

Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
**CENAB-OP-RMS (TOWN OF CHESTERTOWN/ CHESTERTOWN
MARINA) 2014-61489**

PN 15-22

Comment Period: March 23, 2015 to April 21, 2015

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

The Baltimore District has received an application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Town of Chestertown
c/o: Mr. Bill Ingersoll, Town Manager
118 North Cross Street
Chestertown, Maryland, 21620

LOCATION: In the Chester River, within an existing marina basin, at 207 South Water Street, Chestertown, Kent County, Maryland.

DESCRIPTION OF WORK: To repair, update, and reconfigure an existing marina by first removing the existing deteriorating waterfront structures and then constructing new structures in their place. The proposed removal work is within an approximately 10,539 square foot (0.24 acre) area and includes the following: to remove an existing 15-foot wide by 20-foot long concrete boat ramp and a 25-foot wide by 40-foot long concrete pad at the travel lift area; to remove a total of 730 linear feet of existing deteriorated bulkhead and adjoining wooden walkway; to remove two 3-foot wide by 40-foot long catwalks at the existing travel lift area; to remove six 3-foot wide by 15-foot long finger piers and a 6-foot wide by 30-foot long finger pier; to remove an existing 6-foot wide by 293-foot long pier, with 9 finger piers, and a 6-foot wide by 50-foot long terminal "L" head platform; to remove an existing 6-foot wide by 108-foot long pier, with 4 finger piers, and a 6-foot wide by 85-foot long terminal "T" head platform; to remove an existing 6-foot wide by 123-foot long pier, with 2 finger piers, and a 6-foot wide by 40-foot long terminal "L" head platform; and to remove a total of 313 pilings by pulling or cutting the pilings to a depth of 7 feet below mean low water (MLW); all to extend no more than 344 feet channelward of the approximate mean high water (MHW) shoreline. The marina reconfiguration would reduce the number of boat slips from 75 existing to 74 proposed.

The proposed new construction is within an approximately 23,463 square foot (0.54 acre) area and includes the following: to construct a 15-foot wide by 63-foot long concrete boat ramp (840 square foot area); to construct a 12-foot wide replacement concrete walkway along 675 linear feet of replacement bulkhead with approximately 360 cubic yards of clean

earth backfill (1,350 square foot area), to extend no more than 1.5 feet channelward of the existing deteriorating bulkhead; to create uplands by constructing 55 linear feet of new bulkhead by depositing fill in the existing concrete boat ramp with approximately 23 cubic yards of clean earth backfill (417 square foot area), to extend no more than 1.5 feet channelward of the approximate MHW shoreline and to construct a 6-foot wide by 55-foot long concrete walkway landward of the proposed bulkhead; to emplace two 6-foot wide deck ramps; to construct a 8-foot wide by 370-foot long floating pier with six 4-foot wide by 30-foot long floating finger piers, three 5-foot wide by 50-foot long floating finger piers, and a 12-foot wide by 59-foot long terminal "L" head floating platform; to construct seven 4-foot wide by 40-foot long fixed finger piers parallel to the bulkhead; to construct a 8-foot wide by 181-foot long floating central pier with six 5-foot wide by 45-foot long floating finger piers, and a 12-foot wide by 123-foot long terminal "T" head platform; at an existing pier to remain, to construct an 8-foot wide by 70-foot long pier extension with three 5-foot wide by 50-foot long fixed finger piers, and a 12-foot wide by 183-foot long terminal "T" head fixed platform; and to install a total of 397 piles all to extend no more than 415 feet channelward of the approximate MHW shoreline.

In addition, the applicant proposes to dredge by mechanical method a 336-foot wide by 560-foot long (87,732 square foot) area to a depth of -6.0 feet at mean low water (MLW) elevation, resulting in approximately 9,469 cubic yards of dredged spoil material, all to extend no further than 415 feet channelward of the existing bulkhead, resulting in approximately 2,530 cubic yards of dredged spoil material that would be deposited at an existing upland (non-wetland) approved Dredge Material Placement (DMP) site located at Dudley Orem Borrow Pit at 8415 Rock Hall Road, in Chestertown, Kent County, Maryland. In addition, the applicant also requests 10-year approval for maintenance dredging to maintain the marina basin. The most recent dredging of the marina basin was authorized under DA permit NAB-2008-63868 (T63918) (CHESTERTOWN MARINA) issued on January 15, 2009 as a Category III under the MDSPGP-3 to a -6 feet MLW depth contour. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jason R. Peters of this office at 410-962-5676 or by email Jason.Peters@usace.army.mil.

To repair, update and reconfigure an existing marina to provide for a larger and safer slip basin and provide for improved public and private navigation access.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the U.S. to the maximum extent practicable. The existing pier area is 4,910 square feet and the proposed is 14,202 square feet. The marina repair, update and reconfiguration would result in an increase of approximately 9,292 square foot area of open tidal waters or 65% percent coverage area, but not a permanent loss of waters of the United States. The existing number of boat slips would be reduced from 75 slips to 74 slips to accommodate larger recreational vessels up to 100-feet in length. The dredging impacts were minimized by dredging only the minimal amount required for navigational access, limiting project design depths to -6.0 feet MLW. Prior permitting authorized dredging to a project design depth of -6.0 feet below water MLW.

A net permanent loss of approximately 980 square feet of waters of the U.S. is proposed as a result of filling the existing concrete boat ramp with new bulkhead (1,012 square feet) and walkway (515 cubic yards), emplacing a new boat ramp (417 square feet) . The existing boat ramp is 450 square feet. The applicant has not proposed compensatory mitigation to offset unavoidable losses to aquatic resources. The applicant has advised that the site development would reduce impervious area, and will be designed to meet the State of Maryland's Environmental Site Design for stormwater management whereby reducing impervious area with onsite stormwater management areas and improving water quality in the local waterway.

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 MSFCMA for *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), all managed species under the MSFCMA.

The project has the potential to adversely 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 an approximate 87,732 square foot (2 acre) area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of unvegetated shallow water habitat comprised of sand and silt substrate that does not support submerged aquatic vegetation (SAV). The proposed shoreline is bulkheaded with existing water depths ranging from -2.0 to -6.0 feet at MLW elevation. The proposed work will alter the existing bottom substrate, by filling, shading or disturbances from other construction related activities and bottom elevations due to dredging. The District Engineer has made a preliminary determination that site-specific impacts would not be substantial since the work is within an existing marina footprint which has previously been authorized for dredging. Therefore, 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.

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 within the comment period specified above.

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.

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, 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.

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. The project location and vicinity is not mapped as critical habitat for any known Federally-listed threatened or endangered species; however, the Chesapeake Bay including the Chester River is known to be utilized by transient individuals of the following species: *Caretta caretta* (Loggerhead sea turtles); *Lepidochelys kempii* (Kemp's Ridley sea turtles); *Dermochelys coriacea* (Leatherback sea turtles); *Chelonia mydas* (Green sea turtles); *Acipenser brevirostrum* (Shortnose sturgeon); and *Acipenser oxyrinchus* (Atlantic sturgeon). The species *Sciurus niger cinereus* (Delmarva Peninsula fox squirrel) is proposed for delisting from the List of

Endangered and Threatened Wildlife. The Delmarva Peninsula fox squirrel is known to or is believed to occur in Kent County, Maryland. 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 there are known 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.

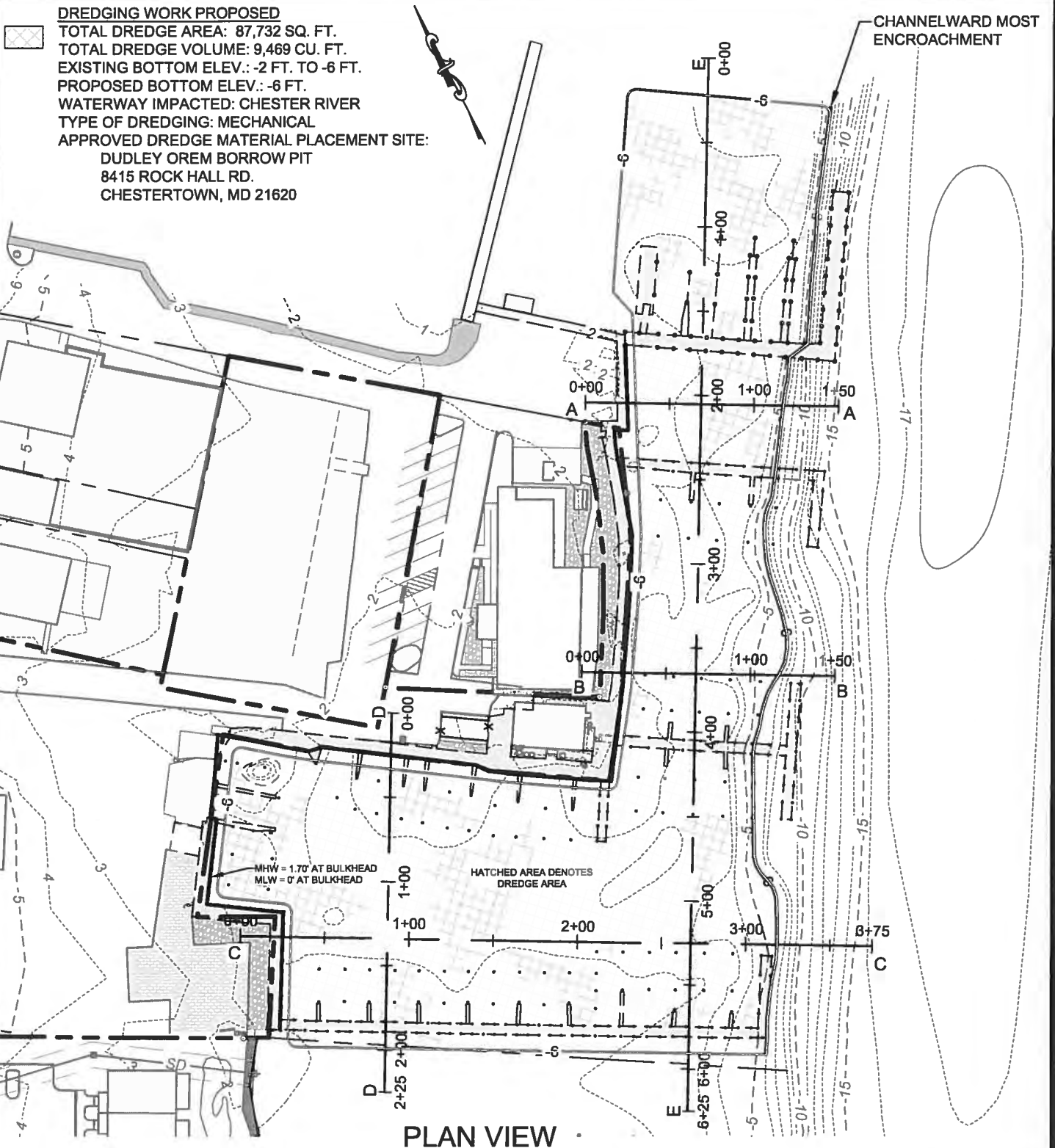
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, 21203-1715, within the comment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

DREDGING WORK PROPOSED
 TOTAL DREDGE AREA: 87,732 SQ. FT.
 TOTAL DREDGE VOLUME: 9,469 CU. FT.
 EXISTING BOTTOM ELEV.: -2 FT. TO -6 FT.
 PROPOSED BOTTOM ELEV.: -6 FT.
 WATERWAY IMPACTED: CHESTER RIVER
 TYPE OF DREDGING: MECHANICAL
 APPROVED DREDGE MATERIAL PLACEMENT SITE:
 DUDLEY OREM BORROW PIT
 8415 ROCK HALL RD.
 CHESTERTOWN, MD 21620



PLAN VIEW

SHEET 3 OF 15

DREDGING PLAN

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

TAX MAP 203, PARCEL 1332

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SCALE:
1" = 80'

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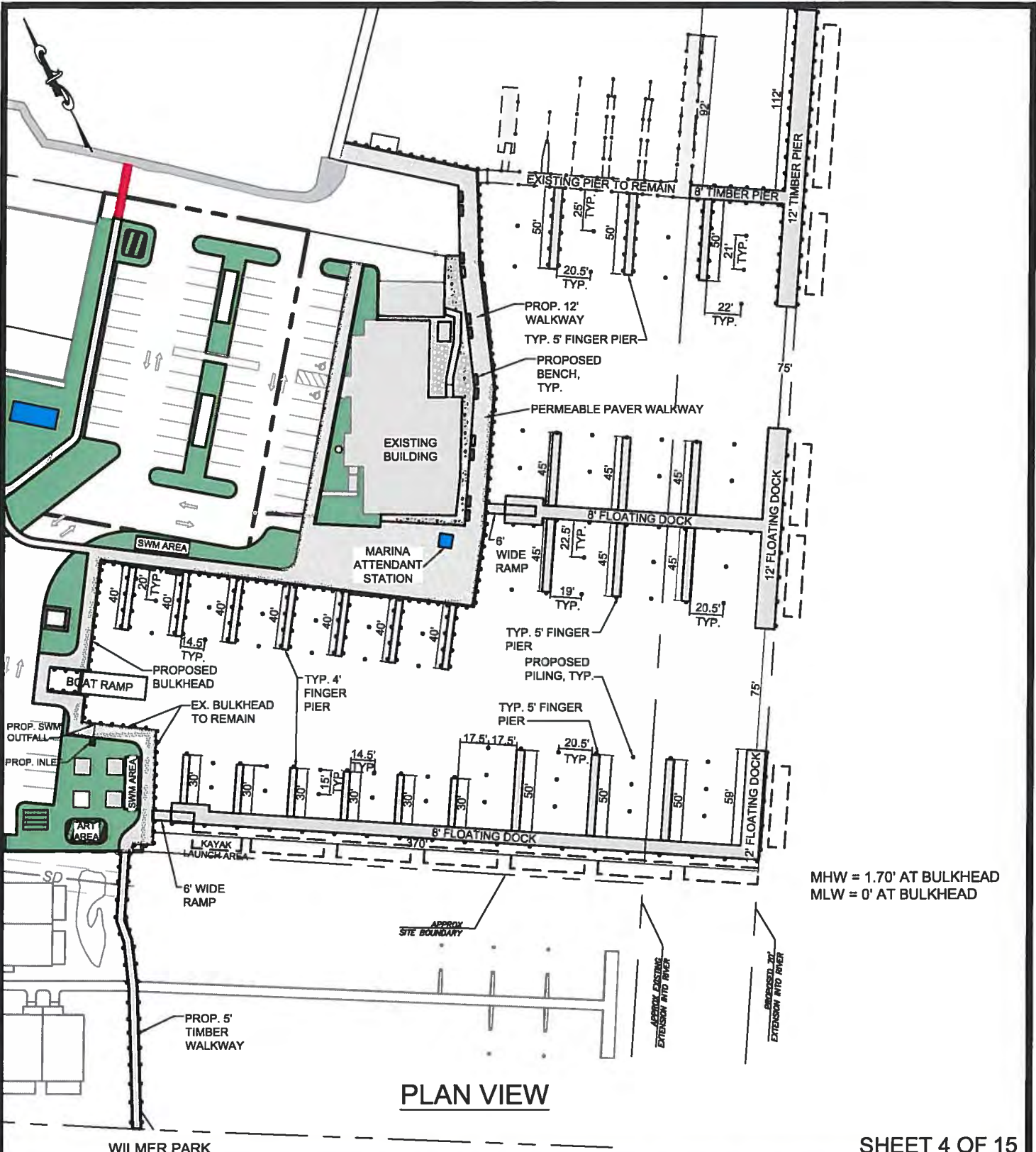
DRAWN BY:
JMA

2021

DESIGNED BY:
PAO

APPROVED BY:
PAO

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PLAN VIEW

SHEET 4 OF 15

PROPOSED PIER LAYOUT

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

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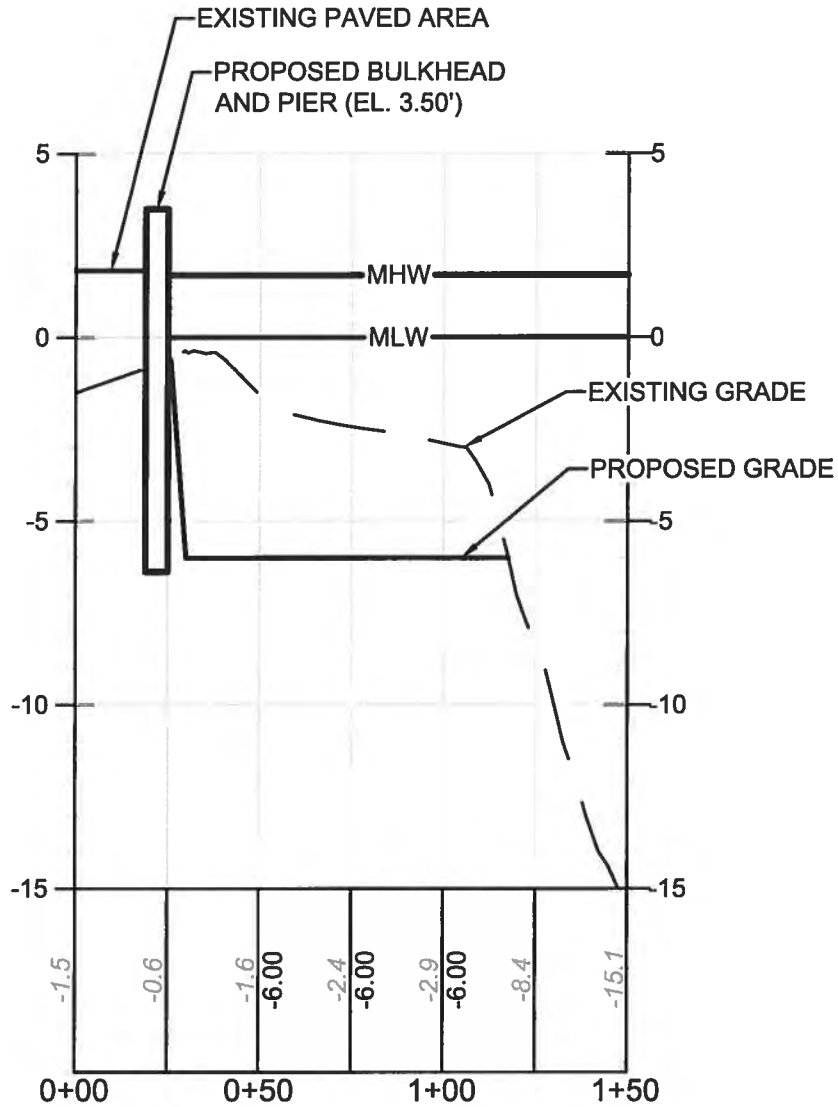
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CROSS SECTION A-A

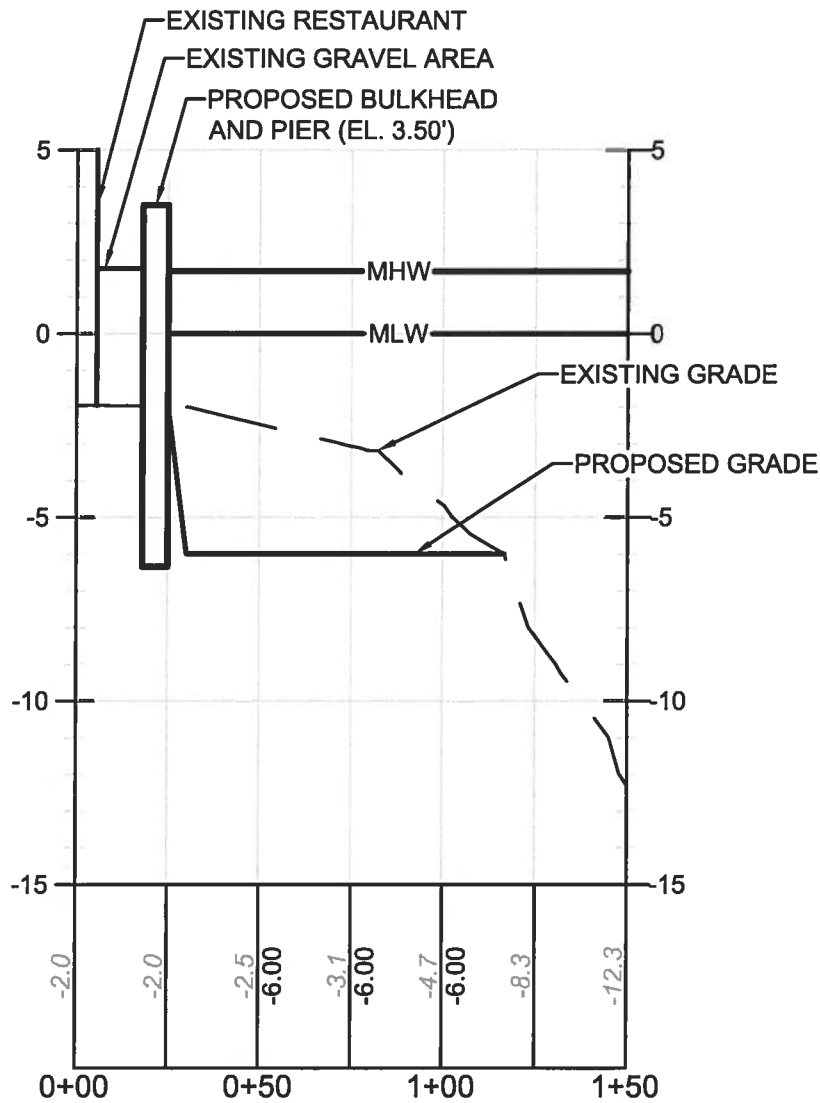
SCALE: HOR: 1" = 50'
VERT: 1" = 5'

MHW = MHW 1.70' (AT BULKHEAD)
 MLW = MLW 0.00' (AT BULKHEAD)

SHEET 6 OF 15

DREDGING PERMIT PLANS ON LANDS OF CHESTERTOWN MARINA FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND TAX MAP 203, PARCEL 1332 PREPARED FOR: TOWN OF CHESTERTOWN	 ● Engineering ● Environmental Sciences ● Construction Services ● Land Planning & Surveying ANNAPOLIS ● CENTREVILLE ● WILMINGTON ● ELKTON ● SALISBURY 320 PENNSYLVANIA AVENUE CENTREVILLE, MARYLAND 21617 (410) 758-2237 * FAX (410) 758-2464 <small>www.mccrone-inc.com</small>	DATE: DECEMBER 2014	SCALE: AS SHOWN
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		2021	DESIGNED BY: PAO
			APPROVED BY: PAO

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CROSS SECTION B-B

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VERT: 1" = 5'

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 ————— MLW ————— = MLW 0.00' (AT BULKHEAD)

SHEET 7 OF 15

DREDGING PERMIT PLANS

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

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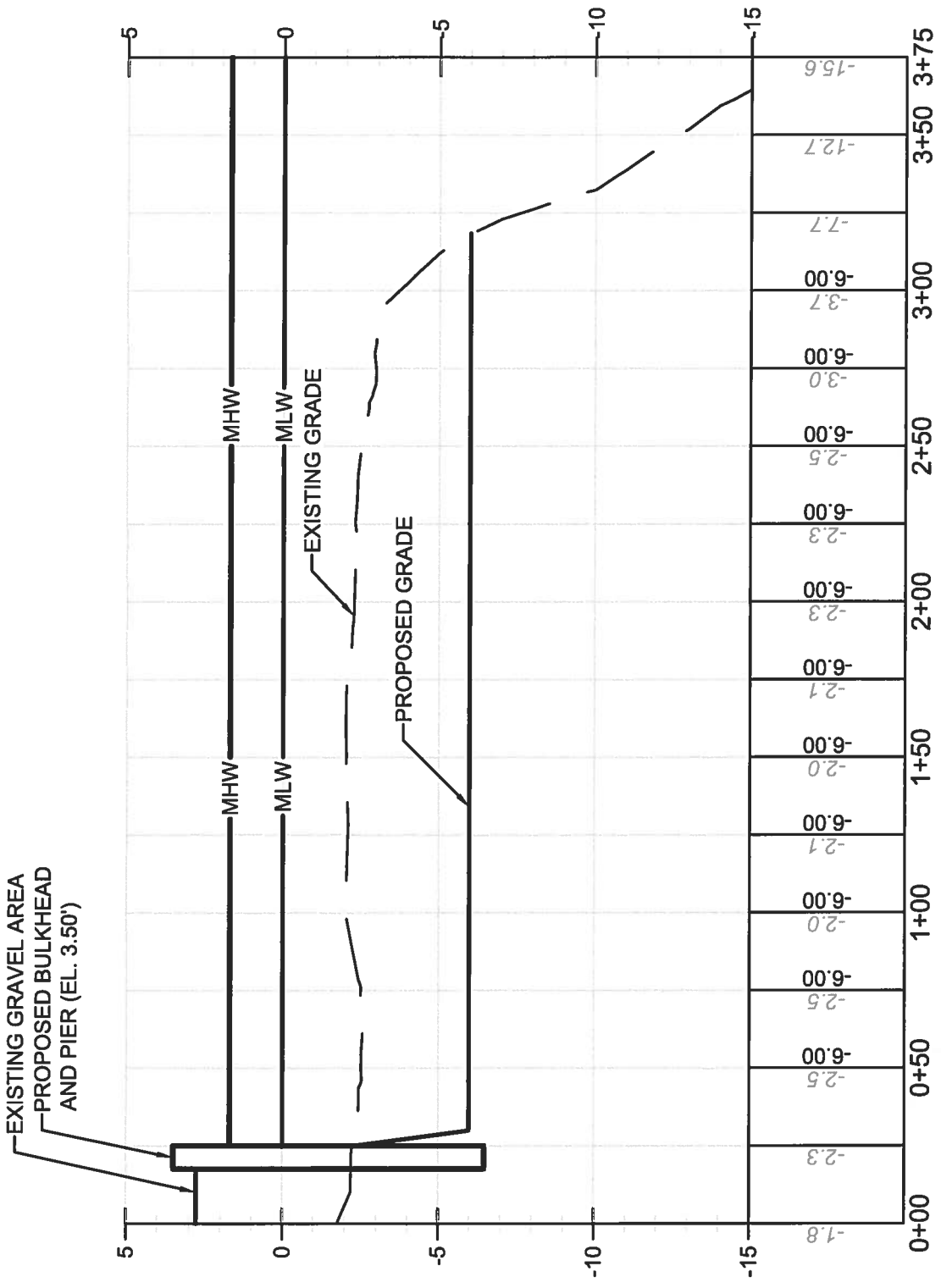
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PAO

APPROVED BY:
PAO

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CROSS SECTION C-C

SCALE: HOR: 1" = 50'
VERT: 1" = 5'

DREDGING PERMIT PLANS

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
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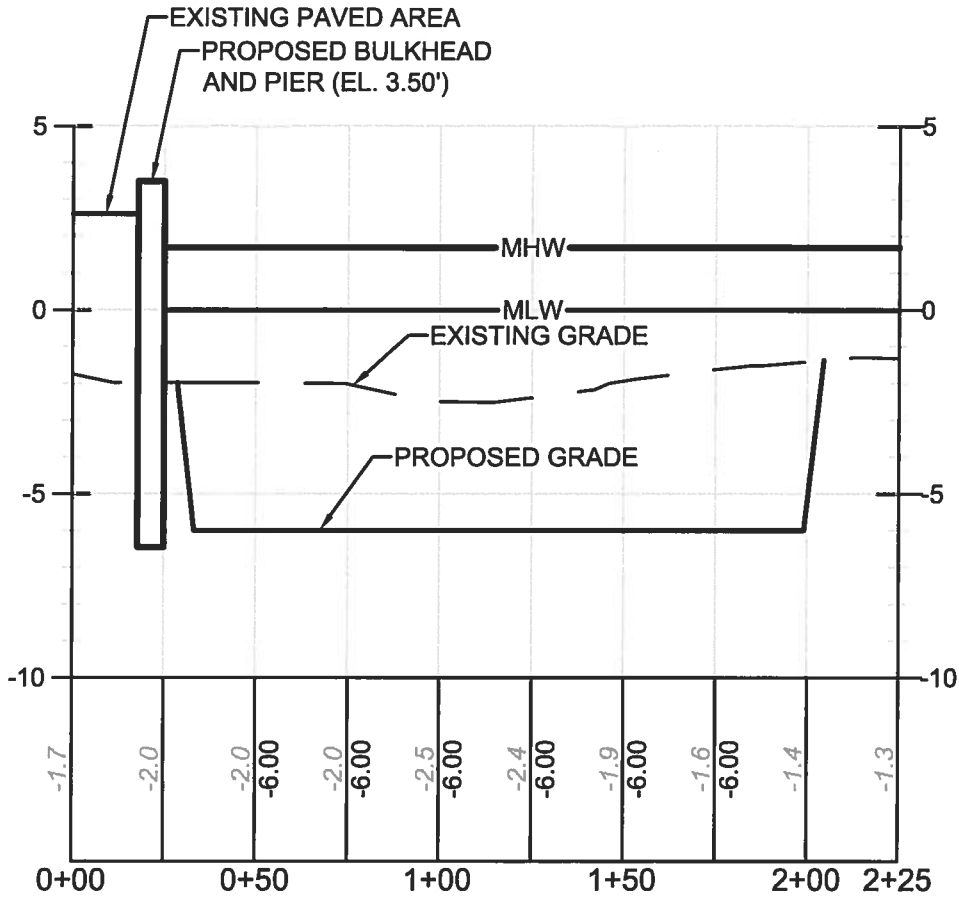
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PAO



CROSS SECTION D-D

SCALE: HOR: 1" = 50'

VERT: 1" = 5'

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 ————— MLW ————— = MLW 0.00' (AT BULKHEAD)

SHEET 9 OF 15

DREDGING PERMIT PLANS

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

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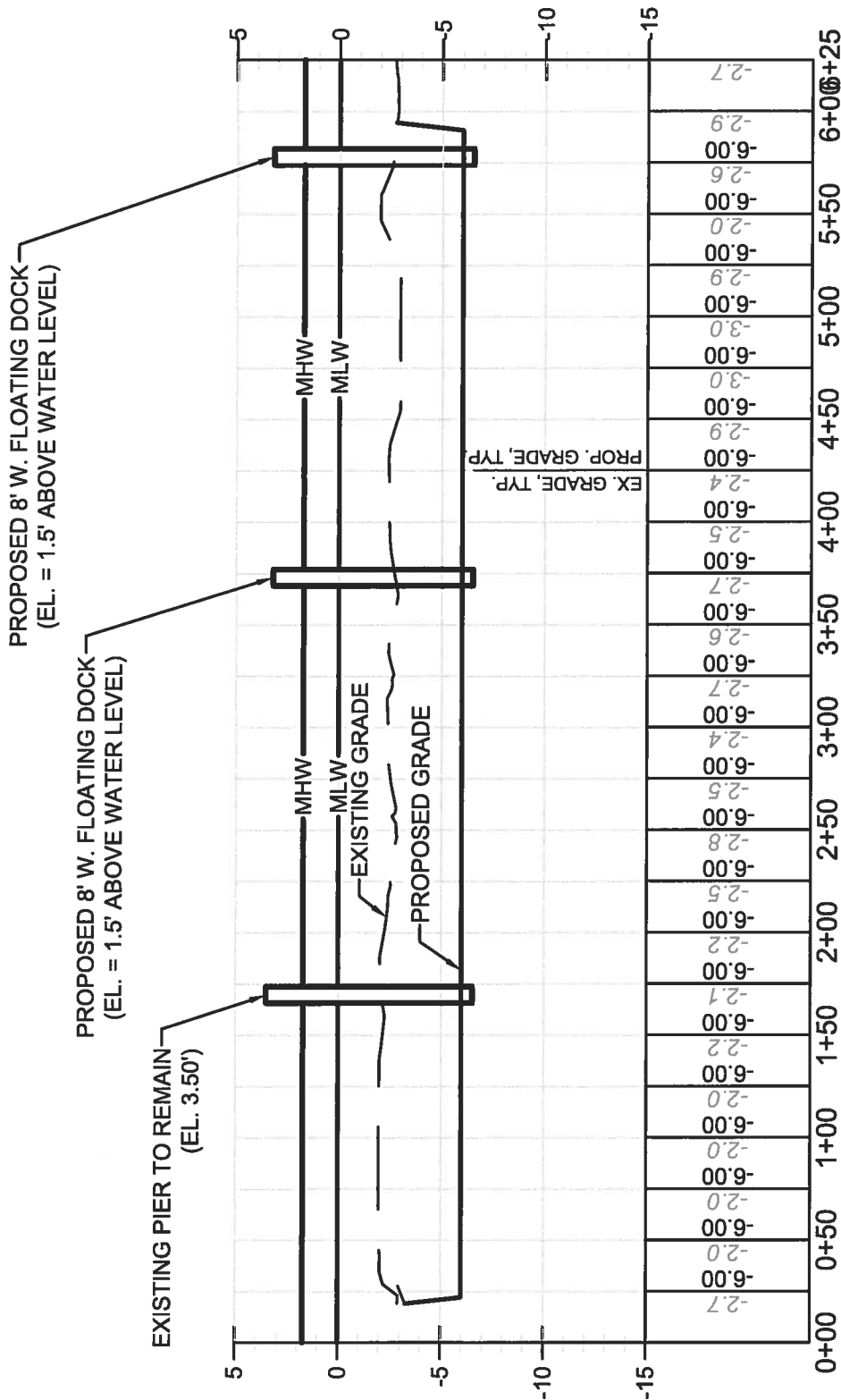
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CROSS SECTION E-E

SCALE: HOR: 1" = 80'
VERT: 1" = 8'

— MHW
— MLW

= MHW 1.70' (AT BULKHEAD)
= MLW 0.00' (AT BULKHEAD)

SHEET 10 OF 15

DREDGING PERMIT PLANS

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

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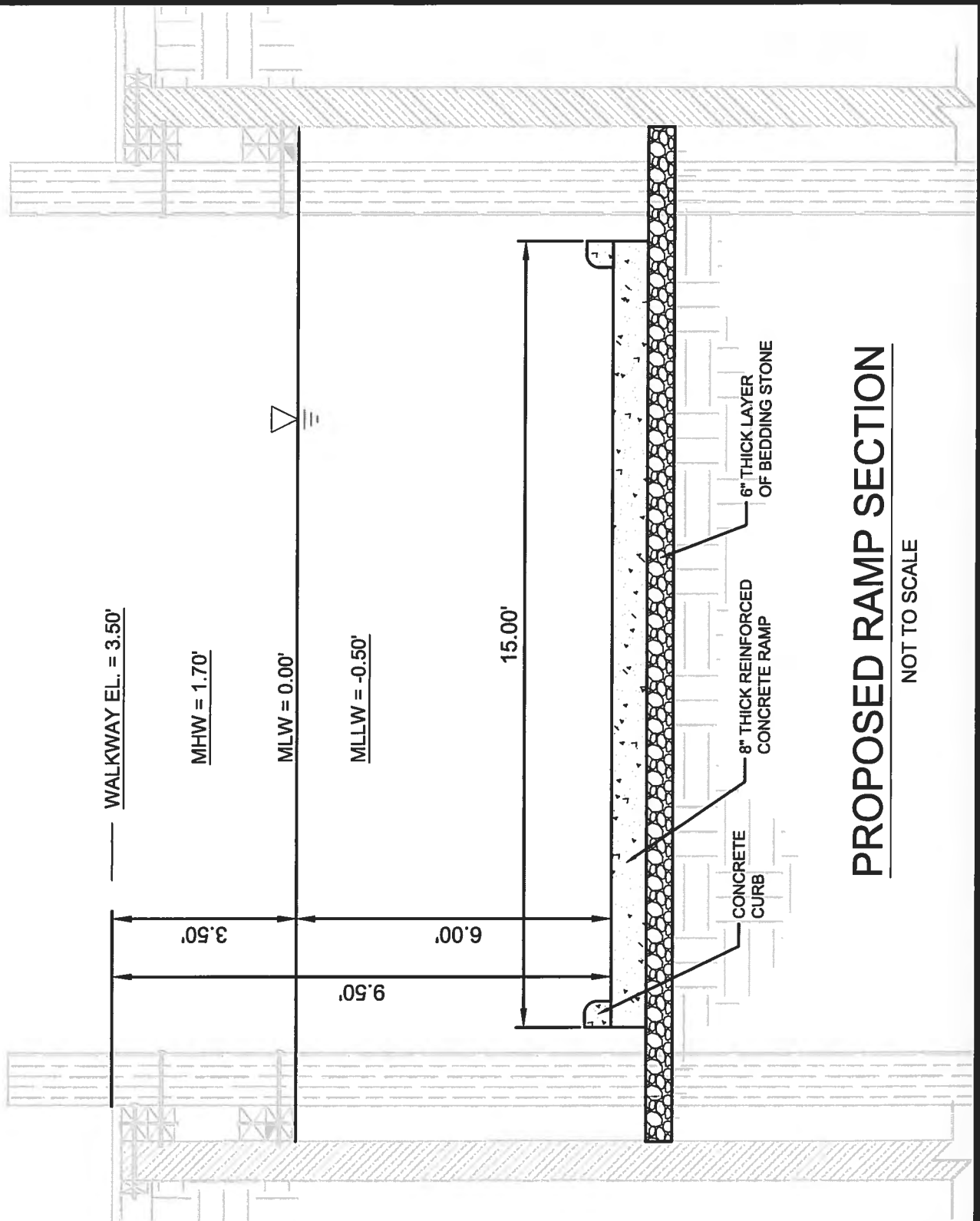
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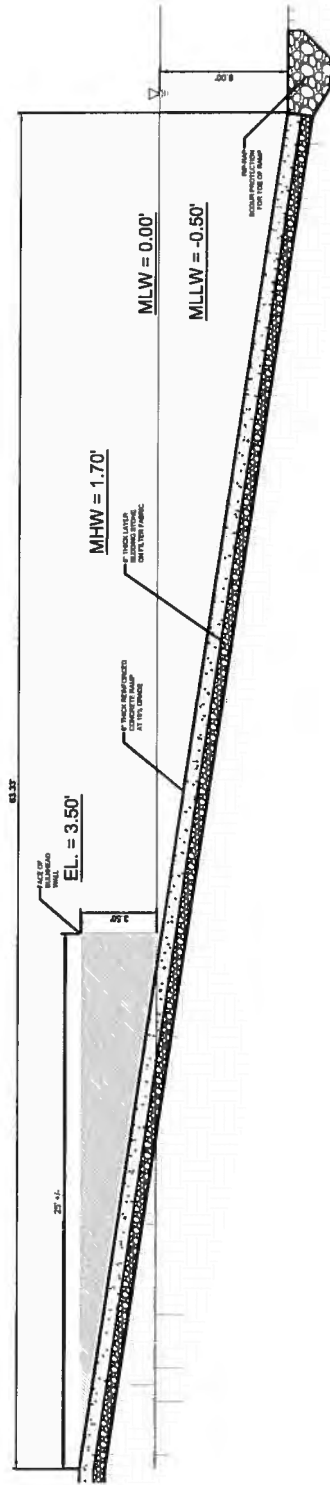


PROPOSED RAMP SECTION

NOT TO SCALE

SHEET 11 OF 15

DREDGING PERMIT PLANS ON LANDS OF CHESTERTOWN MARINA FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND TAX MAP 203, PARCEL 1332 PREPARED FOR: TOWN OF CHESTERTOWN		 ● Engineering ● Environmental Sciences ● Construction Services ● Land Planning & Surveying ANNAPOLIS ● CENTREVILLE ● WILMINGTON ● ELKTON ● SALISBURY 320 PENNSYLVANIA AVENUE CENTREVILLE, MARYLAND 21617 (410) 758-2237 * FAX (410) 758-2464 <small>www.mccrone-inc.com Copyright © 2010</small>		DATE: DECEMBER 2014	SCALE: AS SHOWN
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PROPOSED RAMP PROFILE

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SHEET 12 OF 15

DREDGING PERMIT PLANS

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

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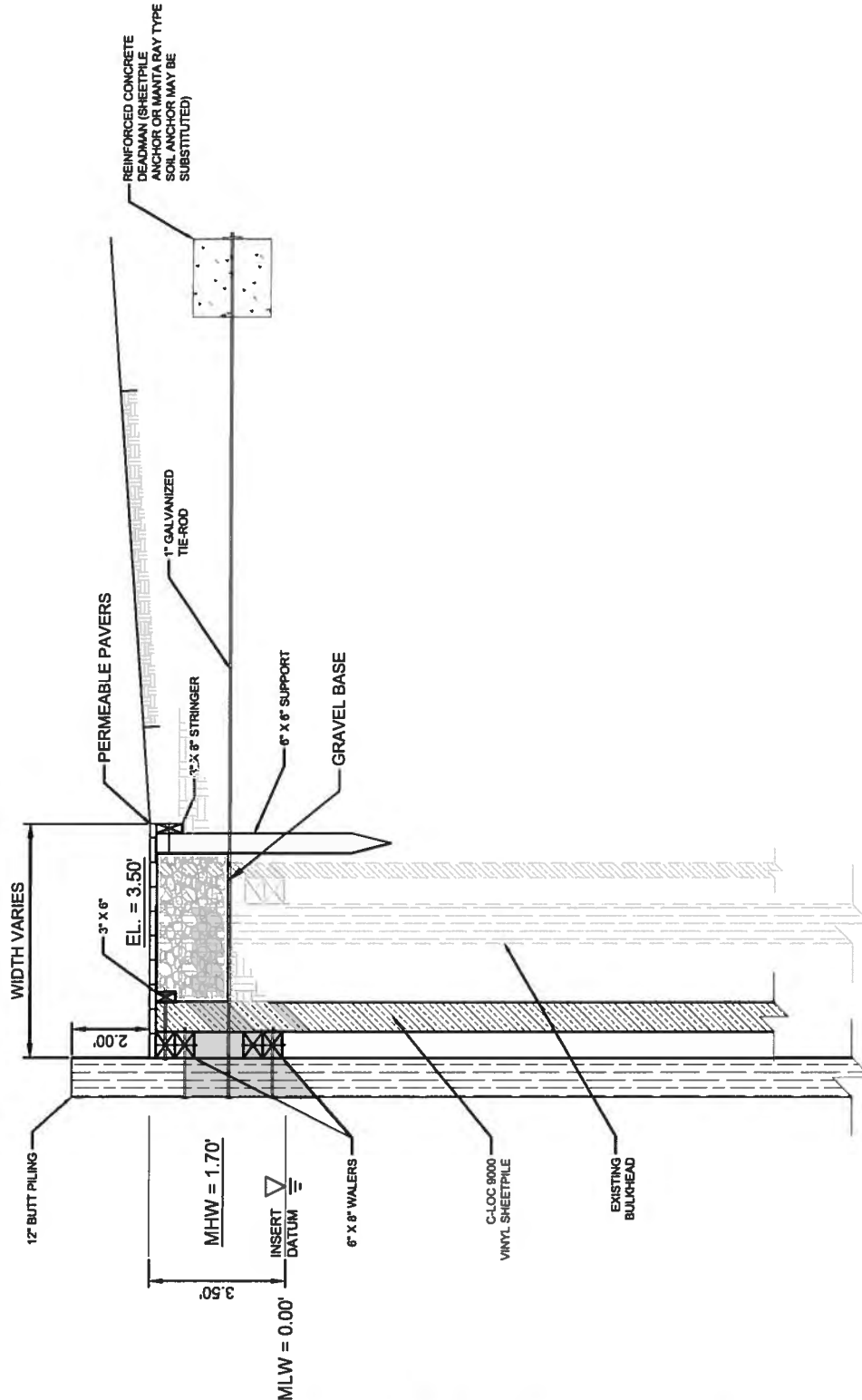
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**PROPOSED BULKHEAD
SECTION**
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SHEET 13 OF 15

DREDGING PERMIT PLANS

ON LANDS OF

CHESTERTOWN MARINA

FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

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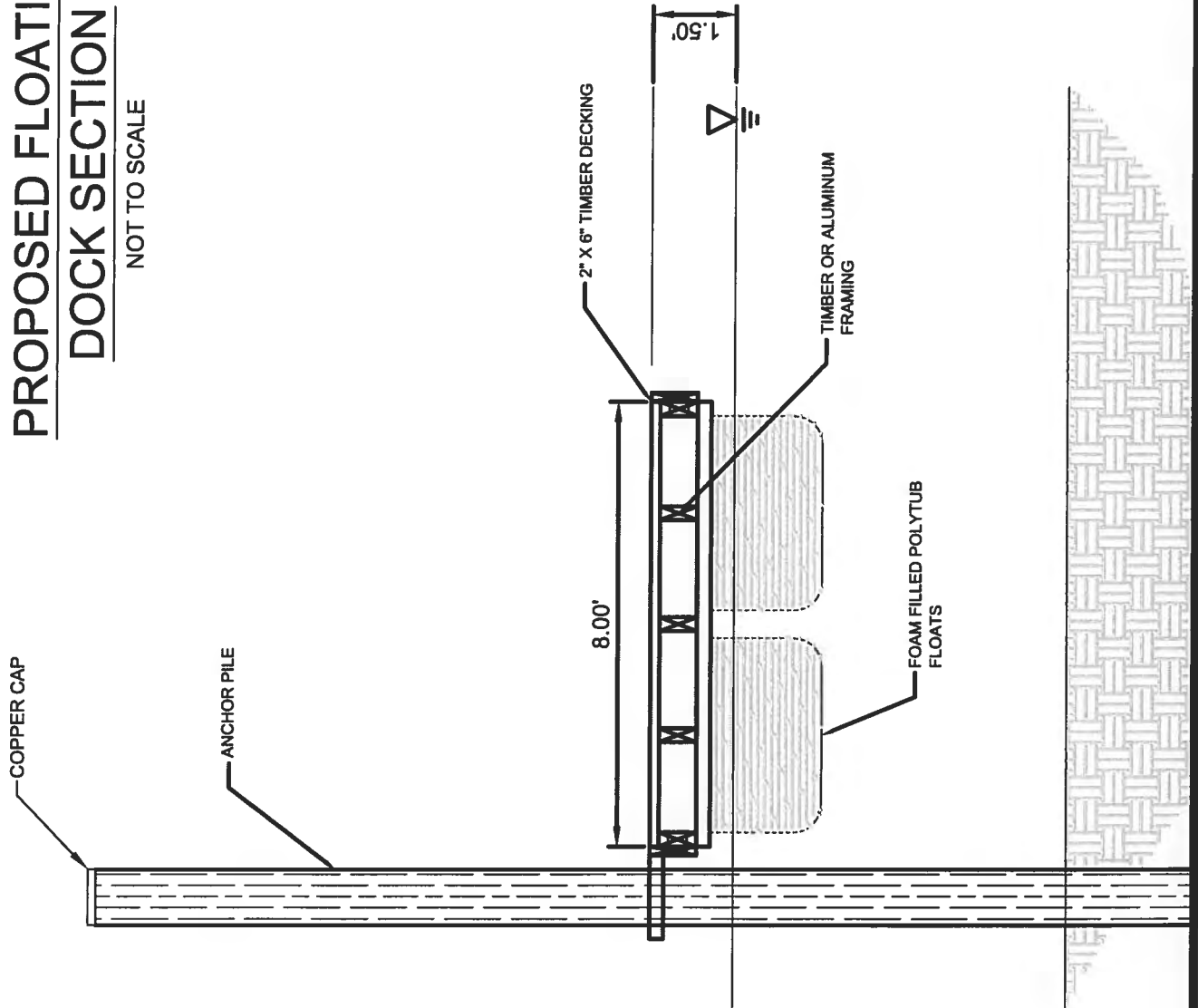
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PROPOSED FLOATING DOCK SECTION

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SHEET 14 OF 15

DREDGING PERMIT PLANS

ON LANDS OF

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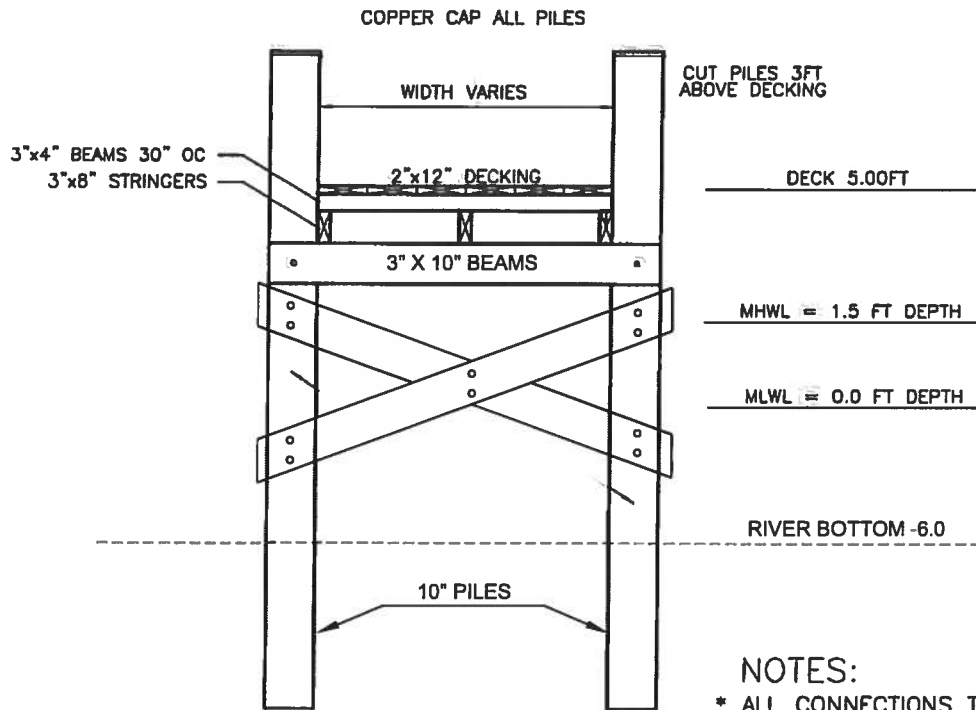
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DESIGNED BY:
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- NOTES:**
- * ALL CONNECTIONS TO BE THRU BOLTED W/ 5/8" GALV. TIMBER BOLTS
 - * PILES TO BE 10" BUTT PILINGS, 2.5CCA W/ 10" MIN TOP, 8" MIN BOTTOM
 - * ALL TIMBER TO BE 1.5CCA MARINE LUMBER

10" PILE FOR FINGER PIERS/TIMBER WALKWAY
 15" PILES FOR FIXED PIER

PROPOSED TIMBER PIER & WALKWAY CROSS SECTION

NOT TO SCALE

SHEET 15 OF 15

<p>DREDGING PERMIT PLANS</p> <p>ON LANDS OF</p> <p>CHESTERTOWN MARINA</p> <p>FOURTH ELECTION DISTRICT, KENT COUNTY, MARYLAND</p> <p>TAX MAP 203, PARCEL 1332</p> <p>PREPARED FOR: TOWN OF CHESTERTOWN</p>	<p> ● <i>Engineering</i> ● <i>Environmental Sciences</i> ● <i>Construction Services</i> ● <i>Land Planning & Surveying</i> </p> <p>ANNAPOLIS ● CENTREVILLE ● WILMINGTON ● ELKTON ● SALISBURY</p> <p style="font-size: small;">320 PENNSYLVANIA AVENUE CENTREVILLE, MARYLAND 21617 (410) 758-2237 * FAX (410) 758-2484</p> <p style="font-size: x-small;">www.mccrone-inc.com Copyright © 2010</p>	<p>DATE: DECEMBER 2014</p> <p>JOB NUMBER: D1140024</p> <p>2021</p>	<p>SCALE: AS SHOWN</p> <p>DRAWN BY: JMA</p> <p>DESIGNED BY: PAO</p> <p>APPROVED BY: PAO</p>
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