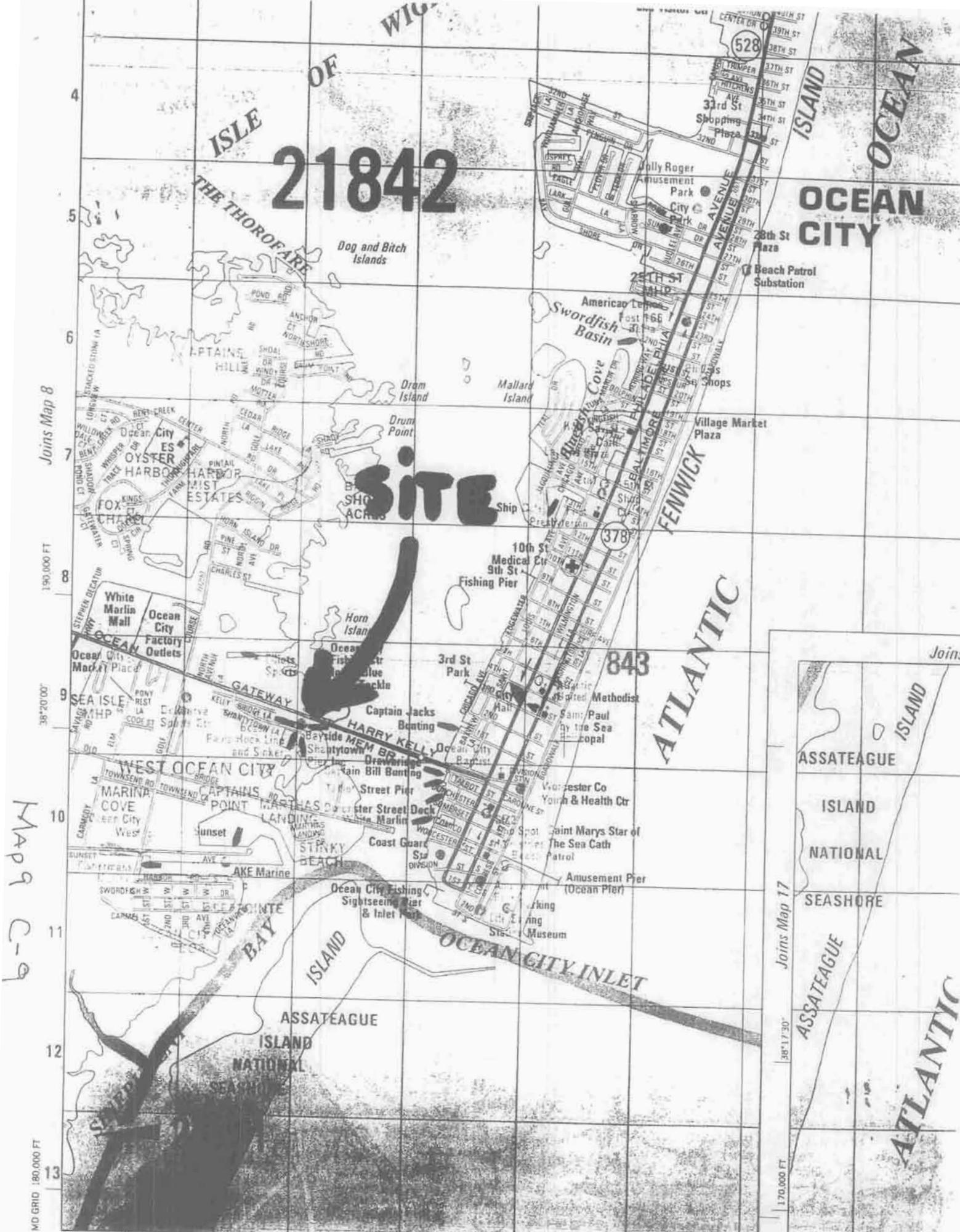
It is requested that you communicate the foregoing **information** concerning the proposed **work** to any persons known by you to be interested and not being known to this office, who did not receive a copy of **this** notice.

FOR THE DISTRICT ENGINEER:


WALTER WASHINGTON, JR.
Chief, Maryland Section Southern

21842

Site



Joins Map 8

190,000 FT

38°20'00"

MAP 9 C-9

MD GRID 180,000 FT

14

ALEXANDRIA DRAFTING CO.

Joins Inset - Above Right

75°05'00" MD GRID 1,350,000 FT

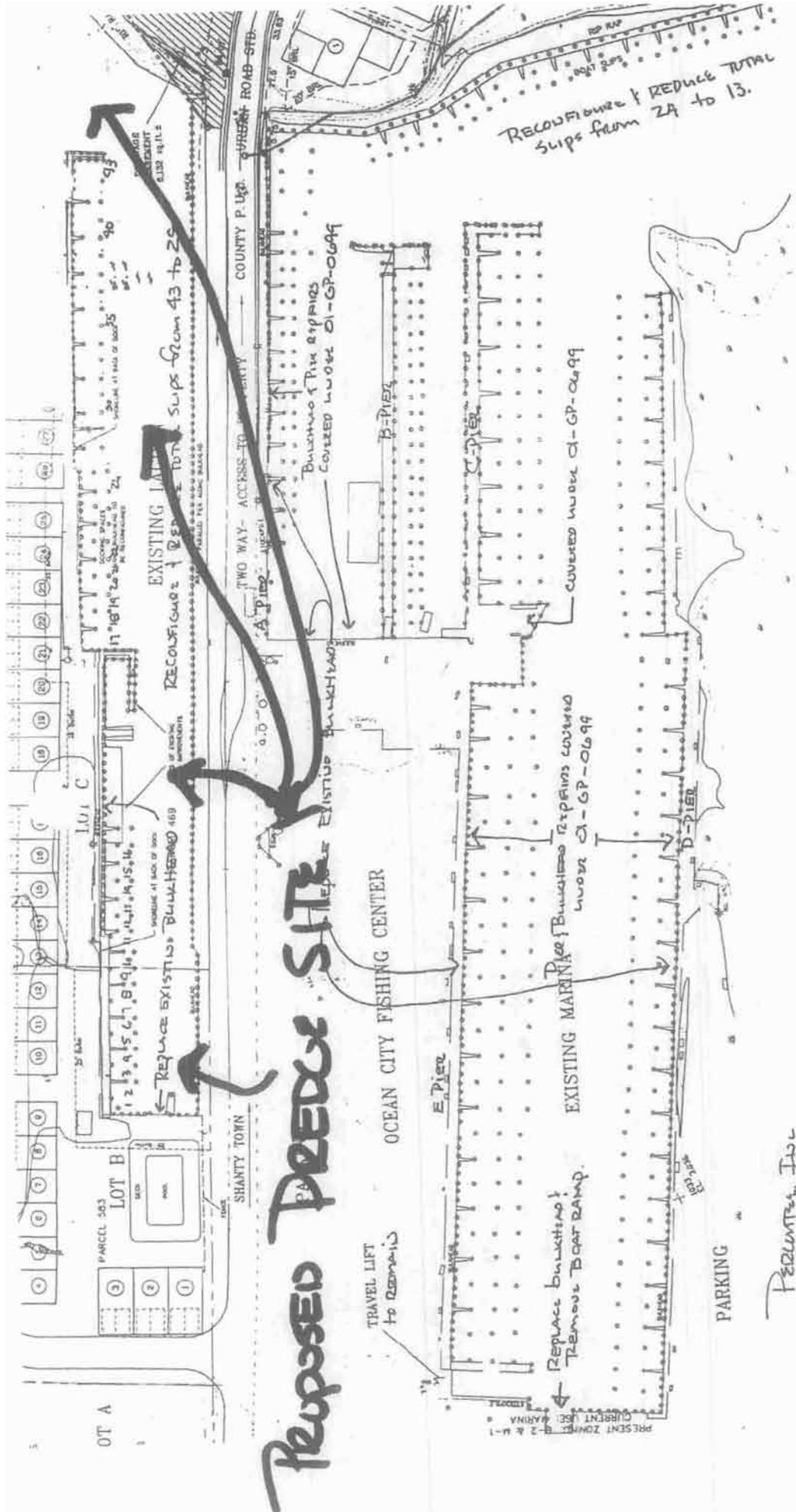
Joins Map 17

38°17'30"

170,000 FT

G

ATLANTIC



Proposed PIER SITE

EXHIBIT A

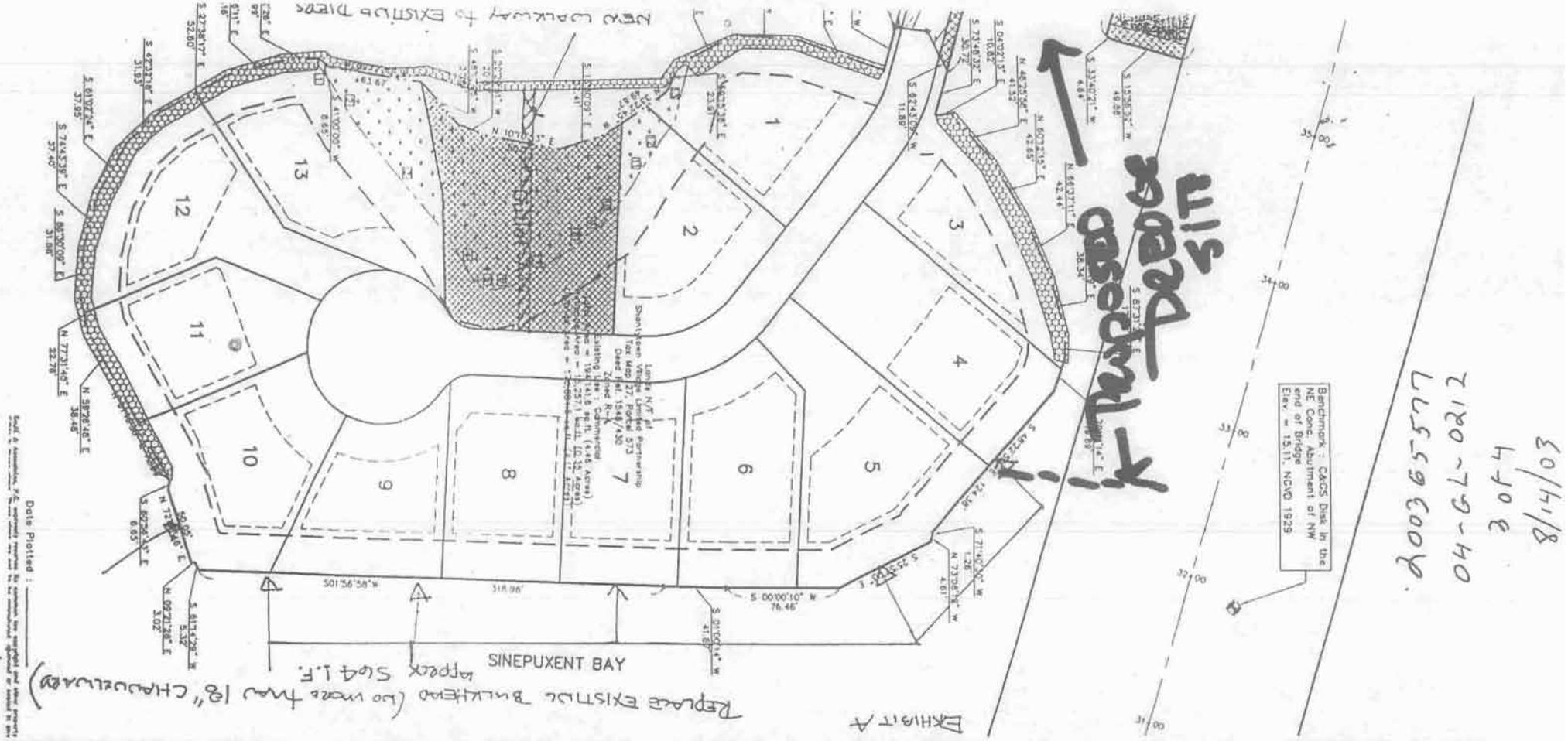
PERMITS, INC
 11900 TECH ROAD
 SILVER SPRING, MD. 20904

200365577
 04-GL-0212
 10F4
 8/14/03

REVISIONS	
Date	Issued for

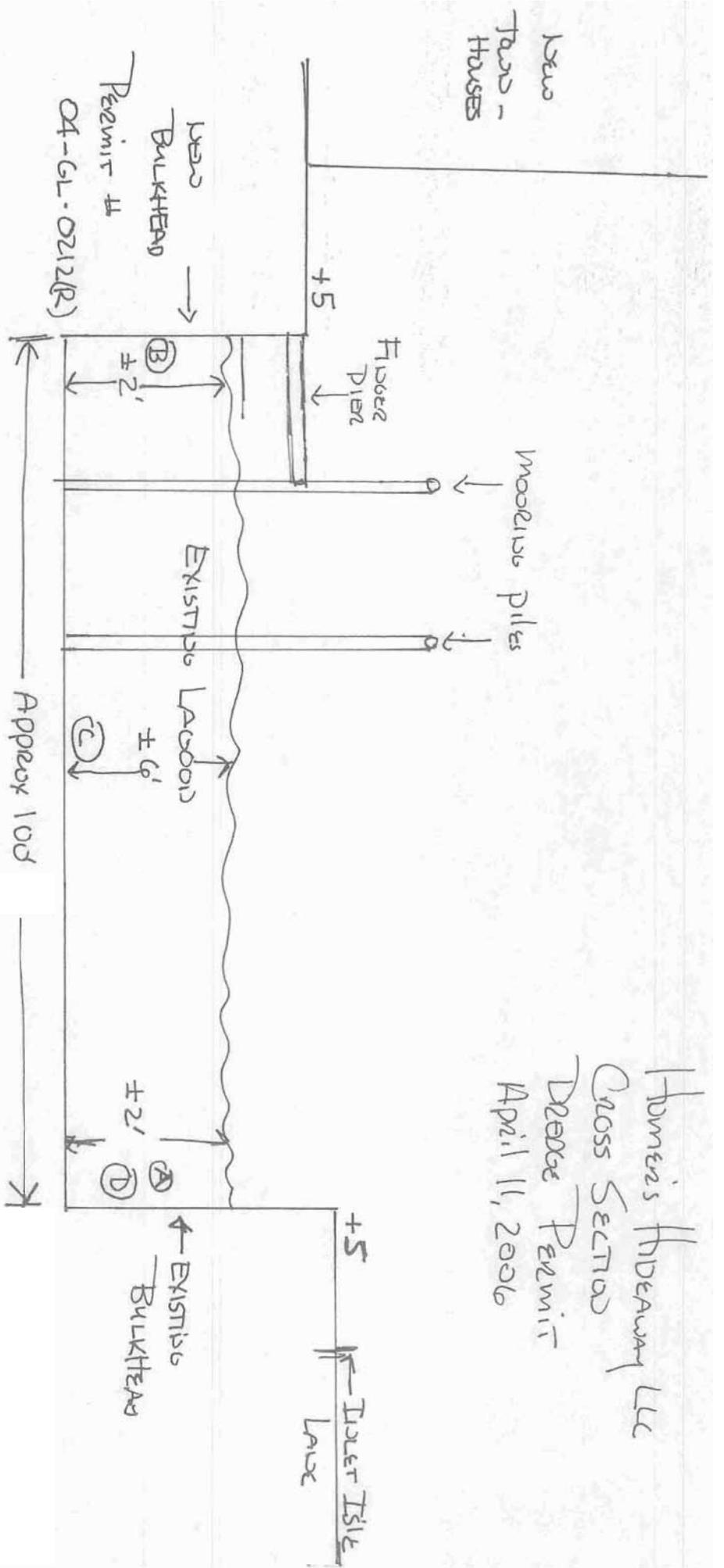
SHANTYTOWN DEVELOPMENT PLAN
 PROPOSED
 TENTH TAX DISTRICT
 WORCESTER COUNTY, MARYLAND

Surveyed By MBW
Drawn By MPB
Date May 2003
Job No. 02-343
Drawing File No. 02343p/0p.dwg
Sheet No. 3 of 3

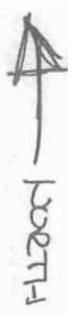


Date Plotted: _____
 Scale & Annotation: _____

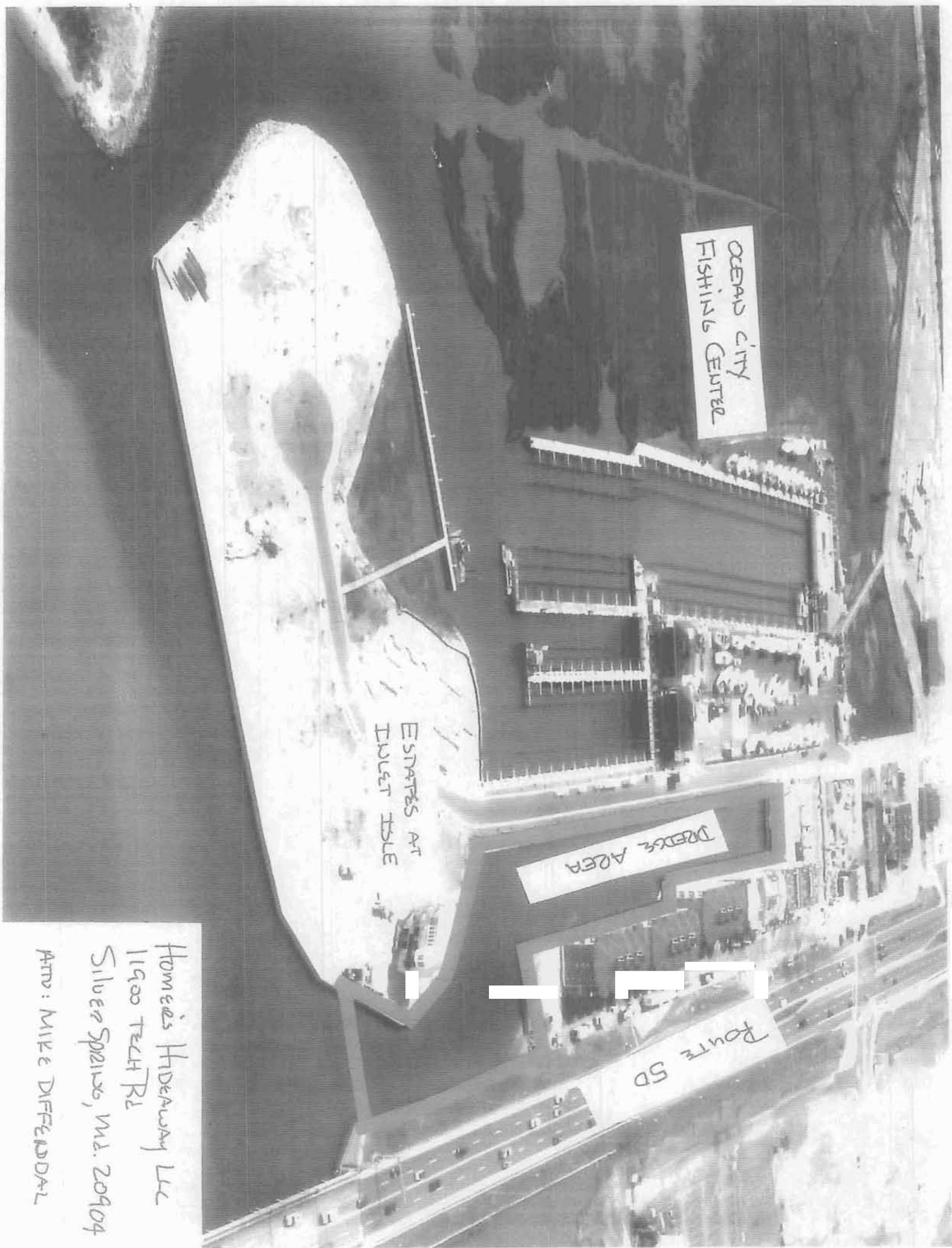
NEW
TRANS-
HOUSES



Hunter's Hideaway LLC
 Cross Section
 Dredge Permit
 April 11, 2006



- Ⓐ 100 Piers old South side
- Ⓑ Currently 2' Feet Deep (MLW)
- Ⓒ Currently 6' Feet Deep (MLW)
- Ⓓ Currently 2' Feet Deep (MLW)



OCEAN CITY
FISHING CENTER

ESTATES AT
JULET ISLE

DRESS AREA

ROUTE 50

Home's Hideaway LLC
11900 TELLER
Silver Springs, MD. 20904
ATTN: MIKE DIFFENDAL

An aerial photograph of a large industrial facility, likely a shipyard or ship repair shop. The facility features several long, parallel structures with numerous bays, possibly for housing ships or large machinery. A prominent white structure with a curved roof is visible in the center. The surrounding area includes parking lots, roads, and some vegetation. A handwritten note is placed in the foreground, providing the name of the facility and its address.

OCEAN CITY FISHERS SHIP REPAIR CO.
410 HENNING'S HIDEAWAY LLE
11900 TECH RD
SILVER SPRING, MD. 20904
ATTN: MIKE DIFFENDAL