



# Public Notice

U.S. Army Corps  
of Engineers  
Baltimore District  
PN 18-43

In Reply to Application Numbers  
CENAB-OPR-P-2018-60661-P06 (Charles O. Holliday)  
CENAB-OPR-P-2018-60662-P06 (Doak & Barbara Conn)  
Comment Period: June 27, 2018 to July 27, 2018

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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 PERMITS WILL BE ISSUED AT THIS TIME.

This District has received applications for Department of the Army permits 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:

## APPLICANTS:

Charles O. Holliday, Jr.  
P.O. Drawer 370  
Tilghman Island, Maryland 21671

Doak and Barbara Conn  
P.O. Box 211  
Tilghman Island, Maryland 21671

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** The proposed work is located below the mean high water line of Dogwood Harbor where two residences on Wharf Road border the waterway in Tilghman, Talbot County, Maryland.

**PROPOSED WORK AND PURPOSE:** The proposed work includes dredging two entrance channels by either mechanical or hydraulic dredging. The dredged material will be deposited at an upland disposal site at 21455 Donnell Jones Road located in Sherwood, Maryland. Areas of proposed impact are as follows:

- a. Holiday Property: Approximately 30 feet wide (width varies), 336 feet long, 9,907 square feet, 6 feet deep, resulting in removal of 547 cubic yards of sediment; and
- b. Conn Property: Approximately 29 feet wide (width varies), 326 feet long, 9063 square feet, 6 feet deep, resulting in removal of 584 cubic yards of sediment.

The purpose of the projects is to improve access to a navigation channel for the two properties. All work is proposed to be completed in accordance with the enclosed plans.

As part of the planning process for the proposed projects, 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 applicants for impacts to open water (sub-tidal) habitat. No wetland impacts are proposed.

The decision whether to issue permits will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 proposals 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 evaluation of the impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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 these proposed activities. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny permits for these proposals. 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 these actions. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

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, Deborah A. Nizer, 02-E-22-OP, 2 Hopkins Plaza, Baltimore, MD 21201 within the comment period specified above.

**ESSENTIAL FISH 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 sites lie in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scophthalmus aquosus*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralichthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*), all managed species under the MSFCMA.

The projects have the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat 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. According to the Maryland Aquatic Siting Tool survey maps, there are no SAV within the area. 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.

**WATER QUALITY CERTIFICATION:** The applicants are 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.

**COASTAL ZONE MANAGEMENT PROGRAMS:** Where applicable, the applicants have certified in these applications that the proposed activities complies with and will be conducted in a manner consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the state concurrence or objection to the applicants' consistency statements. It should be noted that the Coastal Zone Management Program has a statutory limit of 6 months to make its consistency determination.

The applicants must obtain any state or local government permits which may be required.

A preliminary review of these applications indicate 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 these applications continue, 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 permits.

Any person who has an interest which may be adversely affected by the issuance of these permits 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, Deborah A. Nizer, 02-E-22-OP, 2 Hopkins Plaza, Baltimore, MD 21201, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by these activities 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.

Point of contact for these projects is Deborah A. Nizer and can be reached at [debby.nizer@usace.army.mil](mailto:debby.nizer@usace.army.mil) or (410) 962-6085.

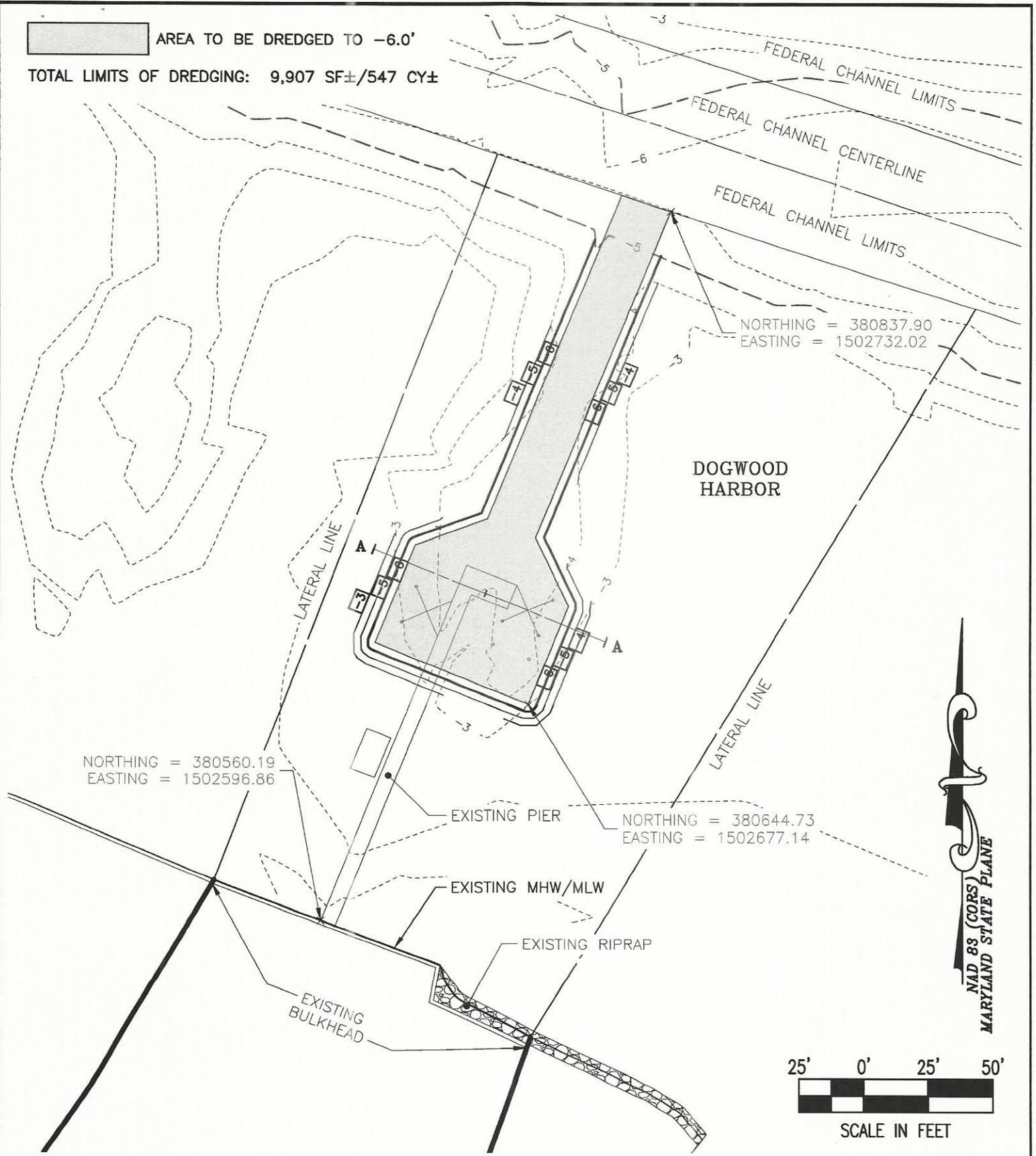
FOR THE DISTRICT ENGINEER:



Wade B. Chandler  
Chief, Pennsylvania Section  
Regulatory Branch

AREA TO BE DREDGED TO -6.0'

TOTAL LIMITS OF DREDGING: 9,907 SF±/547 CY±



SHEET No.  
**5 OF 7**

DATE: AS NOTED  
 SCALE: AS NOTED  
 JOB No. 180039  
 FILE No. 1068

**PROPOSED IMPROVEMENTS**  
**ON THE LANDS OF**  
**CHARLES O. HOLLIDAY, JR.**  
**TILGHMAN, MARYLAND**  
 IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY  
 TAX MAP 44A, PARCEL 155

**Lane Engineering, LLC**  
 Established 1986  
 Civil Engineers • Land Planning • Land Surveyors

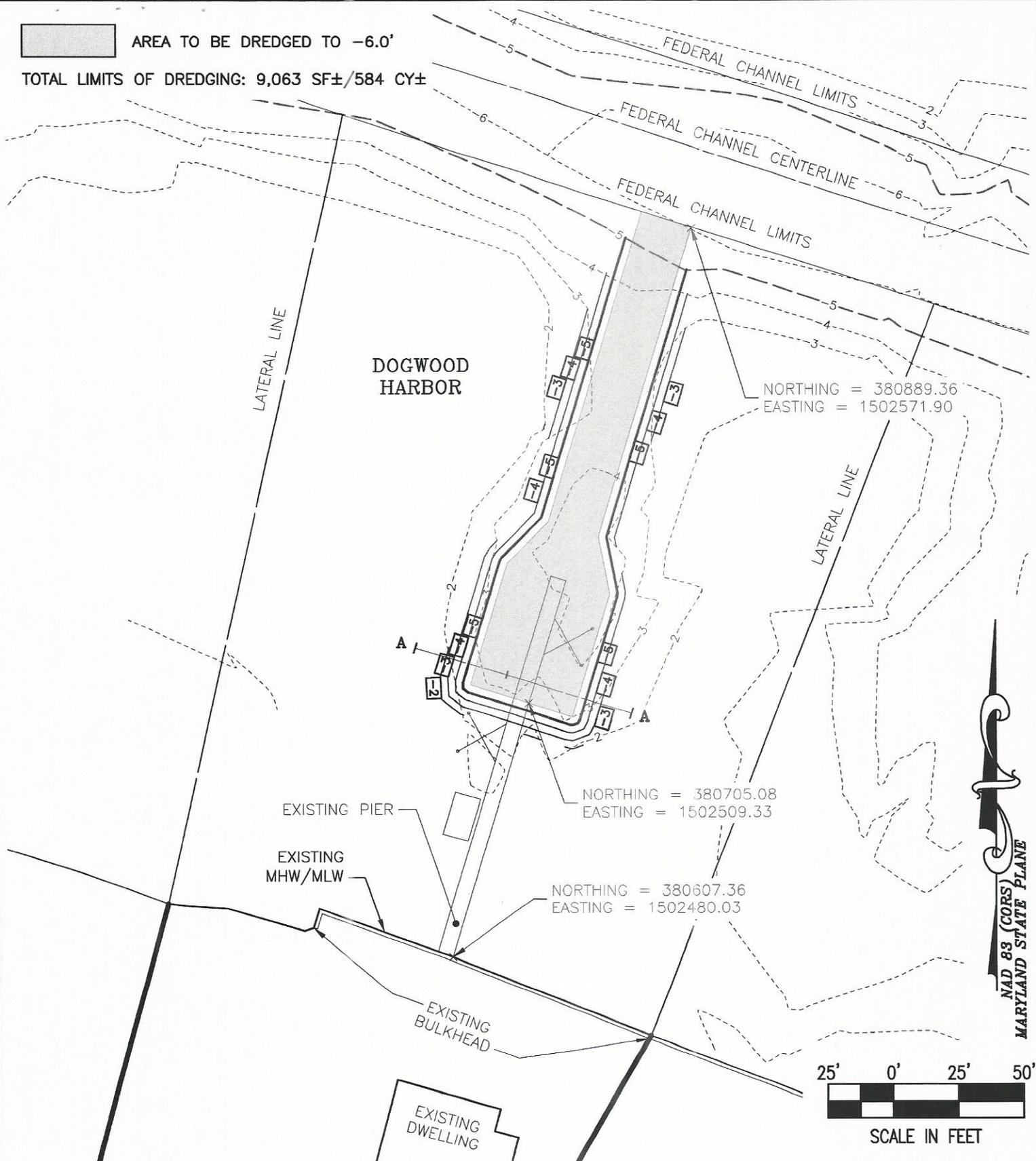
E-mail: general@leinc.com  
 117 Bay St. Easton, MD 21601 (410) 822-8003  
 15 Washington St. Cambridge, MD 21613 (410) 221-0818  
 354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095

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AREA TO BE DREDGED TO -6.0'

TOTAL LIMITS OF DREDGING: 9,063 SF±/584 CY±



SHEET No. **5 OF 7**  
 DATE: AS NOTED  
 SCALE: AS NOTED  
 JOB No. 180038  
 FILE No. 1068

**PROPOSED IMPROVEMENTS**  
**ON THE LANDS OF**  
**DOAK O. CONN & BARBARA C. CONN**  
**TILGHMAN, MARYLAND**  
 IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY  
 TAX MAP 44A, PARCEL 153

**Lane Engineering, LLC**  
 Established 1986  
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