

U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (Mt. Victoria LP/Aquaculture Lease #247)  
2015-01064

PN 16-13

Comment Period: March 1, 2016 to March 30, 2016

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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 Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 as described below:

APPLICANT: Michael J. Sullivan  
Mt. Victoria LP  
P.O. Box 7  
Mt. Victoria, Maryland 20661

LOCATION: The project is proposed in Wicomico River in Bushwood Cove near Bushwood, St. Mary's County, Maryland.

DESCRIPTION OF WORK: To establish, operate, and maintain an oyster aquaculture cultivation site, for purposes of culturing native eastern oyster (*Crassostrea virginica*), within an approximate 16.9-acre area of the Wicomico River extending a minimum distance of 1,285 feet channelward of the mean high water (MHW) shoreline and a maximum distance of 2,214 feet channelward of the MHW shoreline.

The coordinates for the project site are as follows:

Corner	Latitude	Longitude
1	38° 16' 29.1" N	-76° 48' 30.9" W
2	38° 16' 36.3" N	-76° 48' 35.2" W
3	38° 16' 46.3" N	-76° 48' 25.2" W
4	38° 16' 30.6" N	-76° 48' 26.5" W

The applicant proposes to deploy, as necessary, a maximum of 9,780 3-foot wide by 3-foot long and 1.5-foot high oyster cages, extending a maximum of 1.5 feet above the bottom substrate. Individual cages would be placed in rows throughout the project site and connected to a single long line, anchored at each end and marked with a single vertical line. Cages would be placed every 15 feet along each long line and each row would be spaced 15 feet apart. The project corners would be marked with 8-inch by 12-inch marker buoys anchored to the bottom with a single long line each. The proposed vertical clearance above cages on the bottom would vary from -13.5 feet to -15.5 feet at mean low water (MLW) level, depending on the location within the project area.

The project would include a total maximum of 160 slack vertical lines and 78 horizontal lines (9.4 vertical lines and 4.6 horizontal lines per acre), 9,780 cages, 156 bullet floats, and 4 buoys within the project area.

Average water depths at the proposed project site are approximately -15 to -17 feet at MLW. The continued operation of the aquaculture activity involves removing and replacing the cage/float structures within navigable waters of the United States on a recurring basis.

Cages would be raised and lowered using mechanical/hydraulic lifts on boats for placement, maintenance, and harvesting. Staging and off-loading would be at Bushwood Public Landing on Route 239 on the eastern shore of the Wicomico River in St. Mary's County, Maryland. The intended shellfish seed source would be the University of Maryland Center for Environmental Science (UMCES) Horn Point Laboratory in Dorchester County, Maryland.

The purpose of the proposed project is to commercially raise and harvest oysters.

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 by email at [laura.shively@usace.army.mil](mailto:laura.shively@usace.army.mil)

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. This area was chosen to minimize potential impacts to submerged aquatic vegetation (SAV) and navigation. 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 2010 through 2014. 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 MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (bluefish) juvenile and adult; *Paralichthys dentatus* (summer flounder) larvae, juvenile, and adult; egg, larvae, juvenile, and adult of *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), *Rachycentron canadum* (cobia), and *Sciaenops ocellatus* (red drum), 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 as described under the MSFCMA for the species and life stages identified above. The substrate at the project 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 may 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 waterway is known to be utilized by transient individuals of the following species: Loggerhead sea turtles (*Caretta caretta*); Kemp's Ridley sea turtles (*Lepidochelys kempii*); Leatherback sea turtles (*Dermochelys coriacea*); Green sea turtles (*Chelonia mydas*); Shortnose sturgeon (*Acipenser brevirostrum*); and Atlantic sturgeon (*Acipenser oxyrinchus*). The Baltimore District will initiate informal consultation under Section 7(a)(2) of the ESA. 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.

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.

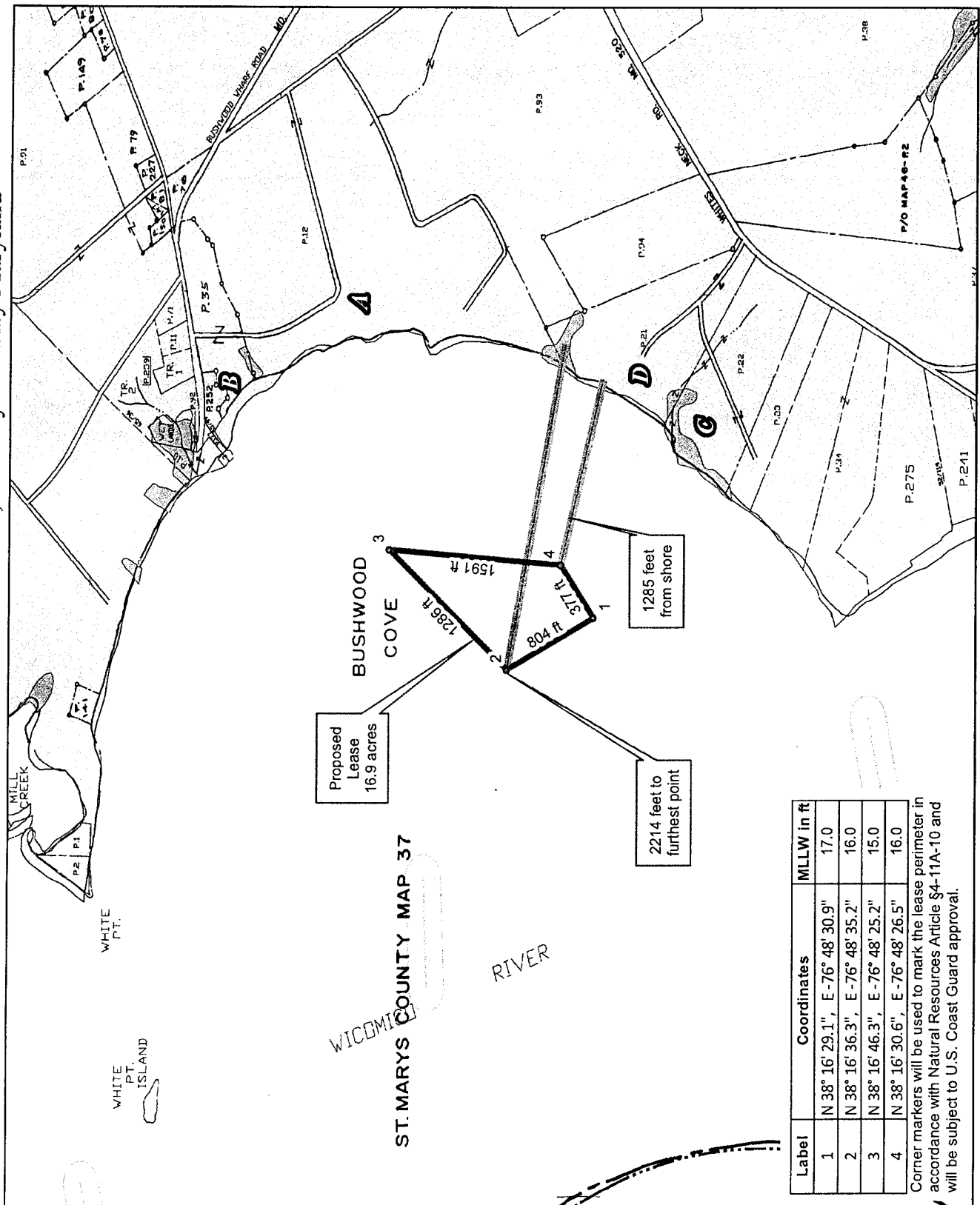
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON  
Chief, Maryland Section Southern

# Proposed Shellfish Water Column Lease Overview Map

## Mt. Victoria LP # 247 - Wicomico River, St. Mary's County Maryland

IIa.



- Proposed Lease
- Land-Based-Sanctuaries and Refuges (state, federal, private, etc)
- Submerged Aquatic Vegetation (VIMS)
- Structures (Piers, Marinas, etc)
- Wetlands of Special State Concern (MD-DNR)
- Active Shellfish Lease
- Proposed Shellfish Lease
- Tidal Wetlands (NWI Wetlands) (excludes E1 type)
- Federal Navigational Channels (US Army Corps)
- 150 foot Channel Boundary (MD-DNR)
- Registered Pound Net Site and 150 ft. buffer (MD-DNR)

Also shown on this map is Maryland State Tax data from the MD Property View CD Series (Maryland Department of Planning).



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Mark J. Belton  
Secretary



Maryland Department of Natural Resources  
Geospatial Information and Analysis  
380 Taylor Ave. E-2 Annapolis, MD 21401  
410-261-8995 or 1-877-520-8DNR 8895  
DNR July 2015

ST. MARYS COUNTY MAP 37

Proposed Lease  
16.9 acres

2214 feet to  
furthest point

1285 feet  
from shore

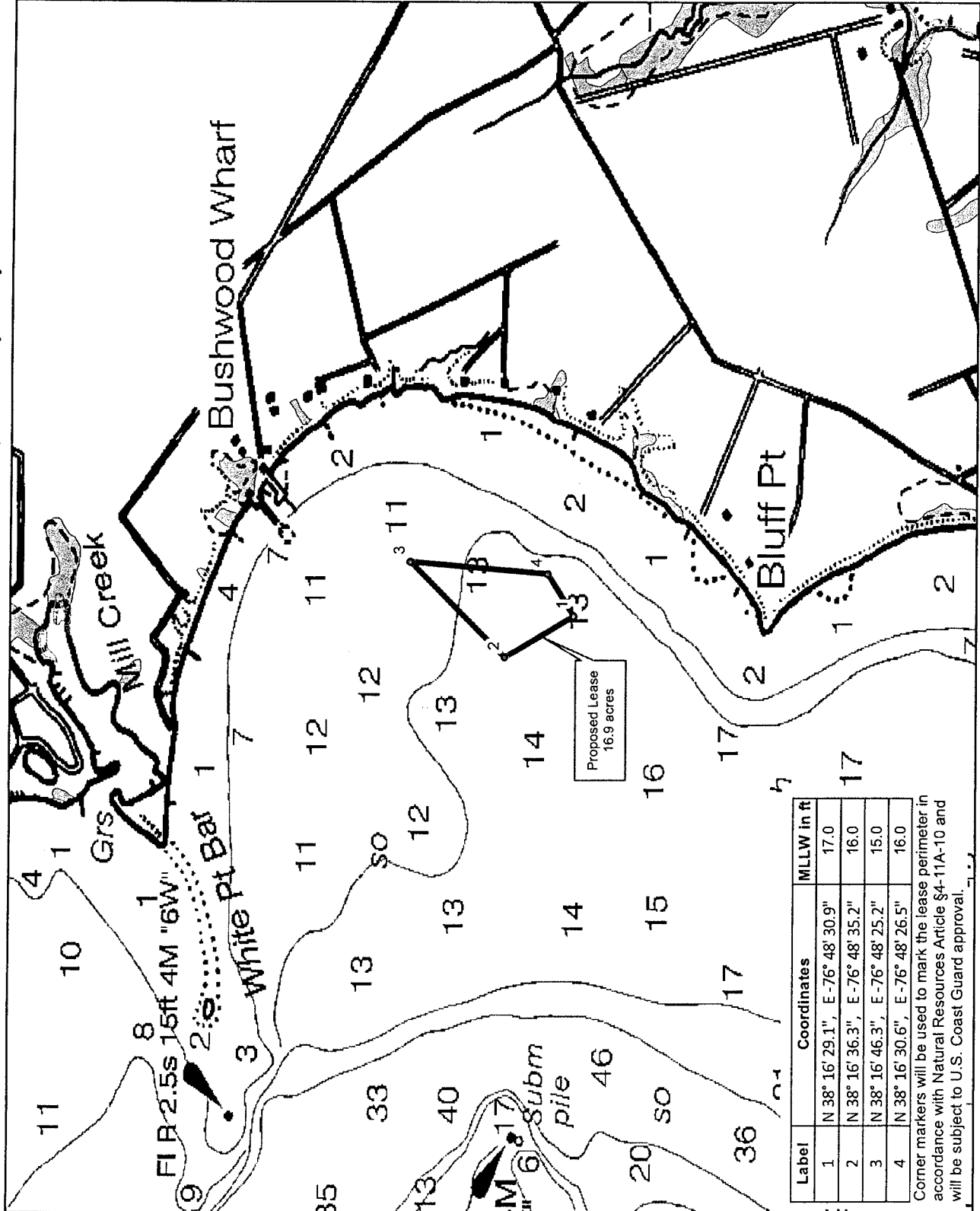
Label	Coordinates	MLLW in ft
1	N 38° 16' 29.1", E -76° 48' 30.9"	17.0
2	N 38° 16' 36.3", E -76° 48' 35.2"	16.0
3	N 38° 16' 46.3", E -76° 48' 25.2"	15.0
4	N 38° 16' 30.6", E -76° 48' 26.5"	16.0

Corner markers will be used to mark the lease perimeter in accordance with Natural Resources Article §4-11A-10 and will be subject to U.S. Coast Guard approval.



# Proposed Shellfish Water Column Lease NAV Chart Map

## Mt. Victoria LP # 247 - Wicomico River, St. Mary's County Maryland



Lease Area shown over NOAA Raster Navigational Charts

- Proposed Lease
- Land-Based Sanctuaries and Refuges (state, federal, private, etc)
- Submerged Aquatic Vegetation (VIMS)
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- Wetlands of Special State Concern (MD-DNR)
- Active Shellfish Lease
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Lawrence J. Hogan, Jr.  
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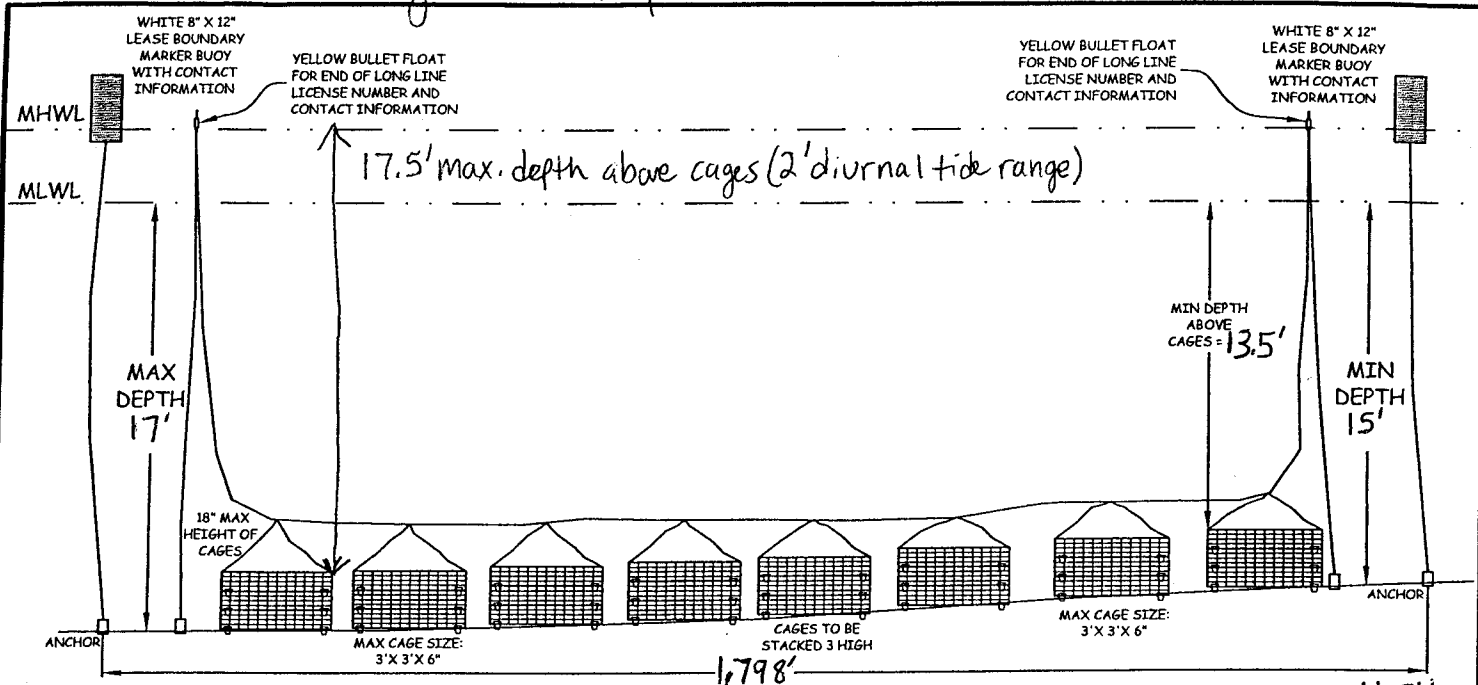


Maryland Department of Natural Resources  
Geospatial Information and Analysis  
580 Taylor Ave. E-2, Annapolis, MD 21401  
410-260-8985 or 1-877-620-RDNR 43985  
dnr.maryland.gov  
DNR July 2015

IIb.

# Cross-Section Diagram for Proposed Water Column Lease #247

J.C.



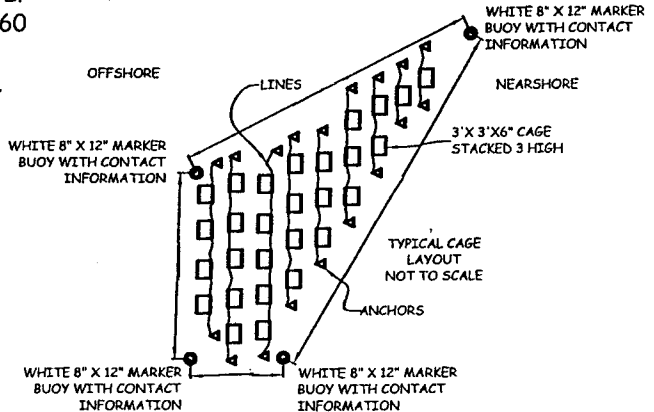
South Corner 1  
 $38^{\circ}16'29.1''N, 76^{\circ}48'30.9''W$

North Corner 3  
 $38^{\circ}16'46.3''N, 76^{\circ}48'25.2''W$

**NOTES:**

- 6" HIGH OYSTER CAGES TO BE STACKED 3 HIGH.
- CAGES TO BE LONG LINED WITH A VERTICAL LINE ON EACH END OF EACH RUN. VERTICAL LONG LINES TO BE MARKED WITH YELLOW BULLET BUOYS.
- APPROXIMATELY 78 LONG LINES WILL BE SET 15 LF APART WITH 3 STACKED CAGES SPACED EVERY 15 LF ON THE LONG LINE FOR UP TO 3,260 CAGE SETS IN THE BUSHWOOD LEASE AREA (9,780 TOTAL CAGES).

## Proposed Equipment Layout



PROJECT: BUSHWOOD OYSTER LEASE  
 ST. MARY'S COUNTY  
 WICOMICO RIVER  
 Bushwood, MD  
 July 2015

## BUSHWOOD SITE CROSS SECTIONS

APPLICANT:  
 MT. VICTORIA LP #247  
 P.O. BOX 7  
 MT. VICTORIA, MD 20661

SCALE: NOT TO SCALE