



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OP-RMS(SCHUBACH, RICHARD A.
NAB-2007-60319-1

PNO7-14

Comment Period: February 12, 2007 to March 13, 2007

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. Richard A. Schubach
7867 Scott's Landing Road
Snow Hill, Maryland 21863

LOCATION: In the Brockanorton Bay, a tributary to Chincoteague Bay, at Scotts Landing, Worcester County, Maryland.

WORK: To establish an aquaculture facility for raising oysters (in rafts/floats) and clams (in bags) that will be anchored to the bottom within a 300 foot by 1000 foot area (6.89 acres) along the south side of Scotts Landing Road. The purpose of the proposed work is to create an aquaculture facility. All work is to be completed in accordance with the enclosed 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 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 dumerili (Atlantic angel shark) larvae, juvenile, and adult; Charcharinus obscurus (dusky shark) larvae; Charcharinus plumbeus (sandbar shark) larvae, juvenile, and adult; Sphyrna lewini (scalloped 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 loss of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 6.89 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 sandy and silty, sub-tidal substrate which may support SAV (eelgrass- Zostera or widgeon grass -Ruppia). The proposed aquaculture facility may alter the existing substrate somewhat and may include some loss of SAV. Therefore, there may be an alteration of substrate and associated SAV loss but the proposed work will not necessarily preclude re-colonization by SAV and the proposed substrate is expected to support the same benthos and fishery that existed prior to the proposed work. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision. 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 21230-1715, 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 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.

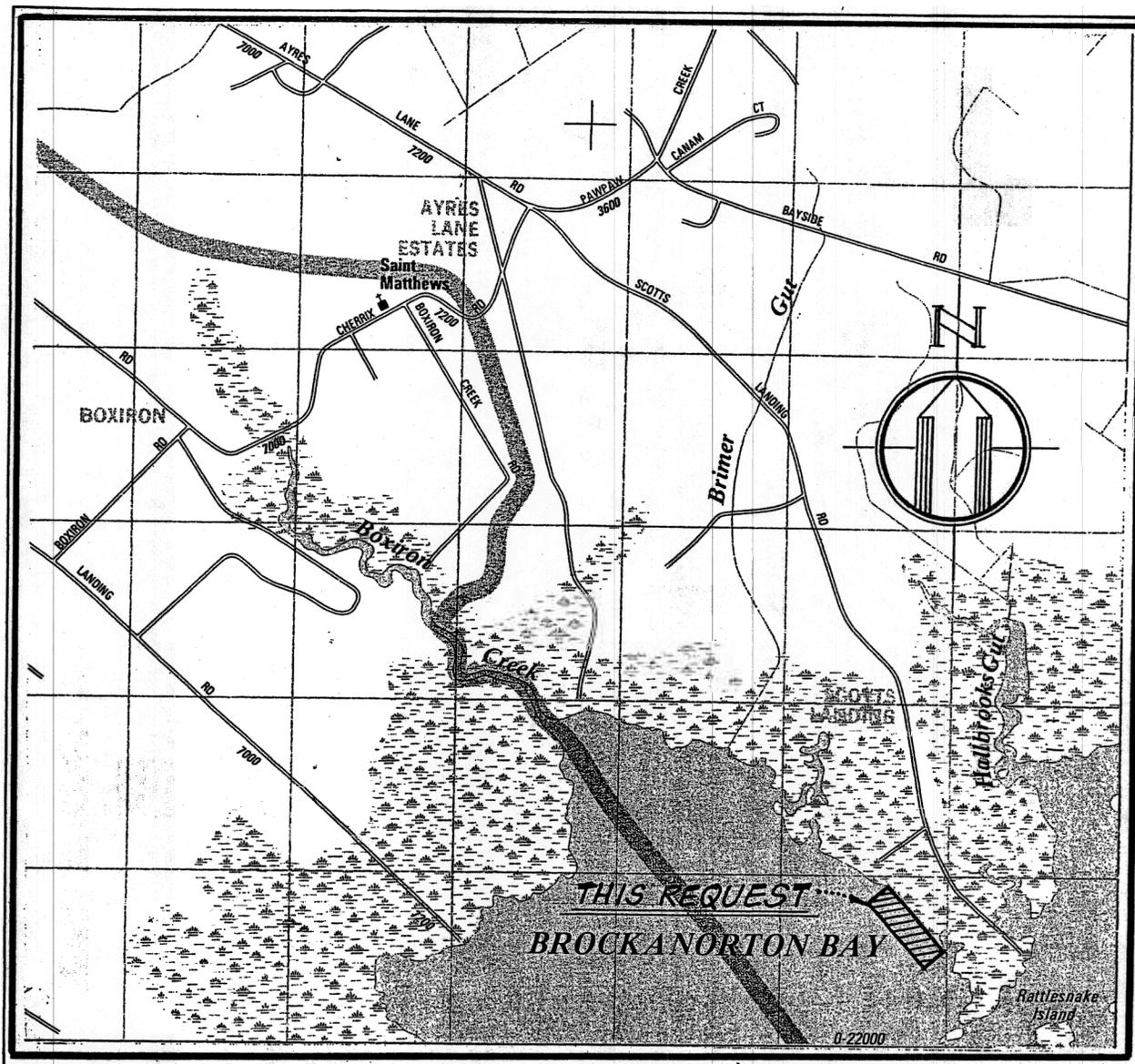
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely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



PAUL R. WETTLAUFER
Acting Chief, Maryland Section Southern



PERMIT REQUEST

THIS PERMIT REQUEST IS FOR BOTTOM LEASE OF APPROXIMATE 300' x 1000' AREA (300,000 sq ft OR 6.89 ACRES) FOR AQUACULTURE FARMING OF CLAMS & OYSTERS. OYSTERS WILL BE WITHIN ANCHORED PVC PIPE FLOATS FROM SHORELINE TO 150' +/- CHANNELWARD AND CLAMS WILL BE WITHIN BAGS ON THE BOTTOM ANCHORED TO LINES FROM 150' CHANNELWARD TO 300' CHANNELWARD.

APPLICANT

RICHARD A. SCHUBACH
 7867 SCOTTS LANDING ROAD
 SNOW HILL, MARYLAND 21863
 PHONE 410 632-3816

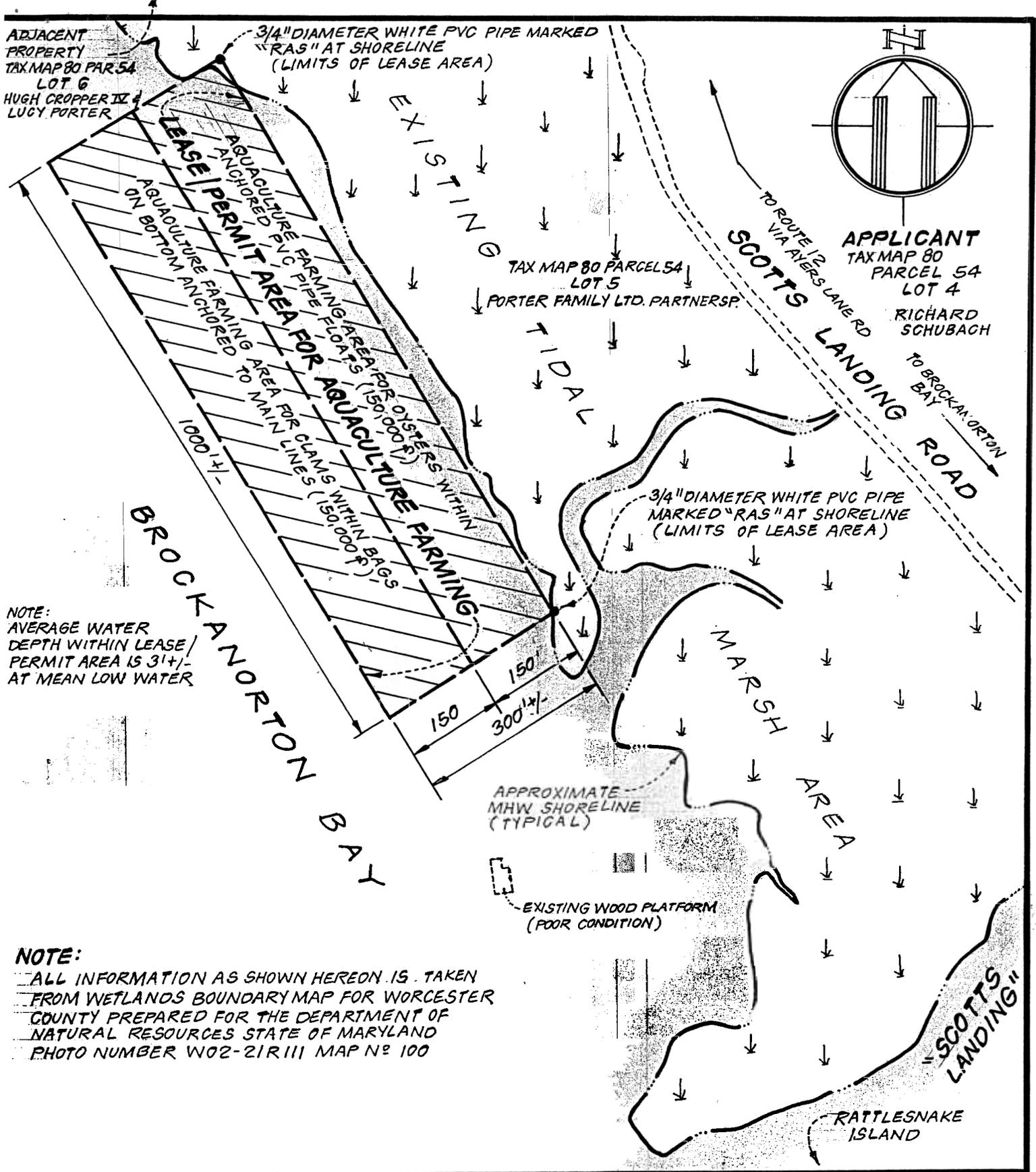
Lawrence T. Whitlock Associates, Inc.

Landscape Architects • Planners • Prime Consultants
 P.O. BOX 110 9040 Worcester Highway Berlin, Maryland 21811
 Fax (410) 641-9948 Phone (410) 641-9980.

PERMIT REQUEST & VICINITY MAP
 SHOWING
 PROPOSED LOCATION OF BOTTOM LEASE AREA
 FOR AQUACULTURE FARMING OF CLAMS
 AND OYSTERS
 BROCKANORTON BAY, WORCESTER CO MD.

SCALE: 1" = 2000'	DRAWN: L. PIZZA
DATE: SEPTEMBER 2006	SHEET N° 1 OF

REVISIONS:



NOTE:
 AVERAGE WATER
 DEPTH WITHIN LEASE/
 PERMIT AREA IS 3'±
 AT MEAN LOW WATER

NOTE:
 ALL INFORMATION AS SHOWN HEREON IS TAKEN
 FROM WETLANDS BOUNDARY MAP FOR WORCESTER
 COUNTY PREPARED FOR THE DEPARTMENT OF
 NATURAL RESOURCES STATE OF MARYLAND
 PHOTO NUMBER W02-21R111 MAP N# 100

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SITE PLAN
 SHOWING
PROPOSED LEASE/PERMIT AREA
FOR AQUACULTURE FARMING
 IN
BROCKANORTON BAY
 (NEAR SCOTT'S LANDING)

SCALE: 1" = 200' DRAWN: L. PIZZA
 DATE: SEPTEMBER 2006 SHEET N# 2 OF

REVISIONS:

