

**U.S. Army Corps
of Engineers**
Baltimore District
PN 15-33

Public Notice

**In Reply to Application Number
NAB-OP-RMS (Lenhoff, Dennis) 2015-60090**

Comment Period: May 12, 2015 to June 1, 2015

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: Dennis Lenhoff
4666 Cliff City Road
Chestertown, Maryland 21620

LOCATION: In the Chester River, 4666 Cliff City Road, Kent County, Chestertown, Maryland.

WORK: To emplace 66 linear feet of stone revetment covering the existing broken concrete revetment to extend no more than 8 feet channelward of the existing block wall bulkhead; to emplace 210 linear feet of stone revetment covering the existing broken concrete revetment against the bank to extend no more than 8 feet channelward of the approximate mean high water (MHW) shoreline; to emplace 208 linear feet of stone revetment to extend no more than 8 feet channelward of the approximate mean high water (MHW) shoreline; to fortify an existing 4-foot by 12-foot wide by 30-foot long concrete rubble groin by adding stone elevated 1-foot above the approximate MHW line to extend no more than 30 feet channelward of the approximate MHW shoreline; and to install 4 pilings attached to an existing 6-foot wide by 26-foot timber pier with a 10-foot by 20-foot "L" head, all to extend no more than 89 feet channelward of the approximate MHW shoreline. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Laura Coleman of this office at (443) 853-2051 or via email at lamuelle.l.coleman@usace.army.mil.

The purpose of the project is to improve navigable access to improve shoreline erosion control and to provide additional docking space.

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. Compensatory mitigation is not being proposed by the applicant for impacts to open water (inter-tidal and sub-tidal) habitat.

According to the Virginia Institute of Marine Science (VIMS) survey maps, there is no SAV mapped within the project footprint of the proposed aquaculture operation for years 2007 through 2013. No mitigation measures are proposed by the applicant.

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 Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for Juvenile and adult Windowpane flounder (*Scophthalmus aquosus*); Juvenile and adult Bluefish (*Pomatomus saltatrix*); Larvae, juvenile and adult Summer flounder (*Paralichthys dentatus*); Eggs, larvae, juvenile and adult King mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), Cobia (*Rachycentron canadum*), Black sea bass (*Centropristus striata*) and all managed species under the MSFCMA.

The project has 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 5,312 square foot area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt substrate which does not support SAV.

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.

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 would have no affect on 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.

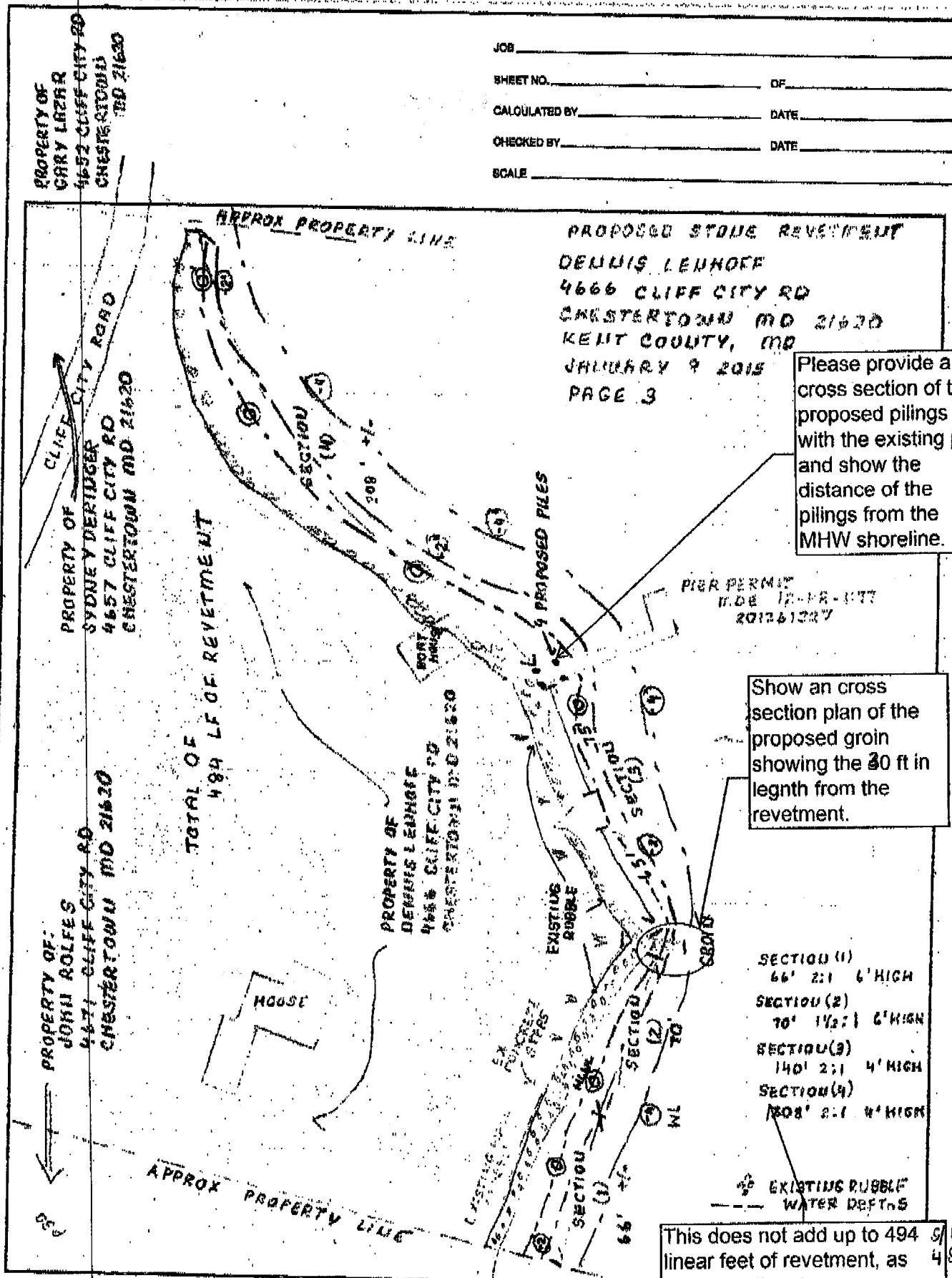
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost 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



JOB _____

SHEET NO. _____ OF _____

CALCULATED BY _____ DATE _____

CHECKED BY _____ DATE _____

SCALE _____

PROPOSED STONE REVEMENT
 DENNIS LENHOFF
 4666 CLIFF CITY RD
 CHESTERTOWN MD 21620
 KENT COUNTY, MD
 JANUARY 9 2015
 PAGE 3

Please provide a cross section of the proposed pilings with the existing pier and show the distance of the pilings from the MHW shoreline.

Show an cross section plan of the proposed groin showing the 30 ft in length from the revetment.

- SECTION (1) 66' x 1/2' HIGH
- SECTION (2) 70' x 1 1/2' HIGH
- SECTION (3) 140' x 1/2' HIGH
- SECTION (4) 108' x 1/2' HIGH

EXISTING RUBBLE
 WATER DEPTHS

This does not add up to 494 LF as stated on the plans.

EDWARD P. HOWELL, INC.
 1601 W. Pulaski Hwy
 ELKTON, MARYLAND 21921
 (410) 287-5353 Fax (410) 287-6650

JOB **PROPOSED STONE RETENMENT**

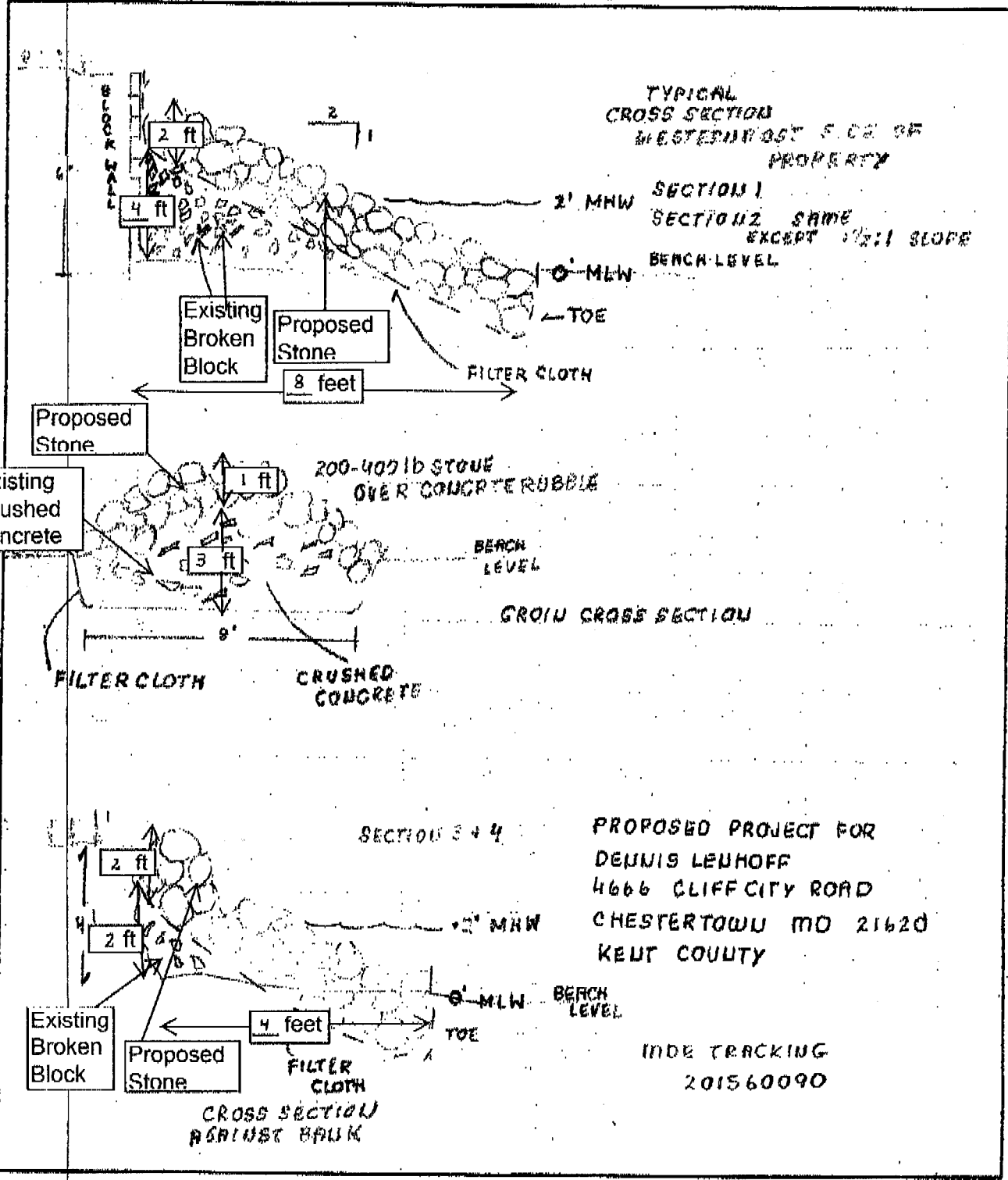
DENNIS LEUHOFF

4666 CLIFF CITY ROAD

CHESTERTOWN KENT COUNTY MD

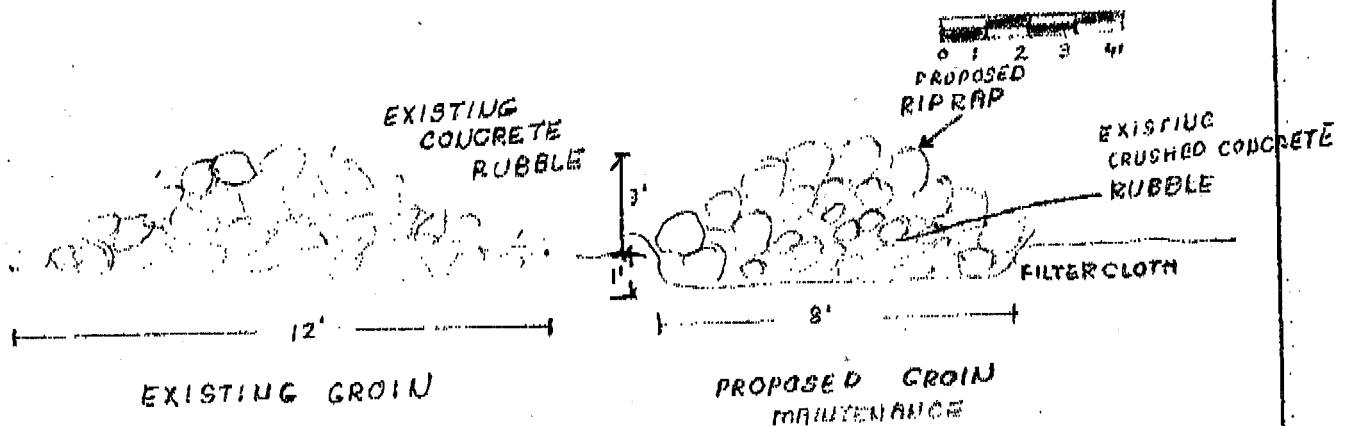
JANUARY 9 2015

PAGE 1.



EDWARD P. HOWELL, INC.
 1601 W. Pulaski Hwy
 ELKTON, MARYLAND 21921
 (410) 287-5353 Fax (410) 287-6650

JOB **PROPOSE STONE REVETMENT**
DENNIS LENHOFF
 4666 CLIFF CITY ROAD
 CHESTERTOWN KENT COUNTY MD
 MARCH 10 2015
 PAGE 4 MDE TRACKING 201560090



NOTES: EXISTING SHORELINE AND GROIN WERE CONSTRUCTED OF CONCRETE RUBBLE. THE GROIN FOOTPRINT IS PRESENTLY APPROXIMATELY 35' BY 12' IN WIDTH OF SCATTERED, MOUNDED UP RUBBLE WITH NO FILTER CLOTH. WE PROPOSED REMOVING THE RUBBLE, EXCAVATING A TOE AND LINING IT WITH FILTER CLOTH. THEN THE CRUSHED RUBBLE WILL BE INSTALLED IN THE CENTER AND COVERED WITH 200-400 LB RIP RAP STONE. THE WIDTH OF THE RECONSTRUCTED GROIN WILL BE APPROXIMATELY 8' IN WIDTH AS OPPOSED TO THE EXISTING 12'. THUS WE WILL BE REDUCING THE FOOTPRINT. THE LENGTH WOULD REMAIN THE SAME. IF THE CORP PERSISTS IN WANTING AN ADDITIONAL 120 DAYS TO REVIEW THE GROIN, THE OWNER, MR. LENHOFF WOULD WITHDRAW THE GROIN MAINTENANCE PORTION OF THIS PROJECT AT THIS TIME. HE WOULD LIKE TO HAVE THE SHORELINE WORK IN PLACE PROTECTING THE BANK PRIOR TO THE FALL OF 2015 HURRICANE SEASON

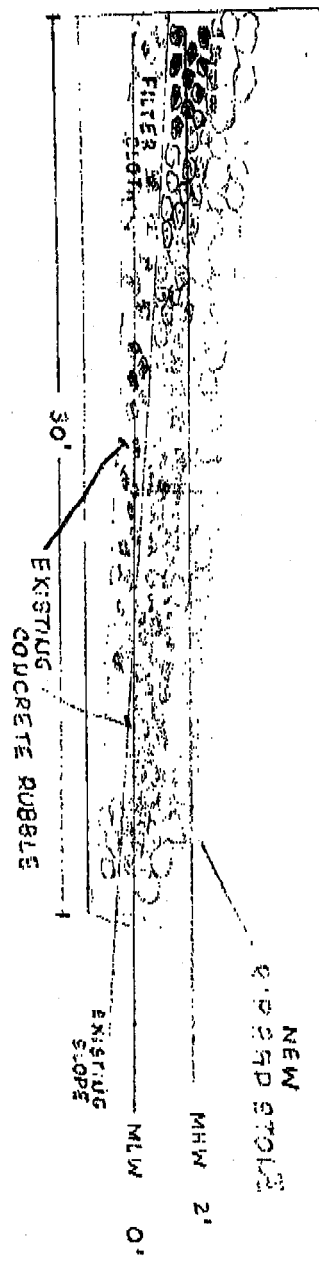
THE EXISTING SHORELINE PROTECTION IS COMPRISED OF CONCRETE RUBBLE AS WELL. THE RUBBLE EXTENDS FROM THE BANK CHANNELWARD 10-12' WITH SCATTERING OF RUBBLE FARTHER CHANNELWARD. THE PROPOSED REVETMENT OF STONE WILL EXTEND CHANNELWARD 8' IN SECTION 1 AT THE HIGHEST POINT OF THE BANK AND EXTEND 6' MAXIMUM ON THE BALANCE OF THE PROJECT.

THE ENTIRE PROJECT IS BASICALLY MAINTENANCE AS THE CONCRETE RUBBLE WAS DUMPED ALL ALONG THE SHORELINE MANY YEARS AGO ACTING AS A REVETMENT.

CLARIFICATION OF THE REQUEST FOR FOUR PILES. - THE LANDWARD PORTION OF THE PIER PRESENTLY EXISTING AT THE LOCATION WHERE THE PILES ARE REQUESTED IS PRESENTLY OLD CONCRETE WHICH IS FAILING. IN THE FUTURE, MR LENHOFF PLANS ON BRIDGING THE OLD CONCRETE WITH STRINGERS AND DECKING SUPPORTED BY THE FOUR PILES. THE EXISTING FAILING CONCRETE WILL REMAIN IN PLACE. THUS THE NEED FOR PILES. THIS SECTION OF THE PIER WAS IN PLACE PRIOR TO THE NEW TIMBER PIER, MDE 12 PR 1177.

EDWARD P. HOWELL, INC.
 1601 W. Pulaski Hwy
 ELKTON, MARYLAND 21921
 (410) 287-5353 Fax (410) 287-6650

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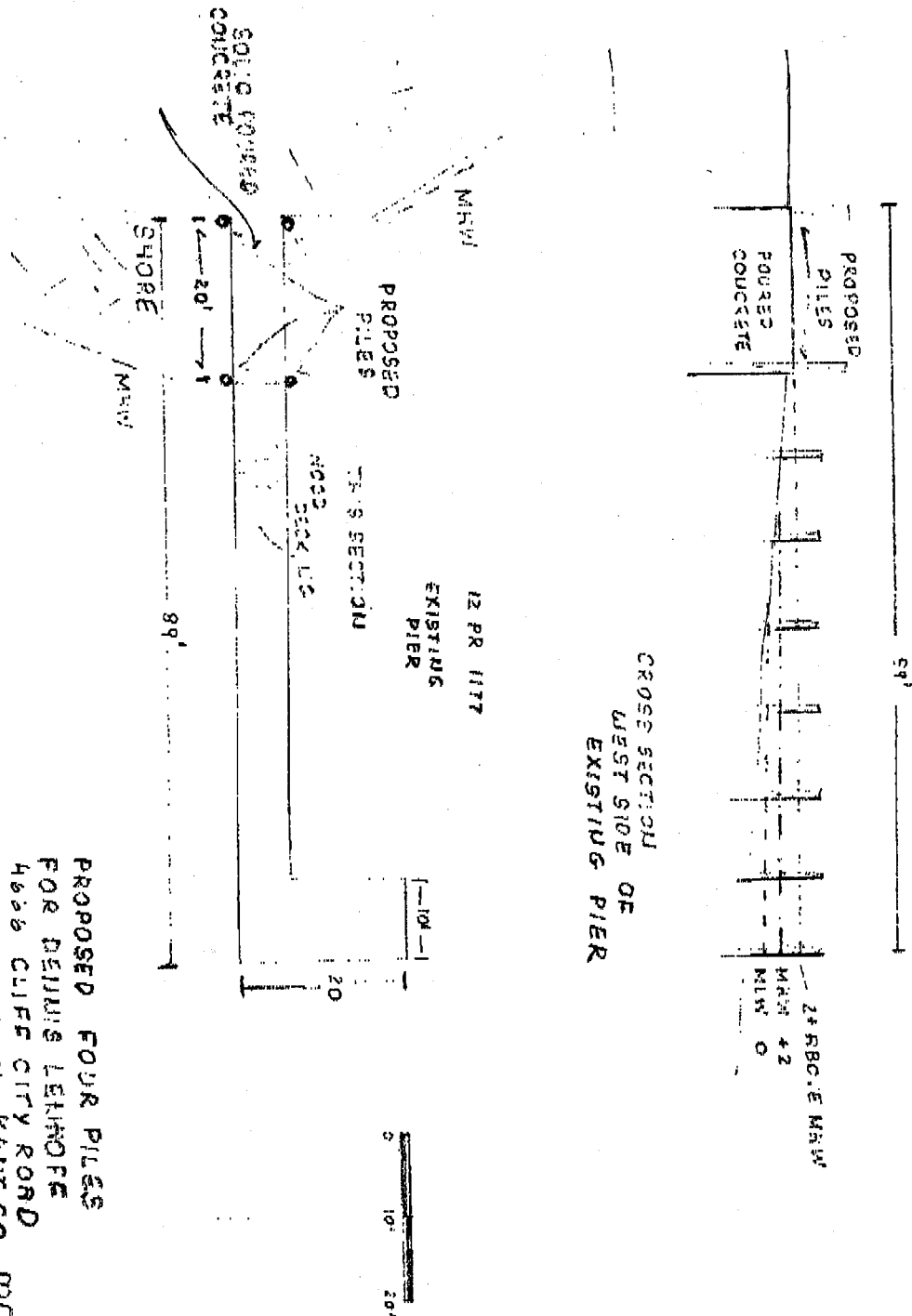
PROPOSED FORTIFICATION OF AN EXISTING 12' W X 30' L
 GROUND TO 8' W X 30' LOG 2' ABOVE MHW

MODIFIED
 GROUND
 FOR DENNIS LEUNOFF
 4666 CLIFF CITY ROAD
 CHESTERTOWN, DELT CO, MD
 APRIL 15 2015

EDWARD P. HOWELL, INC.
 1601 W. Pulaski Hwy
 ELKTON, MARYLAND 21921
 (410) 287-5353 Fax (410) 287-6650

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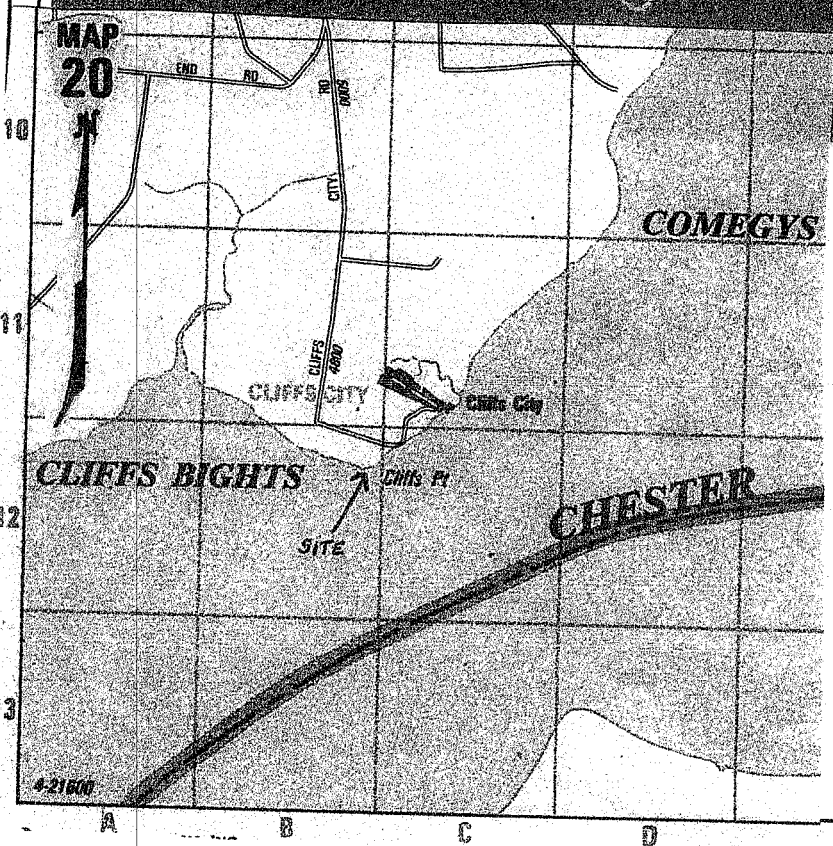
M.O.E 201560090



PROPOSED FOUR PILES
 FOR DEJUNIS LEHNOPE
 4666 CLIFF CITY ROAD
 CHESTERTOWN KENT CO, MD
 APRIL 14, 2015

EDWARD P. HOWELL, INC.
1601 W. Pulaski Hwy
ELKTON, MARYLAND 21921
(410) 287-5353 Fax (410) 287-6650

JOB _____
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____



VICINITY MAP + AERIAL PHOTO
PROPOSED PROJECT FOR:
DENNIS LEUHOFF
4666 CLIFF CITY ROAD
CHESTERTOWN
KENT COUNTY, MD 21620
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