

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

Public Notice

In Reply to Application Number
CENAB-OPR-M (Department of Natural Resources: Town of
Ocean City/Ocean City Beach) 2015-61754

PN 16-17

Comment Period: April 13, 2016 to May 13, 2016

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 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Department of Natural Resources
c/o Mr. Jordan R. Loran
Tawes State Office Building, D-3
580 Taylor Avenue
Annapolis, Maryland 21401-2397

LOCATION: The entire 10-mile length of Ocean City Beach, in Ocean City, Worcester County, Maryland. The offshore borrow site is located approximately 16,000 to 24,000 linear feet off-shore in the Atlantic Ocean.

WORK: To dredge by hydraulic method approximately 200,000 cubic yards of sand from an offshore ocean borrow site located approximately 16,000 to 24,000 feet offshore. The sand would be pumped for deposition along approximately 43,000 linear feet within a 260-foot wide area of the existing beach to extend no more than 200 feet channelward of the approximate mean high water shoreline for beach replenishment along the entire 10 mile length of the Ocean City Beach. The applicant requests authorization for annual dredging, as necessary, for a 10-year time span. These beach replenishment activities have been occurring since 1988. Water depths in the borrow site areas range from -29 feet to -52 feet mean low water.

All work is to be completed in accordance with the proposed plan(s). More detailed impact plans are available upon request. If you have any questions concerning this matter, please contact Ms. Chikita Sanders of this office at (410) 962-5676 or via email at chikita.m.sanders@usace.army.mil.

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 proposed to remediate all temporary access impacts following completion of the work. Compensatory mitigation is not being proposed by the applicant for impacts to open water (tidal) habitat.

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 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.

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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, 10 S. Howard Street, Baltimore, Maryland 21201, within the comment period as specified above to receive consideration.

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, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which 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.

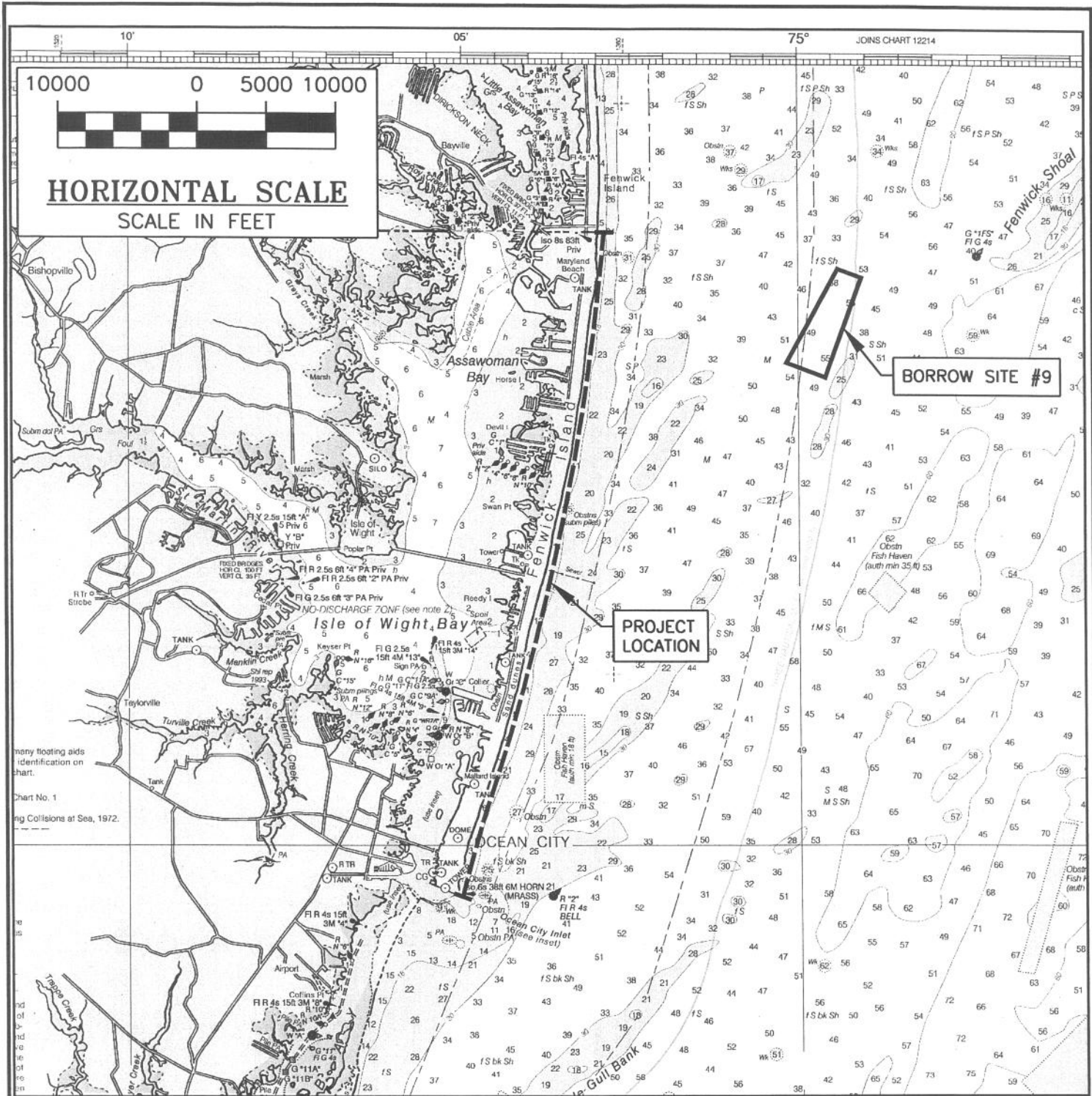
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or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

The evaluation of the impact of the work described above 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 District Engineer must receive the request, which must be in writing to U.S. Army Corps of Engineers, Baltimore District, 10 S. Howard Street, Baltimore, Maryland 21201, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing 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



PROJECT LENGTH



PURPOSE NOTE

- A. PROVIDE STORM PROTECTION & REPAIR ERODED BEACH FRONT.
- B. MAINTAIN BEACH FOR TEN (10) YEARS.

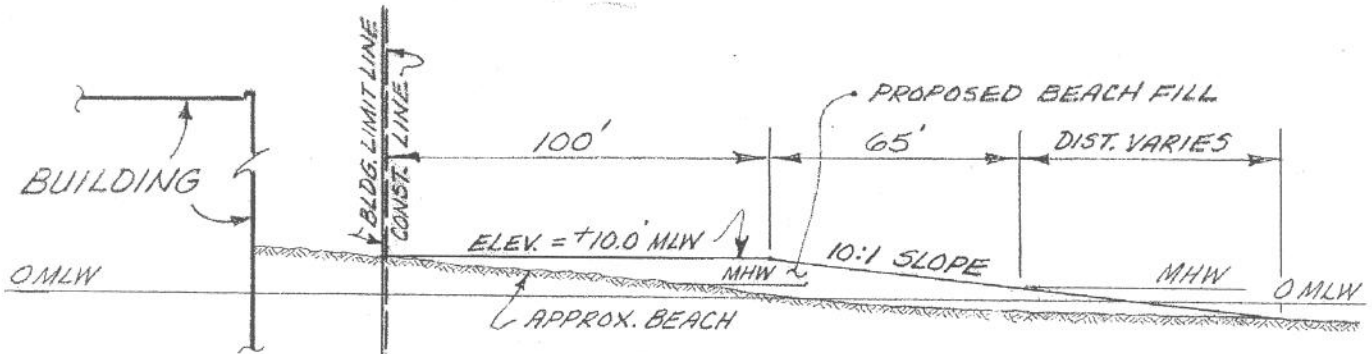
MAINTAIN REPLENISHED BEACH AS REQUIRED FOR A MINIMUM PERIOD OF TEN (10) YEARS. ESTIMATED ANNUAL REPLENISHMENT REQUIRED = 200,000 YDS³



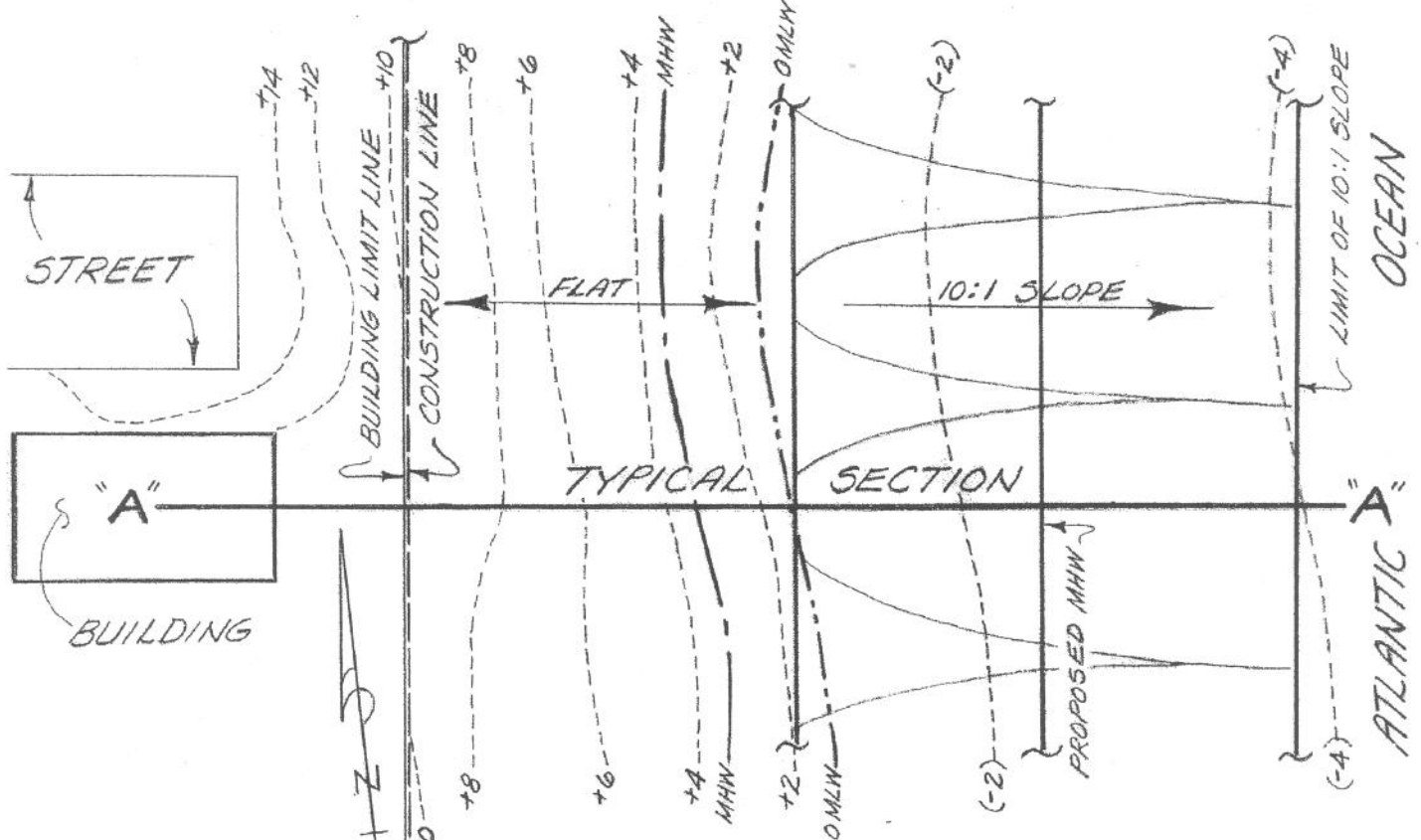
STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
ENGINEERING AND CONSTRUCTION
ANNAPOLIS, MARYLAND

BEACH REPLENISHMENT PROJECT
TOWN OF OCEAN CITY
WORCESTER COUNTY, MARYLAND

SHEET 1 OF 5



TYPICAL SECTION "A-A"
SCALE 1" = 50'

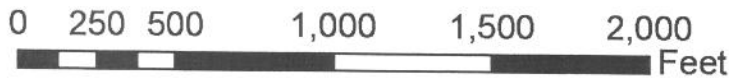


TYPICAL PLAN
SCALE 1" = 50'



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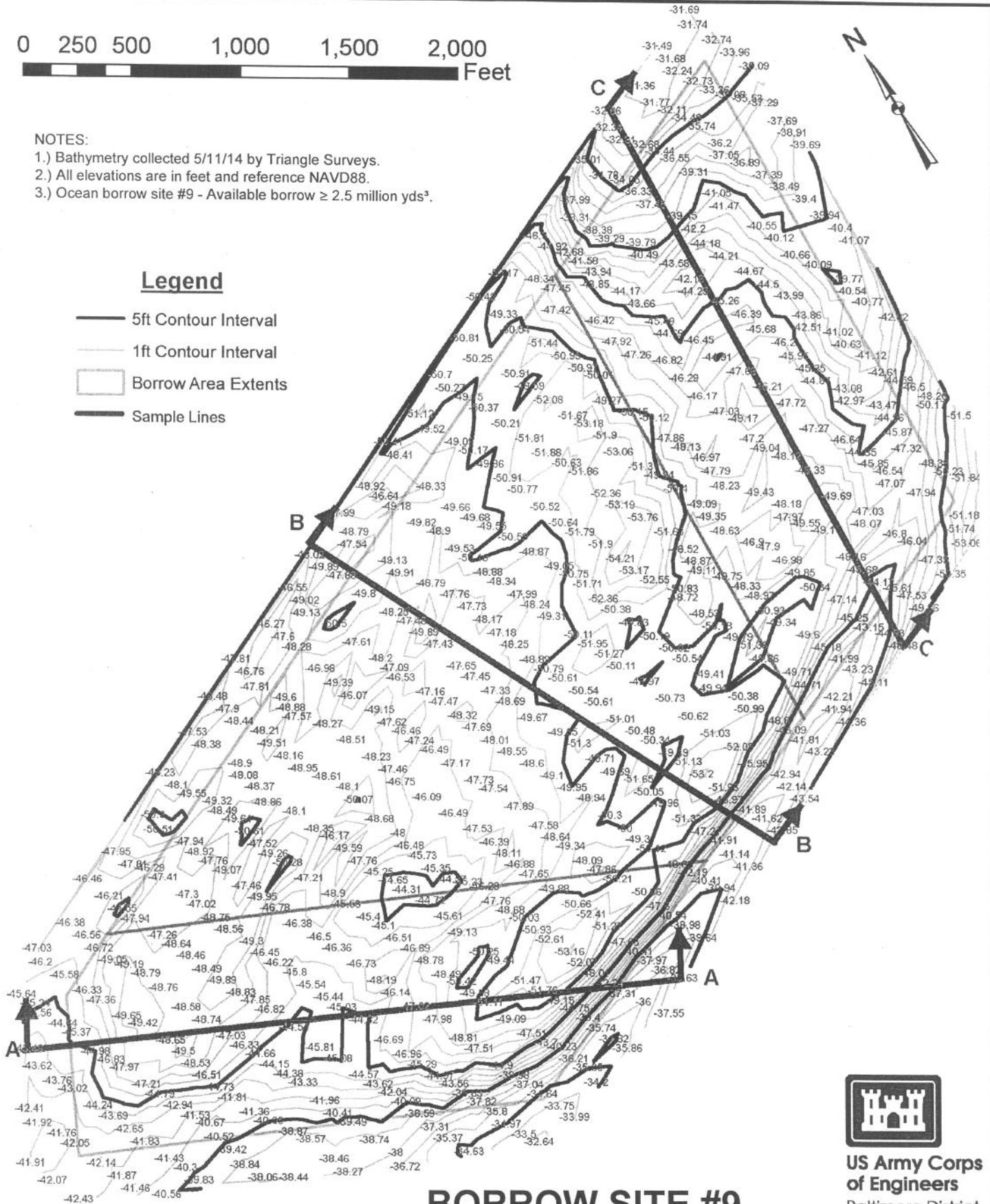


NOTES:

- 1.) Bathymetry collected 5/11/14 by Triangle Surveys.
- 2.) All elevations are in feet and reference NAVD88.
- 3.) Ocean borrow site #9 - Available borrow ≥ 2.5 million yds³.

Legend

- 5ft Contour Interval
- 1ft Contour Interval
- Borrow Area Extents
- Sample Lines



BORROW SITE #9

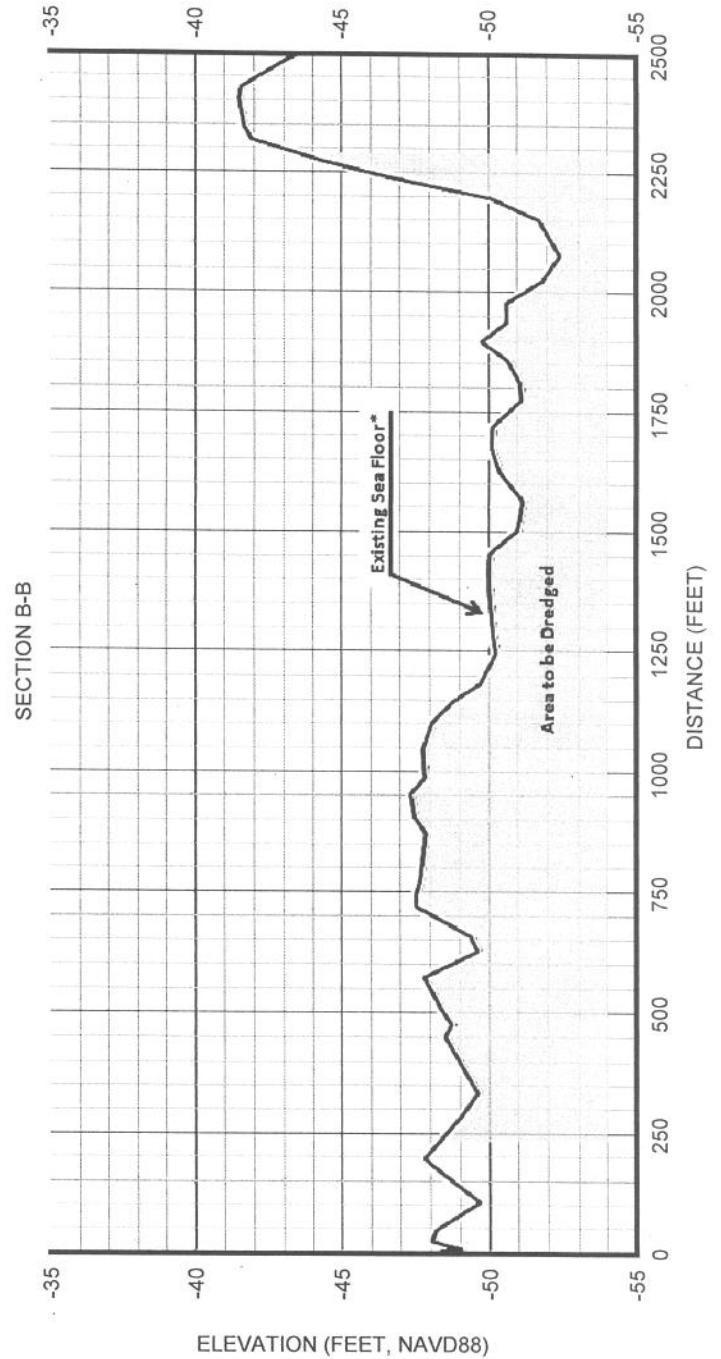
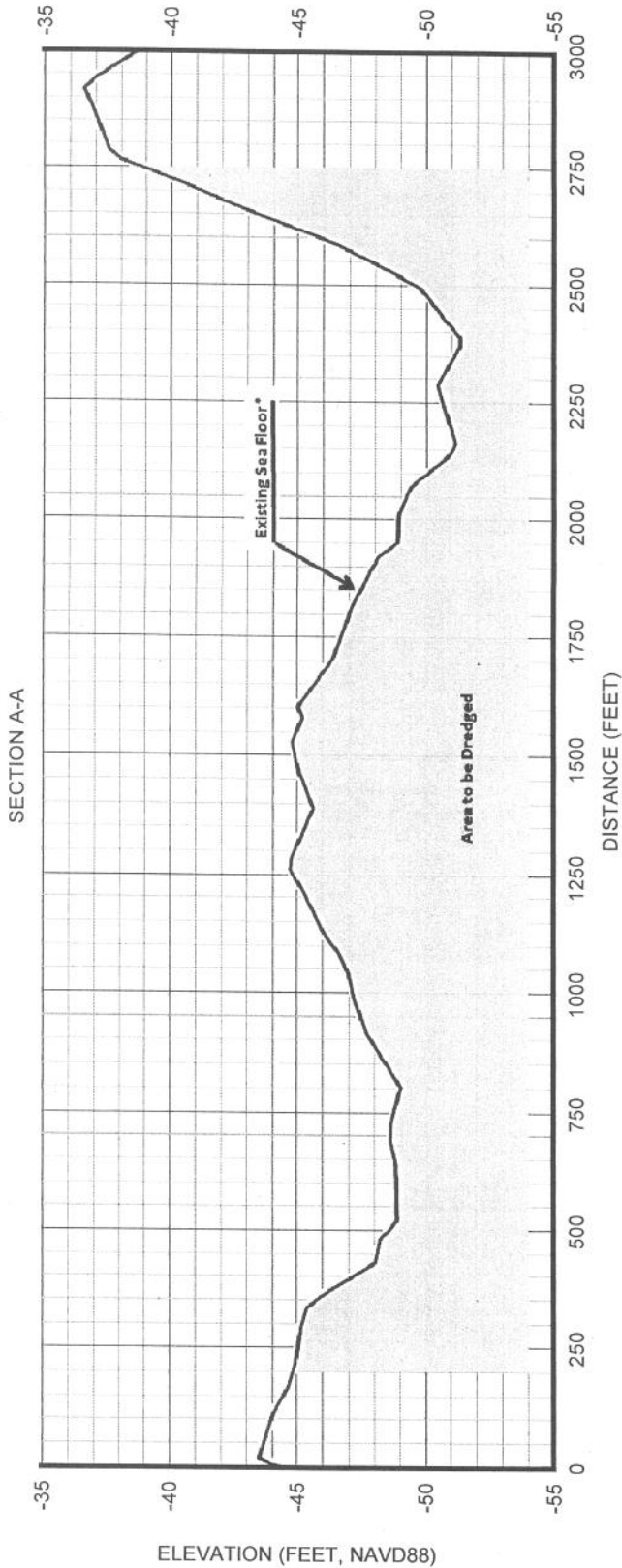


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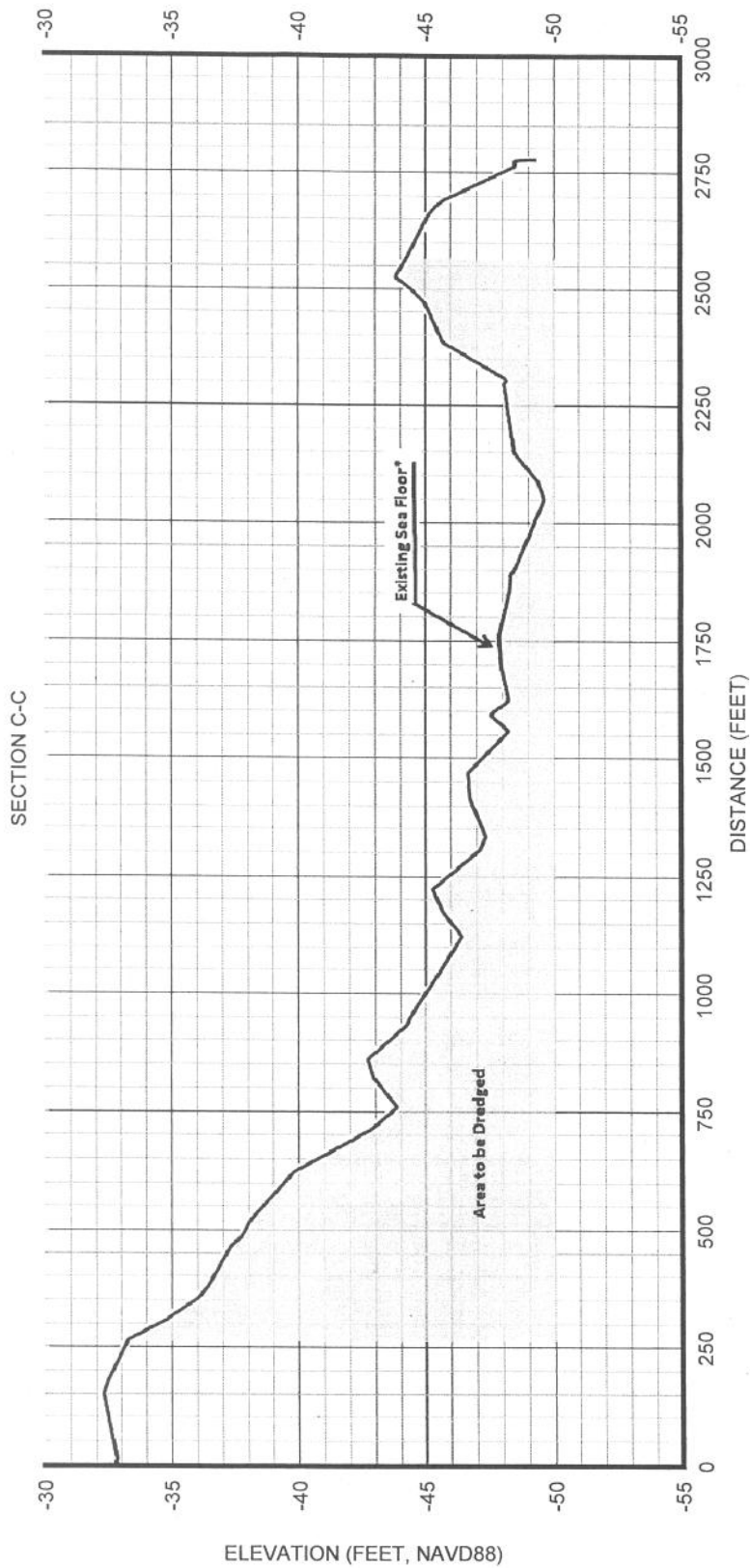
PER POST BORROW SURVEY BY TRIANGLE SURVEYS 5/11/14

SECTION A-A & SECTION B-B, BORROW SITE #9



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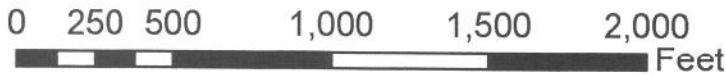
PER POST BORROW SURVEY BY TRIANGLE SURVEYS 5/11/14

SECTION C-C, BORROW SITE #9



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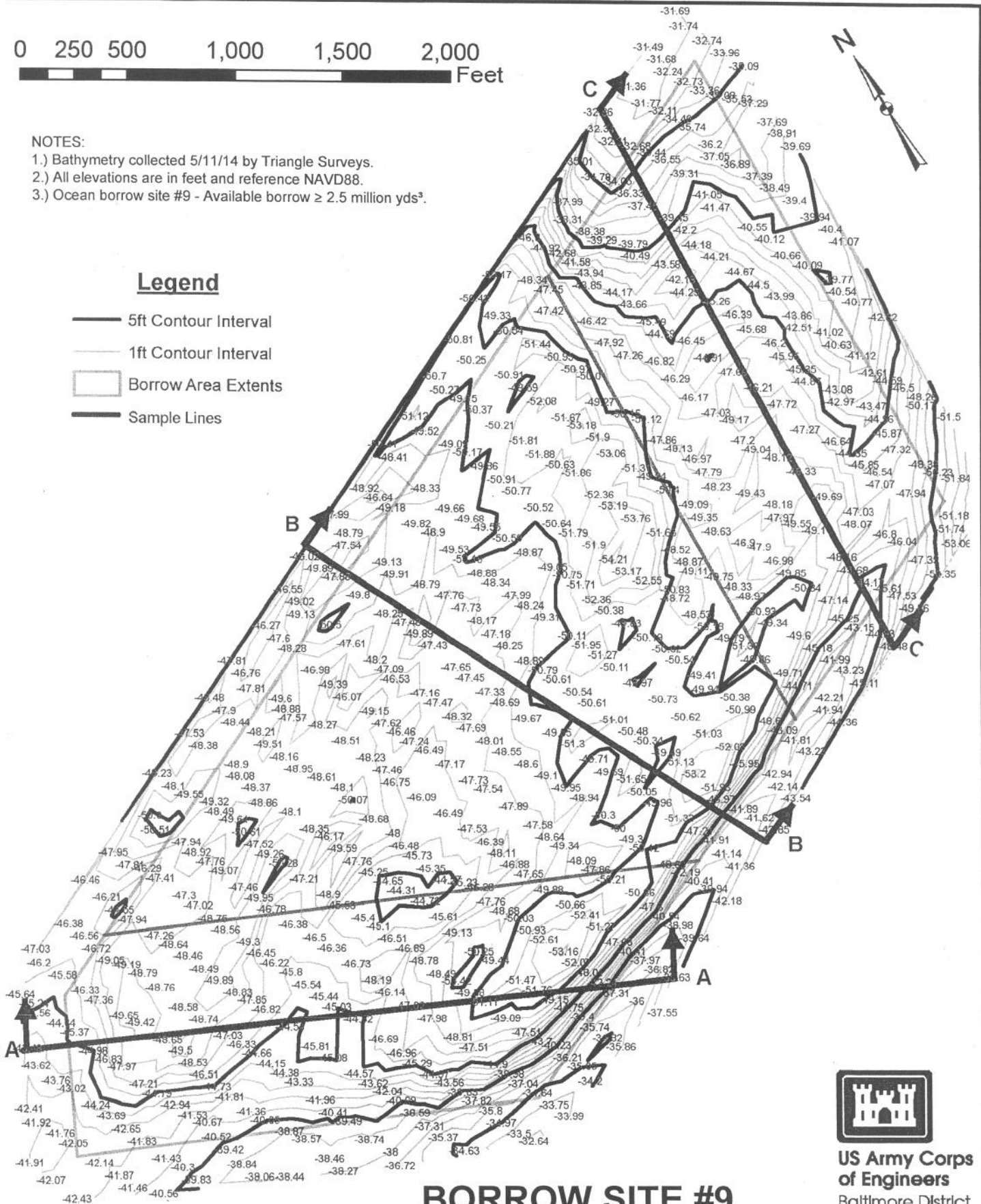


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BORROW SITE #9

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SHEET 3 OF 5



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