



**U.S. Army Corps  
of Engineers**  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS 2014-61428 (Fager's Island LTD & Town  
of O.C. /F.I. Lighthouse Hotel)

PN 14-59

Comment Period: November 20, 2014 to December 21, 2014

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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 (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), as described below:

APPLICANT: Fagers Island LTD  
201 60<sup>th</sup> Street  
Ocean City, Maryland 21842

Town of Ocean City  
301 North Baltimore Avenue  
Ocean City, Maryland 21842

LOCATION: In the Isle of Wight Bay and an unnamed canal connected to the Isle of Wight Bay at the Lighthouse Hotel, 201 56<sup>th</sup> Street, Ocean City, Worcester County, Maryland.

WORK: To create a beach area by depositing approximately 3.0 cubic yards of sloped, clean select sand fill material within a 10-foot wide by 12-foot long area to extend a maximum of 20 feet channelward of the existing cropper block wall; to create approximately 1,434 square feet of tidal marsh, approximately 10-foot wide along 125 linear feet of shoreline by depositing approximately 70.4 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora*, *Spartina patens*, and *Panicum Amarum* to extend no more than 18 feet channelward of the existing cropper block wall; to emplace approximately 125 linear feet of low profile stone sill, approximately 5-feet in width, to extend a maximum of 23 feet channelward of the approximate mean high water (MHW) shoreline to the south of 56<sup>th</sup> Street and the Lighthouse Hotel property; to install coir fiber logs in the marsh creation area along the high marsh edge, beach edge, and along the proposed low profile stone sill; to repair and replace approximately 100 linear feet of existing stone revetment to extend a maximum of 6 feet channelward of the MHW shoreline; to emplace approximately 120 linear feet of stone revetment, approximately 6 feet in width, to the east of the existing parking lot to extend no more than 6 feet channelward of the existing bulkhead and to emplace approximately 40 linear feet of low profile stone sill around an existing marsh to extend no more than 12 feet channelward of the approximate marsh-open water interface; to emplace approximately 190 linear feet of stone breakwater, varying from approximately 5.5 to 20-feet in width, to extend a maximum of 90 feet channelward of the approximate MHW shoreline; and to emplace

approximately 80 linear feet of stone breakwater, approximately 6-feet in width, to extend a maximum of 11.5 feet channelward of the approximate marsh-open water interface on the eastern side of the property. The project would utilize a total of approximately 562.5 cubic yards of stone to create stone shoreline erosion control structures.

All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Ms. Laura Shively of this office at (410) 962-6011 or via email at [laura.shively@usace.army.mil](mailto:laura.shively@usace.army.mil).

The purpose of the proposed project is to improve shoreline erosion control and to create suitable horseshoe crab and terrapin nesting habitat.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable. A submerged aquatic vegetation (SAV) survey was performed in the project location and no SAV was observed within the project area. The applicant has reduced the channelward extent of the proposed work in shallow water to reduce impacts to essential fish habitat, identified by the National Marine Fisheries Service (NMFS). The project as proposed would not impact any SAV or any existing wetlands. The applicant has not proposed compensatory mitigation at this time.

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 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 MSFCMA for *Pleuronectes americanus* (winter flounder), *Scophthalmus aquosus* (windowpane flounder), *Pomatomus saltatrix* (blue fish), *Stenotomus chrysops* (scup), *Centropristus striata* (black sea bass), and *Paralichthys dentatus* (summer flounder) juvenile and adult; *Urophycis chuss* (red hake) eggs, larvae, and juvenile; *Peprilus triacanthus* (Atlantic butterflyfish) and *Sphyrna lewini* (scalloped hammerhead shark) juvenile; *Clupea harengus* (Atlantic sea herring) and *Prionace glauca* (blue shark) adult; *Odontaspis taurus* (sand tiger shark) larvae and adult; *Squatina dumerili* (Atlantic angel shark) and *Charcharinus plumbeus* (sandbar shark) larvae, juvenile, and adult; *Charcharinus obscurus* (dusky shark) and *Galeocerdo cuvieri* (tiger shark) larvae; and eggs, larvae, juvenile, and adult stages of *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), all managed species under the MSFCMA.

The project does not comprise the potential to adversely affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on an approximate 11,140 square foot area of EFH as described under the MSFCMA for the species and life stages identified above.

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. No mitigative measures are recommended at this time to minimize adverse effects on EFH. This preliminary determination may be modified if additional information indicates otherwise and could change the Corps' preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 reasonable 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, economic, 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, mineral needs, and consideration of property ownership 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 provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland, 21203 within the comment period specified above.

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 Wetlands and Waterways Program, Maryland Department of the Environment, 1800 Washington Blvd., Suite 430, Baltimore, Maryland

21230 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 approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program 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 Federal listed threatened or endangered 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.

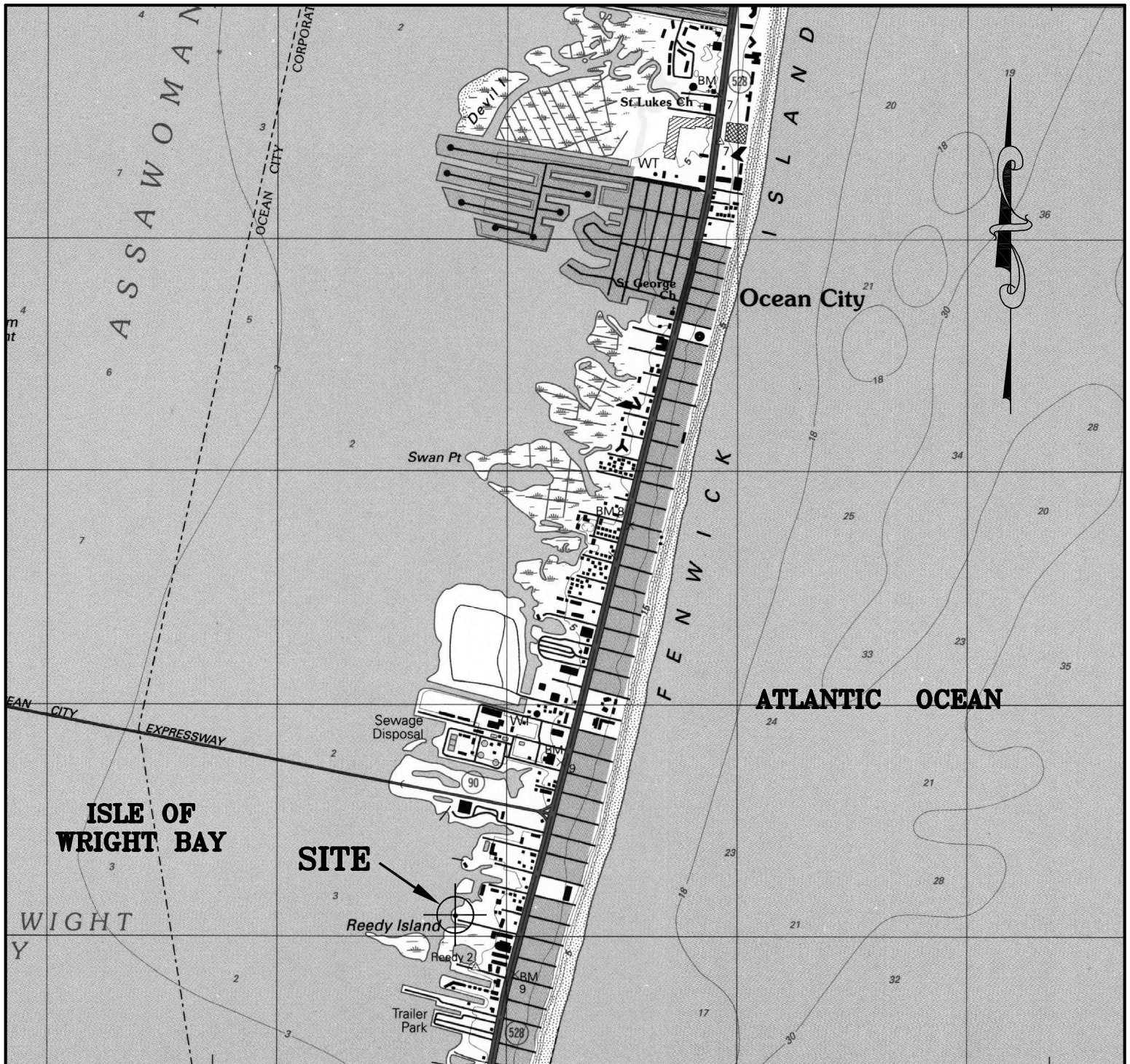
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request 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, P.O. Box 1715, 21203-1715, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate this 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:

KATHY B. ANDERSON  
Chief, Maryland Section Southern



From USGS Assawoman bay Md-Del Quadrangle

Site Location : 75° 04' 16.07" W. Long.  
38° 22' 51.74" N. Lat.

Scale : 1 inch = 2000 Feet

**PROPOSED BREAKWATER  
& STONE REVETMENTS**  
ON : ISLE OF WIGHT BAY  
FAGER'S ISLAND LIGHTHOUSE HOTEL  
WORCESTER COUNTY, MARYLAND

**APPLICATION BY :**

Fagers Island Lighthouse Hotel  
and Town of Ocean City  
Worcester County  
Maryland

For Application Purposes Only, Not For Construction

**PREPARED BY :**

**& SOULÉ**  
ASSOCIATES, P.C.  
OCEAN CITY, MARYLAND 21843

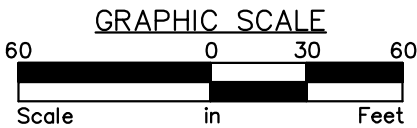
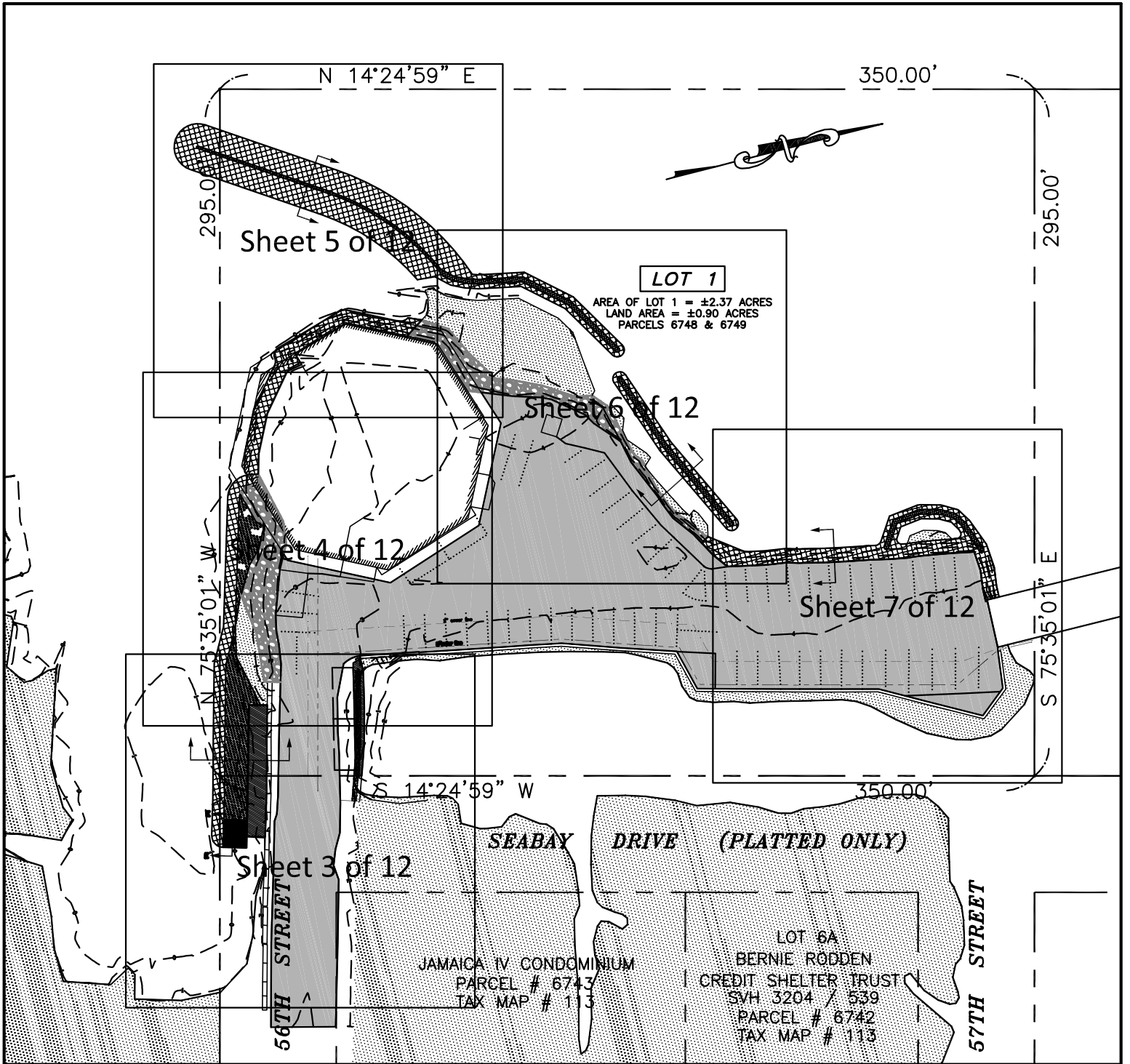
ENGINEERING  
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PLANNING

**SHEET**

**1 OF 12**

**DATE**

August 2014



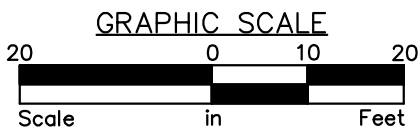
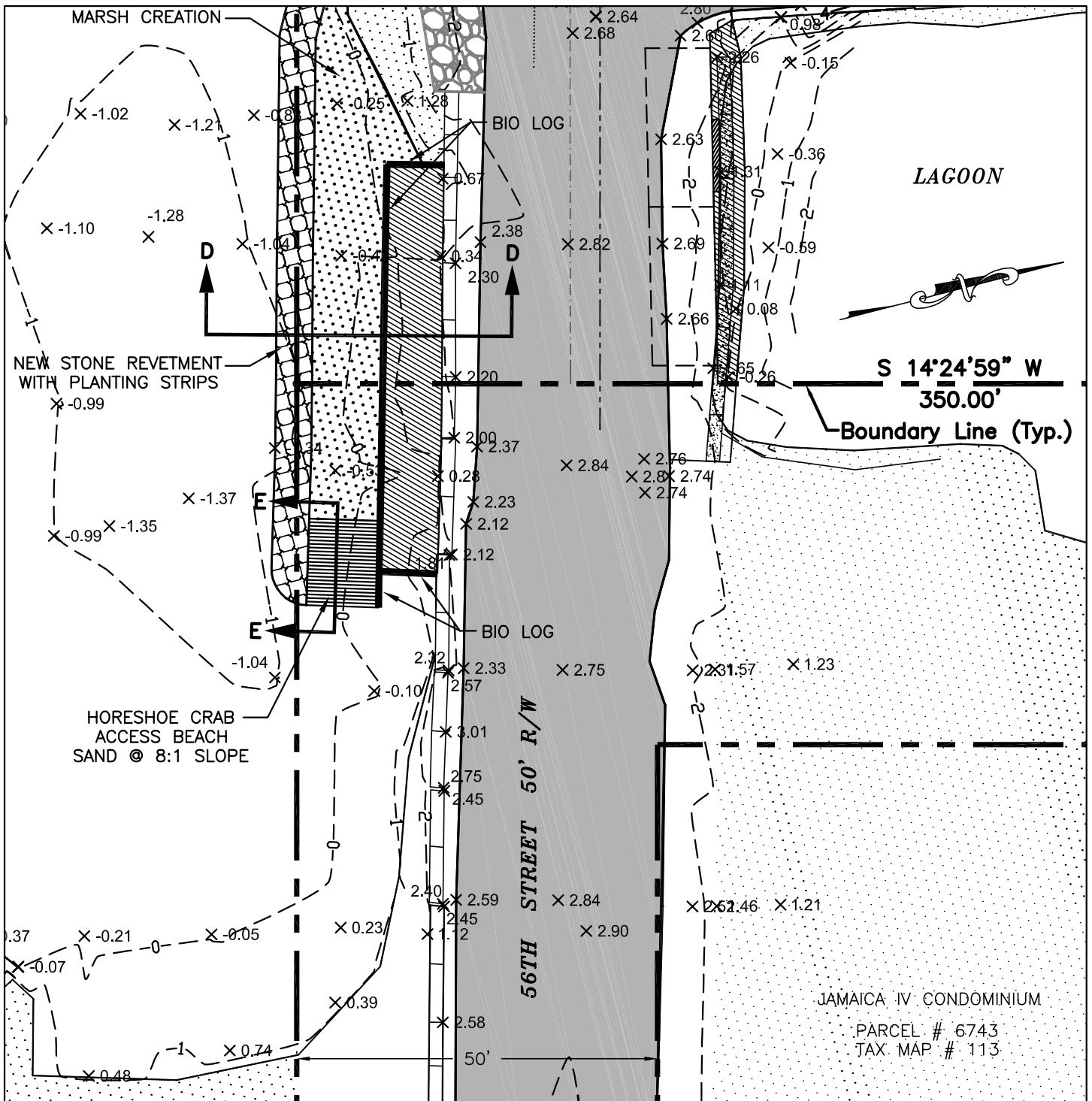
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**2 OF 12**  
 DATE  
 November 2014



**PROPOSED BREAKWATER  
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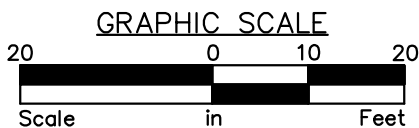
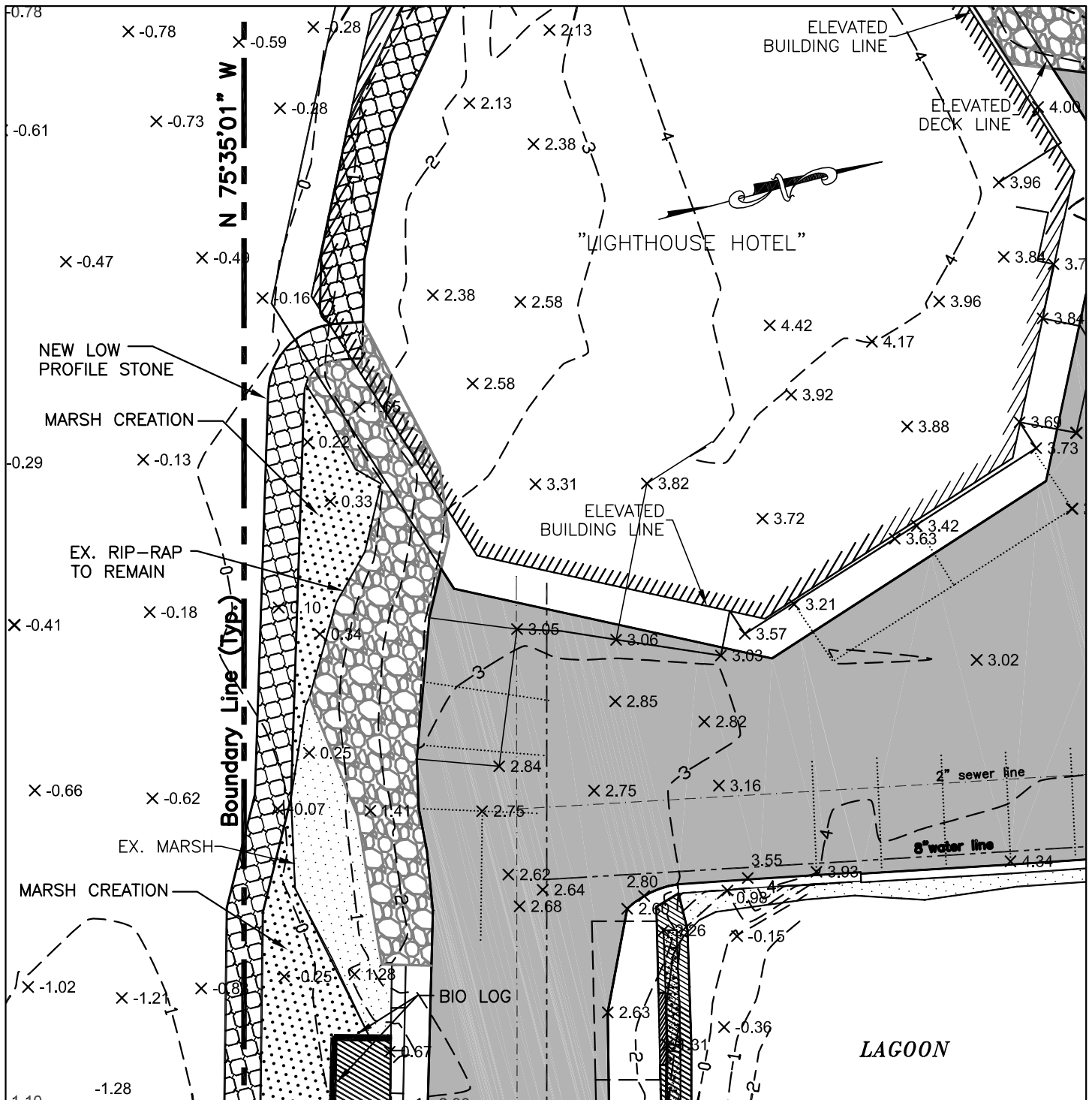
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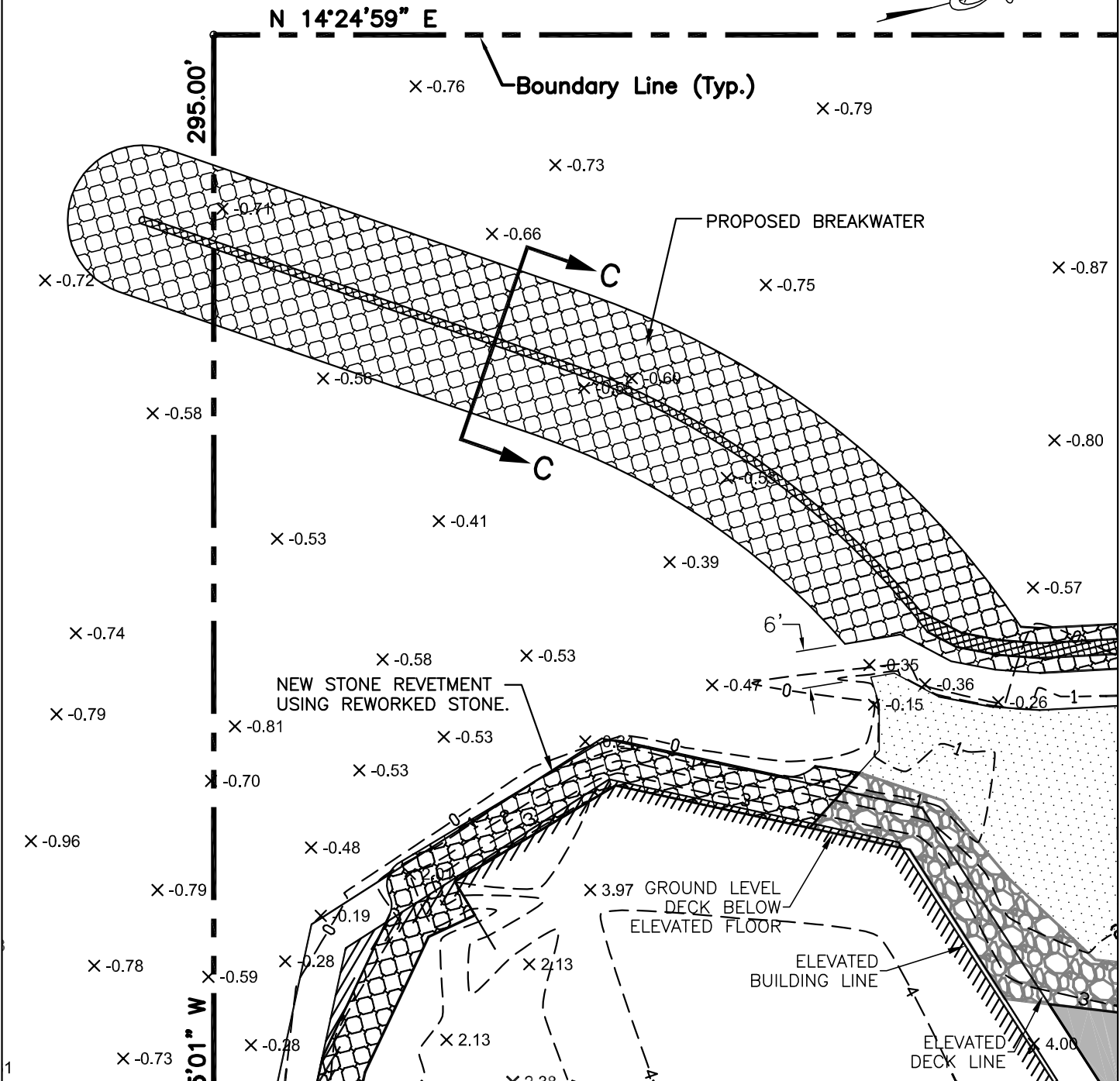
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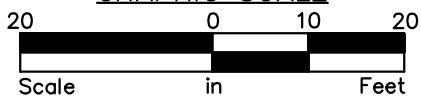
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ISLE OF WIGHT BAY



GRAPHIC SCALE



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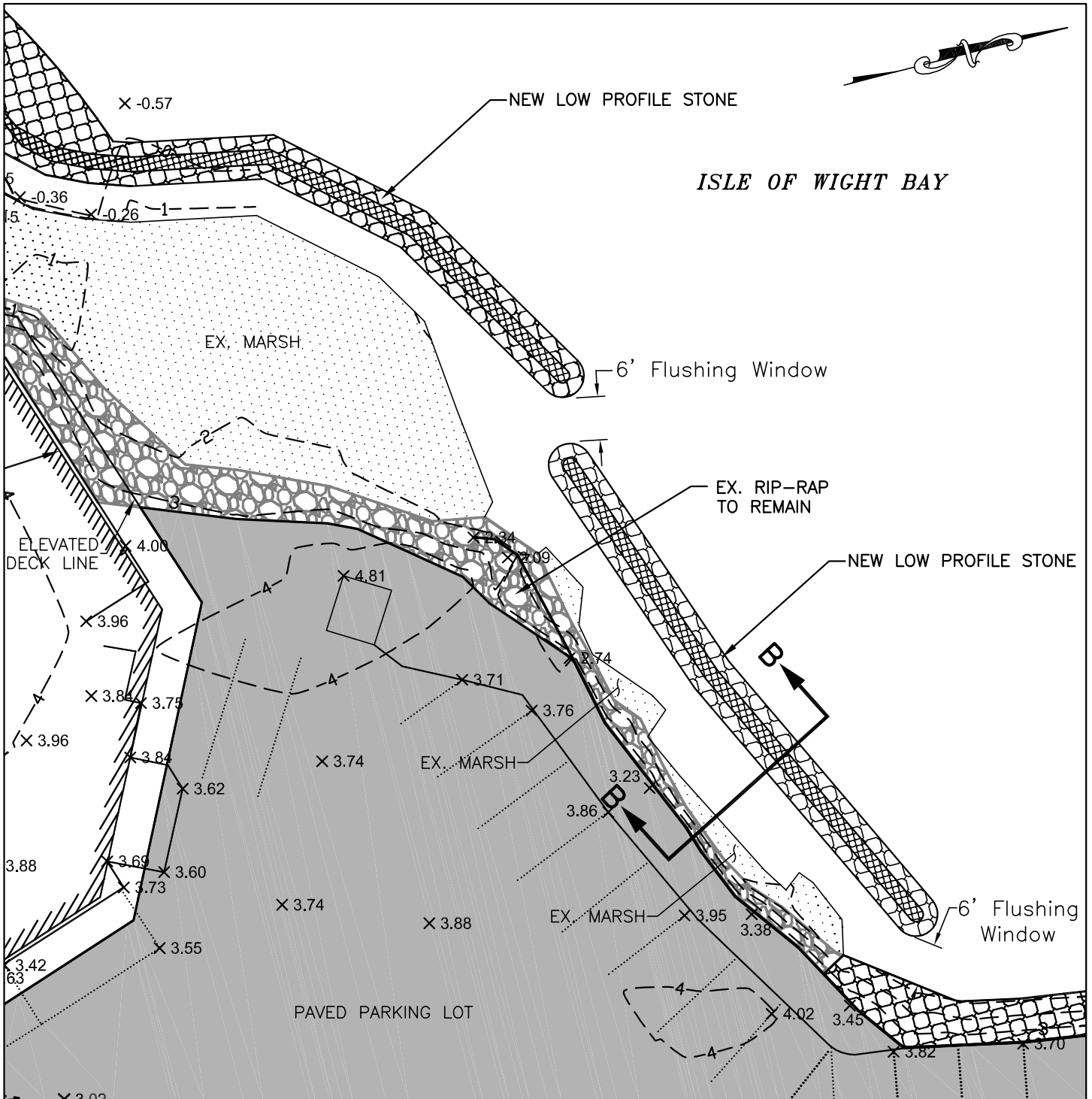
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DATE

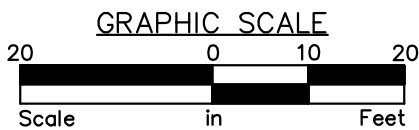
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Job No. 14-005



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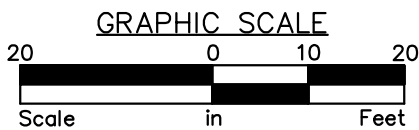
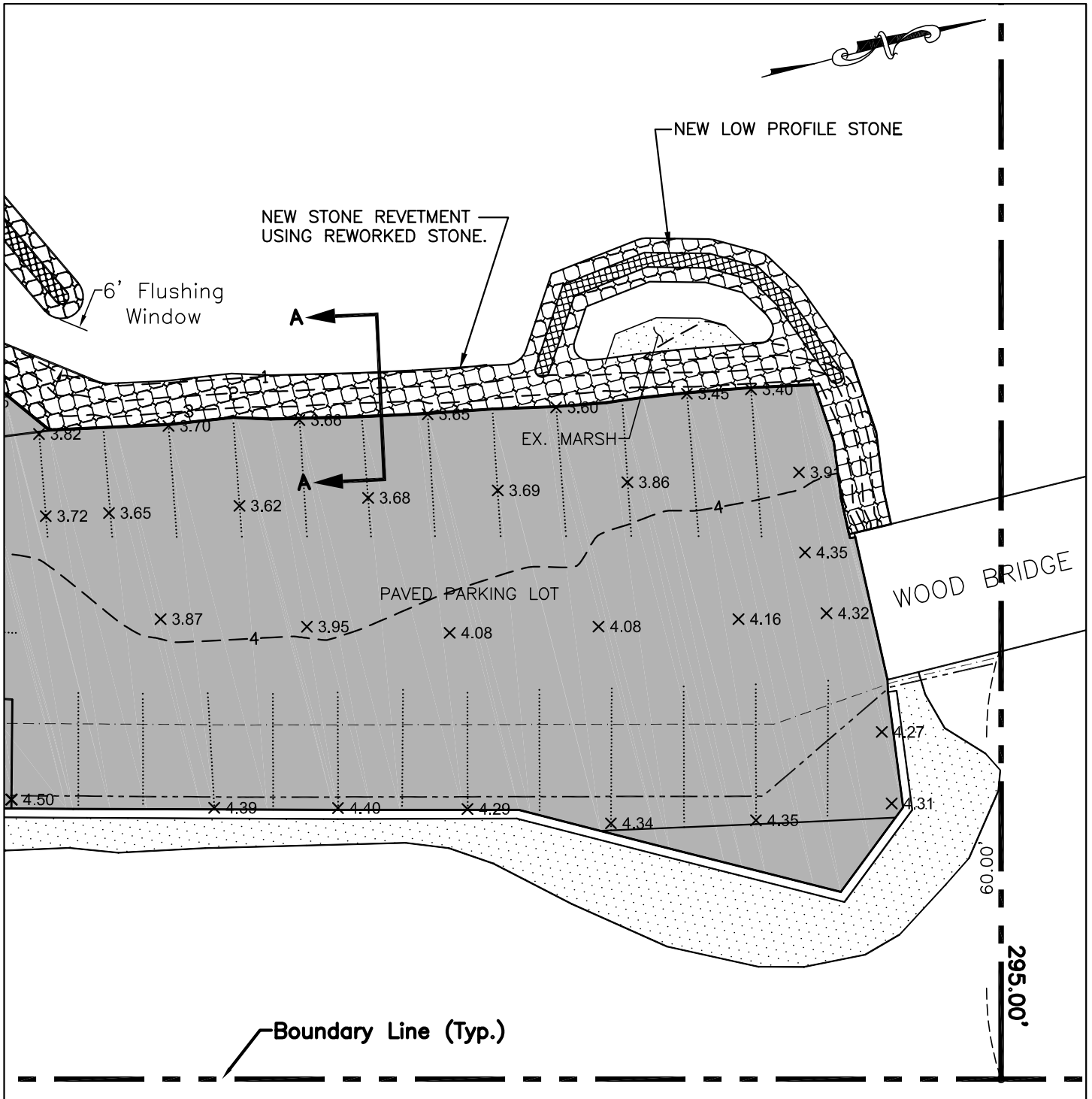


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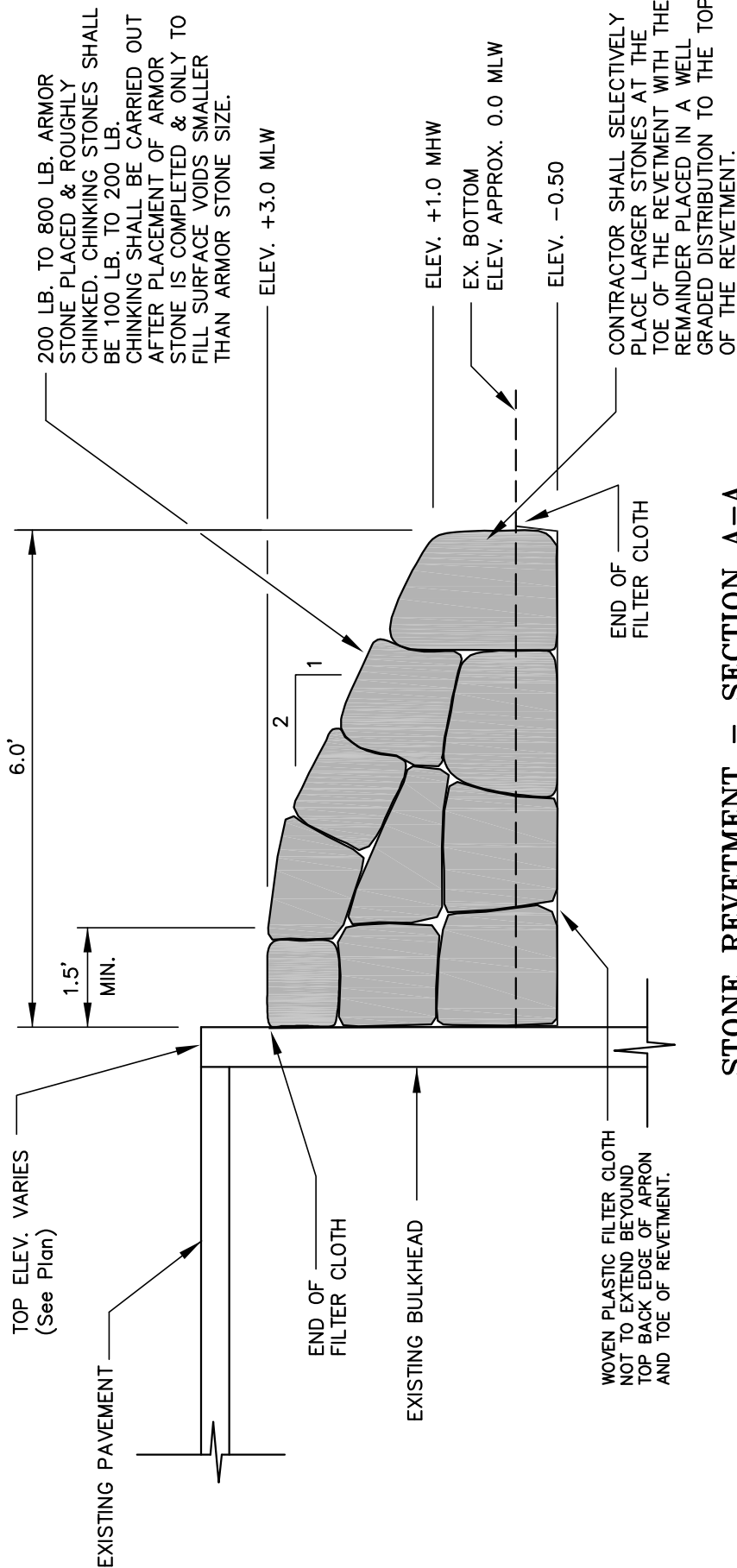
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**7 OF 12**  
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**STONE REVETMENT - SECTION A-A**

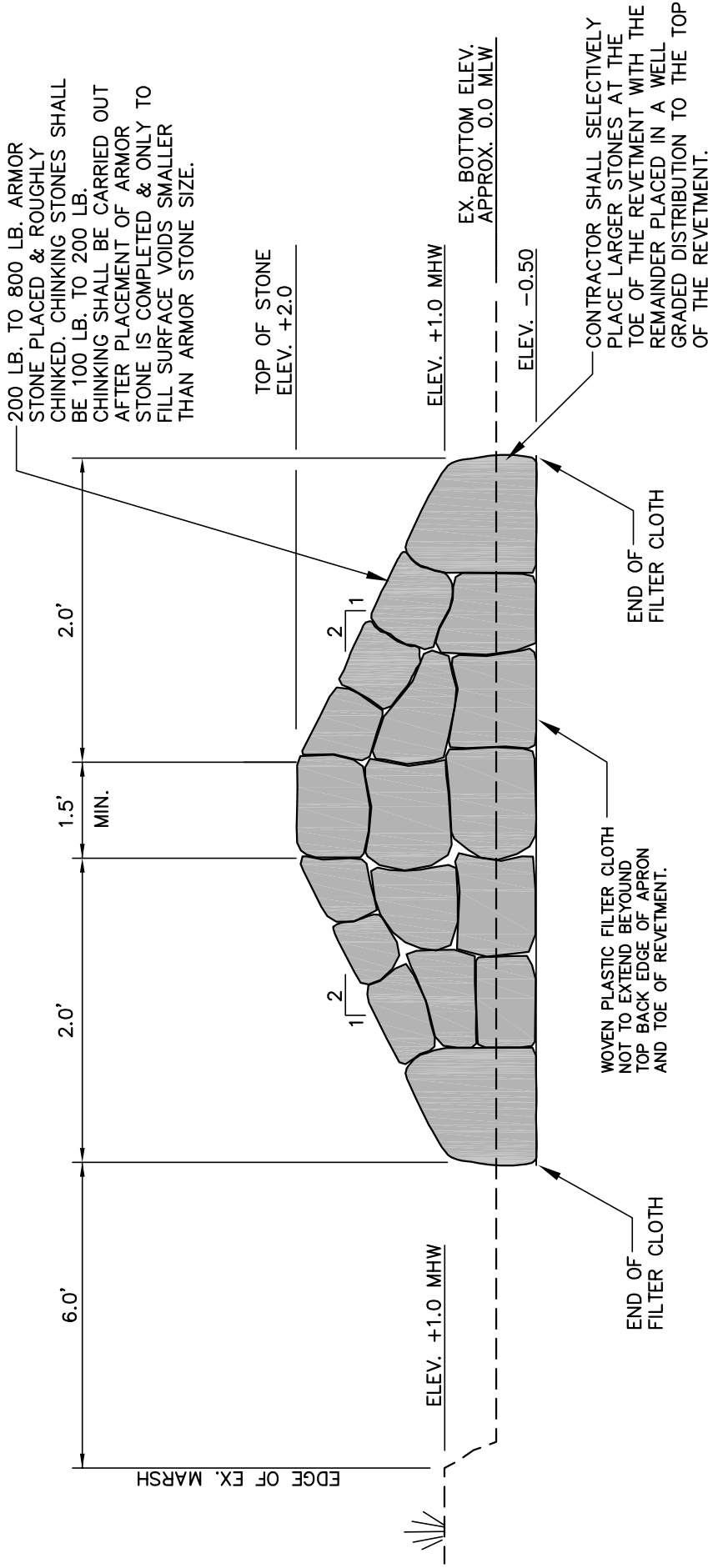
**PROPOSED BREAKWATER & STONE REVETMENTS**

ON : ISLE OF WIGHT BAY  
 FAGER'S ISLAND LIGHTHOUSE HOTEL  
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SHEET **8** OF **12**  
 DATE August 2014

ENGINEERING SURVEYING PLANNING  
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**LOW-PROFILE STONE REVETMENT - SECTION B-B**

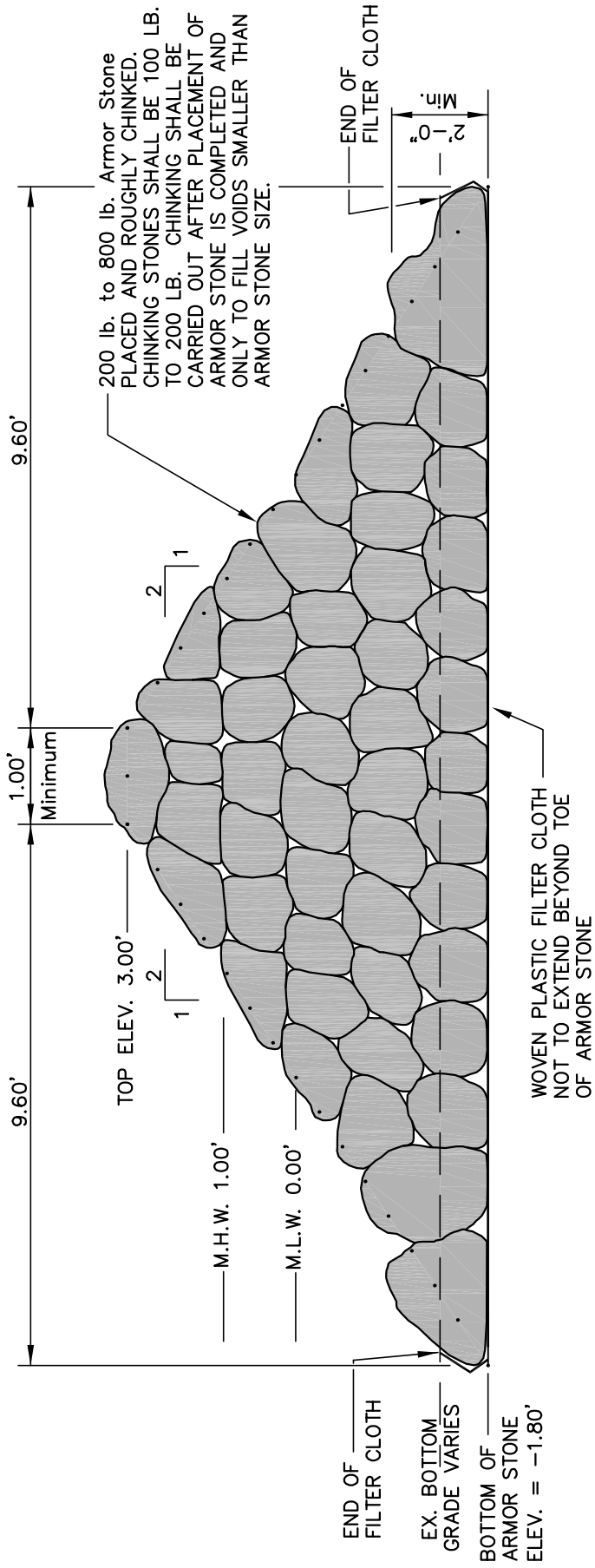
**PROPOSED BREAKWATER & STONE REVETMENTS**

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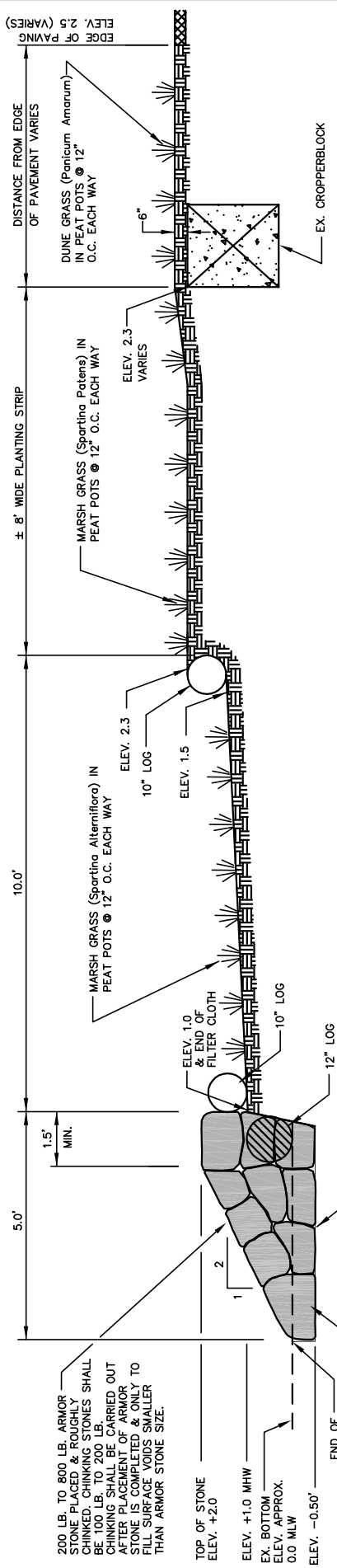


**BREAKWATER STRUCTURE - SECTION C-C**

**PROPOSED BREAKWATER & STONE REVETMENTS**

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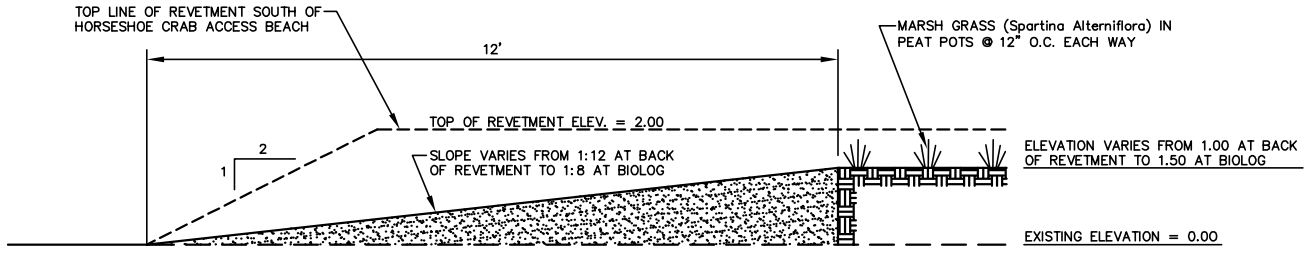
SHEET <b>10 OF 12</b> DATE August 2014	ENGINEERING SURVEYING PLANNING	PREPARED BY : <b>SOULÉ</b> & ASSOCIATES, P.C. OCEAN CITY, MARYLAND 21843
		APPLICATION BY : Fagers Island Lighthouse Hotel and Town of Ocean City Worcester County Maryland For Application Purposes Only, Not For Construction



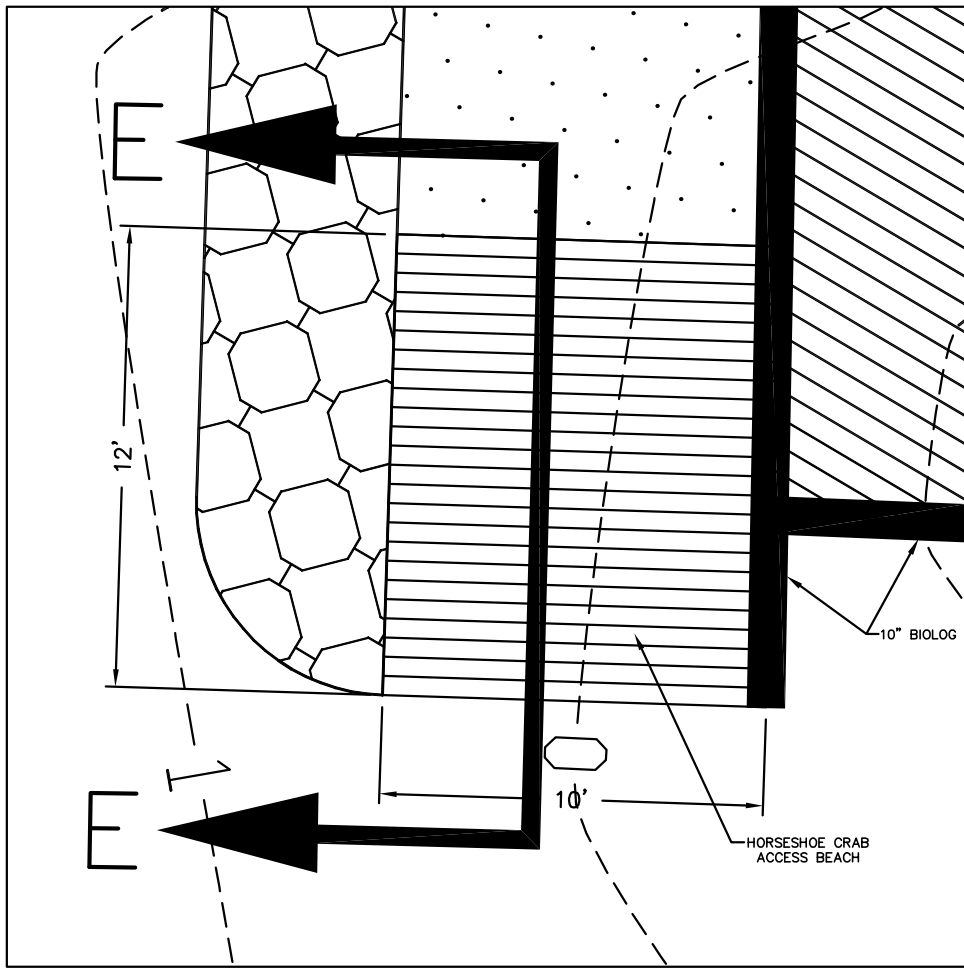
**STONE REVETMENT & PLANTING STRIPS - SECTION D-D**

**PROPOSED BREAKWATER  
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APPLICATION BY : Fagers Island Lighthouse Hotel and Town of Ocean City Worcester County Maryland For Application Purposes Only, Not For Construction	PREPARED BY : <b>SOULÉ</b> & ASSOCIATES, P.C. OCEAN CITY, MARYLAND 21843	ENGINEERING SURVEYING PLANNING	SHEET
			11 OF 12
		DATE	August 2014



**HORSESHOE CRAB ACCESS BEACH - SECTION E-E**



**HORSESHOE CRAB ACCESS BEACH - PLAN VIEW**  
SCALE: 1" = 5'

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SHEET  
**12 OF 12**  
DATE  
November 2014