Joint Public Notice

U.S. Army Corps of Engineers Baltimore District	**In Reply to Application Number CENAB-OP-RMN (MD DNR/Alternate Materials/Little Choptank River/Shallow Water) 2007-03659-M36 Maryland Tidal Wetlands License No. 14-WL-0104/201362125**
PN 14-16	**Comment Period: March 14, 2014 to May 9, 2014**

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW AND TO ANNOUNCE THE DATE OF A CORPS PUBLIC INFORMATION MEETING/MARYLAND DEPARTMENT OF THE ENVIRONMENT PUBLIC INFORMATION HEARING ON THE SUBJECT APPLICATION. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT AUTHORIZATIONS WILL BE ISSUED. THE CORPS PUBLIC INFORMATION MEETING/MDE PUBLIC INFORMATION HEARING WILL BE HELD:

Wednesday, April 9, 2014
6:00 pm to 9:00 pm
Cambridge-South Dorchester High School
2475 Cambridge Beltway
Cambridge, Maryland 21613

The Corps public information meeting/MDE public information hearing provides members of the public the opportunity to present views, opinions, and information which will be considered by the U.S. Army Corps of Engineers, Baltimore District (Corps) and the Maryland Department of the Environment (MDE) in evaluating the permit application. A poster session/display will be available from 6:00 PM to 7:00 PM where project drawings can be reviewed. Agency representatives will also be available to answer questions. From 7:00 PM to 9:00 PM, a brief project presentation will be given by the Maryland Department of Natural Resources (MDNR) followed by public testimony. A time limit of three minutes per speaker may be set, depending on the number of speakers, to ensure that all interested parties have an opportunity to voice their views.

Anyone who is hearing impaired and/or is non-English speaking; who wishes to attend this public meeting/hearing should notify Mr. John Policarpo at the address/telephone number listed near the end of this public notice. All requests for an oral, sign language, or non-English language interpreter must be received by March 26, 2014. To the extent possible and feasible, an interpreter will be provided.

The Corps has received an application for a Department of the Army (DA) 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), to restore natural, self-sustaining, oyster populations and oyster bottom habitat in the Little Choptank River, Dorchester County, Maryland. MDE has also received an application from MDNR for a Tidal Wetlands License to be authorized by the Maryland Board of Public Works pursuant to Title 16 of the Environment Article, Annotated Code of Maryland.

APPLICANT: Maryland Department of Natural Resources
Fisheries Service
580 Taylor Avenue, B-2
Annapolis, Maryland 21401

LOCATION AND WATERWAY:

In the Little Choptank River, in Cambridge, Woolford, and Madison, Dorchester County, Maryland

BACKGROUND:

On September 19, 2008, the Corps issued DA Permit No. 2007-03659-M24 (MD DNR/Alternate Material) and a subsequent modification dated September 30, 2008, to plant up to 1.5 million cubic yards of alternate materials (non-oyster shell) within Maryland charted oyster bars in the Chesapeake Bay for the purpose of re-establishing self-sustaining oyster populations. The type of material authorized included clam shell, marl, concrete, stone, brick, and cinderblock. The materials would be deposited up to a 12-inch substrate base in which a layer of oyster spat on shell would be overlain. This authorization restricted work to within areas of natural, historic oyster bars and required that the project provide for an 8-foot minimum vertical clearance as measured at mean lower low water (MLLW). The permit stipulation to provide for 8-foot of vertical clearance at MLLW requires that the approved work be located within waters at least 9-feet deep. The areas currently authorized in the Little Choptank River (227.52-acres) by the DA authorization, are shown on the enclosed drawings.

The permit authorization for alternate materials substrate included areas within the Little Choptank River; however, at the time of authorization, the exact placement areas within historic Native Oyster Bars were unknown. Once the alternate materials sites were identified, MDNR was required to notify the Corps to review the placement areas to ensure they were in accordance with the issued permit.

According to the MDNR, a large portion of the restorable bottom in the Little Choptank River is located within areas that are shallower than 9-feet MLLW. However, these areas are not currently authorized by the Department of the Army under the existing Corps permit (2007-03659-M24). Therefore, MDNR has requested a permit modification, as described below under Proposed Work, to add 320.11-acres of alternate materials substrate with spat (juvenile oysters) on shell or shell only within the Little Choptank River in water depths ranging from 4- to 9-feet MLLW, for purposes of oyster restoration. The previously permitted work authorized alternative substrate and shell within water depths greater than 9-feet MLLW, and the proposed work involves spat on shell placement in water depths greater than 9-feet MLLW and both alternate materials with shells and/ or shells and spat, within water depths from 4- to 9-feet MLLW, which will provide, after placement of the material, for a minimum 4-foot MLLW vertical clearance. The proposed 320.11-acres of oyster restoration work, when combined with the previously permitted oyster restoration work, results in a total of 547.63-acres of charted oyster bars in the Little Choptank River

that are proposed for restoration (227.52-acres under the existing Corps permit; 320.11-acres proposed under this permit modification). The major goal of this effort is to restore natural oyster bars to their historic extent where possible.

PROPOSED WORK:

The applicant proposes to place approximately 327,694 cubic yards of alternate materials, including oyster shell, fossilized oyster shell, clam shell, concrete rubble, stone, marl, brick, and/or crushed cinderblock, to act as an up to 12-inch high base, over 187.45-acres of river bottom, in various locations within the Little Choptank River. Also proposed is the placement of spat on shell (seed only) over 132.66-acres of river bottom, in various locations within the Little Choptank River. This work is proposed within a total of approximately 320.11-acres of Maryland State designated Natural Oyster Bars (NOBs-legally defined oyster bars) located within the Little Choptank River Oyster Sanctuary. Alternate materials with spat on shell will be placed in water depths ranging from approximately 6- to 9-feet MLLW, while spat on shell only, with a maximum thickness of 6-inches (this layer includes 1-inch of shell with a +5-inch construction tolerance depending on shell orientation), will be placed in water depths ranging from approximately 4- to 9-feet MLLW; however, if a good natural spat set is present, spat on shell may not need to be planted. Therefore, the maximum height of alternate materials, shell, and/or spat on shell, deposited within the Little Choptank River, will be a maximum of 18-inches off the river bottom.

Although it was previously authorized under DA Permit No. 2007-03659-M24, the applicant has depicted specific locations for the placement of alternative substrate with spat on shell and spat on shell in deep water sites (water depths greater than 9-feet MLLW). The Corps has reviewed the location of these sites and has found that they comply with the conditions of the original DA permit. MDNR has been granted approval to move ahead with construction of these deep water sites. For reference, the locations of the deep water sites are included on enclosed plans so that overall restoration efforts within the Little Choptank River can be seen.

Oyster spat used for restoration will consist of eastern oyster (*Crassostrea virginica*) obtained from the University of Maryland's Horn Point hatchery, the Chesapeake Bay Foundation hatchery, and/or MDNRs Piney Point hatchery to a thickness of approximately 6-inches. The maximum overall height of deposited materials off of the river bottom, including the oyster spat on shell, will be 18-inches. Therefore, post construction, final vertical clearances will be approximately 1.5-feet less as measured at MLLW, above the river bottom. The restoration work areas are shown on the enclosed plans. Due to the variability of bottom contours/water depths within the project area, a 4-foot minimum vertical clearance will be available for purposes of general navigation as well as both ingress and egress with greater vertical clearances where existing water depths are deeper than 6-feet.

Due to the size of the project plans (35 sheets), only the key sheet and overall restoration area plan have been attached to this Public Notice. Should anyone wish to view the complete set of project plans in more detail, please go to the Corps web site at the following link: http://www.nab.usace.army.mil/Missions/Regulatory/PublicNotices.aspx.

For those who do not have computer access, a hard copy of the plans may be requested by contacting Mr. John Policarpo by phone at (410) 962-4522 or by email at john.n.policarpo@usace.army.mil.

Growth and survivorship of oysters will be monitored by MDNR a few months after planting, and at one year, three years and six years post-planting. Monitoring will allow for adaptive management, adding more oysters in case of mortality, and decreasing or suspending plantings where natural spat set has occurred.

The basic project purpose is oyster restoration. The overall project purpose is to restore, natural, self-sustaining, oyster populations and oyster bottom habitats in the Little Choptank River as part of federal and state coordinated strategy for oyster restoration. The application is supported by (1) President Obama's May 2009 Chesapeake Bay Protection and Restoration Executive Order 13508, which identified that historical efforts were not showing sufficient progress in restoring the health of the Chesapeake Bay and its watershed and focused on oyster restoration, specifically calling for the restoration of native oyster populations in twenty Chesapeake Bay tributaries by 2025; (2) Maryland's Oyster Restoration and Aquaculture Development Plan, announced by Governor O'Malley in December of 2009, which called for the restoration of oyster bars in Maryland's portion of the Chesapeake Bay; (3) the May 2010 Strategy for Protecting and Restoring the Chesapeake Bay Watershed; and (4) the Corps' Programmatic Environmental Impact Statement for Oyster Restoration in Chesapeake Bay.

The Little Choptank River was chosen as an oyster restoration area based on its status as an oyster sanctuary (oyster harvesting prohibited). The selection of restoration sites was based on several factors, such as the availability of restorable bottom (i.e., bottom that can support substrate); substrate in the proposed construction areas consists of hard sand, shell, and sand or mud mixed with shell. Also taken into consideration during site selection were adequate dissolved oxygen levels, historic spat set, hydrodynamics favoring larval retention, and an intermediate salinity that balances the reproduction of high salinity waters with the disease refuge of low salinity waters. All work is proposed within Maryland State designated Natural Oyster Bars (NOBs- as defined by statute in the Annotated Code of Maryland, specifically NOB 15-7, NOB 15-8, NOB 15-9, and NOB 15-13) located within the Little Choptank River Oyster Sanctuary.

Areas of the Little Choptank River were excluded from project consideration if they were (1) located outside of areas where NOBs previously existed; (2) composed of mud bottoms or shell bottom with live oysters; (3) located in areas that had a density of live oysters greater than 50 square meters in size because they currently meet restoration goals; (4) located within areas designated as Active Oyster Leases; or (5) located within 250-feet of any marinas, within 250-feet of any aids to navigation, or within 150-feet of the edge of a defined Federal navigation channel.

Oysters generally improve water quality by filtering, and provide habitat for both resident and transient estuarine species, such as blue crabs, striped bass, and white perch. According to MDNR, it is likely that oyster larvae originating from the Little Choptank River may settle in adjacent waterways, including public harvest areas.

Tables 1, 2, and 3 below describe the permitted and proposed alternate substrate sites and the spat on shell only sites within the Little Choptank River:

Table 1: Corps Previously Authorized Alternative Materials & Seed Deep Water Sites [227.52-acres]

Site	Centroid Latitude	Centroid Longitude	Area (acres)	Clearance with substrate (ft.)	Distance to Shore (ft.)	Substrate Volume (cu. yds.)
SO_2	38.520401	-76.259201	3.80	11.1	1,803.11	511
SO_3	38.520699	-76.261299	0.76	12.5	2,513.51	103
SO_4	38.523998	-76.262199	14.27	13.1	2,704.40	1,919
SO_5	38.5228	-76.256798	3.20	9.5	1,721.52	430
SO_6	38.524601	-76.256897	12.36	12.0	1,995.07	1,662
SO_7	38.526001	-76.257401	2.88	13.3	2,599.09	388
SO_8	38.526402	-76.2528	4.03	12.7	1,552.34	542
SO_9	38.528198	-76.256302	2.04	14.0	2,943.55	274
SO_10	38.527802	-76.255402	0.74	15.1	2,718.24	100
SO_11	38.529701	-76. 255402	1.39	14.3	3,176.70	187
SO_12	38.529999	-76.251198	1.31	17.3	2,660.04	176
SO_13	38.533001	-76.249802	3.11	12.4	1,848.76	418
SO_14	38.531898	-76.250298	1.51	13.5	2,252.94	204
SO_15	38.535599	-76.250198	4.09	10.2	872.16	550
SO_18	38.532902	-76.245903	8.78	11.7	1,498.74	1,181
SO_20	38.531101	-76.239197	4.43	9.6	1,981.83	595
SO_21	38.529202	-76.241096	9.59	11.2	1,659.46	1,289
SO_24	38.536301	-76.234001	5.16	9.4	1,180.55	693
SO_25	38.536701	-76.231903	2.41	9.5	1,226.16	325
SO_26	38.536598	-76.229103	3.47	11.2	1,547.68	467
SO_29	38.5383	-76.2276	1.92	15.9	1,157.34	258
SO_30	38.5406	-76.231903	1.98	10.5	614.53	267
SO_31	38.542	-76.229401	2.80	10.6	1,289.30	376
SO_38	38.541698	-76.223801	1.30	10.7	694.68	175
SO_42	38.548199	-76.218597	1.77	9.8	1,144.50	238
SS_1	38.521801	-76.262199	6.06	12.2	2,647.01	10,599
SS_2	38.520401	-76.260399	2.29	11.3	2,071.88	4,009
SS_3	38.519501	-76.2612	2.11	11.8	2,218.76	3,686
SS_4	38.521198	-76.260696	1.47	12.0	2,337.07	2,577
SS_5	38.52	-76.262497	1.48	12.3	2,563.46	2,581
SS_6	38.522499	-76.261299	1.80	12.5	2,681.30	3,144
SS_7	38.523602	-76.261902	1.56	11.9	3,069.22	2,721
SS_8	38.521599	-76.259697	2.99	11.4	2,079.36	5,234

SS_9	38.5257	-76.264	5.43	11.0	3,298.07	9,490
SS_10	38.524399	-76.259598	3.24	12.4	2,639.91	5,656
SS_11	38.522598	-76.2584	10.62	10.1	1,809.57	18,573
SS_12	38.523602	-76.2565	2.95	9.5	1,782.14	5,153
SS_13	38.525902	-76.255096	3.87	12.2	1,954.91	6,758
SS_14	38.525101	-76.254204	5.95	9.8	1,661.46	10,398
SS_15	38.525902	-76.250397	13.24	9.6	914.09	23,145
SS_16	38.526501	-76.2565	1.76	12.6	2,614.55	3,083
SS_17	38.5368	-76.256203	0.94	9.1	1,429.68	1,640
SS_18	38.5368	-76.254303	0.70	9.2	994.38	1,216
SS_19	38.5341	-76.249298	2.64	10.7	1,447.34	4,620
SS_20	38.534401	-76.248398	2.98	9.1	1,255.74	5,212
SS_21	38.534	-76.240997	3.70	11.7	1,386.87	6,476
SS_22	38.536499	-76.235397	1.97	9.1	1,180.73	3,443
SS_23	38.540199	-76.230797	1.14	10.3	875.36	1,994
SS_24	38.539398	-76.232101	2.25	9.5	627.40	3,930
SS_25	38.542198	-76.230904	15.35	9.7	586.69	26,838
SS_26	38.541599	-76.226997	1.16	14.3	1,315.27	2,022
SS_27	38.538799	-76.227303	1.23	15.0	1,053.69	2,145
SS_28	38.540901	-76.225098	1.79	12.1	694.87	3,125
SS_29	38.537399	-76.227798	1.02	11.5	1,277.42	1,789
SS_30	38.546001	-76.230003	2.25	8.5	835.21	3,929
SS_31	38.547298	-76.2285	4.49	8.5	491.26	7,844
SS_32	38.544899	-76.2202	1.18	9.9	1,695.12	2,057
SS_33	38.549099	-76.215797	3.18	10.3	611.79	5,557
SS_34	38.542099	-76.213799	2.54	10.7	1,171.59	4,440
SS_35	38.543598	-76.213898	3.89	9.5	556.73	6,804
SS_70	38.5182	-76.260696	7.22	10.6	1,856.06	12,625

SO – seed only (spat on shell); SS – substrate and seed

Table 2: Proposed Alternative Materials & Seed Shallow Water Sites [187.45-acres]

Site	Centroid Latitude	Centroid Longitude	Area (acres)	Clearance with substrate (ft.)	Distance to Shore (ft	Substrate & Shell Volume (cu. yds.)
SS_37	38.525398	-76.249199	7.72	6.3	821	13,502
SS_38	38.519402	-76.258598	18.17	6.5	1,316	31,774
SS_49	38.555	-76.212799	6.46	6.1	507	11,296
SS_50	38.5541	-76.2155	8.87	5.8	1,429	15,507
SS_51	38.557201	-76.217003	9.45	5.4	1088	16,520
SS_53	38.547901	-76.2257	12.27	6.8	553	21,458
SS_60	38.537998	-76.236504	5.53	6.7	655	9,659
SS_61	38.536499	-76.2407	11.09	5.9	744	19,388
SS_63	38.535	-76.248001	17.20	6.5	698	30,065
SS_64	38.537399	-76.255402	6.92	6.0	873	12,103
SS_73	38.548801	-76.215103	3.50	5.1	446	6,127
SS_36	38.523499	-76.254204	19.00	6.1	1,155	33,217
SS_68	38.535198	-76.268204	2.69	5.1	1,269	4,699
SS_39	38.5289	-76.237	3.64	5.6	1,196	6,363
SS_40	38.527599	-76.237801	2.00	5.7	1,045	3,500
SS_41	38.530102	-76.233398	1.17	5.6	1,301	2,041
SS_42	38.5359	-76.228203	1.36	7.1	1,439	2,374
SS_47	38.543598	-76.2118	4.29	6.7	454	7,500
SS_48	38.5541	-76.208603	2.63	6.0	603	4,594
SS_52	38.5457	-76.226501	2.98	7.4	1,404	5,210
SS_54	38.549099	-76.227097	5.18	6.4	353	9,052
SS_55	38.547699	-76.229103	2.98	6.3	338	5,211
SS_56	38.552399	-76.2463	1.27	6.7	297	2,215
SS_57	38.540501	-76.232597	2.85	6.3	487	4,980
SS_58	38.542301	-76.239601	4.83	5.8	366	8,437
SS_59	38.540199	-76.238197	2.27	6.0	379	3,967
SS_62	38.544201	-76.246696	1.36	7.0	628	2,379
SS_65	38.537998	-76.258904	0.84	5.3	1,445	1,462
SS_66	38.536701	-76.264198	1.02	6.9	1,861	1,787
SS_67	38.5341	-76.267998	0.85	6.8	1,676	1,479
SS_43	38.536499	-76.226997	2.94	5.9	998	5,143
SS_44	38.538101	-76.226898	1.28	6.8	982	2,246
SS_45	38.539501	-76.226196	0.68	10.0	828	1,184
SS_46	38.541599	-76.222801	3.69	6.1	568	6,444
SS_69	38.532902	-76.226196	2.96	7.5	1,281	5,173
SS_71	38.549301	-76.225403	4.06	6.8	401	7,099
SS_72	38.539001	-76.212097	1.45	5.5	1,290	2,539

SS – substrate and seed

Table 3: Proposed Seed Only Shallow Water Sites [132.66-acres]

Site	Centroid Latitude	Centroid Longitude	Area (acres)	Clearance with substrate (ft.)	Distance to Shore (ft.)	Substrate Volume (cu. Yds.)
SO_1	38.515701	-76.260803	4.08	7.5	1,336	549
SO_16	38.535301	-76.269203	9.47	4.8	996	1,273
SO_17	38.5387	-76.265602	1.64	5.8	1,125	220
SO_19	38.530102	-76.236198	12.16	7.6	1,301	1,635
SO_22	38.543999	-76.2472	1.61	4.7	505	216
SO_23	38.539799	-76.238899	1.76	6.9	723	236
SO_27	38.5299	-76.230797	3.20	7.0	1,265	430
SO_28	38.534302	-76.226303	4.68	6.8	1,128	630
SO_32	38.543499	-76.231903	7.46	7.5	433	1,003
SO_33	38.545502	-76.229301	10.20	7.9	995	1,371
SO_34	38.543701	-76.229202	5.66	7.1	1,163	761
SO_35	38.544998	-76.227501	7.16	7.2	1,245	962
SO_36	38.545502	-76.231102	1.57	7.1	689	211
SO_37	38.5481	-76.226898	3.49	8.1	641	469
S0_39	38.5448	-76.217598	1.71	7.6	952	231
SO_40	38.544601	-76.2192	5.41	7.2	1,197	727
SO_41	38.546398	-76.2192	8.99	7.8	1,140	1,209
SO_43	38.5424	-76.212402	12.69	8.3	653	1,706
SO_44	38.5397	-76.211601	6.81	5.7	1,000	916
SO_45	38.554699	-76.2089	1.29	7.5	896	174
SO_46	38.554699	-76.214798	4.45	5.1	1,097	598
SO_47	38.557701	-76.215302	8.24	4.8	799	1,108
SO_48	38.528198	-76.237297	1.56	6.5	1,174	210
SO_49	38.549301	-76.226997	7.39	6.1	266	994

SO – seed only (spat on shell)

ADDITIONAL INFORMATION:

Past and Future Oyster Restoration Work in Maryland's Tributaries to Chesapeake Bay

Since 1997, the USACE, Baltimore District and MDNR have been partnering for oyster restoration in the Chesapeake Bay. This Corps work is being conducted as part of the Corps Civil Works Program, under the authority of Section 704(b) of the Water Resources Development Act of 1986. To date, substrate placement locations have included a number of the Maryland tributaries on both the Western and Eastern Shores. Most recently, in 2013, the Corps performed oyster restoration work in Harris Creek.

A multi-agency workgroup continues to work on actions to meet the goals of restoring twenty Chesapeake Bay tributaries per the President's Executive Order. In Maryland, the lead participating agencies are MDNR, the National Oceanic and Atmospheric Administration (NOAA), and the Corps. A number of other Federal, state, and non-profit groups have devoted considerable time and resources to improve oyster habitat in Maryland. Previous efforts to restore oyster bars have been conducted in Maryland's waters at a small scale, but have not resulted in the large scale ecological benefits intended given the size of the Bay. This is the second oyster restoration project being done on a tributary-scale, the first being Harris Creek.

In addition to the USACE construction efforts, for the past several years, USACE, with the assistance of the non-Federal sponsors (MDNR and Virginia Marine Resource Commission) and the Federal cooperating agencies, have been working on a long-term master plan for native oyster restoration for the entire Chesapeake Bay. This master plan was completed in September 2012. Listed below are helpful links regarding oyster restoration:

http://www.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/219/Article/92/enviro nmental-programs.aspx

http://www.dnr.state.md.us/fisheries/oysters/eco_resto/index.asp

REQUEST FOR COMMENTS:

By this public notice, the Corps and MDE are soliciting comments regarding the applicant's proposed work, as described above, to place alternate substrate materials and spat on shell into waters of the U.S., to restore, approximately 320.11-acres of the Little Choptank River and within water depths of approximately 4- to 9-feet at MLLW, a natural, self-sustaining, oyster population and oyster bottom habitats to their former historic conditions.

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 evaluation of the impact of the work described above on the public interest will include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

The Corps and MDE are 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 and MDE to determine whether to issue, modify, condition or deny a permit or license for this proposal. To make these decisions, comments are used to assess impacts on navigation, 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 overall public interest of the proposed activity.

All work is proposed to be completed in accordance with the attached plan(s). If you have any questions, or would like to submit written comments, please contact or write to:

Mr. John Policarpo
ATTN: CENAB-OP-RMN
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715
Phone: 410-962-4522
Email: john.n.policarpo@usace.army.mil

Questions or comments pertaining to the State's Tidal Wetlands License should be directed to:

Mr. Justin Bereznak
Tidal Wetlands Division
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd., Ste. 430
Baltimore, MD 21230-1708
Phone: 410-537-3782
Email: jbereznak@mde.state.md.us

ESSENTIAL FISH HABITAT: 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 affect essential fish habitat (EFH).

The project site lies in or adjacent to EFH as described under the MSFCMA for juvenile and adult *Scopthalmus aquosos* (windowpane flounder); larvae, juvenile, and adult *Paralicthys dentatus* (summer flounder); adult and juvenile *Centropristus striata* (black sea bass); juvenile and adult *Pomatomus saltatrix* (blue fish); and the eggs, larvae, juveniles, and adults of *Peprilus triacanthos* (Atlantic butterfish), *Sciaenops ocellatus* (red drum), *Rachycentron canadum* (cobia), *Scomberomorus maculates* (Spanish mackerel), and *Scomberomorus cavalla* (king mackerel), managed species under the MSFCMA.

The project has the potential to adversely affect 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 320.11-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 variety of substrate materials (e.g., sand, silt and shell). The Baltimore District 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.

SECTION 401 WATER QUALITY CERTIFICATION: 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 Tidal Wetlands Division, Wetlands and Waterways Program, 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. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

COASTAL ZONE MANAGEMENT PROGRAMS: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the State's federally-approved Coastal Zone Management Program (CZMP). By this public notice, we are requesting the State's concurrence or objection to the applicant's consistency certification statement. It should be noted that Maryland's CZMP has a statutory limit of 6 months to make its consistency determination.

The applicant must obtain any State or local government permits, which may be required.

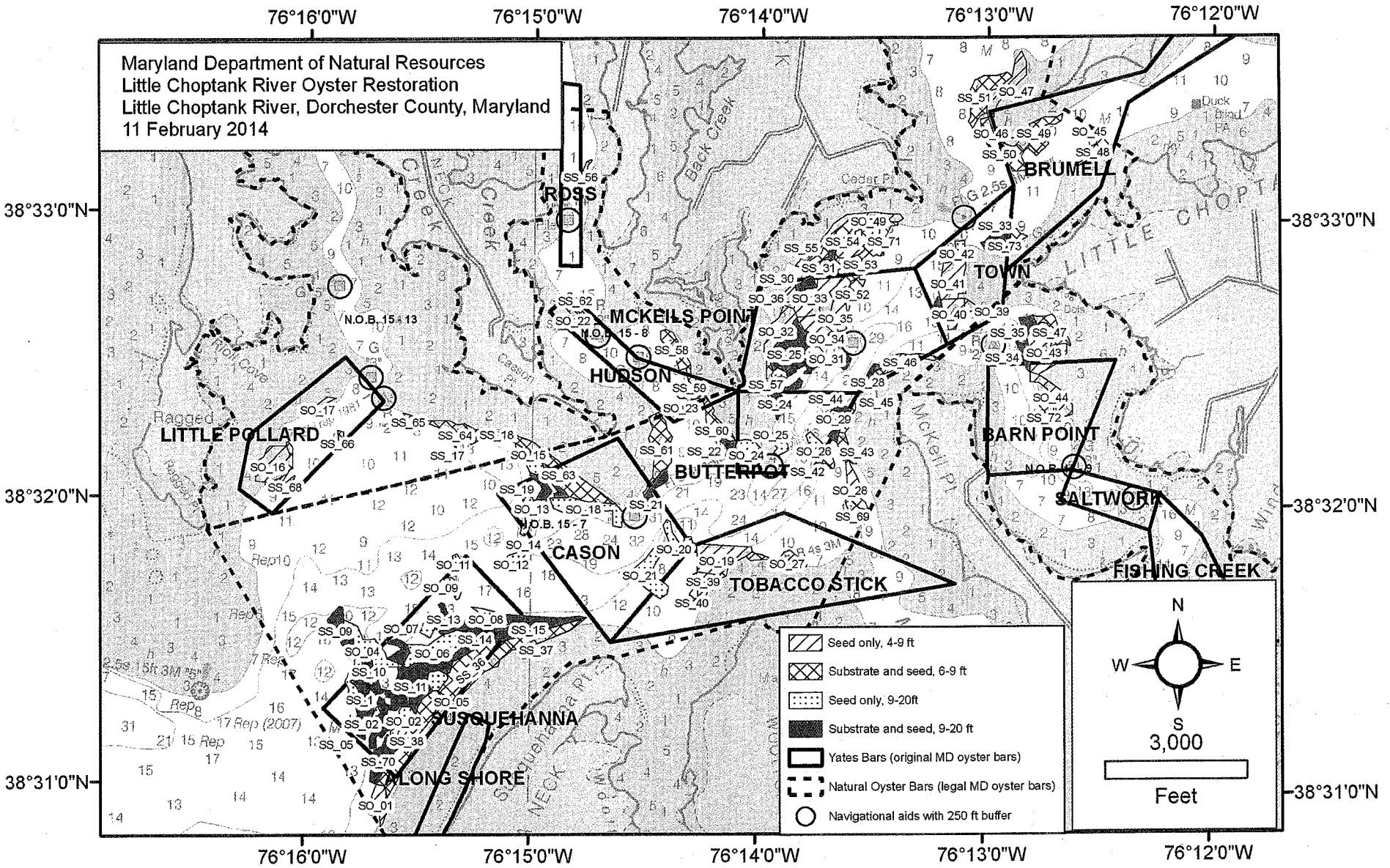
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify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

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, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. John Policarpo, CENAB-OP-RMN], P.O. 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.

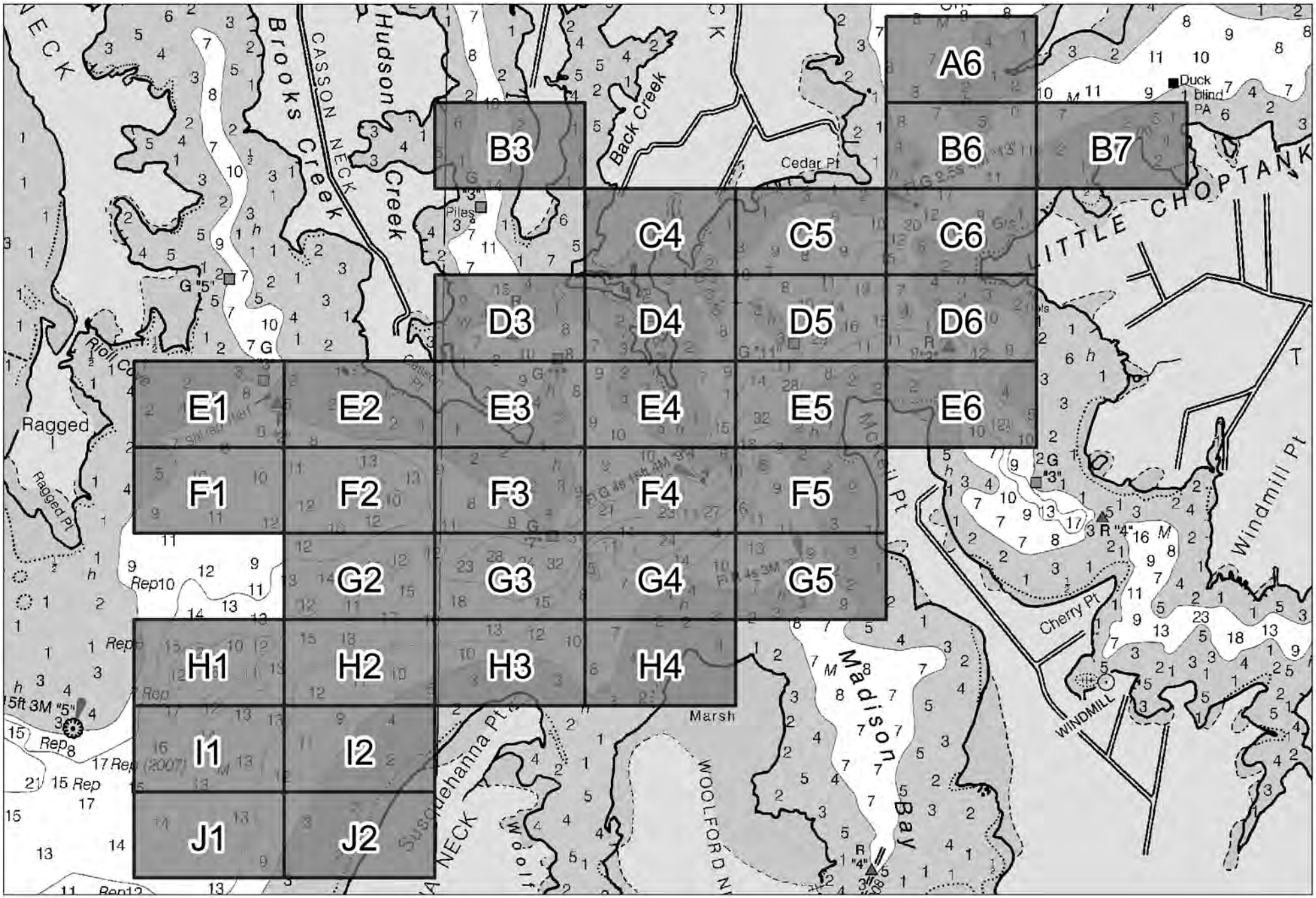
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

Shallow Water & Deep Water Sites



Little Choptank Oyster Restoration

Less Than 9 Feet Deep



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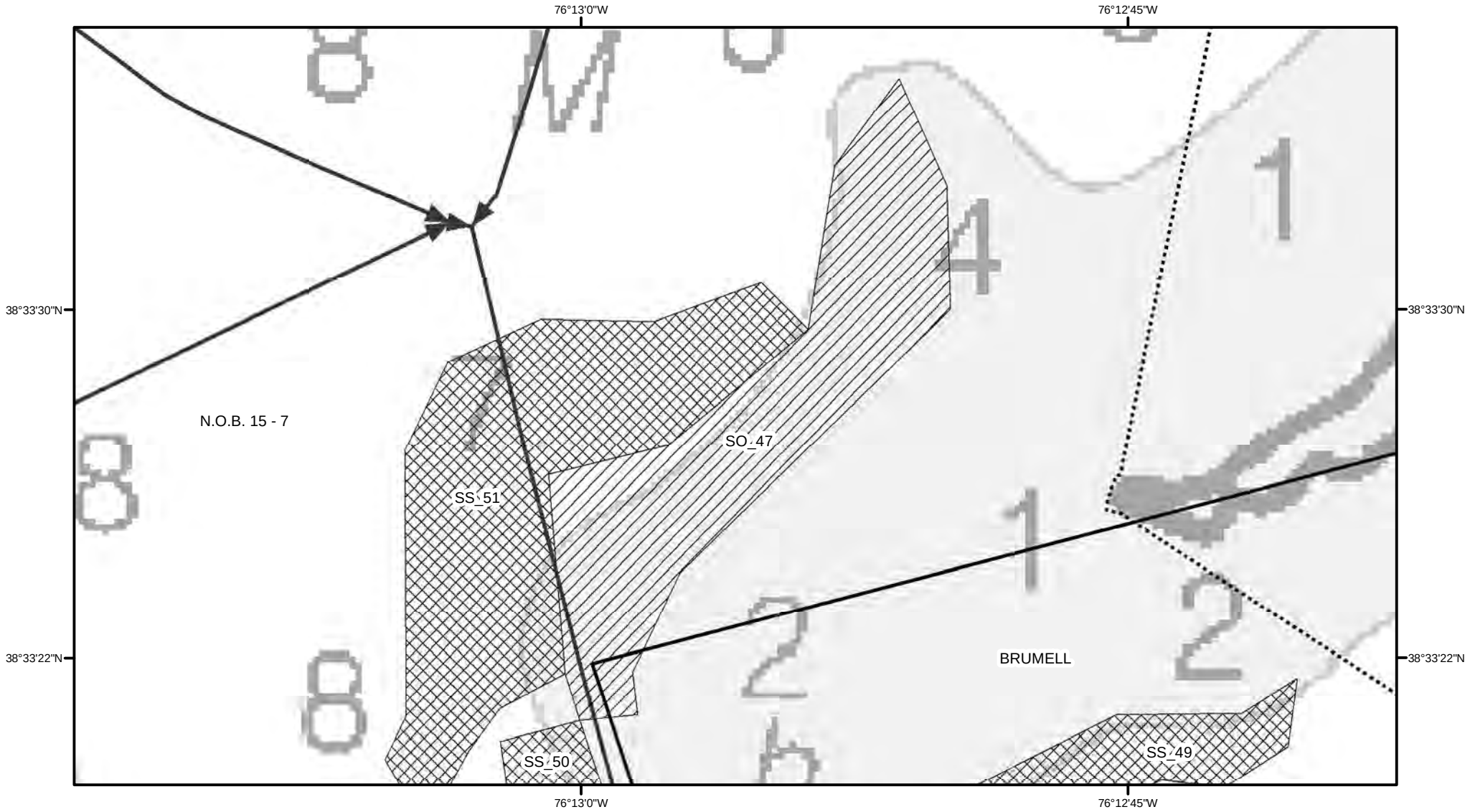

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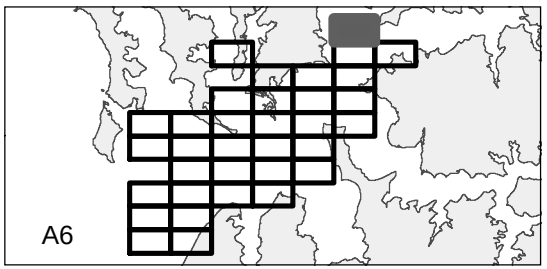

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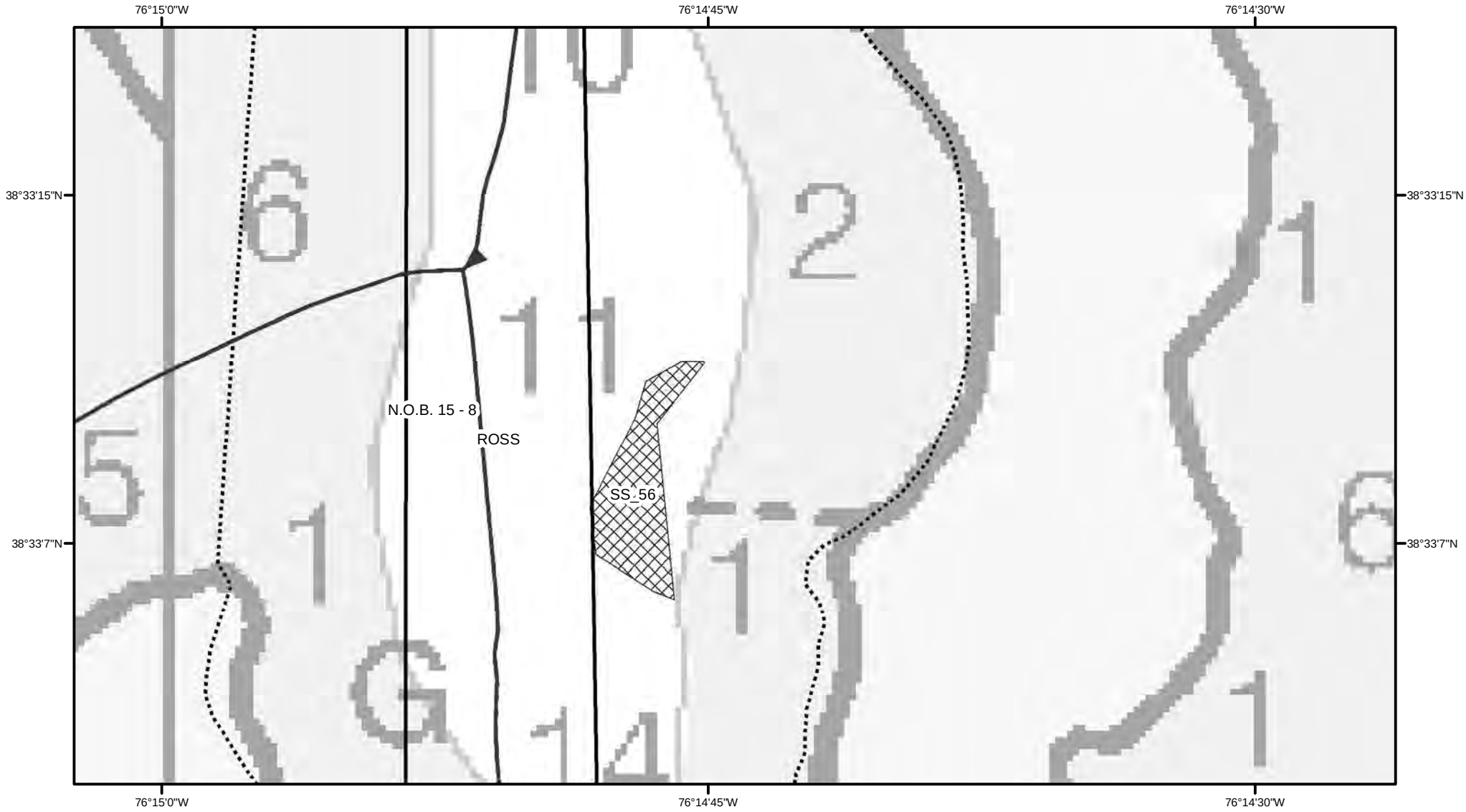

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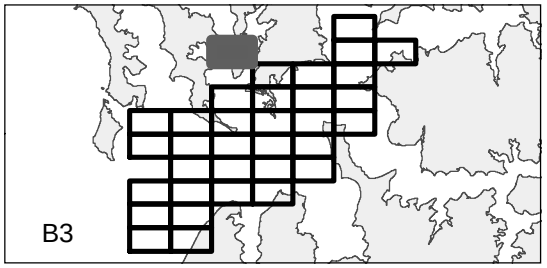

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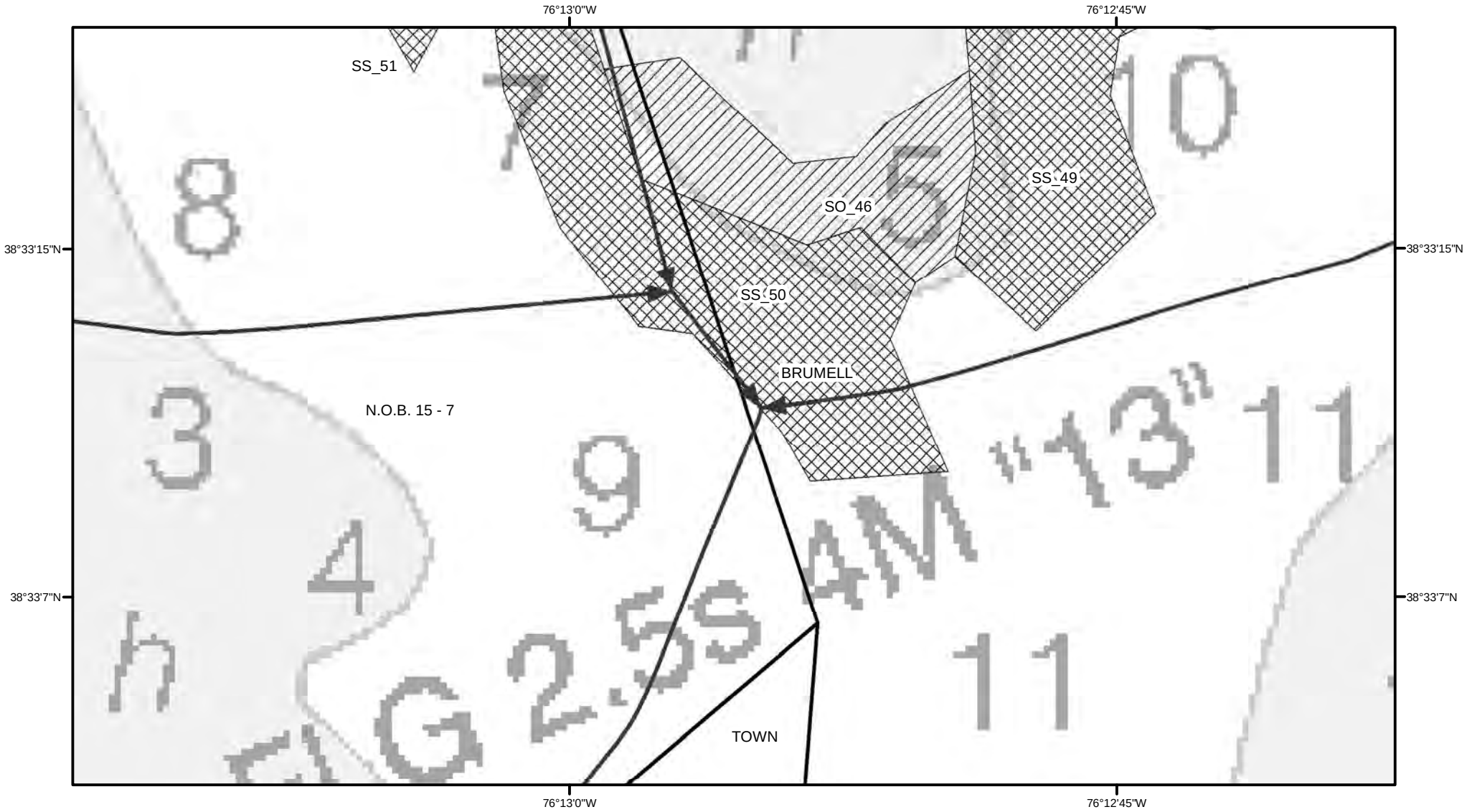

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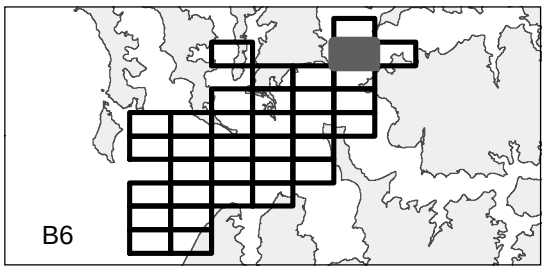

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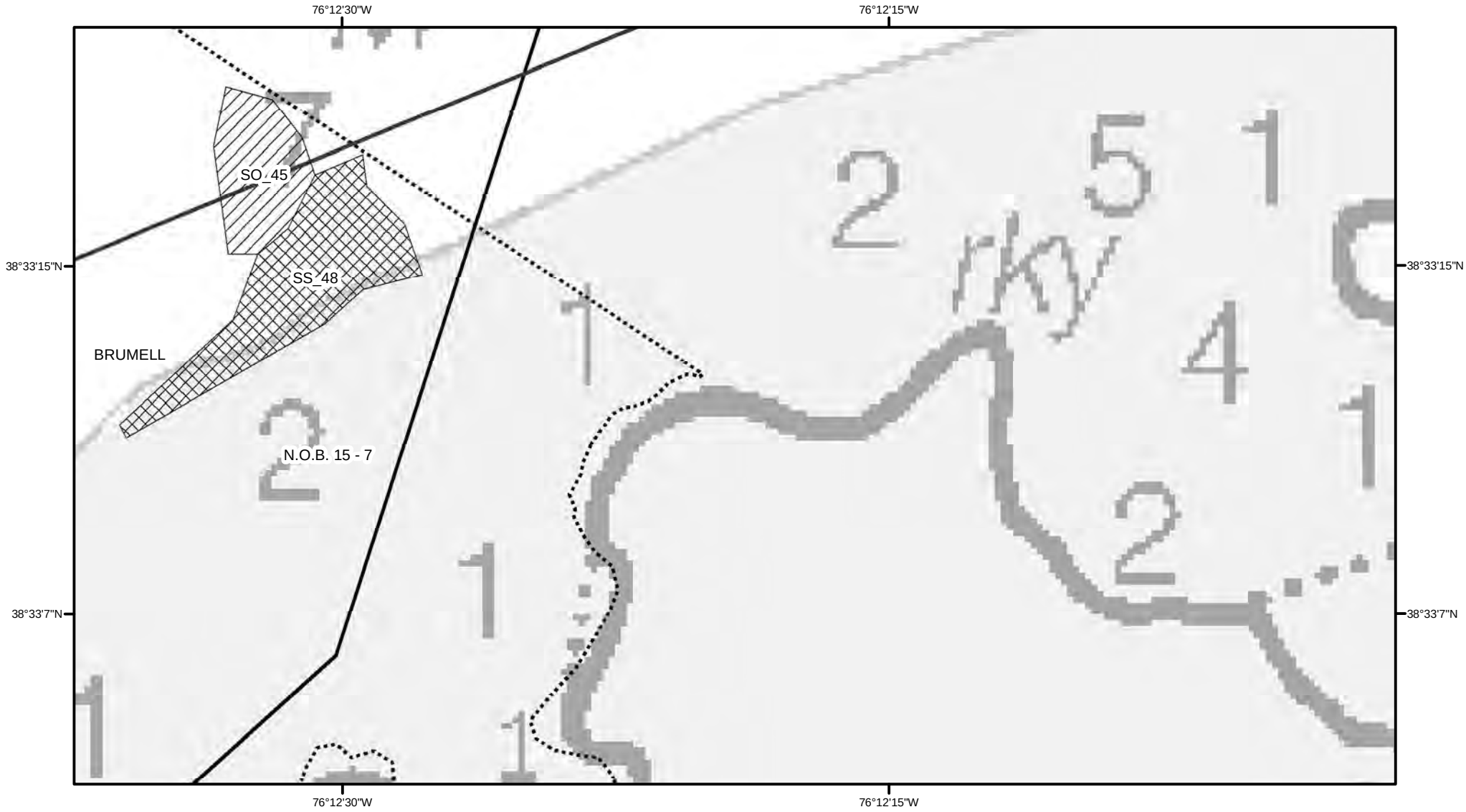

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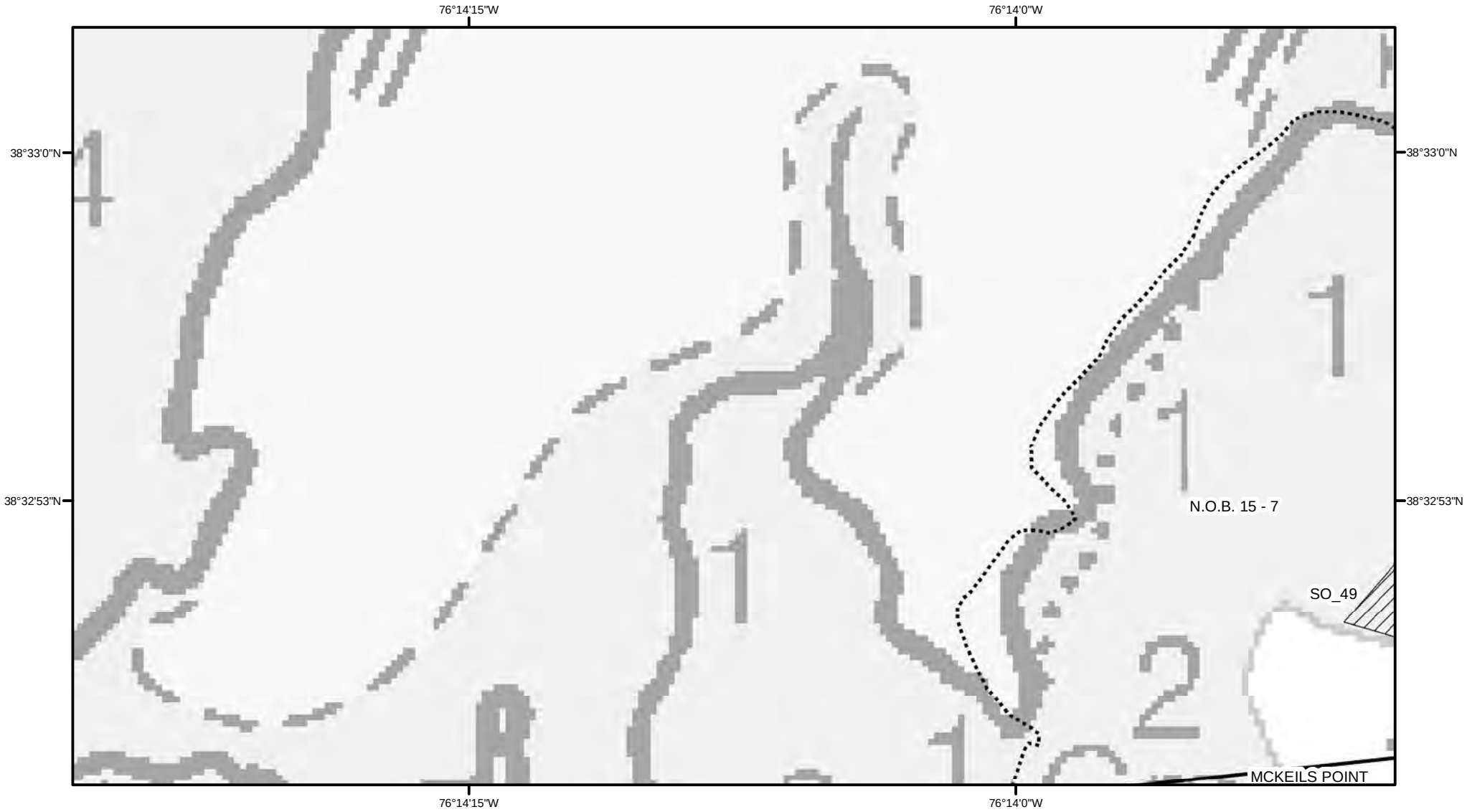

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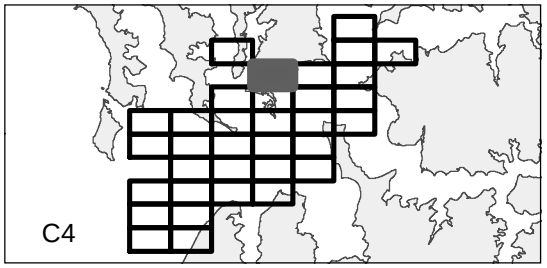

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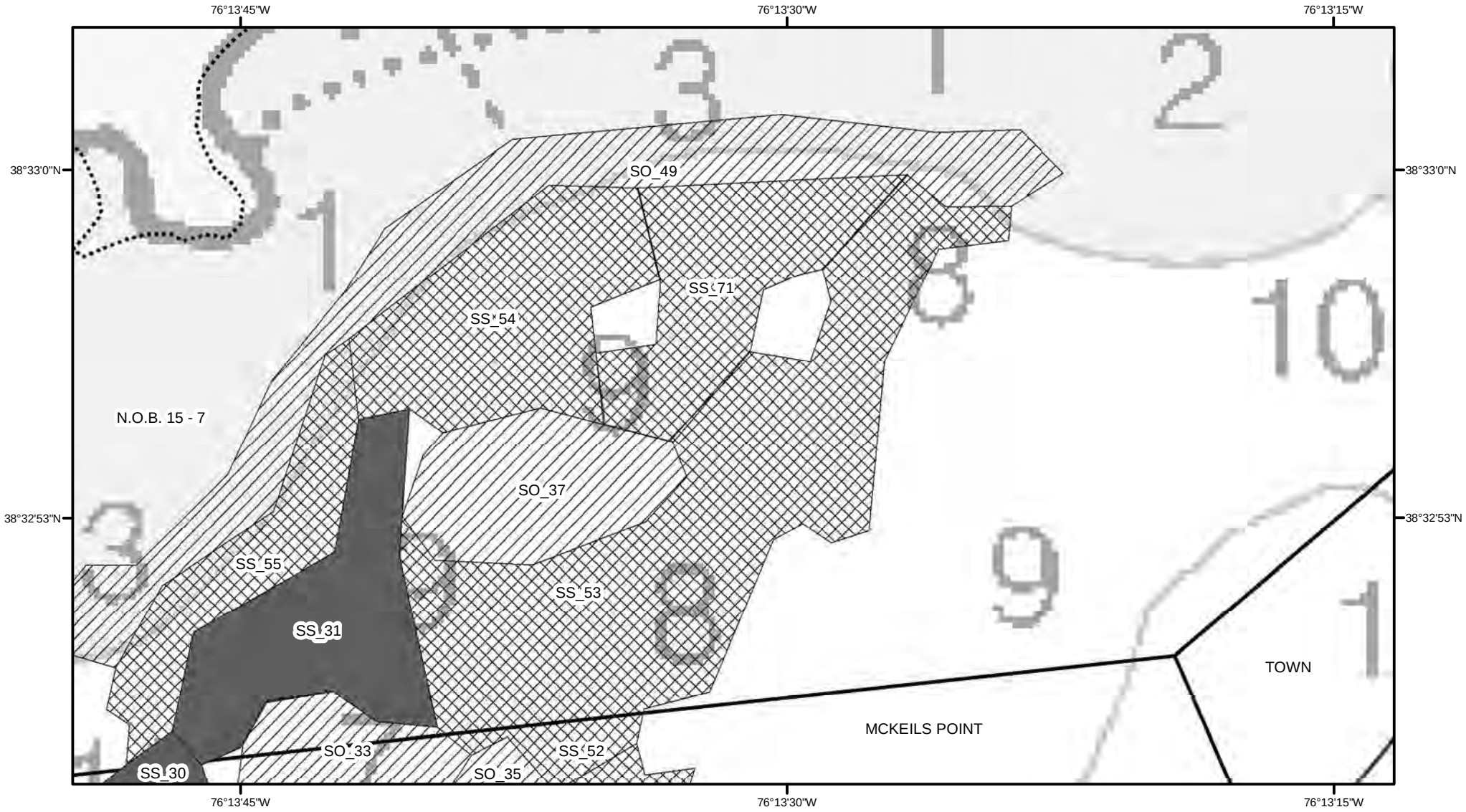

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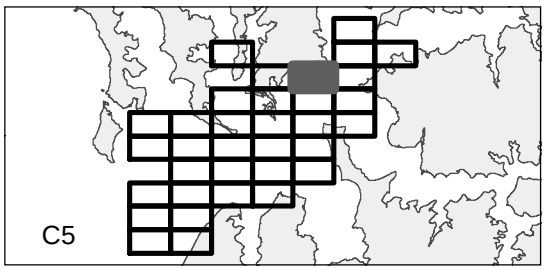

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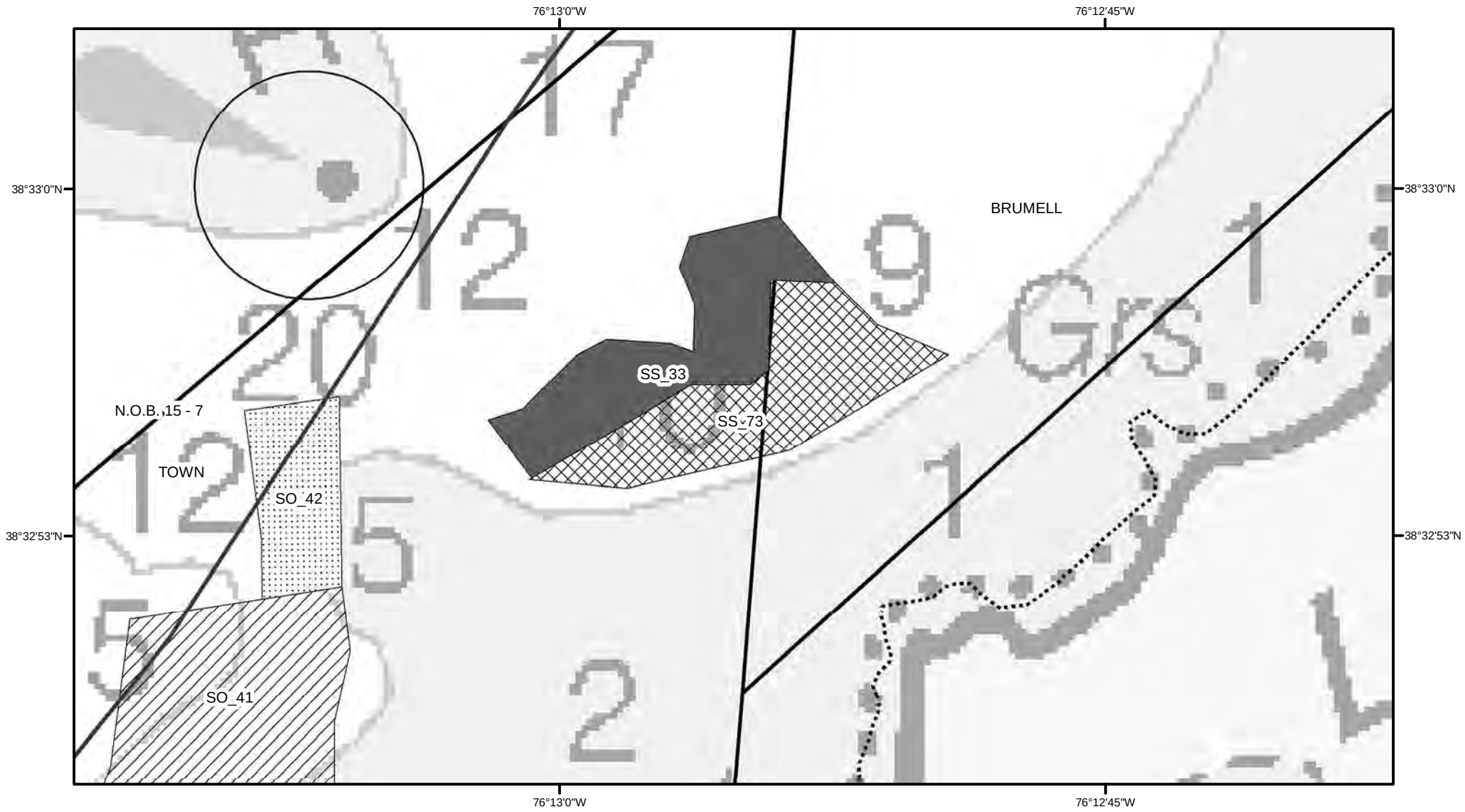

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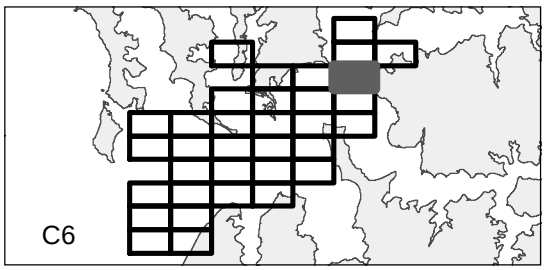

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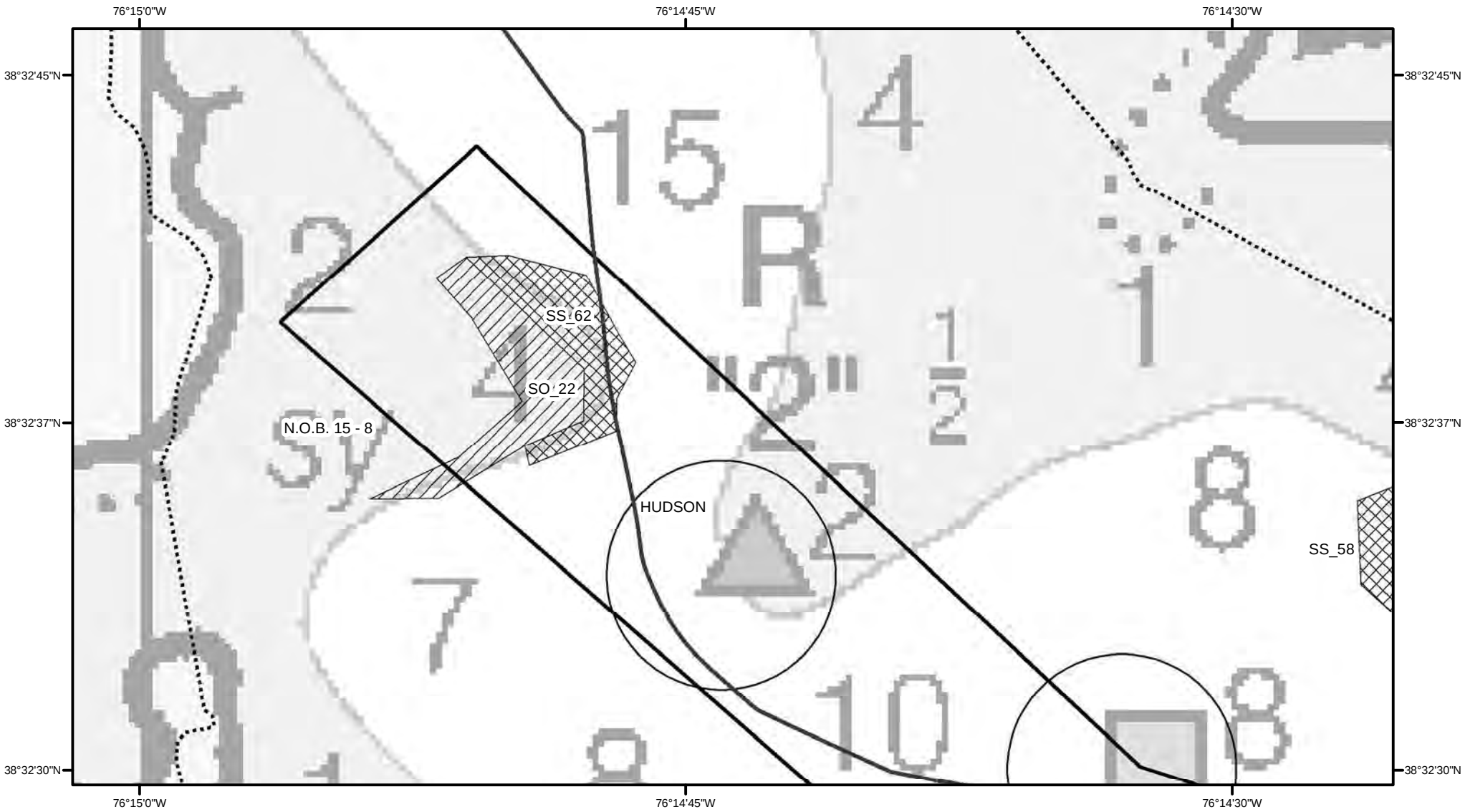

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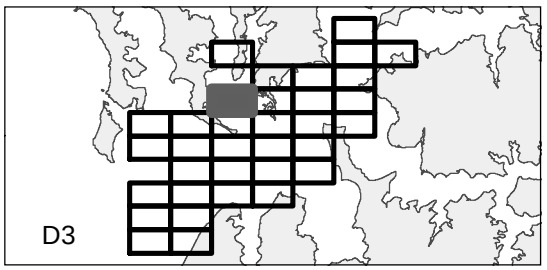

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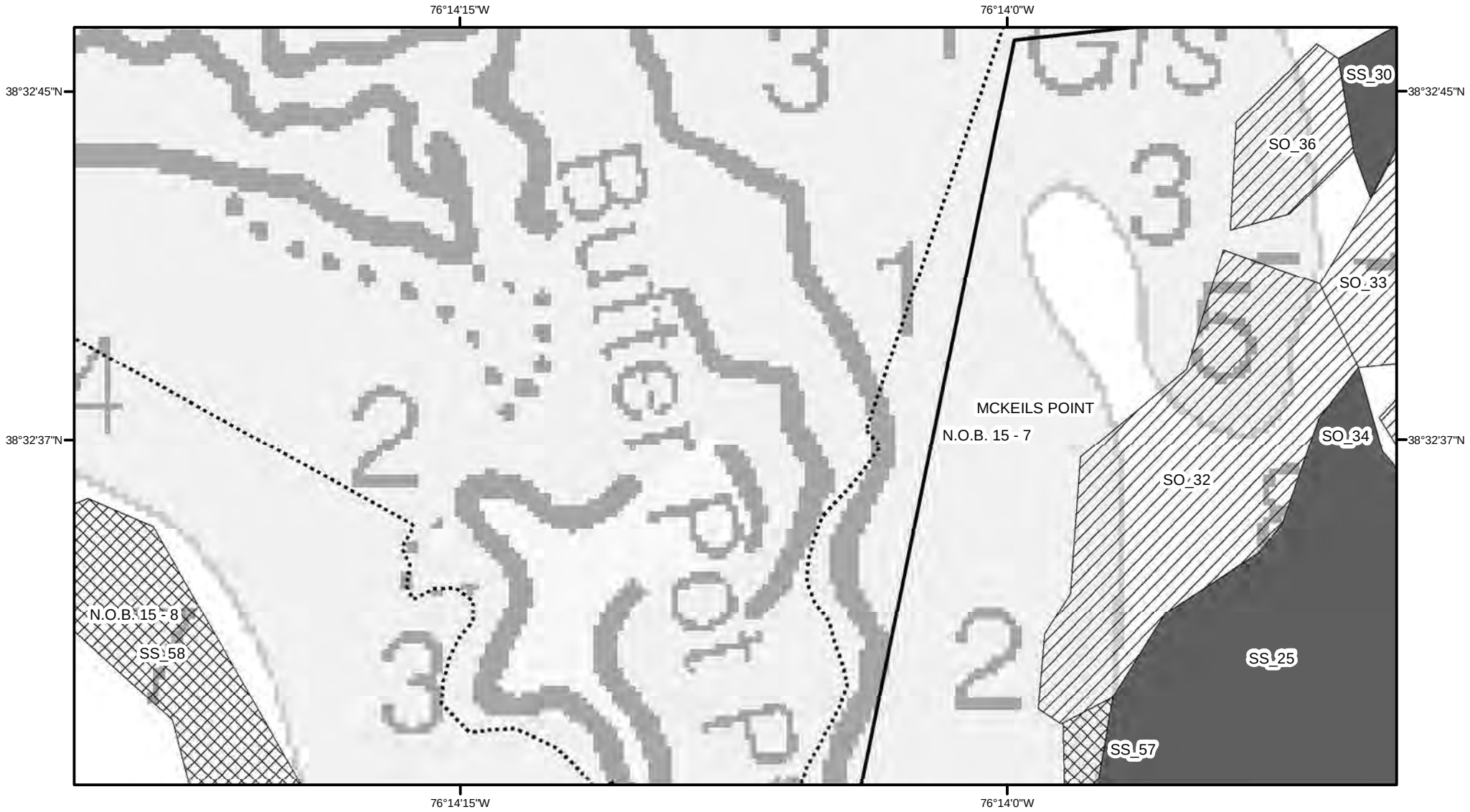

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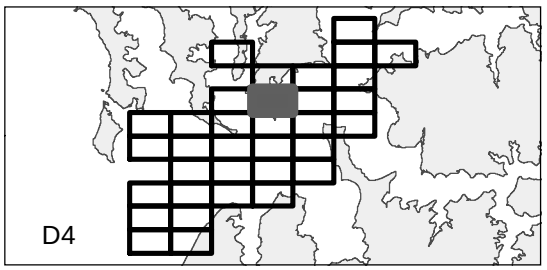

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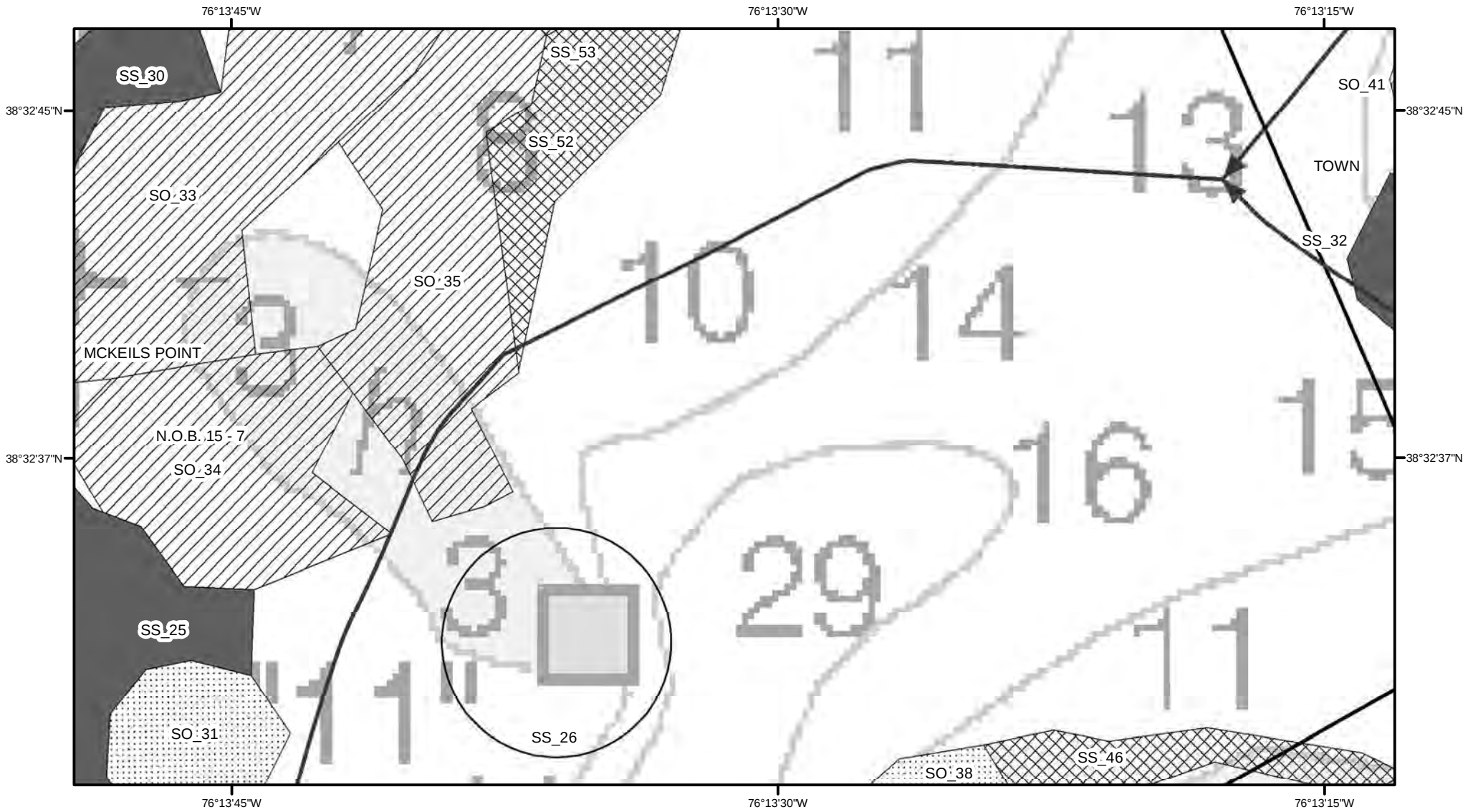

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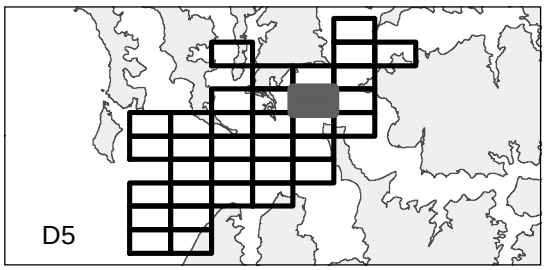

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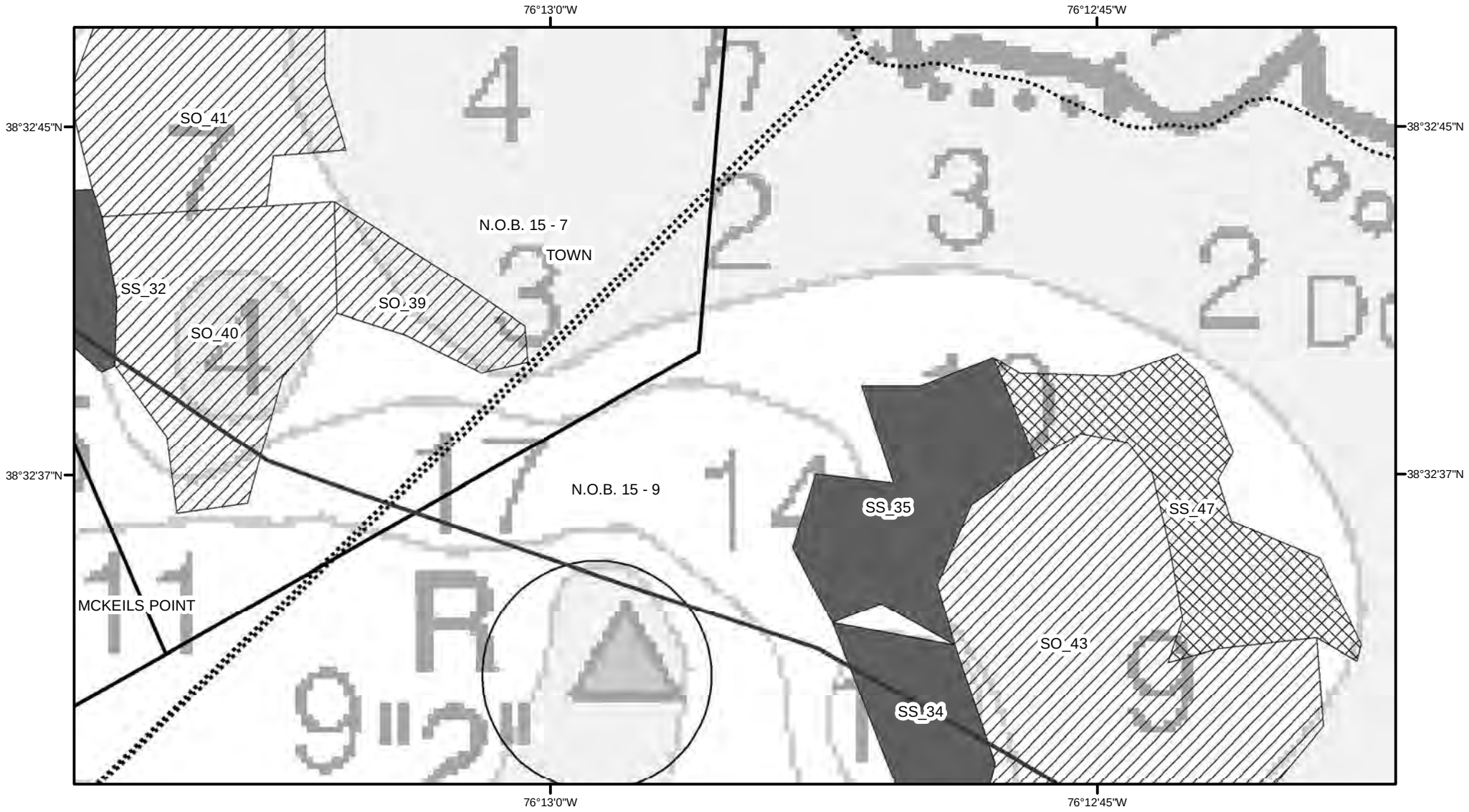

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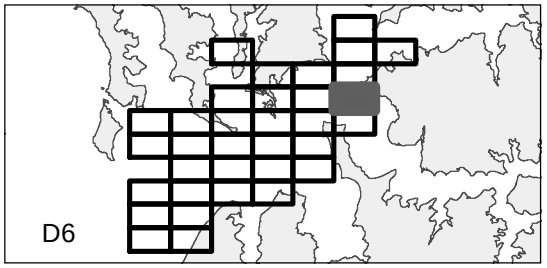

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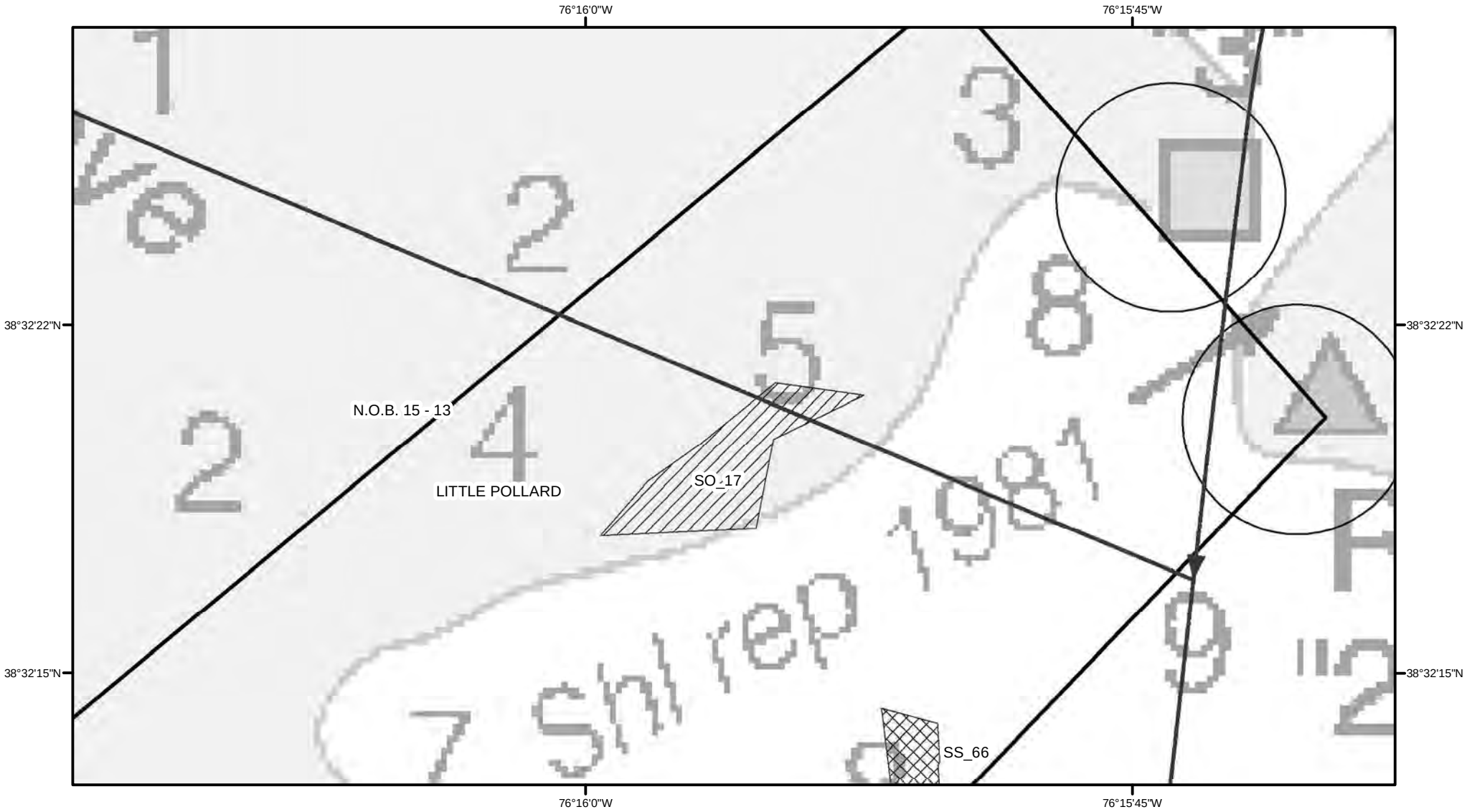

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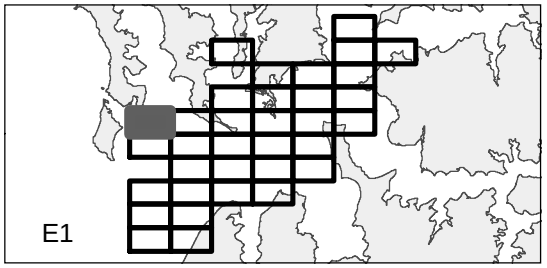

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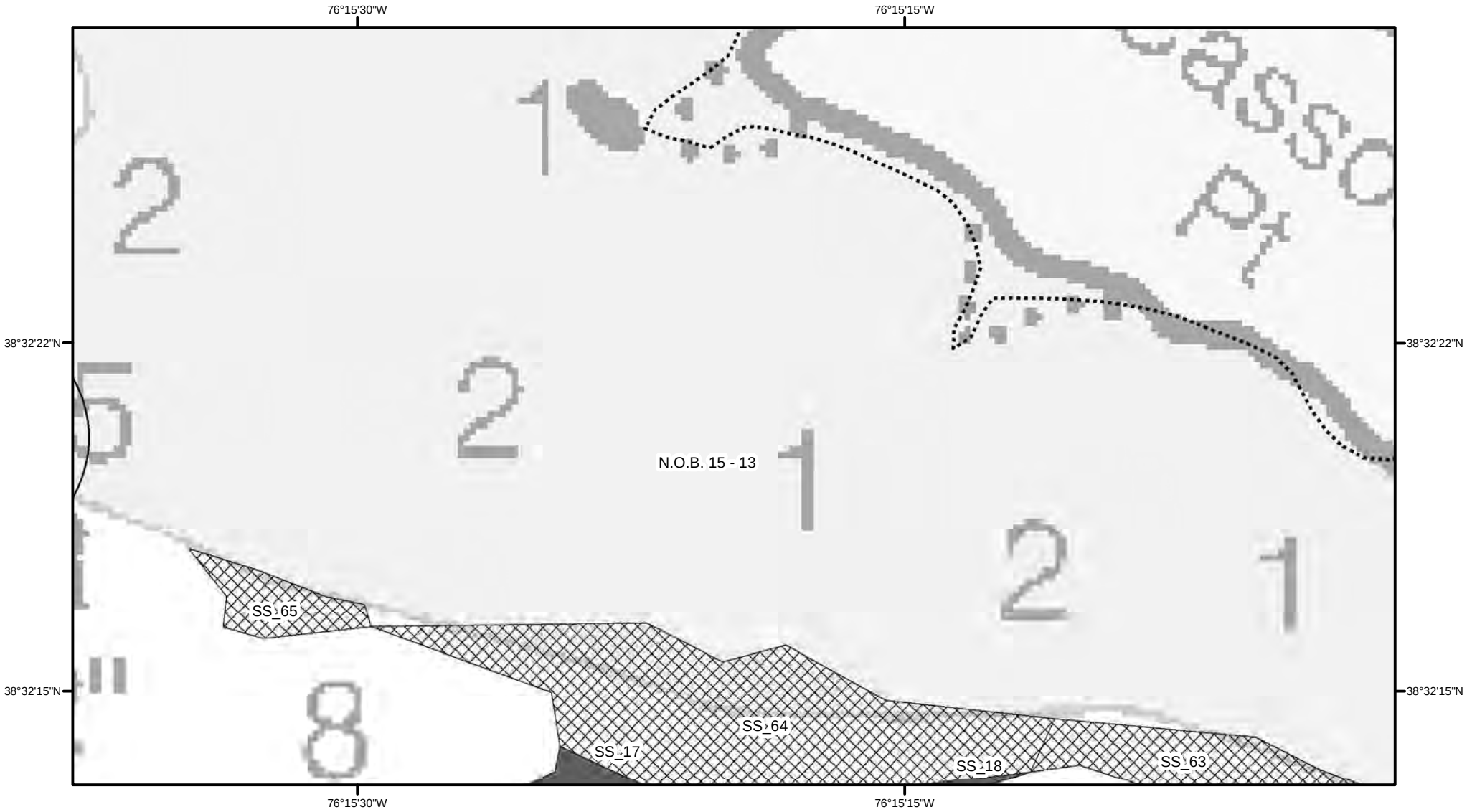

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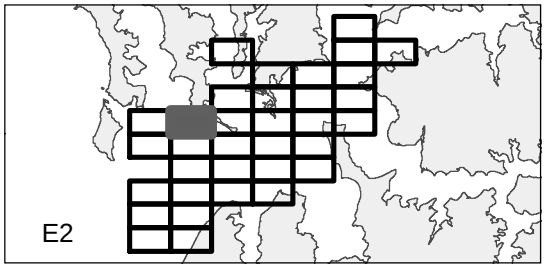

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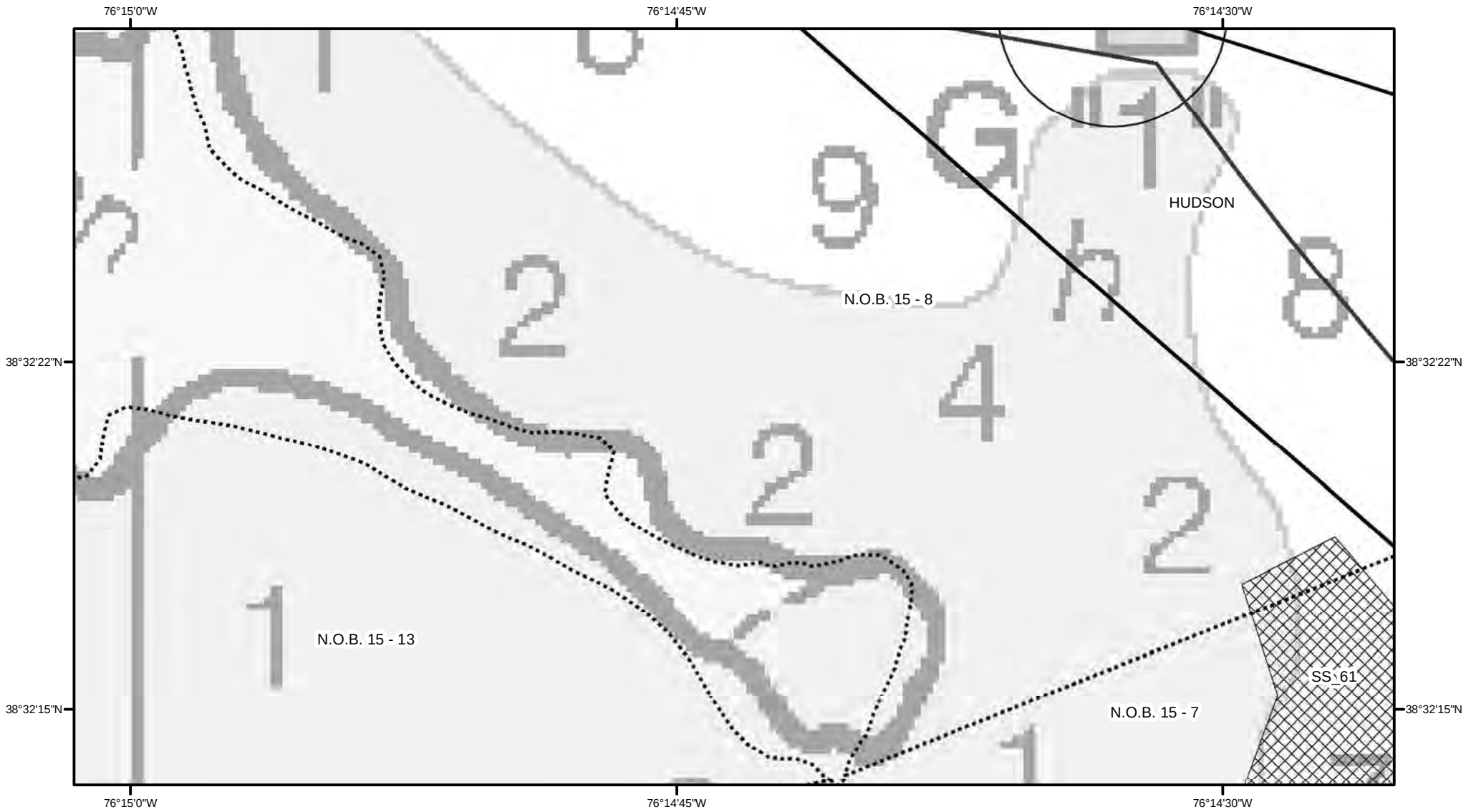

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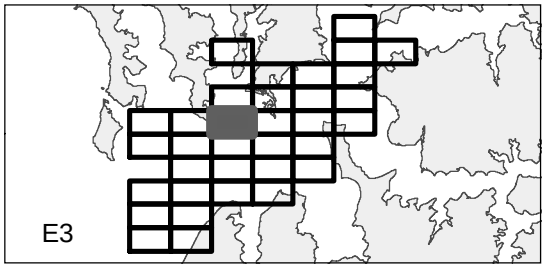

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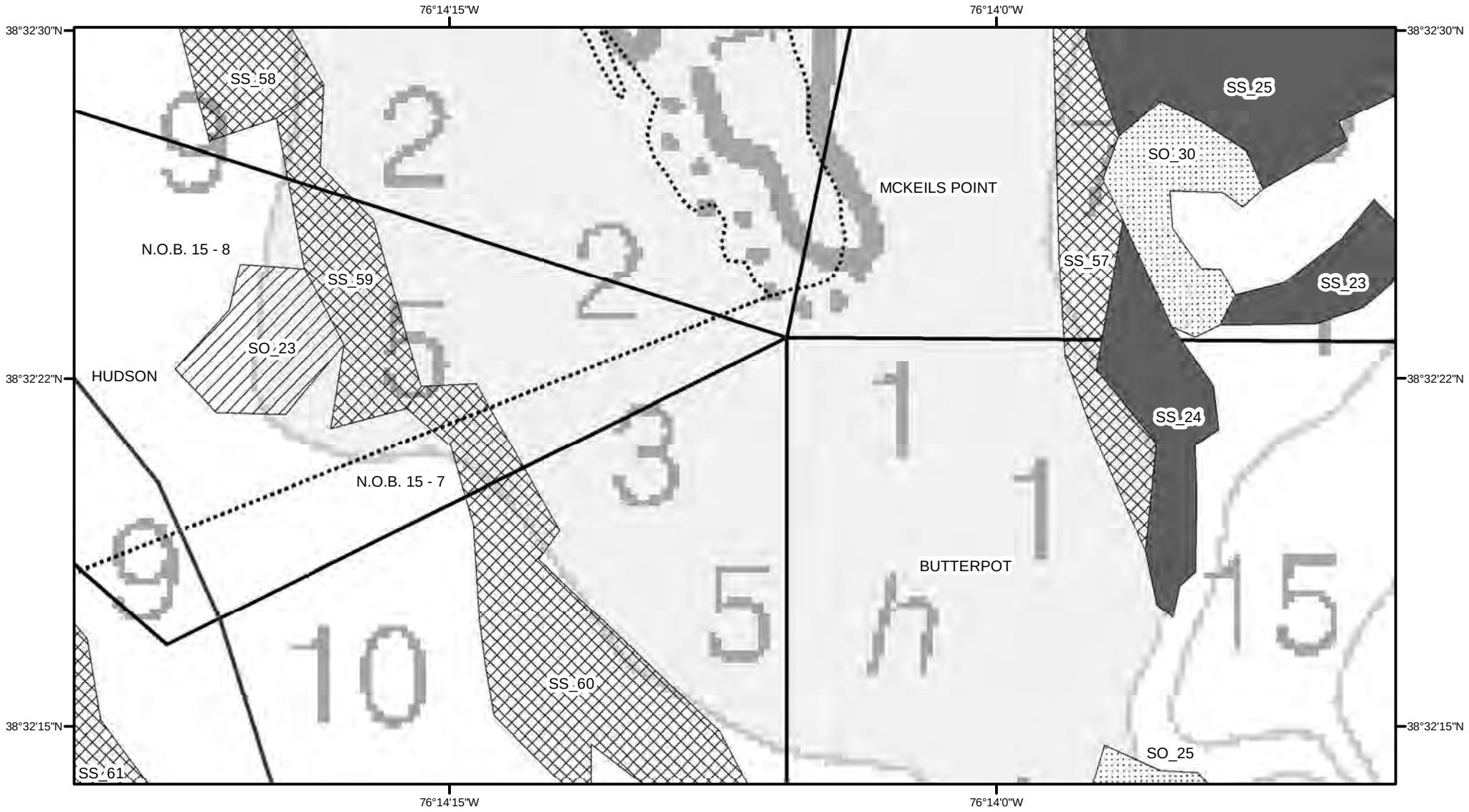

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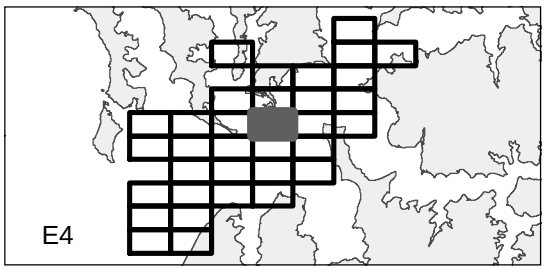

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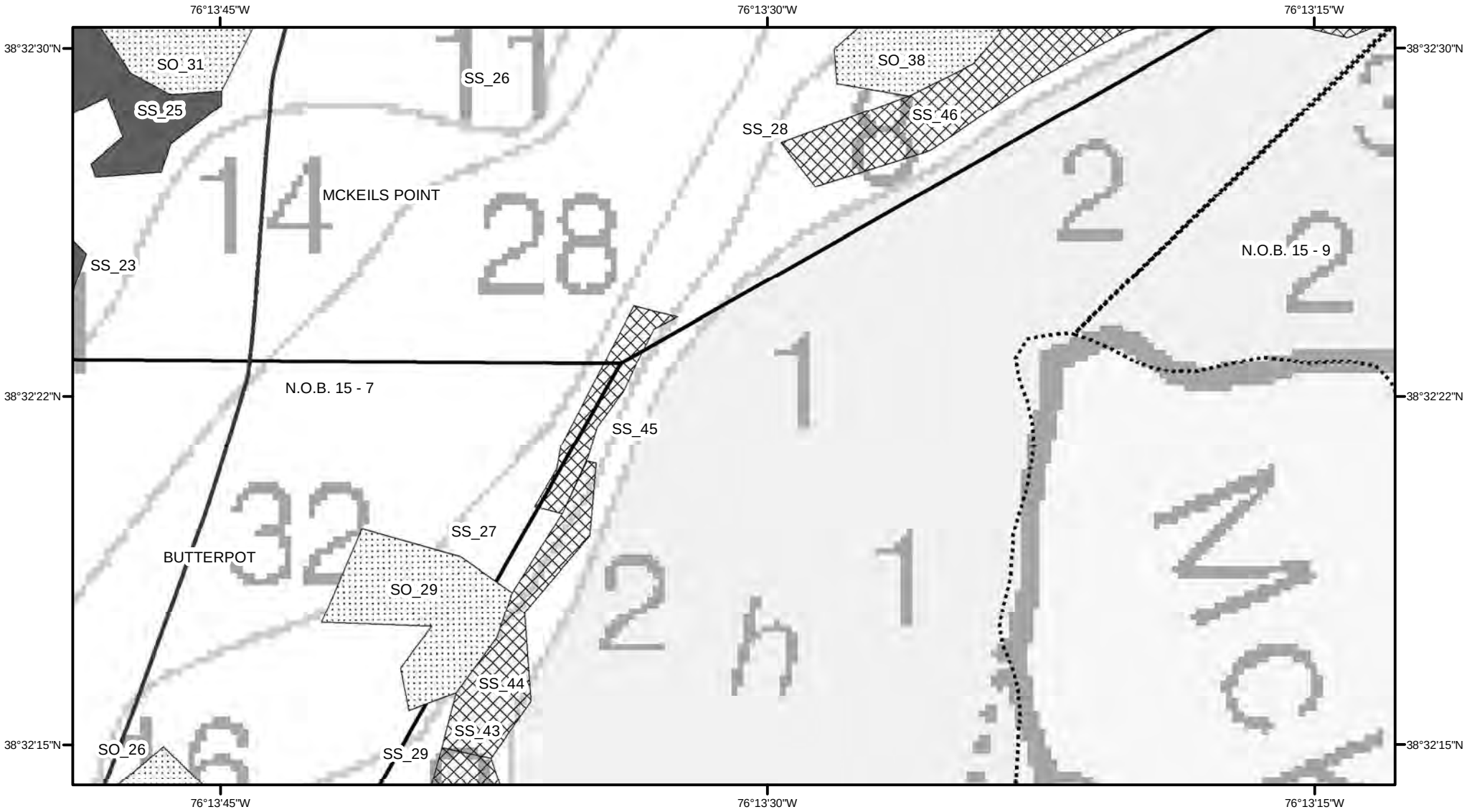

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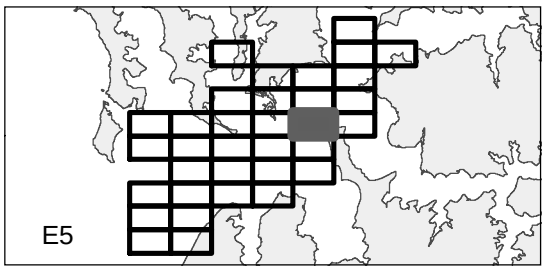

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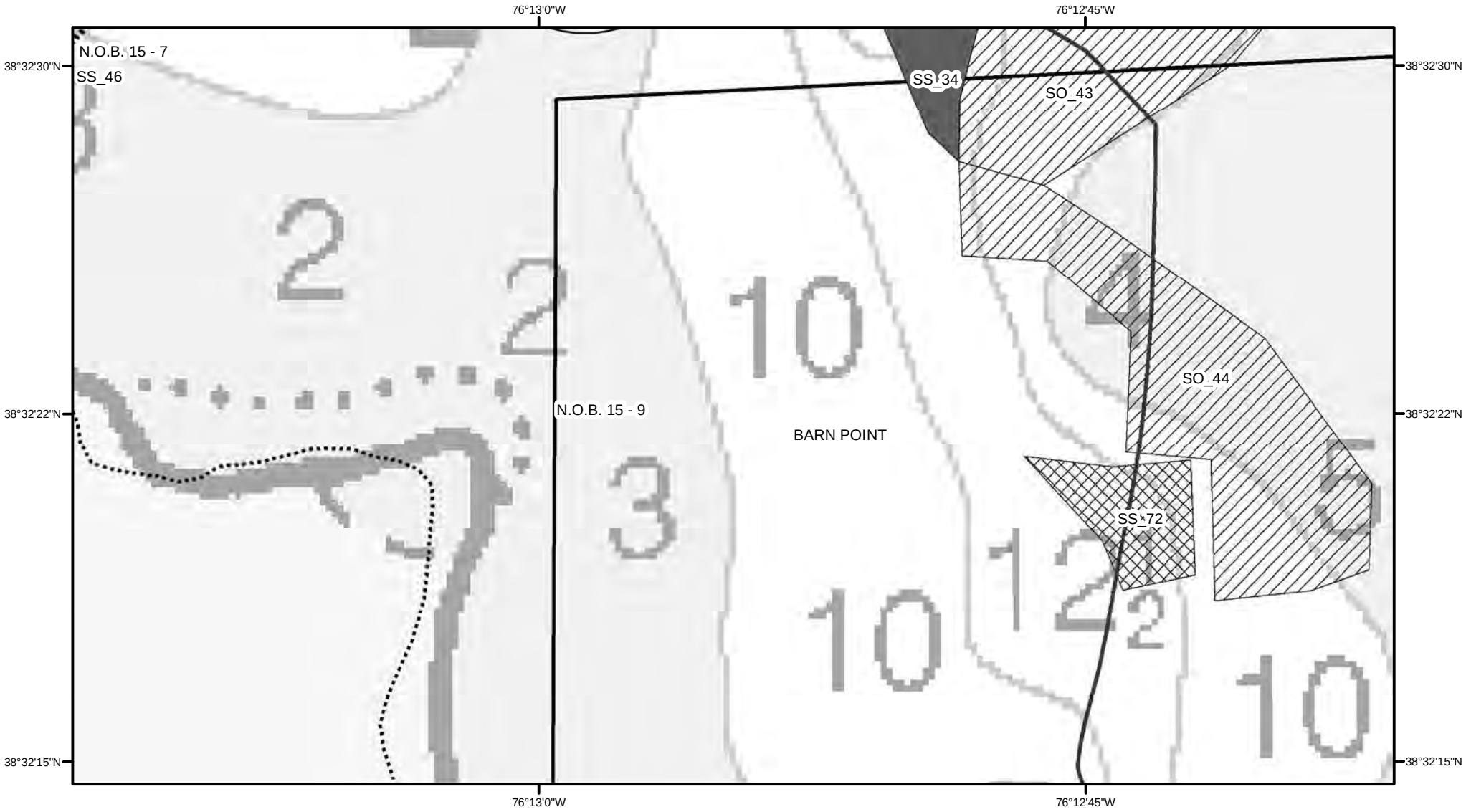

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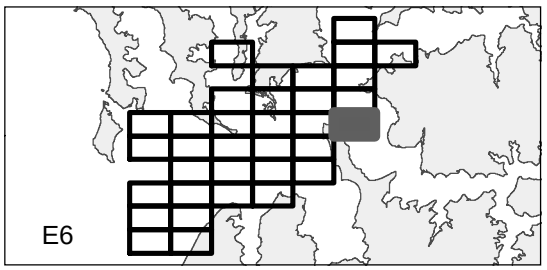
Flow Direction
Navigational Aids with 250 ft Buffer



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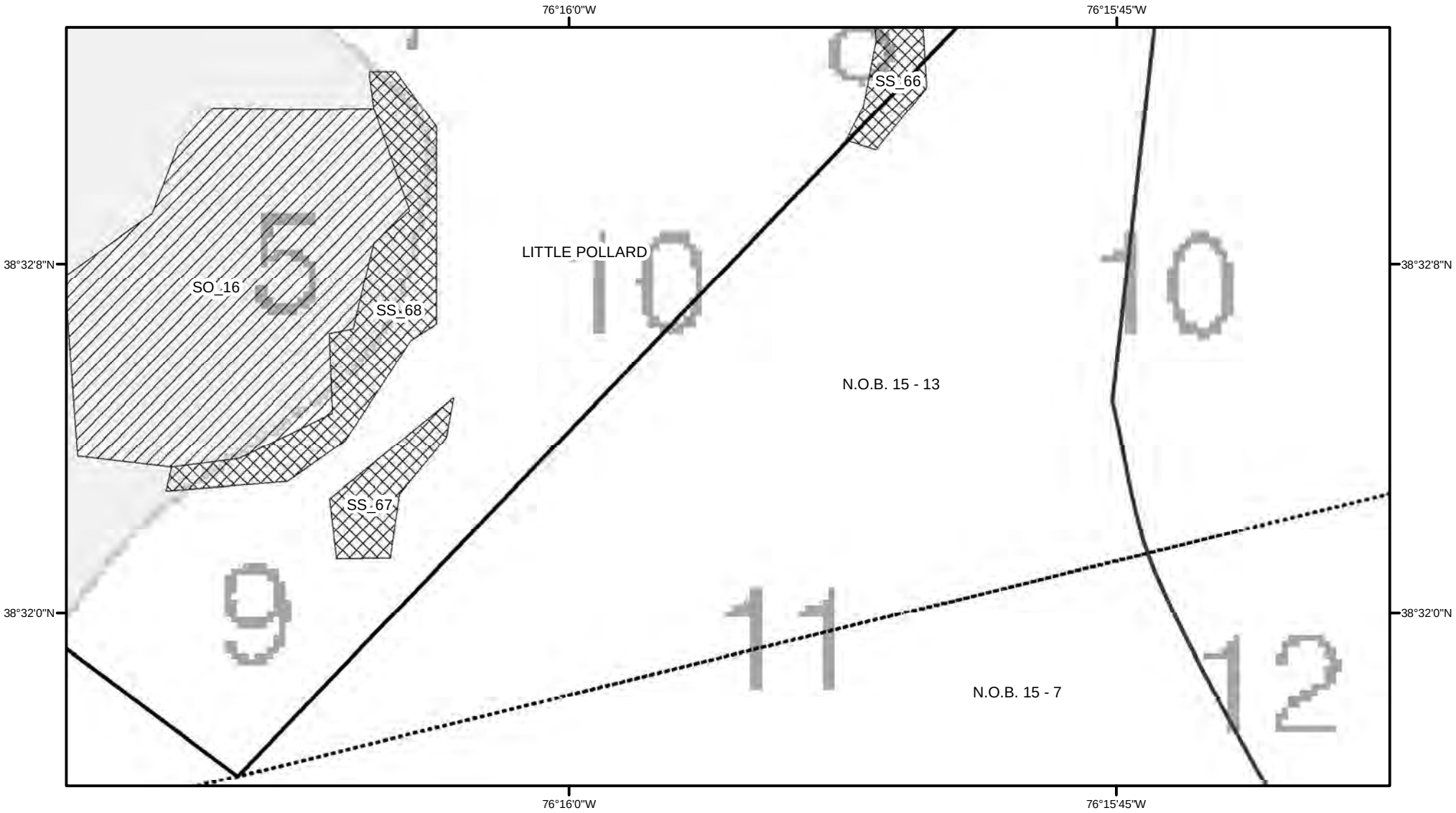
Little Choptank Oyster Restoration- Sites <9 Feet Deep



Seed Only, 4-9 ft

Substrate and Seed, 6-9 ft

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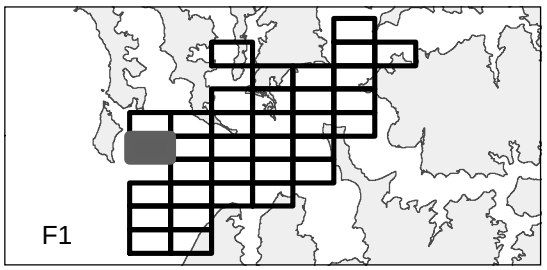

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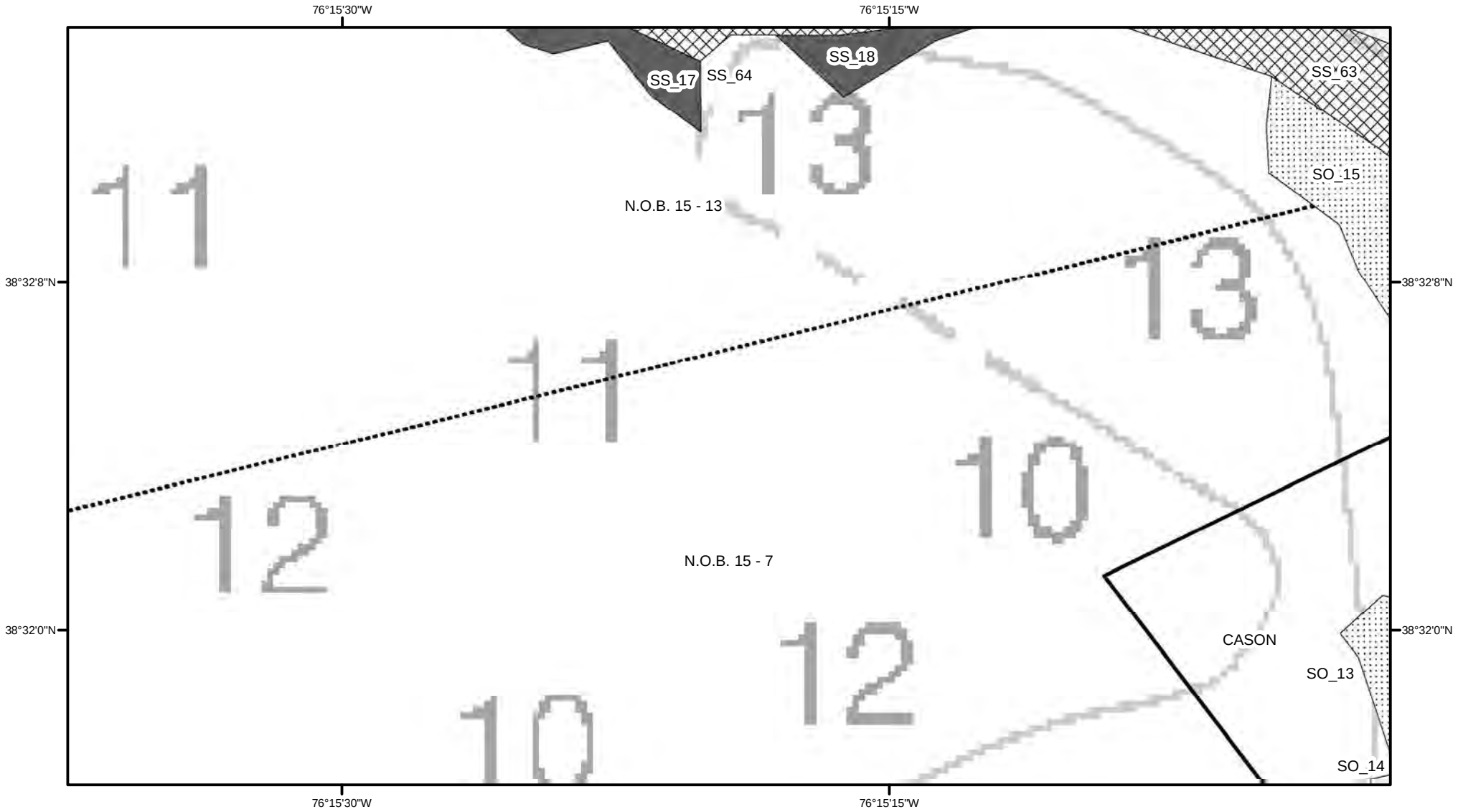

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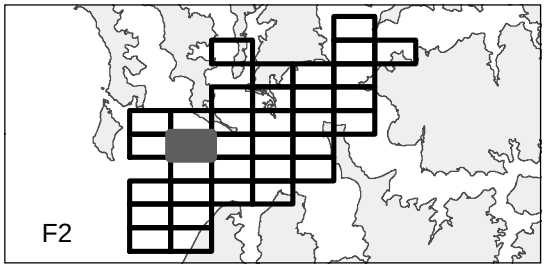

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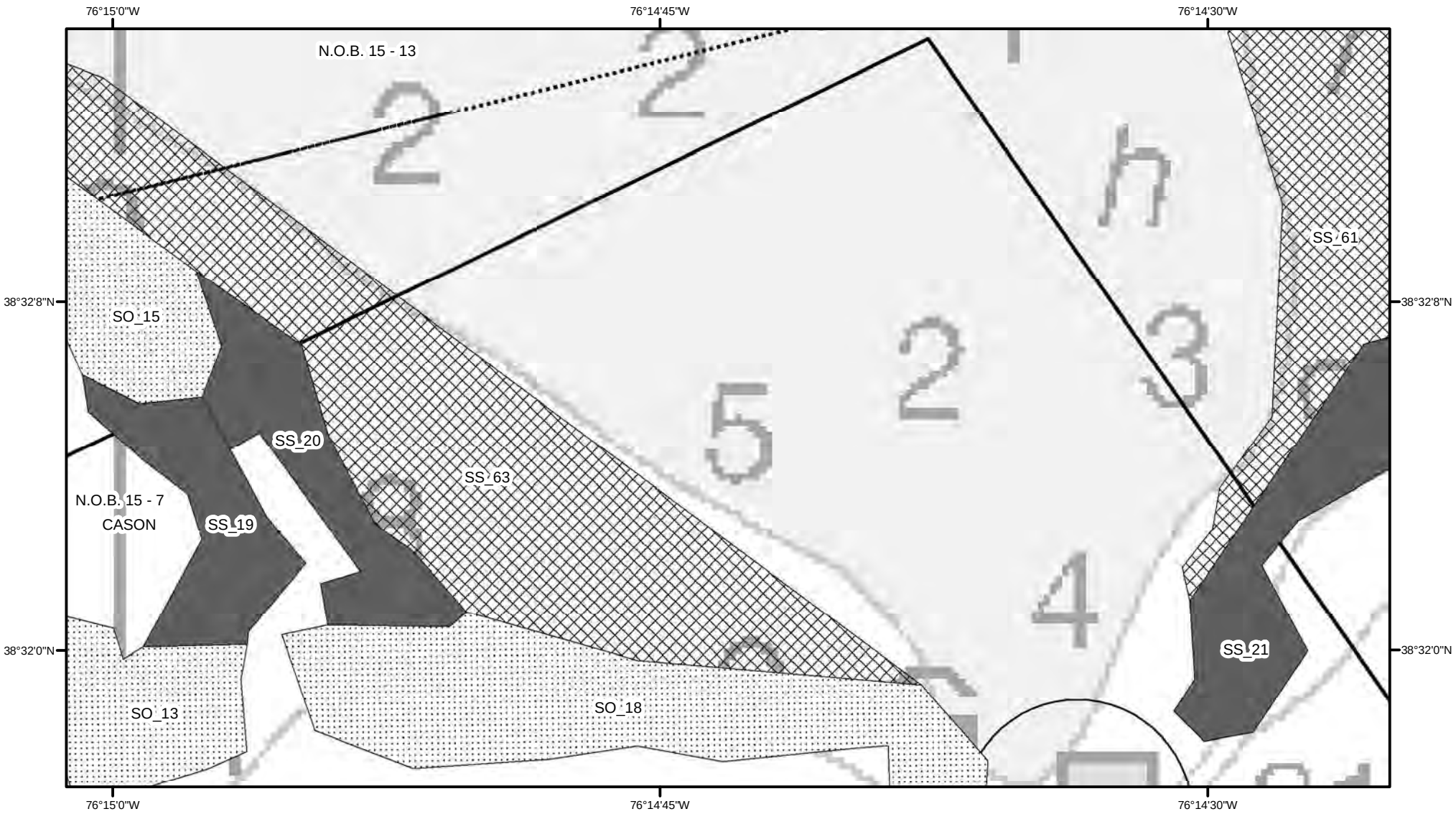

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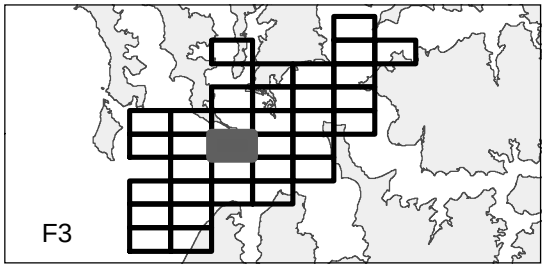

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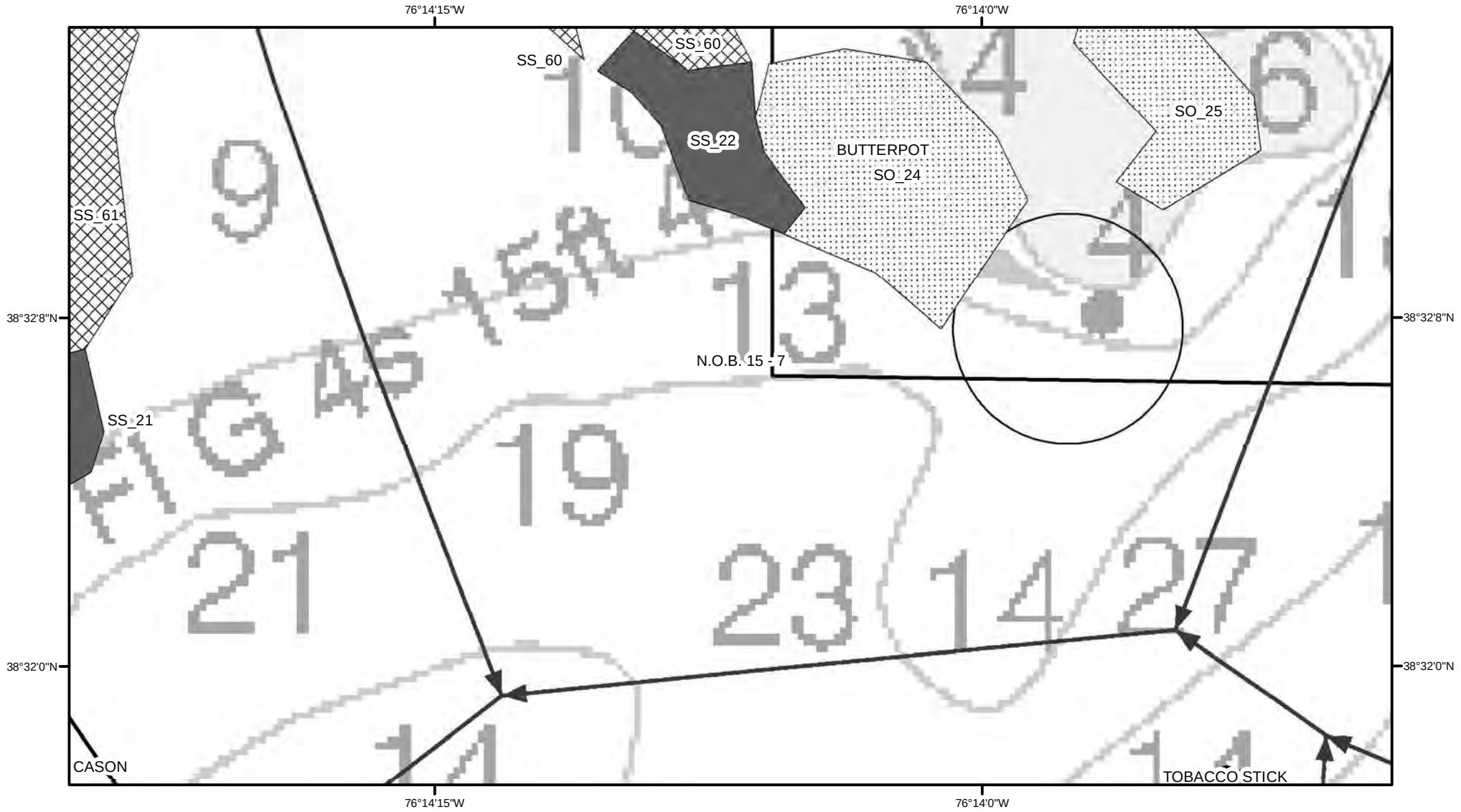

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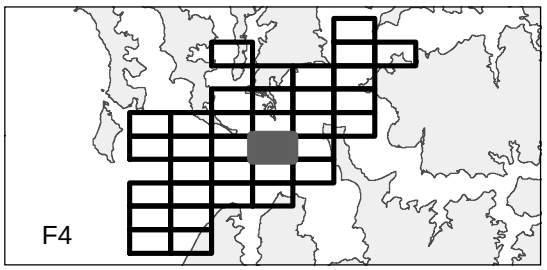

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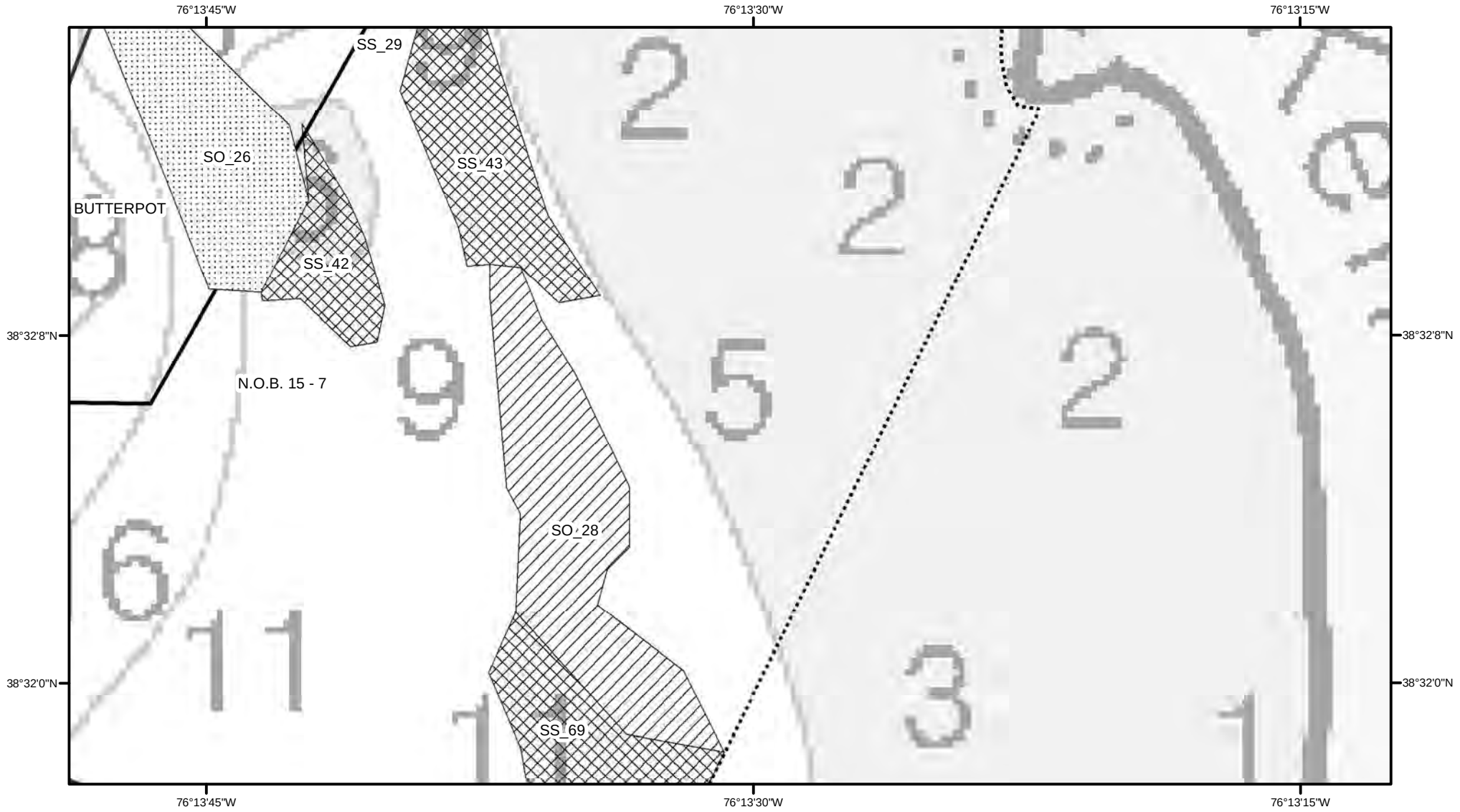

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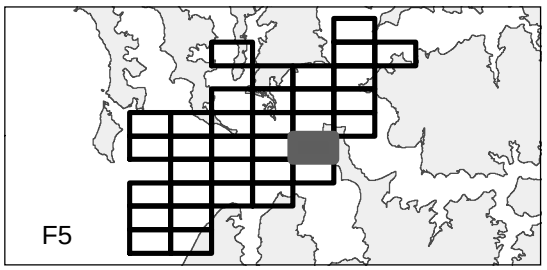

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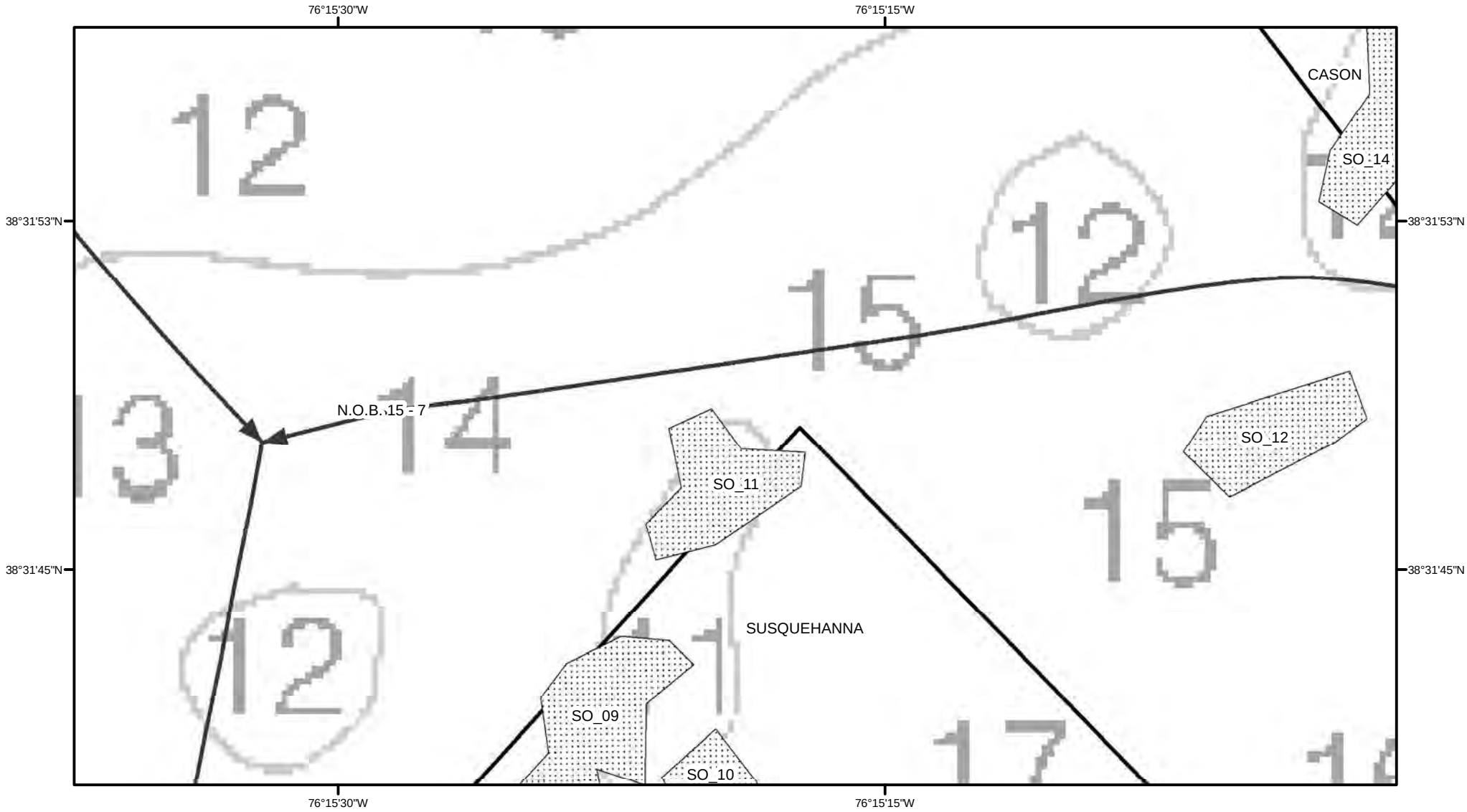

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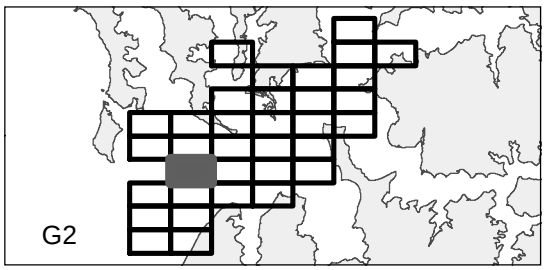

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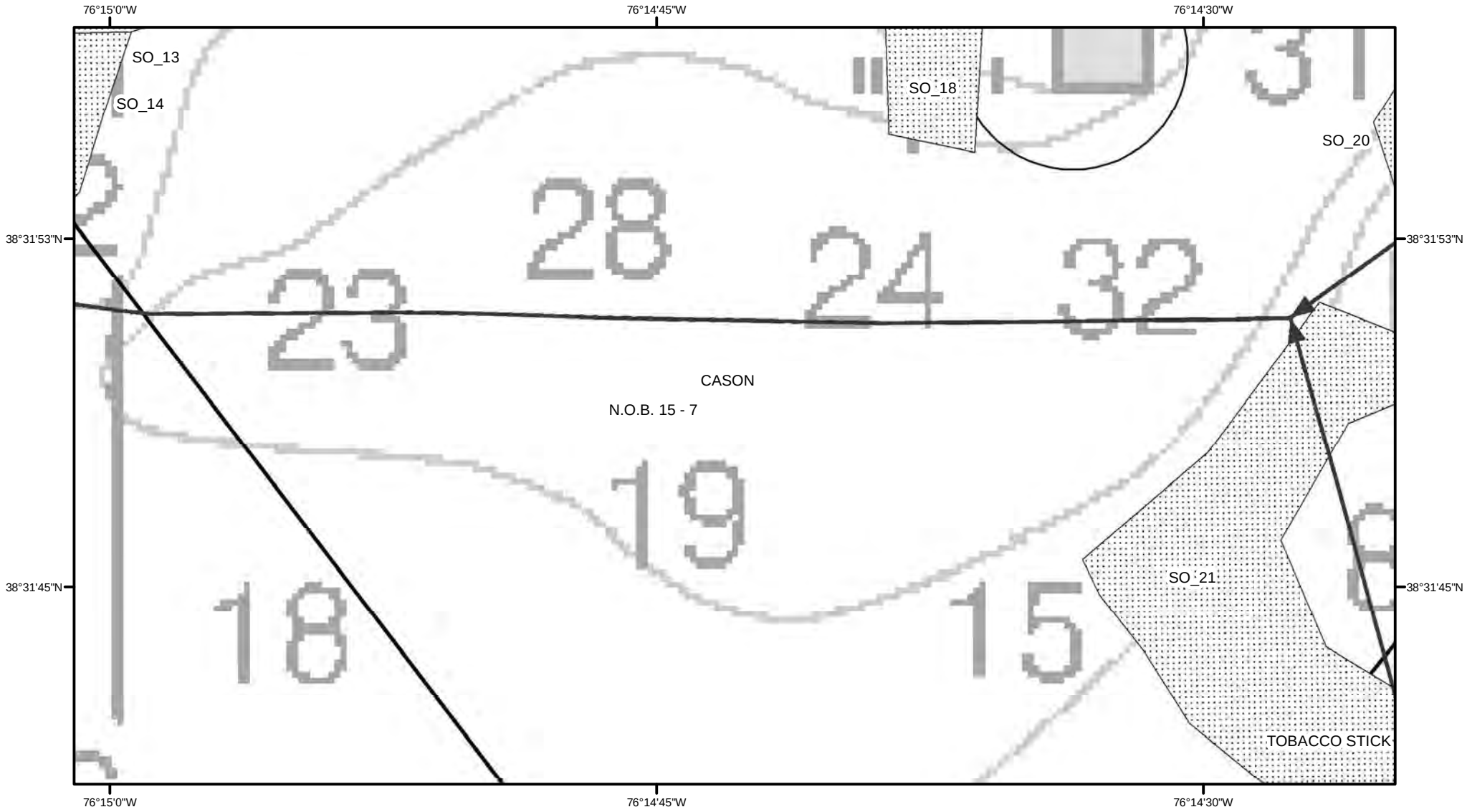

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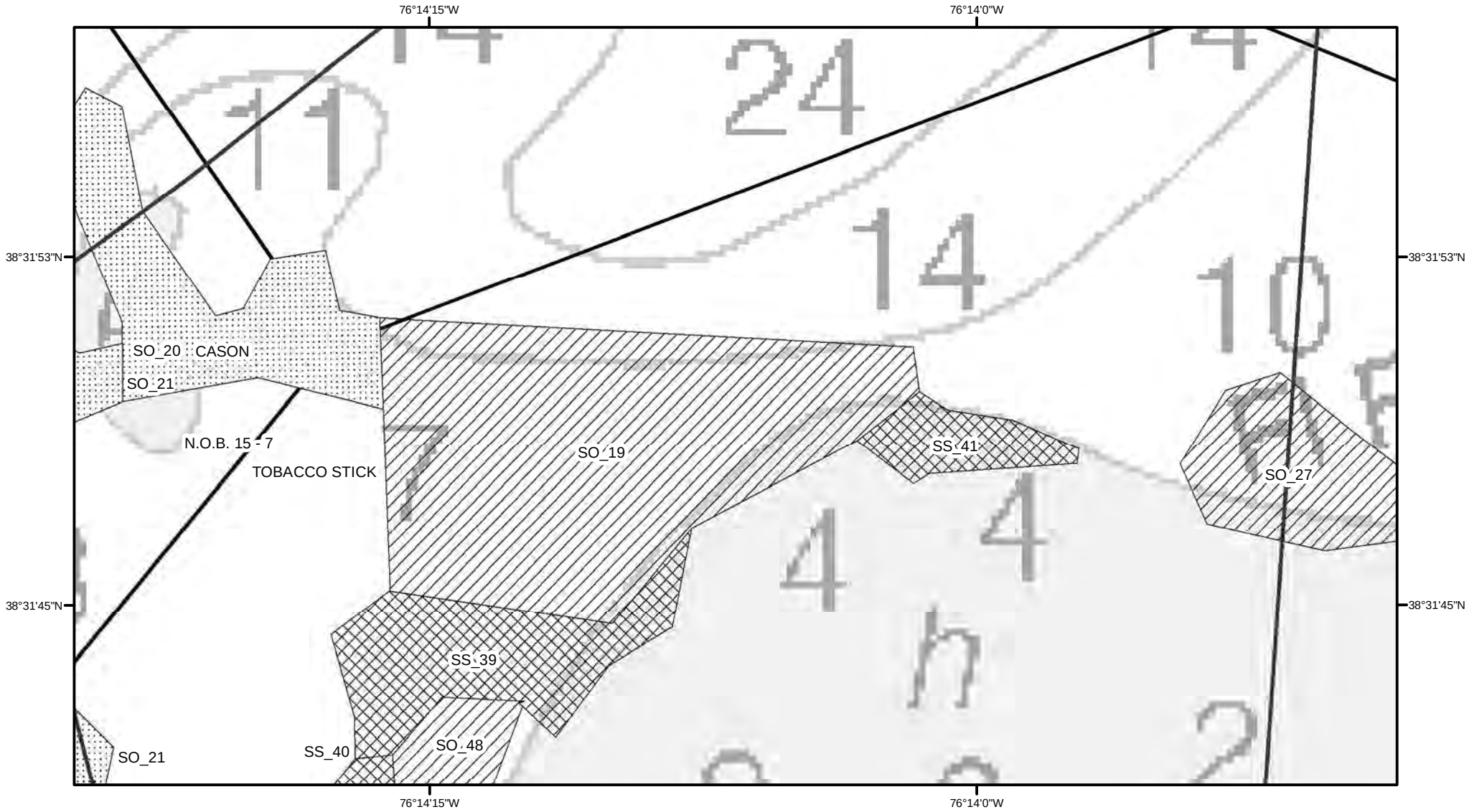

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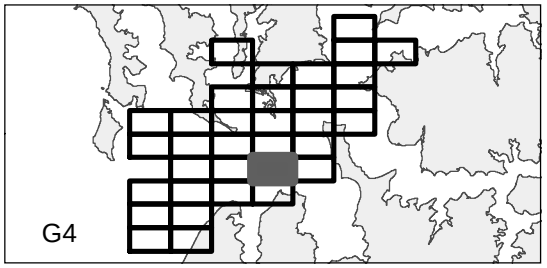

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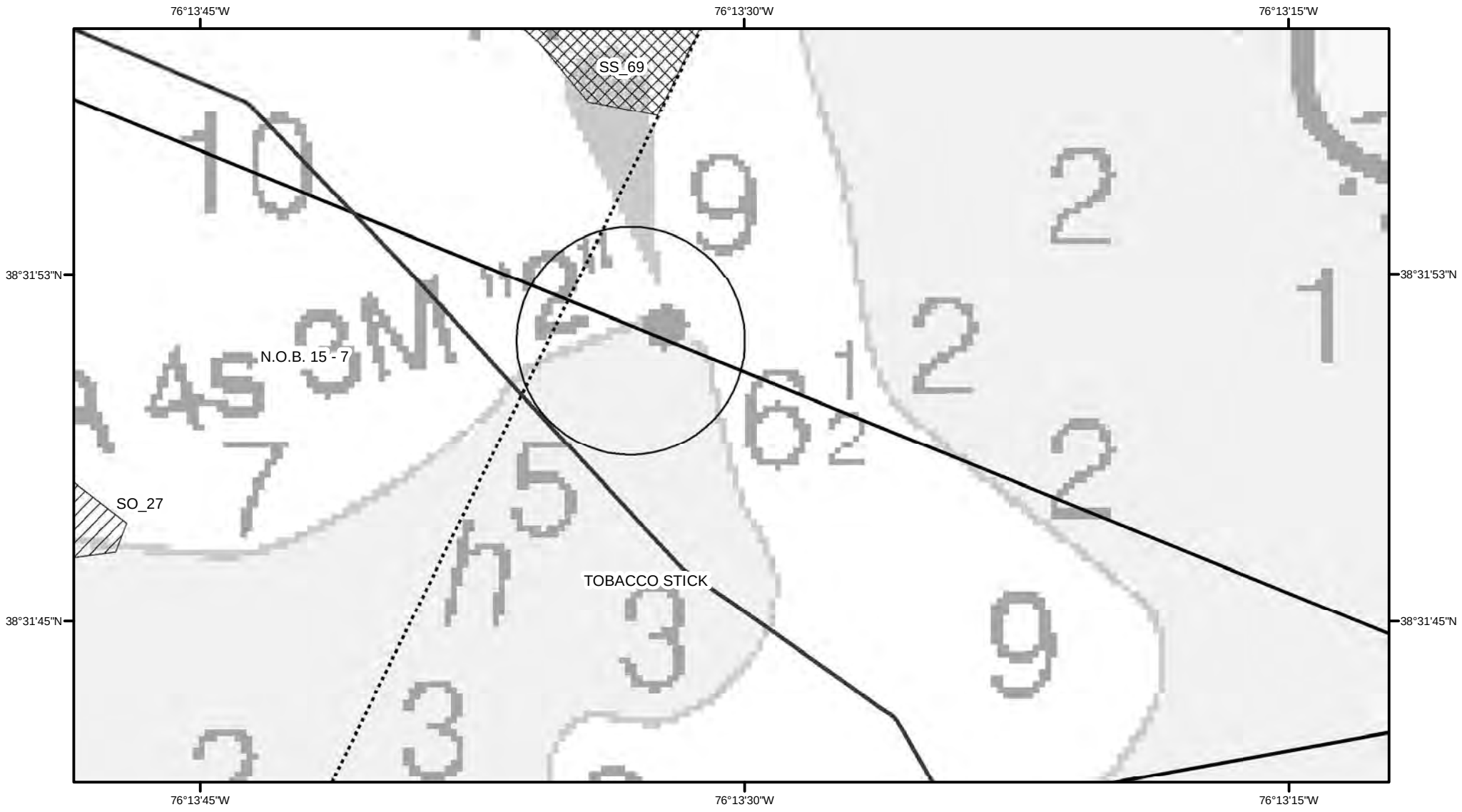

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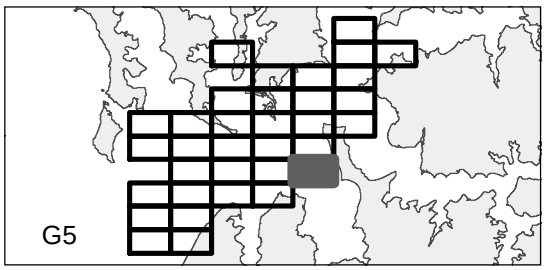

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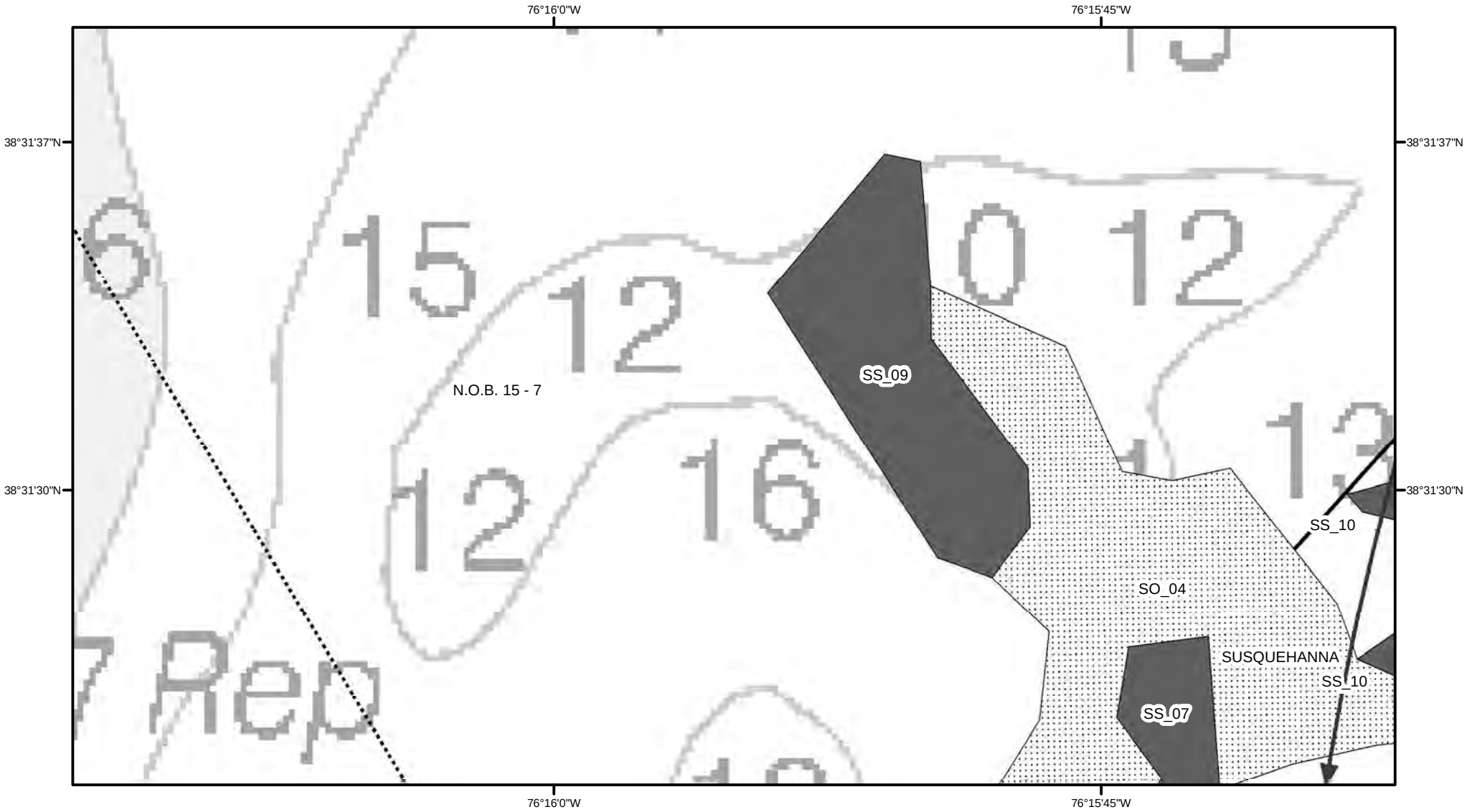

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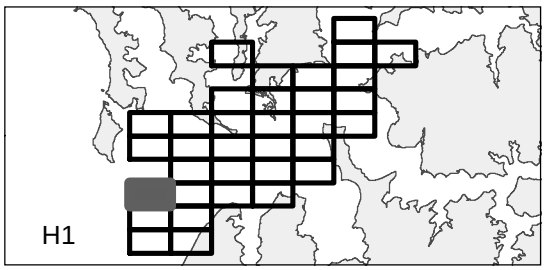

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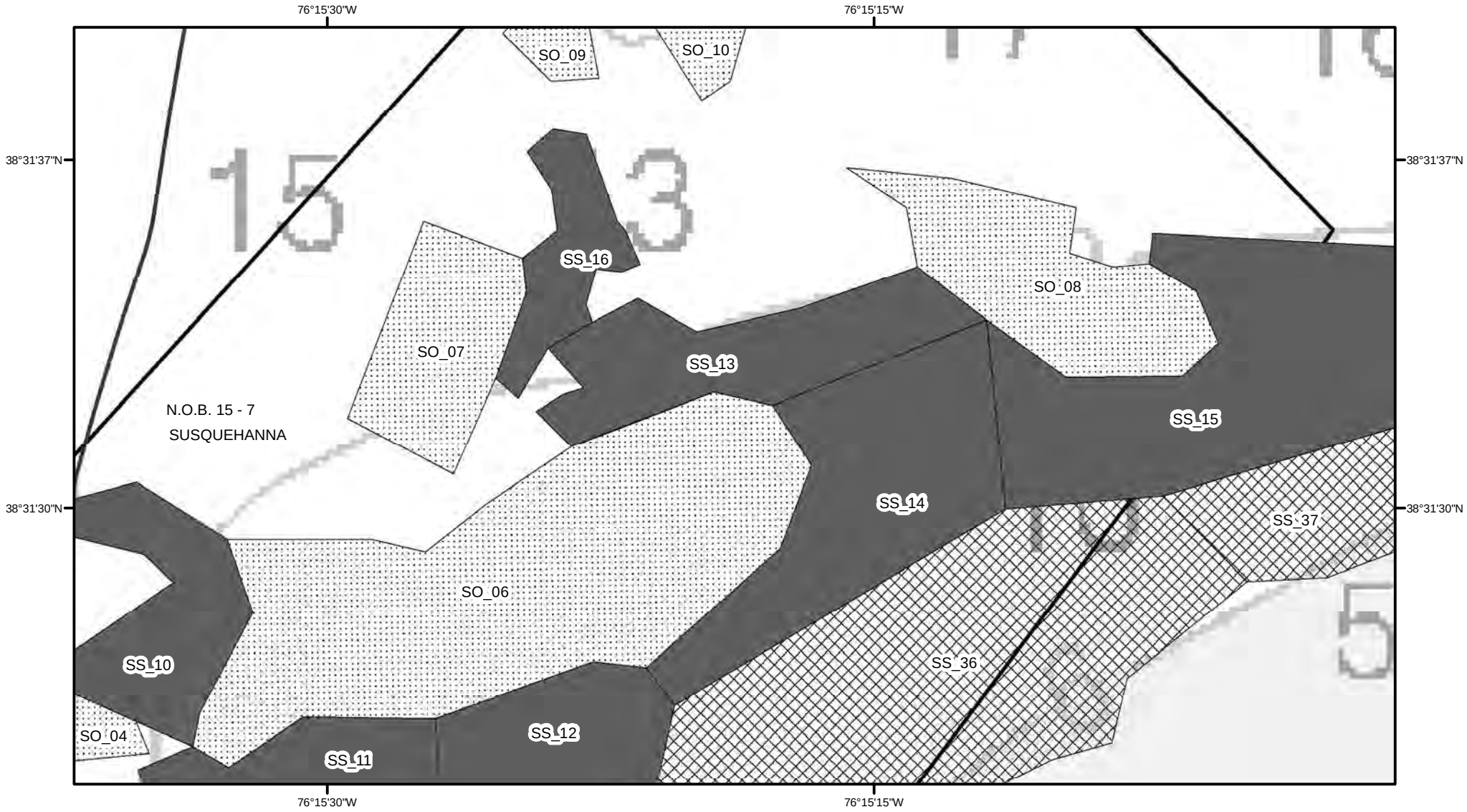

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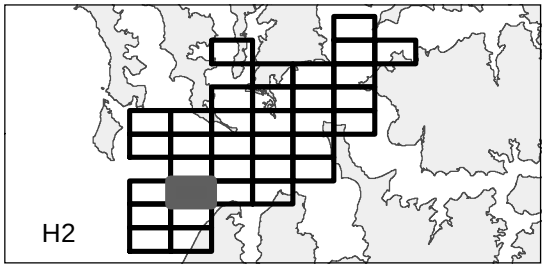

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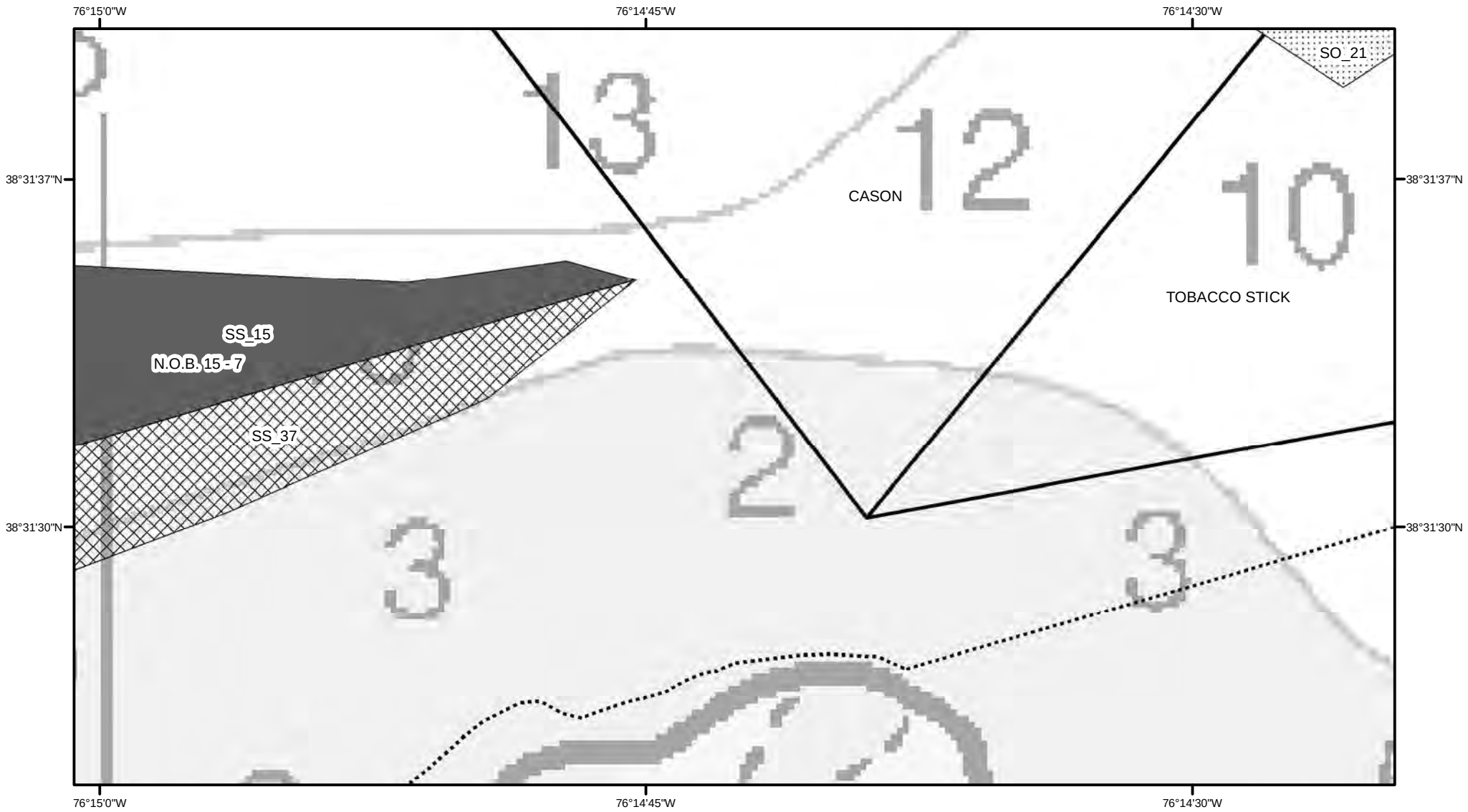

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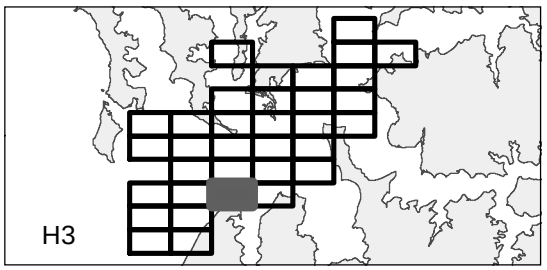

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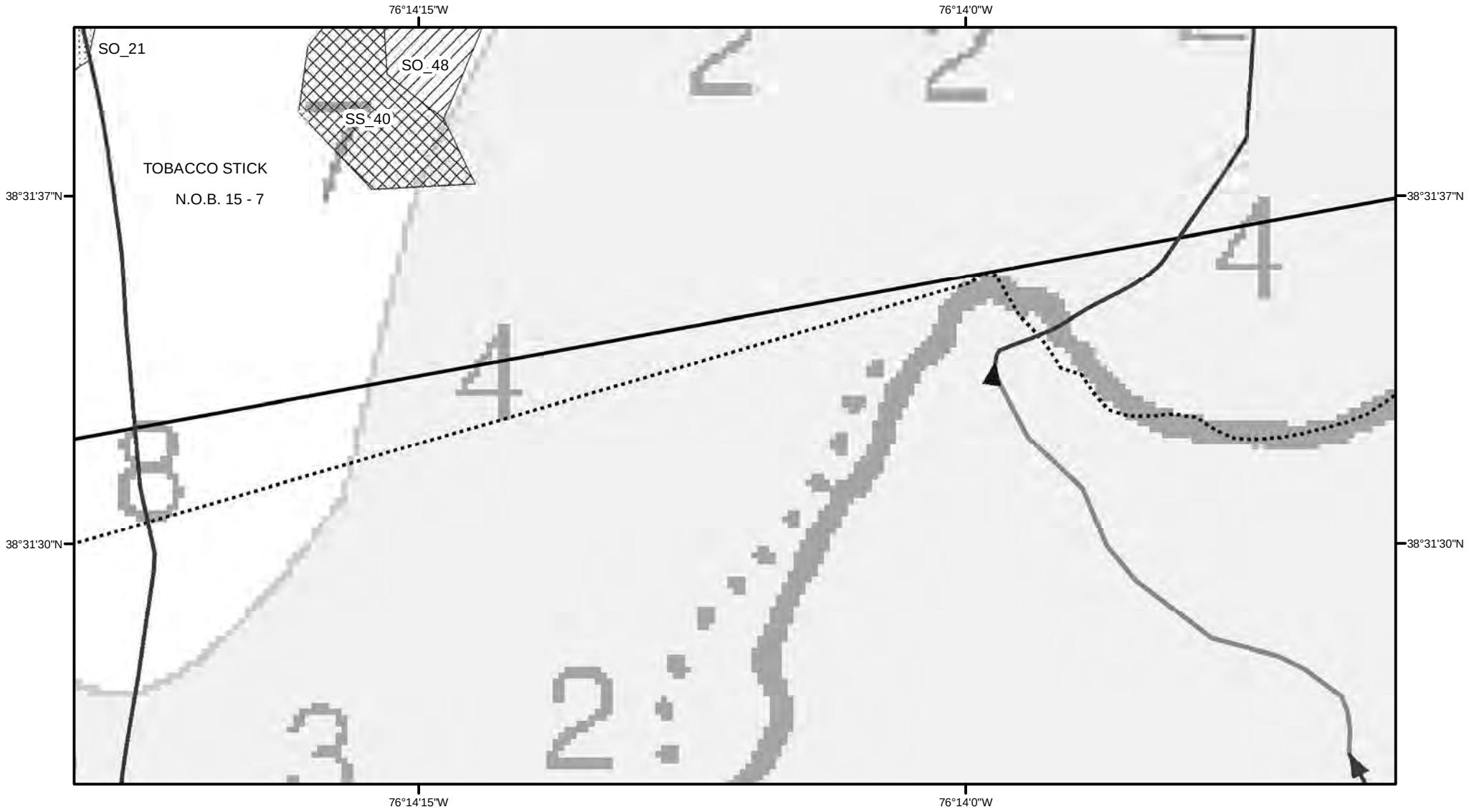

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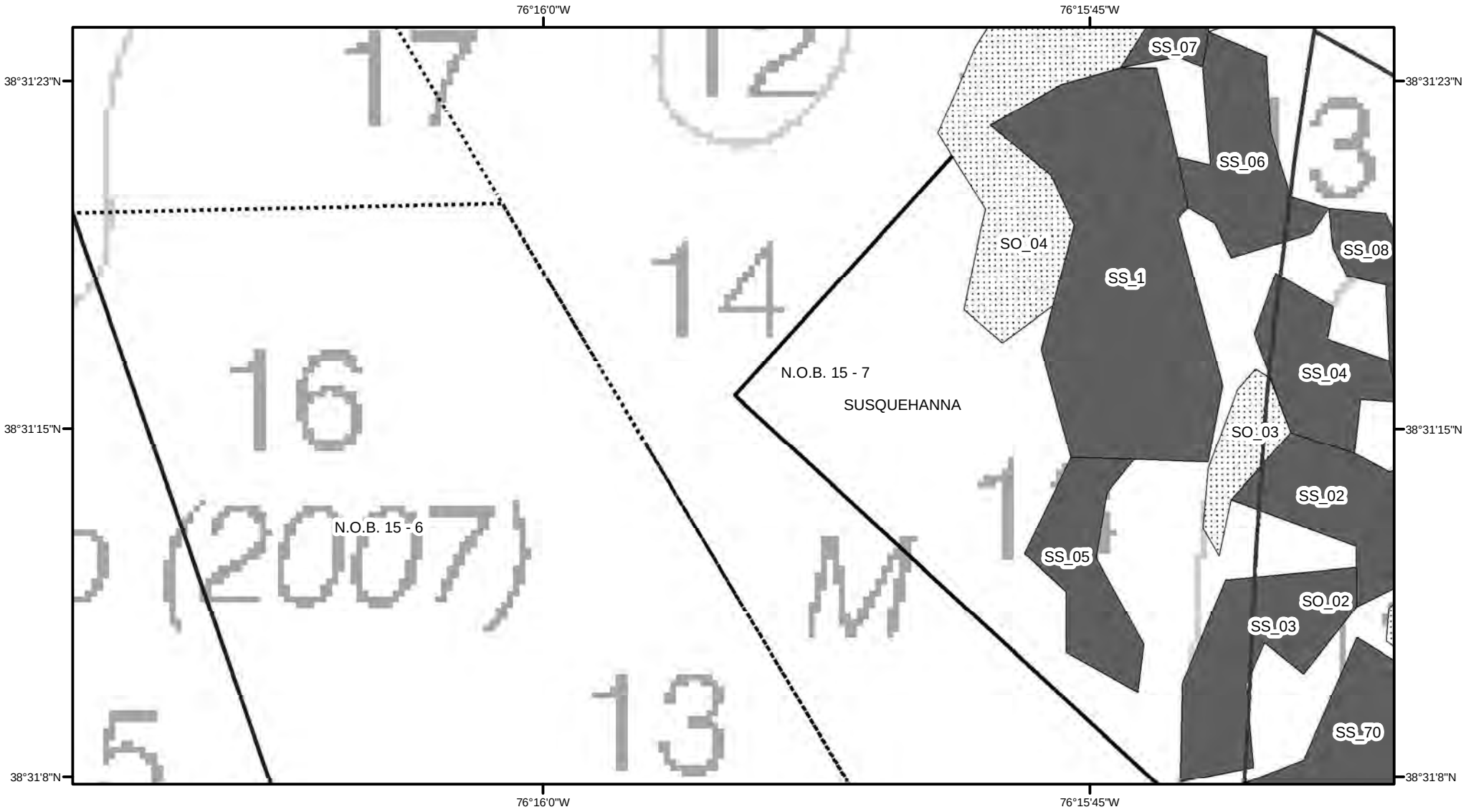

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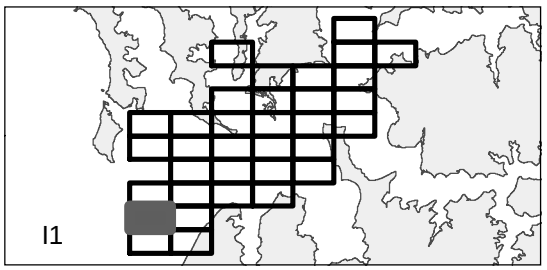

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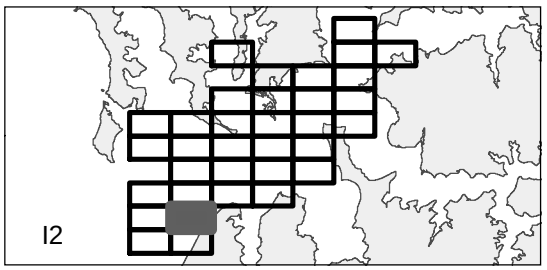

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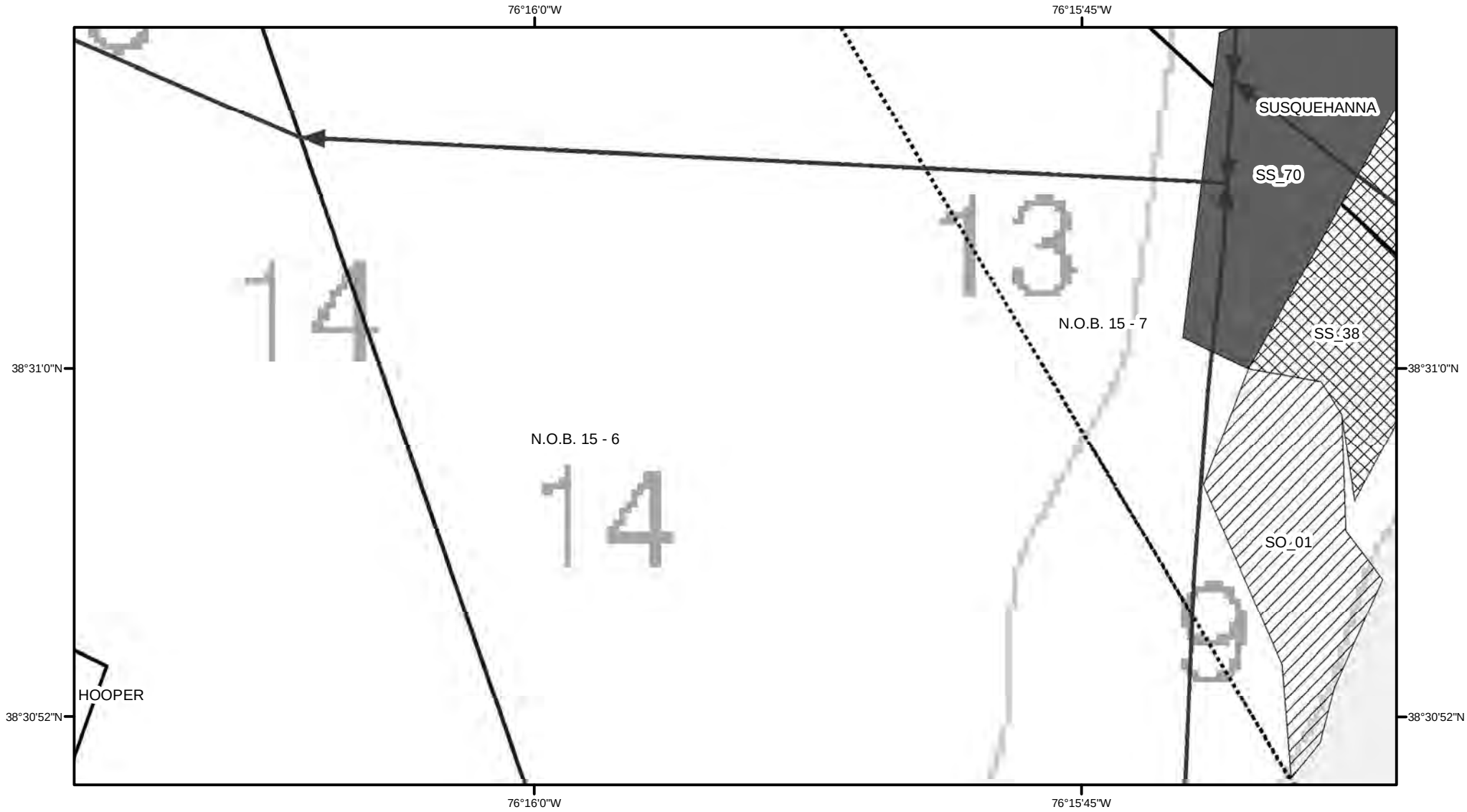

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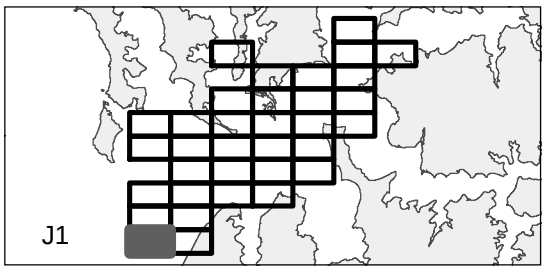

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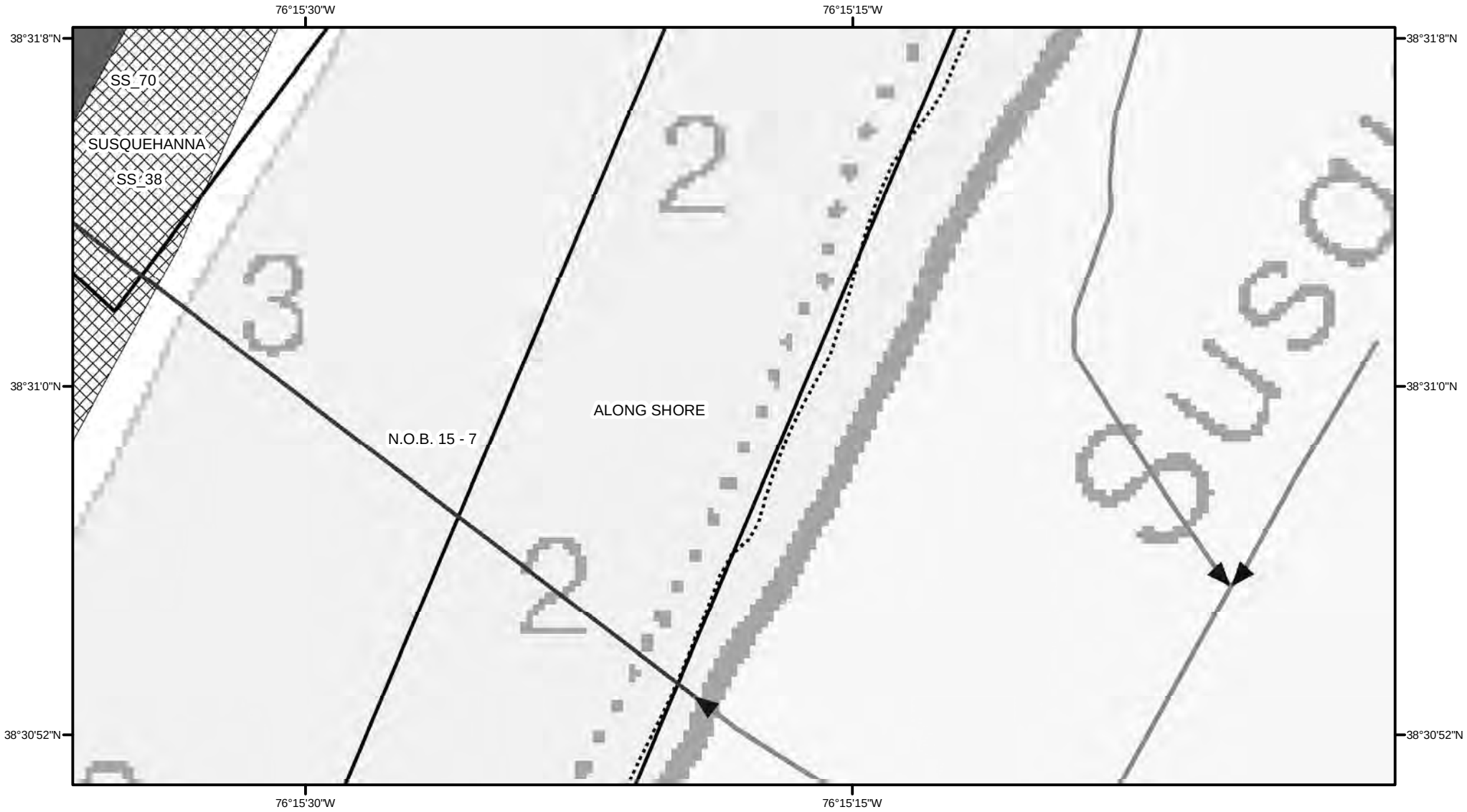

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Application By:

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