

**U.S. Army Corps  
of Engineers**  
Baltimore District  
PN 15-18

# Public Notice

**In Reply to Application Number**  
CENAB-OP-RMS (UMCES Horn Point Lab) 2014-61884

Comment Period: March 11, 2015 to April 11, 2015

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

This 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/or Section 404 of the Clean Water Act (33 U.S.C. 1344)** as described below:

**APPLICANT:** Mr. Ray Cho  
University of Maryland Center for Environmental Science  
PO Box 775  
Cambridge, Maryland 21613

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** In the Choptank River at the Horn Point Lab, Cambridge, Dorchester County, Maryland.

**PROPOSED WORK AND PURPOSE:** To rehabilitate an existing approximately 30-foot wide by approximately 370-foot long stone jetty through the addition stone creating a 47-foot wide base, to an elevation of 7.0 feet above mean low water (MLW), extending no more than 230 feet channelward of the approximate mean high water (MHW) shoreline; the remaining 140 feet of existing jetty would not be impacted; to construct nine 35-foot wide by 75-foot long offshore stone breakwaters with the top elevation 5.4 feet above MLW, spaced no more than 50 feet apart. Breakwaters 1 through 8 would extend no more than 100 feet channelward of the approximate MHW shoreline of the Choptank River and breakwater 9 would extend no more than 180 feet channelward of the approximate MHW shoreline in Lakes Cove. All work will be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Mr. Rodney Schwarm at 410-820-8550 or U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715.

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 portion of the project located in the Choptank River lies in or adjacent to EFH as described under the MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The proposed project would not adversely impact EFH habitat and/or Habitat Areas of Particular Concern. 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. The Baltimore District has determined that the adverse effects of this project would be more than minimal, although not substantial, and an abbreviated consultation will be conducted with NMFS. No mitigation measures are recommended to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to Waters of the United States to the maximum extent practicable. The applicant has not proposed additional compensatory mitigation under the Mitigation Rule to offset unavoidable losses to aquatic resources since the proposed project would help stabilize an eroding shoreline and no wetland impacts are proposed. Since the project site is within 500 yards of a natural oyster bar, the applicant has proposed that no sediment generating activities would be done during the periods of December 16 through March 14 and June 1 through September 30, inclusive of any year.

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 21203-1715 within the comment period specified above.

**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/Pennsylvania Department of Environmental Protection/District of Columbia 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, 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:** Where applicable, 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.

The evaluation of the impact of this project 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.

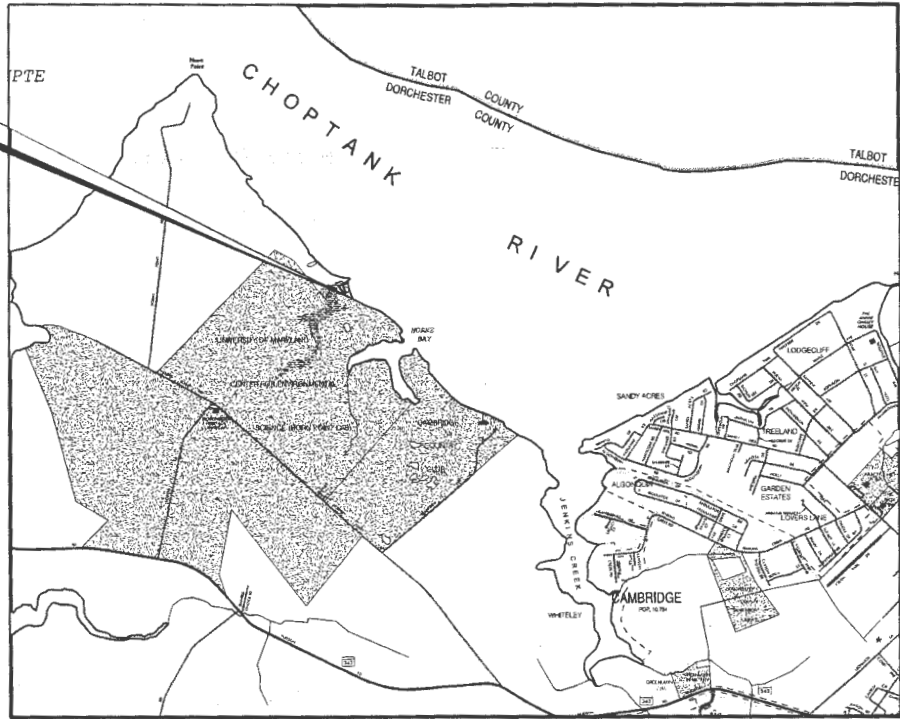
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715 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 know 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:

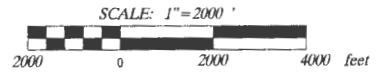
KATHY B. ANDERSON  
Chief, Maryland Section Southern

**PROJECT LOCATION**  
**HORN POINT LABORATORY**  
**CAMBRIDGE, MD**



DORCHESTER COUNTY

LOCATION MAP



**DORCHESTER COUNTY**  
**HORN POINT**  
**SHORELINE RESTORATION AND**  
**WATERWAY IMPROVEMENT**  
WUS/WETLAND IMPACTS  
COUNTY: DORCHESTER  
STATE: MARYLAND  
APPLICATION BY: UMCES  
SHEET 1 OF 5      DATE: NOV. 2014

**TOTAL ESTIMATED IMPACTS:**

PERMANENT IMPACTS TO TIDAL WATERS OF THE U.S. = 21,704 SQ.FT./ 908 L.F.

TEMPORARY IMPACTS TO TIDAL WATERS OF THE U.S. = 6,470 SQ.FT./ 60 L.F.

PERMANENT IMPACTS TO 100-YEAR FLOODPLAIN = 31,120 SQ.FT.

TEMPORARY IMPACTS TO 100-YEAR FLOODPLAIN = 26,642 SQ.FT.

FILL WITHIN 100-YEAR FLOODPLAIN = 2,500 C.Y.



**LEGEND**

- MHWL — MEAN HIGH WATER LINE
- MLWL — MEAN LOW WATER LINE
- EXISTING CONTOURS
- WETLAND BOUNDARY
- B — 25' STATE WETLAND BUFFER
- LOD — LIMITS OF DISTURBANCE
- 100-YEAR FLOODPLAIN
- OYSTER SANCTUARY BOUNDARY
- CBCA 100' — CHESAPEAKE BAY CRITICAL AREA 100' BUFFER

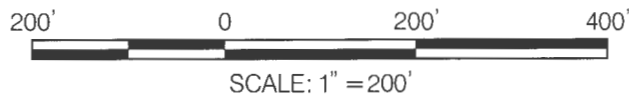
SHEET 3

SHEET 2

CHOPTANK RIVER

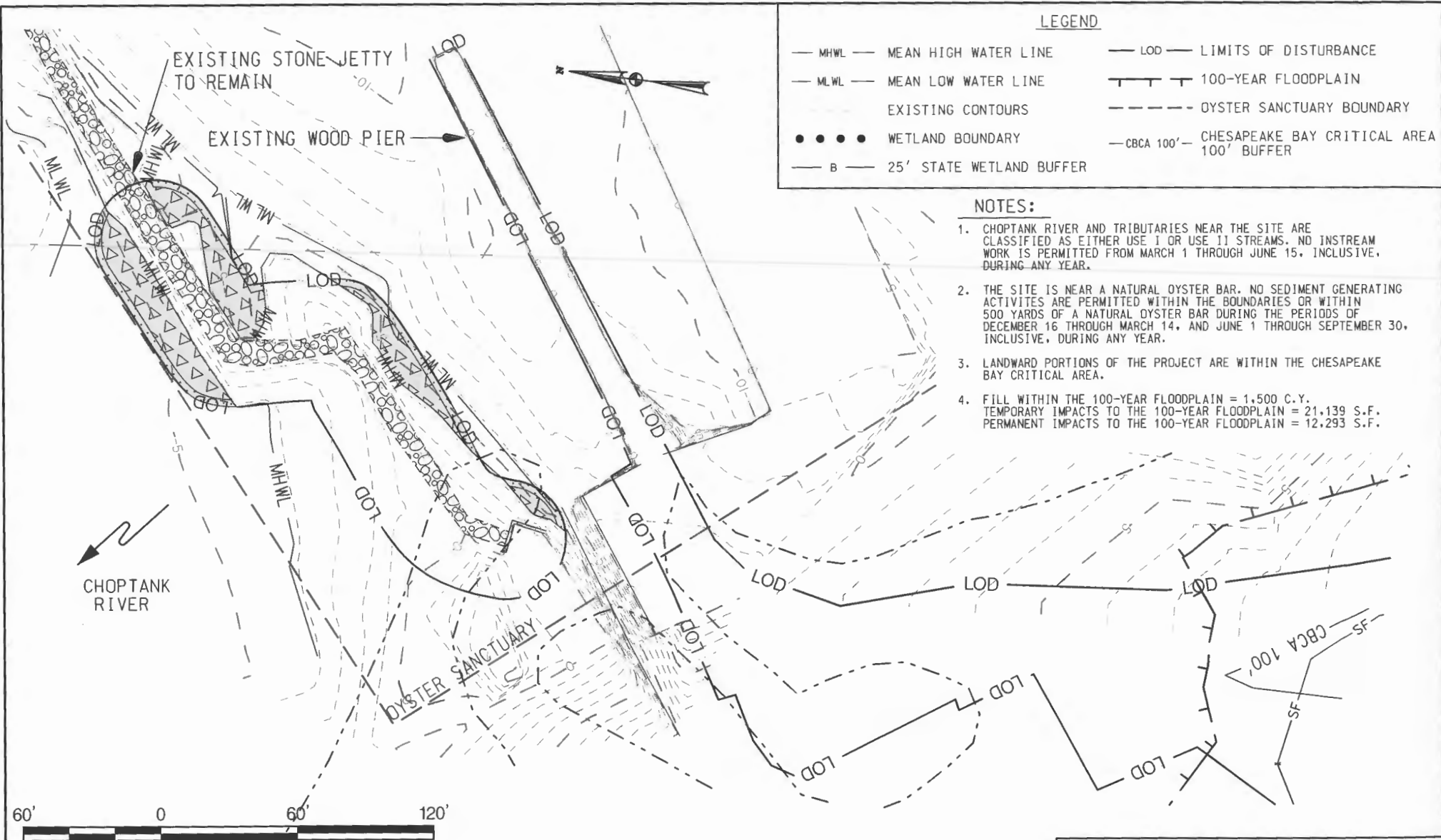
PROPOSED OFFSHORE BREAKWATERS

OYSTER SANCTUARY



**WALLACE MONTGOMERY**  
 ENGINEERS - PLANNERS - SURVEYORS - CONSTRUCTION MANAGERS  
 10150 York Road, Suite 200  
 Hunt Valley, Maryland 21030  
 410.434.5093 Tel / 410.667.0925 Fax  
 www.WallaceMontgomery.com

**DORCHESTER COUNTY  
 HORN POINT  
 SHORELINE RESTORATION AND  
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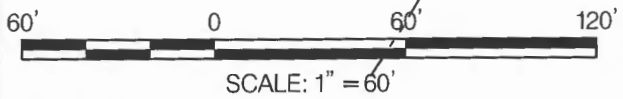


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**NOTES:**

1. CHOPTANK RIVER AND TRIBUTARIES NEAR THE SITE ARE CLASSIFIED AS EITHER USE I OR USE II STREAMS. NO INSTREAM WORK IS PERMITTED FROM MARCH 1 THROUGH JUNE 15, INCLUSIVE, DURING ANY YEAR.
2. THE SITE IS NEAR A NATURAL OYSTER BAR. NO SEDIMENT GENERATING ACTIVITIES ARE PERMITTED WITHIN THE BOUNDARIES OR WITHIN 500 YARDS OF A NATURAL OYSTER BAR DURING THE PERIODS OF DECEMBER 16 THROUGH MARCH 14, AND JUNE 1 THROUGH SEPTEMBER 30, INCLUSIVE, DURING ANY YEAR.
3. LANDWARD PORTIONS OF THE PROJECT ARE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. FILL WITHIN THE 100-YEAR FLOODPLAIN = 1,500 C.Y.  
 TEMPORARY IMPACTS TO THE 100-YEAR FLOODPLAIN = 21,139 S.F.  
 PERMANENT IMPACTS TO THE 100-YEAR FLOODPLAIN = 12,293 S.F.



**ESTIMATED IMPACTS:**

-  PERMANENT IMPACTS TO TIDAL WATERS OF THE U.S. = 2,877 SQ.FT./ 208 L.F.
-  TEMPORARY IMPACTS TO TIDAL WATERS OF THE U.S. = 967 SQ.FT./ 6 L.F.

**DORCHESTER COUNTY  
 HORN POINT  
 SHORELINE RESTORATION AND  
 WATERWAY IMPROVEMENT**

WUS/WETLAND IMPACTS

COUNTY: DORCHESTER  
 STATE: MARYLAND  
 APPLICATION BY: UMCES

SHEET 3 OF 5      DATE: NOV. 2014



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 10150 York Road, Suite 200  
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 410.494.9093 Tel / 410.667.0925 Fax  
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## ESTIMATED IMPACTS:



PERMANENT IMPACTS TO TIDAL WATERS OF THE U.S. = 18,827 SQ.FT./ 700 L.F.



TEMPORARY IMPACTS TO TIDAL WATERS OF THE U.S. = 5,503 SQ.FT./ 54 L.F.



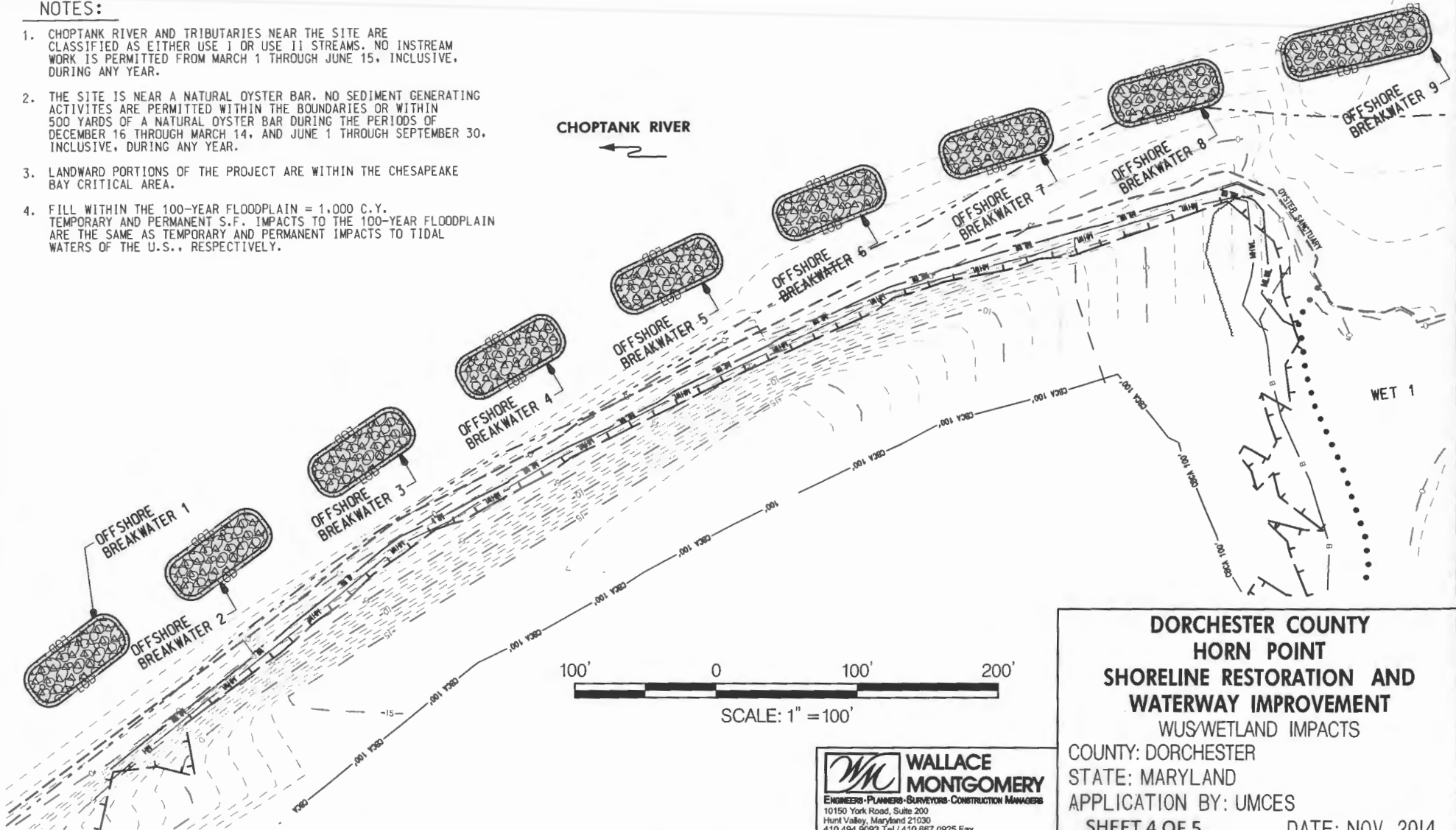
## LEGEND

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— B —	25' STATE WETLAND BUFFER		

## NOTES:

1. CHOPTANK RIVER AND TRIBUTARIES NEAR THE SITE ARE CLASSIFIED AS EITHER USE 1 OR USE II STREAMS. NO INSTREAM WORK IS PERMITTED FROM MARCH 1 THROUGH JUNE 15, INCLUSIVE, DURING ANY YEAR.
2. THE SITE IS NEAR A NATURAL OYSTER BAR. NO SEDIMENT GENERATING ACTIVITIES ARE PERMITTED WITHIN THE BOUNDARIES OR WITHIN 500 YARDS OF A NATURAL OYSTER BAR DURING THE PERIODS OF DECEMBER 16 THROUGH MARCH 14, AND JUNE 1 THROUGH SEPTEMBER 30, INCLUSIVE, DURING ANY YEAR.
3. LANDWARD PORTIONS OF THE PROJECT ARE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. FILL WITHIN THE 100-YEAR FLOODPLAIN = 1,000 C.Y. TEMPORARY AND PERMANENT S.F. IMPACTS TO THE 100-YEAR FLOODPLAIN ARE THE SAME AS TEMPORARY AND PERMANENT IMPACTS TO TIDAL WATERS OF THE U.S., RESPECTIVELY.

CHOPTANK RIVER



## DORCHESTER COUNTY HORN POINT SHORELINE RESTORATION AND WATERWAY IMPROVEMENT

WUS/WETLAND IMPACTS

COUNTY: DORCHESTER

STATE: MARYLAND

APPLICATION BY: UMCS

SHEET 4 OF 5

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