Public Notice

U.S. Army Corps of Engineers Baltimore District

In Reply to Application Number CENAB-OP-RMS(US COAST GUARD-OCEAN CITY-MAINTENANCE DREDGING) 2008-03940-M01

PN-08-78

Comment Period: December 17, 2008 to January 20, 2009

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: US Coast Guard
C/o Collins Engineers, Inc.
277 Alexander Street, Suite 204
Cleveland, Ohio 44199-2060

LOCATION: In Sinepuxent Bay at the US Coast Guard's, Ocean City Station, 610 S. Philadelphia Avenue, Ocean City, Worcester County, Maryland.

WORK: The applicant has requested Corps authorization to perform periodic maintenance dredging, as needed for 10 years, within the area shown on the attached plans, by mechanical or hydraulic method, within an approximate 15,000 - 20,000 square foot area, within the boat basin to a depth of -10 feet below mean low water and deposit the resulting approximate 1700 - 2500 cubic yards of dredged material, which is comprised predominately of sandy material, either on an upland non wetland disposal area, or other Corps approved site. The purpose of the proposed work is to maintain navigable access. 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, Scopthalmus aquosos (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; Paralicthys 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 proposed maintenance dredging has the potential to adversely affect 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 20,000 square feet 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 sub-tidal substrate, which does not currently support SAV. The proposed maintenance dredging will alter the existing substrate, and the proposed dredge depth will be -10 feet MLW. Therefore, while there will be an alteration of existing substrate, the proposed depth/substrate is expected to support the same benthos and fishery that existed prior to the proposed dredging. 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 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 Blvd., 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 Blvd., 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.

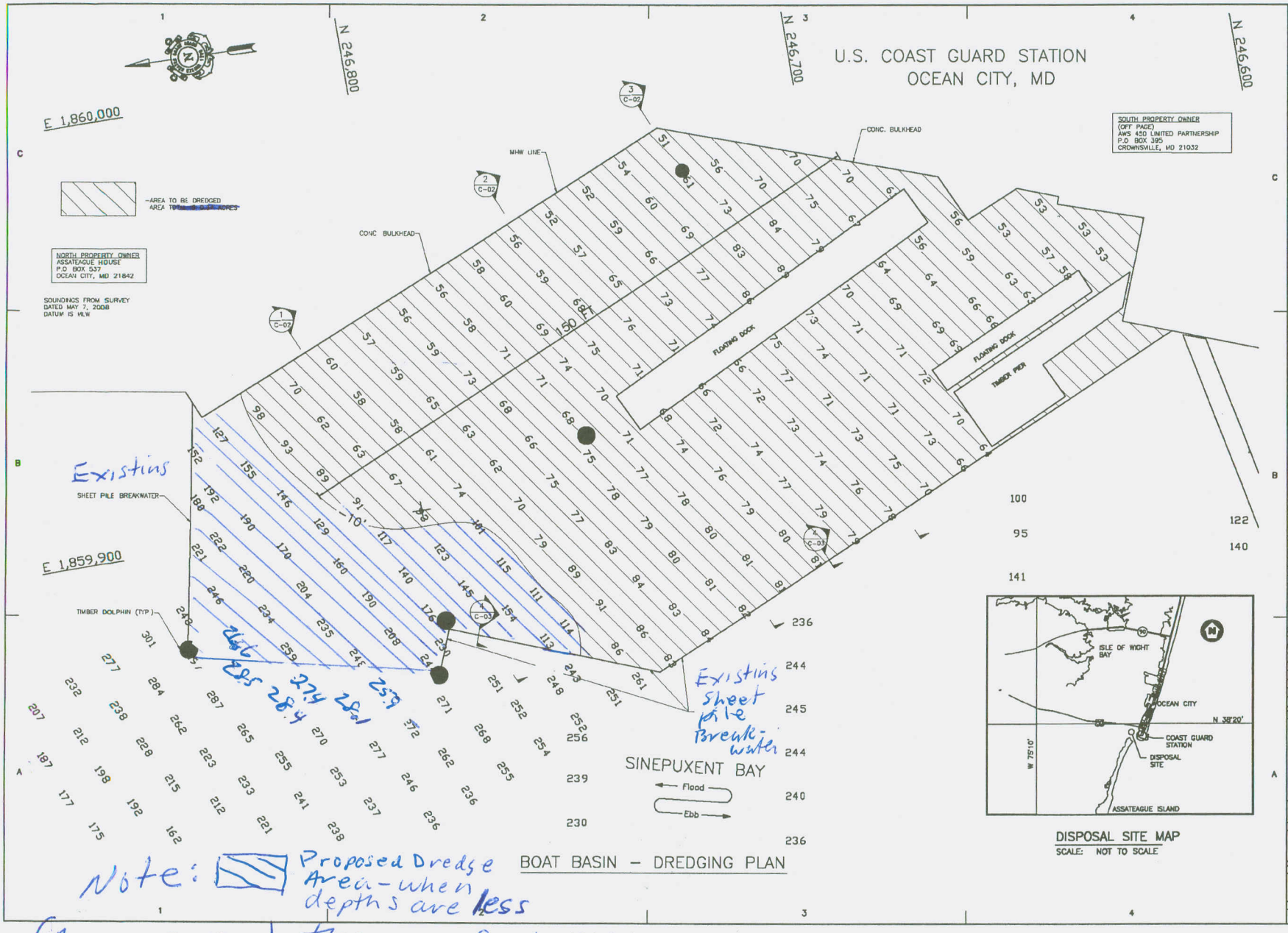
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or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

Woody Frame

for WILLIAM P. SEIB
Chief, Maryland Section Southern



Note: Proposed Dredge Area - when depths are less than -10 feet MLW

(Approx 20,000 sq. ft area)

COLLINS ENGINEERS INC

CONSULTANTS

PERMIT SKETCH

U. S. COAST GUARD
CIVIL ENGINEERING UNIT
CLEVELAND

USCG. CEU CLEVELAND
1240 EAST 9TH STREET
CLEVELAND, OH 44199-2060

ISSUE MARK	DATE	DESCRIPTION

MARK	DATE	DESCRIPTION

A/E PROJECT NO: 5542-20
CAD FILE NAME: -
DESIGNED BY: JRC
DRAWN BY: BDP
EDITED BY: -
CHECKED BY: JWL

SCALE: AS SHOWN PLOT SCALE: 1:2

SHEET TITLE
DREDGING & BREAKWATER REPAIR
CG STATION OCEAN CITY
OCEAN CITY MD
WATERFRONT
CIVIL
HYDROGRAPHIC PLAN

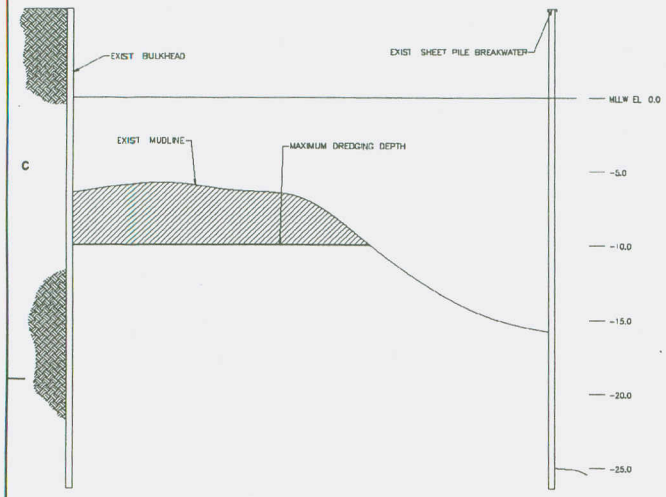
REVIEWED BY:	REVIEWED BY:	REVIEWED BY:
-	-	-
PROJECT ENG.	BRANCH CHIEF	TECH. DIRECTOR

- APPROVING OFFICER
- DATE

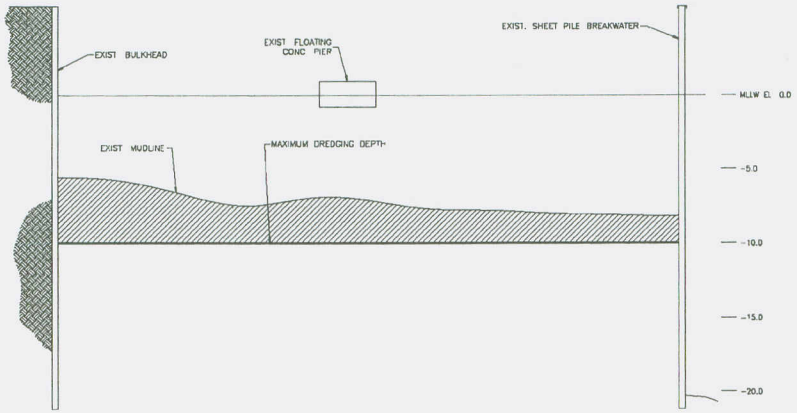
PROJECT NUMBER	DRAWING NUMBER
-	-

DISCIPLINE/SHT NO C-01 SHEET 1 OF 2

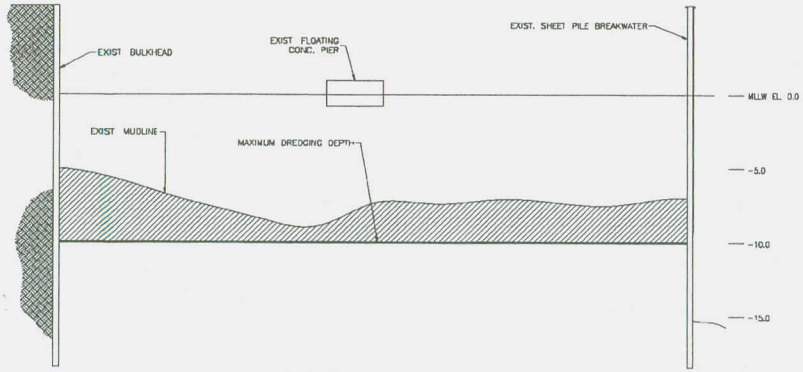
Revised: Dec. 2, 2008



SECTION 1 (C-02) C-01



SECTION 2 (C-02) C-01



SECTION 3 (C-02) C-01

ENVIRONMENTAL ANALYTICAL RESULTS

ANALYSIS/METHOD	GP-1	GP-2	GP-3	GP-4
PCBs (mg/kg) USEPA SW-846 8082A				
PCB-1016	ND	ND	ND	ND
PCB-1221	ND	ND	ND	ND
PCB-1232	ND	ND	ND	ND
PCB-1242	ND	ND	ND	ND
PCB-1248	ND	ND	ND	ND
PCB-1254	ND	ND	ND	ND
PCB-1260	ND	ND	ND	ND
TCLP RCRA METALS (mg/l) USEPA SW-846 6020A				
ARSENIC	ND	ND	ND	ND
BARIUM	ND	ND	ND	ND
CADMIUM	ND	ND	ND	ND
CHROMIUM	ND	ND	ND	ND
LEAD	ND	ND	ND	ND
MERCURY	ND	ND	ND	ND
SELENIUM	ND	ND	ND	ND
SILVER	ND	ND	ND	ND
TPH (ORO) (mg/kg) USEPA SW-846 8015C	ND	ND	ND	ND
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NOTES:

1. DREDGE THE BOAT BASIN TO THE LIMITS SHOWN. DREDGING WILL INVOLVE THE REMOVAL OF APPROXIMATELY 1700 CUBIC YARDS OF MATERIAL.
2. COORDINATE DREDGING WITH THE STATION OFFICER IN CHARGE AT (410) 289-1905 TO COORDINATE PHASING OF DREDGING. ASSURE WORK/ EQUIPMENT DOES NOT INTERFERE WITH MOORING LOCATIONS ESTABLISHED FOR ALTERNATE PHASES. MOVE EQUIPMENT AS NECESSARY TO ALLOW ACCESS TO THE BOAT BASIN DURING PHASE II WORK.
3. LOAD SPOILS INTO WATERTIGHT TRUCKS, OR WATERTIGHT BARGE. FOR TRANSPORT AND DISPOSAL AT THE DISPOSAL AREA ~~[illegible]~~ CONSTRUCT TEMPORARY DYKES, WEIRS AND EROSION CONTROL AS REQUIRED BY THE STATE OF MARYLAND. THE CONTRACTOR SHALL PAY ALL DISPOSAL FEES.

LEGEND

1. USEPA = UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2. PCBs = POLYCHLORINATED BIPHENYLS
3. mg/kg = MILLIGRAMS PER KILOGRAM
4. mg/l = MILLIGRAMS PER LITER
5. RCRA = RESOURCE CONSERVATION AND RECOVERY ACT
6. TPH = TOTAL PETROLEUM HYDROCARBONS
7. DRO = DIESEL RANGE ORGANICS
8. ORO = OIL RANGE ORGANICS
9. ND = NOT DETECTED ABOVE REPORTING LIMIT
10. TCLP = TOXICITY CHARACTERISTIC LEACHING PROCEDURE

COLLINS ENGINEERS INC
749 Bloomsvale Rd. - Suite B - Newport News, VA 23606
Tele (757) 873-5201 Fax (757) 873-5851 www.collinseng.com

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C-02	SHEET 2 OF 2

Revised Dec 2, 2008