



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

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (Town of Ocean City/African Queen Reef)  
1994-61809

PN 15-31

Comment Period: May 6, 2015 to June 5, 2015

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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, as described below:

APPLICANT: Town of Ocean City  
C/o Ms. Gail P. Blazer  
P.O. Box 158  
Ocean City, Maryland 21842

LOCATION: In the Atlantic Ocean approximately 12 nautical miles southeast of Ocean City Inlet at a location known as the African Queen Reef

<i>Latitude</i>	<i>Longitude</i>
38.1597° N	74.963° W
38.1597° N	74.943° W
38.143° N	74.943° W
38.143° N	74.963° W

WORK: To continue construction of a 1-nautical mile wide by 1-nautical mile long (approximately 847.55 acres or 1 square nautical mile) artificial reef by placing suitable materials within 3-acre areas located on 1/10 mile centers throughout Russell's Reef. The project would include the placement of a variety of materials including vessels cleaned to meet Clean Water Act standards; combat vehicles cleaned to meet Clean Water Act standards; steel, concrete, or plastic habitat structures; concrete rubble or riprap; and stone that would extend varying heights above the bottom substrate depending on the size of the material and the placement location. A minimum vertical clearance of -27 feet at mean low water level would be maintained throughout the project area. The applicant proposes to place materials within a 150 foot buffer around existing reef sites within the 847.55-acre area and to place material within five 10-acre areas within the reef area. All work will be completed in accordance with the enclosed 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 applicant is requesting approval for a 10-year period to maintain the existing artificial reef structures, including the addition of additional material as necessary.

The project was previously approved under DA permit CENAB-OP-RS (MD DNR/African Queen Reef) 1994-61809 on March 11, 1994. The permit was transferred to the Town of Ocean City on March 11, 1999, following transfer of the reef program from Maryland Department of Natural Resources to the Town of Ocean City. The project has been ongoing since 1994 and approximately 17 acres of artificial reef spaced throughout the reef area have been constructed to date.

The purpose of the project is to improve and maintain aquatic fish habitat within the Atlantic Ocean in the vicinity of Ocean City, Maryland.

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 by inspecting abandoned vessels or vehicles utilized in reef construction to ensure all materials comply with Clean Water Act requirements. The Project has been and would continue to be constructed in accordance with the National Artificial Reef Plan developed pursuant to Section 204 of the National Fishery Enhancement Act of 1984 and would result in a net increase of approximately 60-acres of artificial reef habitat in the Atlantic Ocean. Upon development and build-out of the reef sites, it is expected that the proposed undertaking would provide for enhance fisheries and fish habitat. The proposed project would result in the deposition of various non-buoyant materials within the Atlantic Ocean in depths ranging from -62 to -78 feet at MLW. These deeper waters do not support SAV. Compensatory mitigation is not being proposed by the applicant for permanent impacts to open tidal waters as the project is proposed to enhance the existing aquatic environment.

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 *Pleuronectes americanus* (winter flounder), *Scopthalmus 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 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 847.55 acres of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy substrate that does not support submerged aquatic vegetation (SAV) or hard clams (*Mercenari mercenari*) due to the depth of the ocean at the project location. The proposed project will alter the existing elevations within the project footprint. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative 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.

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 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.

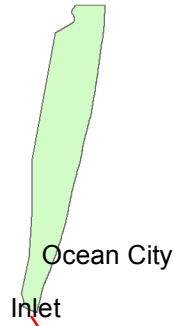
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON  
Chief, Maryland Section Southern



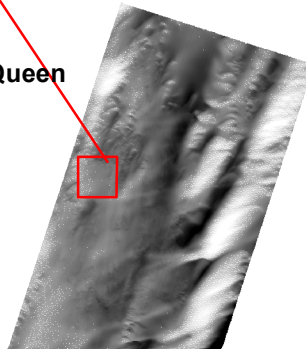
### Legend

— African\_Queen\_Line



12 Nautical Miles

African Queen Reef Site



### Legend

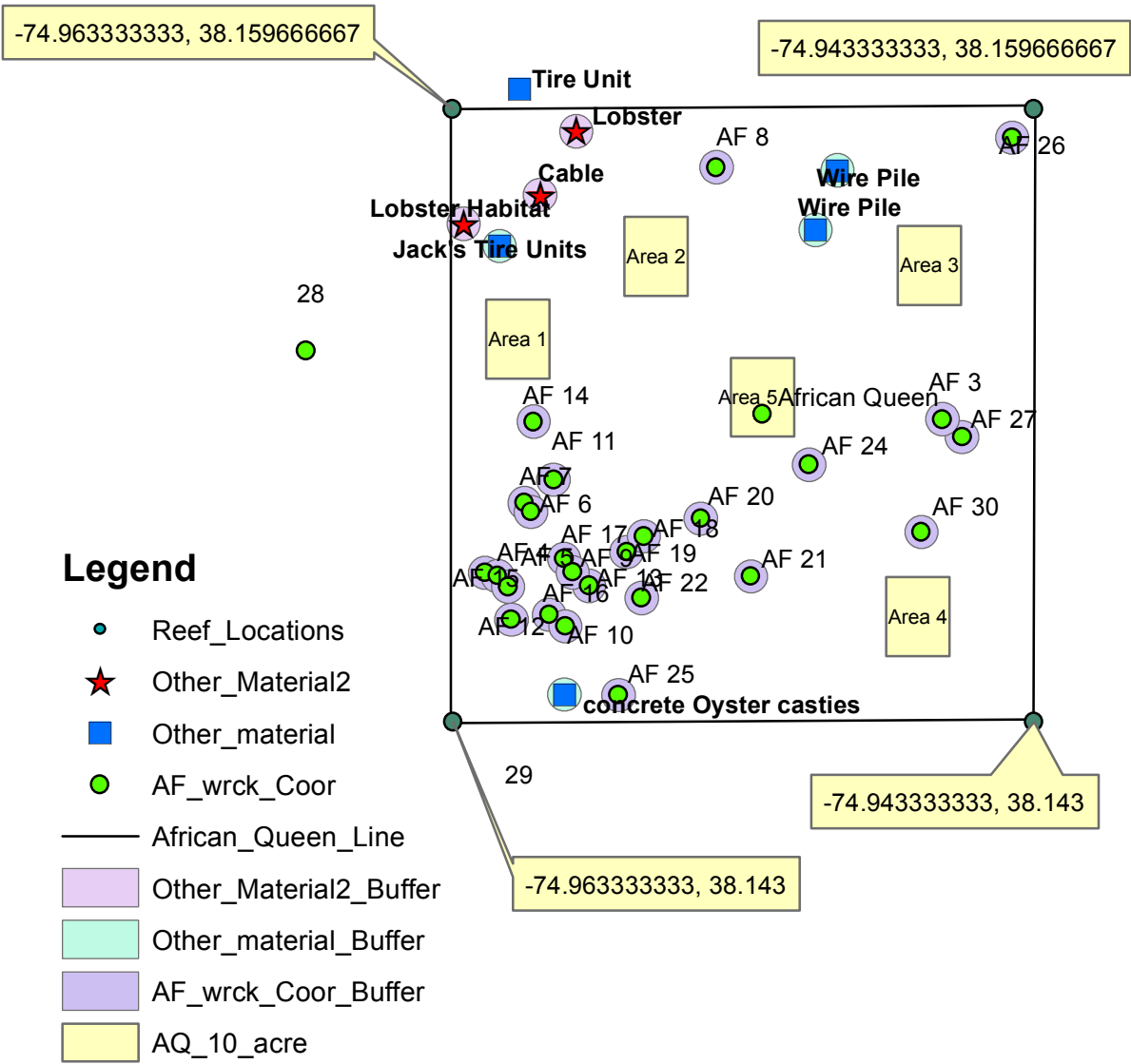
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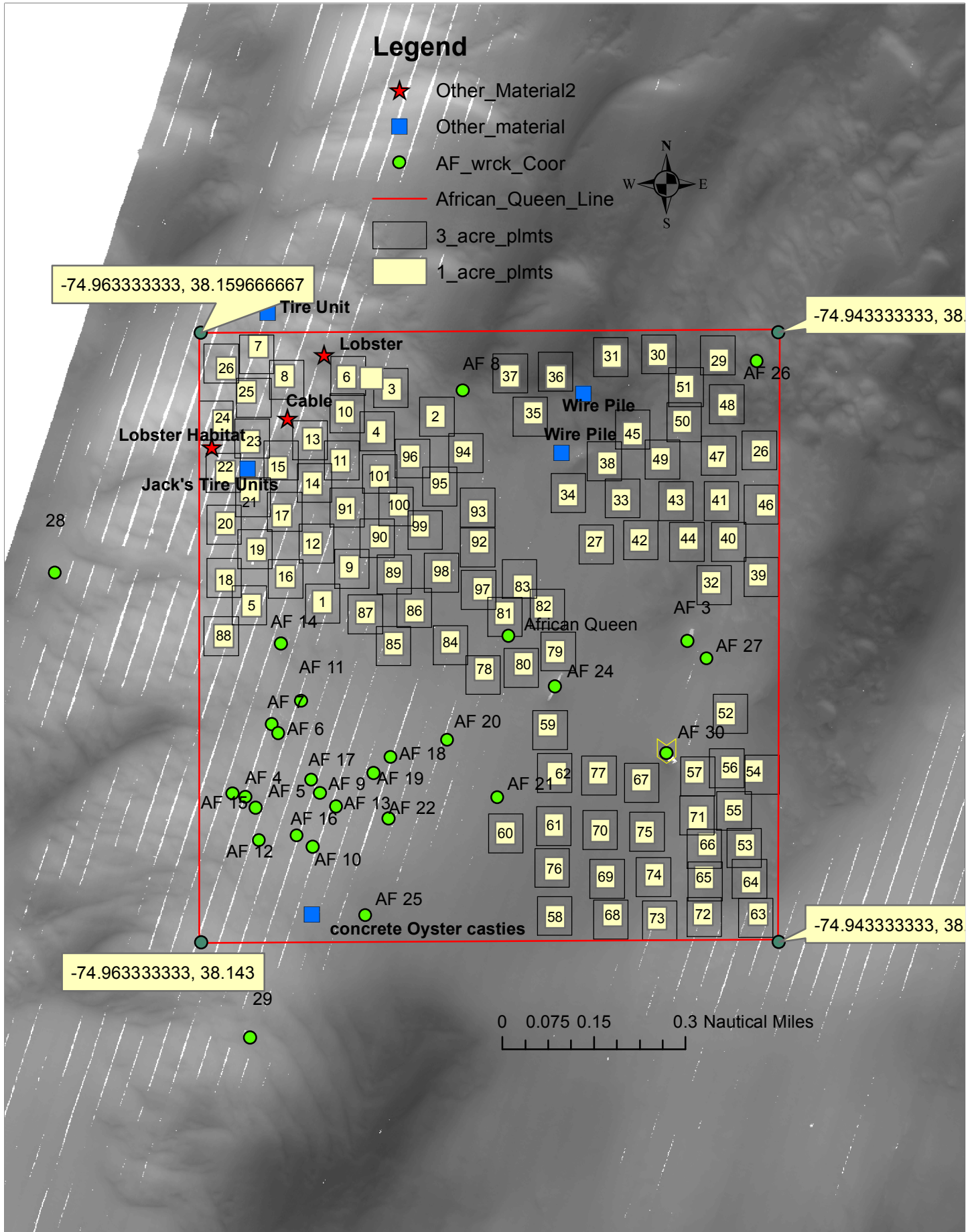
citybnd





0 0.1 0.2 0.4 Nautical Miles





# African Queen Site Plan

Depths shown in attached attribute table

December 31, 2014

FID	Shape *	Name	X_Coord	Y_Coord	Depth MLLW
0	Polygon	1	74° 57.549' W	38° 9.139' N	-67
1	Polygon	2	74° 57.313' W	38° 9.443' N	-69
2	Polygon	3	74° 57.404' W	38° 9.488' N	-69
3	Polygon	4	74° 57.436' W	38° 9.417' N	-68
4	Polygon	5	74° 57.695' W	38° 9.133' N	-63
5	Polygon	6	74° 57.498' W	38° 9.508' N	-66
6	Polygon	7	74° 57.681' W	38° 9.558' N	-62
7	Polygon	8	74° 57.626' W	38° 9.509' N	-64
8	Polygon	9	74° 57.492' W	38° 9.196' N	-66
9	Polygon	10	74° 57.501' W	38° 9.450' N	-68
10	Polygon	11	74° 57.511' W	38° 9.370' N	-67
11	Polygon	12	74° 57.569' W	38° 9.234' N	-64
12	Polygon	13	74° 57.568' W	38° 9.406' N	-63
13	Polygon	14	74° 57.569' W	38° 9.333' N	-66
14	Polygon	15	74° 57.641' W	38° 9.359' N	-63
15	Polygon	16	74° 57.625' W	38° 9.180' N	-64
16	Polygon	17	74° 57.632' W	38° 9.280' N	-65
17	Polygon	18	74° 57.750' W	38° 9.174' N	-63
18	Polygon	19	74° 57.685' W	38° 9.224' N	-63
19	Polygon	20	74° 57.750' W	38° 9.267' N	-63
20	Polygon	21	74° 57.699' W	38° 9.322' N	-64
21	Polygon	22	74° 57.750' W	38° 9.352' N	-61
22	Polygon	23	74° 57.699' W	38° 9.402' N	-65
23	Polygon	24	74° 57.755' W	38° 9.435' N	-62
24	Polygon	25	74° 57.706' W	38° 9.483' N	-61
25	Polygon	26	74° 57.748' W	38° 9.522' N	-62
26	Polygon	27	74° 56.981' W	38° 9.237' N	-70
27	Polygon	26	74° 56.637' W	38° 9.386' N	-69
28	Polygon	29	74° 56.724' W	38° 9.534' N	-72
29	Polygon	30	74° 56.851' W	38° 9.545' N	-73
30	Polygon	31	74° 56.947' W	38° 9.542' N	-73
31	Polygon	32	74° 56.741' W	38° 9.170' N	-69
32	Polygon	33	74° 56.927' W	38° 9.306' N	-70
33	Polygon	34	74° 57.038' W	38° 9.314' N	-70
34	Polygon	35	74° 57.110' W	38° 9.449' N	-71
35	Polygon	36	74° 57.063' W	38° 9.507' N	-78
36	Polygon	37	74° 57.159' W	38° 9.509' N	-75
37	Polygon	38	74° 56.956' W	38° 9.366' N	-71
38	Polygon	39	74° 56.643' W	38° 9.182' N	-69
39	Polygon	40	74° 56.704' W	38° 9.243' N	-69
40	Polygon	41	74° 56.722' W	38° 9.306' N	-70
41	Polygon	42	74° 56.889' W	38° 9.240' N	-69
42	Polygon	43	74° 56.813' W	38° 9.306' N	-70
43	Polygon	44	74° 56.788' W	38° 9.243' N	-70
44	Polygon	45	74° 56.903' W	38° 9.414' N	-71
45	Polygon	46	74° 56.626' W	38° 9.297' N	-69
46	Polygon	47	74° 56.728' W	38° 9.377' N	-70
47	Polygon	48	74° 56.706' W	38° 9.462' N	-72
48	Polygon	49	74° 56.845' W	38° 9.373' N	-70
49	Polygon	50	74° 56.800' W	38° 9.434' N	-70
50	Polygon	51	74° 56.796' W	38° 9.492' N	-73
51	Polygon	52	74° 56.710' W	38° 8.955' N	-69
52	Polygon	53	74° 56.670' W	38° 8.739' N	-70
53	Polygon	54	74° 56.652' W	38° 8.861' N	-71
54	Polygon	55	74° 56.694' W	38° 8.796' N	-70
55	Polygon	56	74° 56.701' W	38° 8.866' N	-69
56	Polygon	57	74° 56.775' W	38° 8.859' N	-69
57	Polygon	58	74° 57.065' W	38° 8.622' N	-70
58	Polygon	59	74° 57.080' W	38° 8.937' N	-69
59	Polygon	60	74° 57.168' W	38° 8.759' N	-69
60	Polygon	61	74° 57.067' W	38° 8.772' N	-70
61	Polygon	62	74° 57.061' W	38° 8.856' N	-70
62	Polygon	63	74° 56.643' W	38° 8.626' N	-67
63	Polygon	64	74° 56.658' W	38° 8.679' N	-69
64	Polygon	65	74° 56.755' W	38° 8.686' N	-69
65	Polygon	66	74° 56.748' W	38° 8.740' N	-69
66	Polygon	67	74° 56.886' W	38° 8.846' N	-70
67	Polygon	68	74° 56.946' W	38° 8.625' N	-68



FID	Shape *	Name	X_Coord	Y_Coord	Depth MLLW
68	Polygon	69	74° 56.960' W	38° 8.688' N	-70
69	Polygon	70	74° 56.971' W	38° 8.763' N	-70
70	Polygon	71	74° 56.768' W	38° 8.785' N	-69
71	Polygon	72	74° 56.757' W	38° 8.626' N	-68
72	Polygon	73	74° 56.853' W	38° 8.619' N	-68
73	Polygon	74	74° 56.859' W	38° 8.690' N	-69
74	Polygon	75	74° 56.879' W	38° 8.761' N	-70
75	Polygon	76	74° 57.067' W	38° 8.701' N	-70
76	Polygon	77	74° 56.975' W	38° 8.858' N	-70
77	Polygon	78	74° 57.212' W	38° 9.028' N	-68
78	Polygon	79	74° 57.065' W	38° 9.057' N	-69
79	Polygon	80	74° 57.130' W	38° 9.037' N	-69
80	Polygon	81	74° 57.170' W	38° 9.120' N	-69
81	Polygon	82	74° 57.088' W	38° 9.130' N	-69
82	Polygon	83	74° 57.132' W	38° 9.164' N	-69
83	Polygon	84	74° 57.282' W	38° 9.073' N	-68
84	Polygon	85	74° 57.400' W	38° 9.070' N	-67
85	Polygon	86	74° 57.357' W	38° 9.124' N	-68
86	Polygon	87	74° 57.458' W	38° 9.121' N	-67
87	Polygon	88	74° 57.753' W	38° 9.083' N	-62
88	Polygon	89	74° 57.400' W	38° 9.187' N	-67
89	Polygon	90	74° 57.429' W	38° 9.246' N	-67
90	Polygon	91	74° 57.500' W	38° 9.292' N	-67
91	Polygon	92	74° 57.222' W	38° 9.237' N	-70
92	Polygon	93	74° 57.224' W	38° 9.287' N	-69
93	Polygon	94	74° 57.255' W	38° 9.384' N	-69
94	Polygon	95	74° 57.304' W	38° 9.333' N	-68
95	Polygon	96	74° 57.366' W	38° 9.377' N	-67
96	Polygon	97	74° 57.215' W	38° 9.160' N	-69
97	Polygon	98	74° 57.300' W	38° 9.188' N	-69
98	Polygon	100	74° 57.346' W	38° 9.263' N	-69
99	Polygon	101	74° 57.389' W	38° 9.297' N	-68
100	Polygon	102	74° 57.429' W	38° 9.344' N	-67