



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

Baltimore District
PN-23-41

Public Notice

**In Reply to Application Number
NAB-2022-60125-M49 (EMT Investments/Boat Ramp,
Piers)**

Comment Period: September 28, 2023 to October 28, 2023

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT:

EMT Investments, LLC
Hances Point Road Parcel 77
North East, Maryland 21901

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The boat ramp and piers are proposed in the North East River at an existing bulkhead, west of Hance Point Road, south of Bayside Drive, and north of Bay Court Drive in North East, Cecil County, Maryland (39.572990, -75.953736). The project location is shown on the attached vicinity map (Enclosure 1).

OVERALL PROJECT PURPOSE:

The purpose of the project is to improve navigable access to the North East River by construction of a boat ramp and piers at a site west of Hance Point Road, south of Bayside Drive, and north of Bay Court Drive, in North East, Maryland.

PROJECT DESCRIPTION:

The applicant proposes to construct a 28-foot-wide by 80-foot-long concrete boat ramp, two 45-foot-long timber bulkhead returns, two 6-foot-wide by 80-foot-long floating piers, and two 3-foot-wide by 16-foot-long gangways, as shown on the attached plans (Enclosure 2). The boat ramp will extend to a depth of 4 feet below the mean low water level and will be supported by gravel substrate. Timber bulkhead returns will be constructed on either side of the boat ramp inland of the existing bulkhead. The two floating piers and gangways are proposed from the existing bulkhead on either side of the boat ramp. The boat ramp will extend a maximum of 35 feet channelward of the

approximate mean high-water (MHW) shoreline of the North East River at an existing bulkhead; the piers will extend a maximum distance of 80' channelward of the MHW shoreline of North East Creek at an existing bulkhead. The boat ramp will impact 980 square feet of the North East River. The floating piers will impact 960 square feet of the North East River.

EFFECTS ON AQUATIC RESOURCES:

Activity	Tidal waters Impact (lf)	Tidal waters Impact (Sq. Ft.)	Authority (Section 10/404/408)
Boat ramp	28	980	Section 10 & 404
Floating Piers	12 (two 6-foot-wide piers)	960	Section 10

LEAD FEDERAL AGENCY:

The United States Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

Avoidance and minimization:

As part of the planning process for the project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. The boat ramp and piers are proposed at the location of a former marina, which features an existing wooden bulkhead along the entire length of shoreline. Inland of the bulkhead, the site is heavily disturbed and consists of gravel substrate and asphalt with sparse or no riparian vegetation. The project will excavate 45 linear feet of the boat ramp inland of the existing bulkhead to minimize the channelward extent of the boat ramp within the North East River and the amount of fill material required to support the ramp. The two floating piers will be less than 8 feet in width with decking at a height of 4 feet above the mean low water level. A turbidity curtain will be used where operationally feasible and pile driving activities will be initiated with a soft start each day of pile driving, building up power slowly from a low energy start-up over a 20-minute period to allow for fish and other wildlife to leave the area. There are no wetlands or submerged aquatic vegetation at the project site. No compensatory mitigation is proposed.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work is not likely to adversely affect federally listed rare, 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.

ESSENTIAL FISH HABITAT:

The Magnuson-Stevens Fishery Conservation and Management Act, 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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no adverse effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):

All Section 408 proposals will be coordinated internally at United States Army Corps of Engineers. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408: <https://www.nab.usace.army.mil/section408/>.

WATER QUALITY CERTIFICATION:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

COASTAL ZONE MANAGEMENT PROGRAMS:

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 Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement. The applicant must obtain any state or local government permits which may be required.

SUBMISSION OF COMMENTS:

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 and are subject to release to the public through the Freedom of Information Act. 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 United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2022-60125-M49.

PUBLIC HEARING REQUESTS:

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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

Matthew Hynson
Matthew.Hynson@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

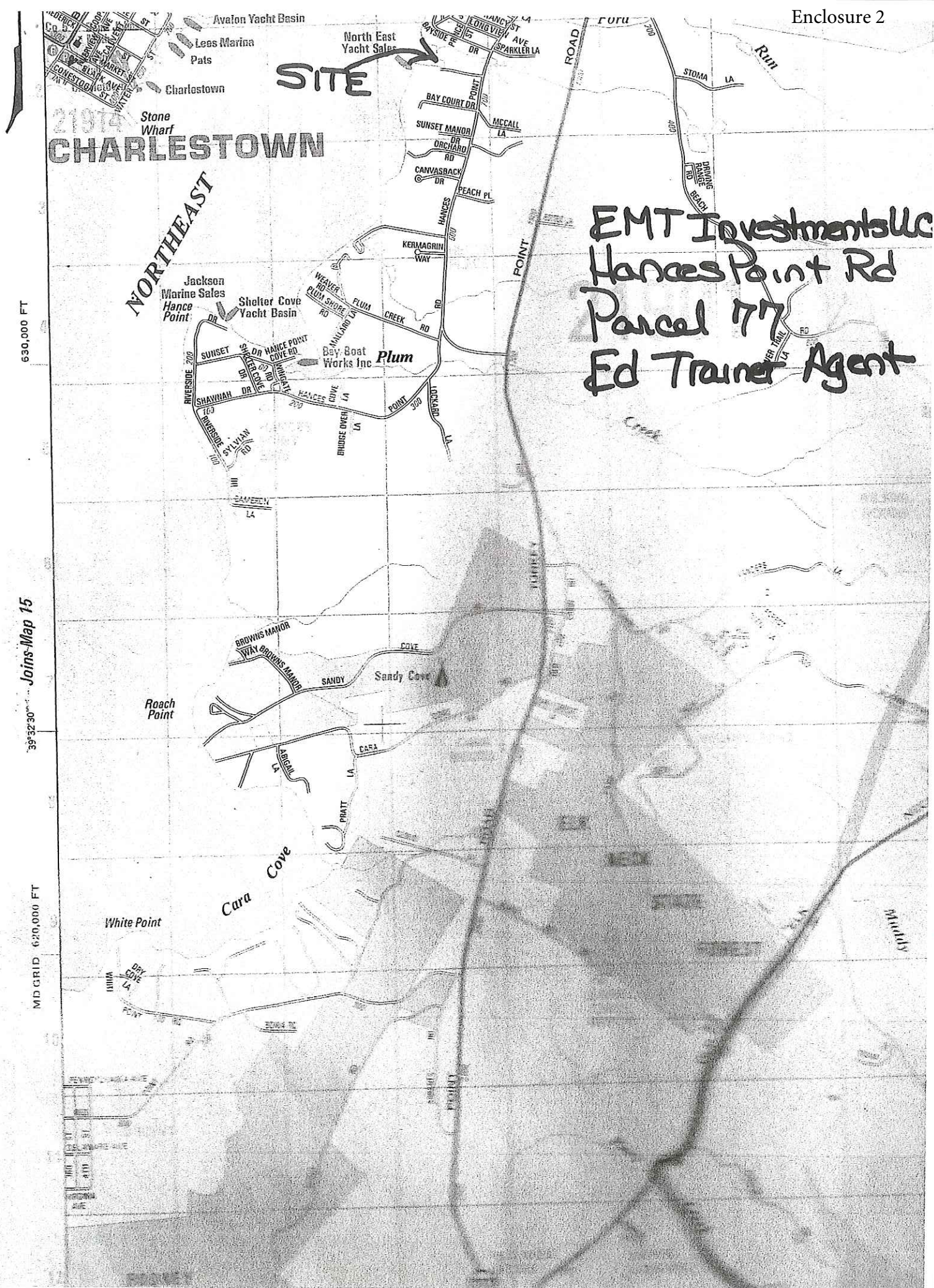
General information regarding the United State Army Corps of Engineers permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Matt Hynson at Matthew.Hynson@usace.army.mil or (410) 689-9532. This public notice is issued by the Chief, Regulatory Branch.

Project Location

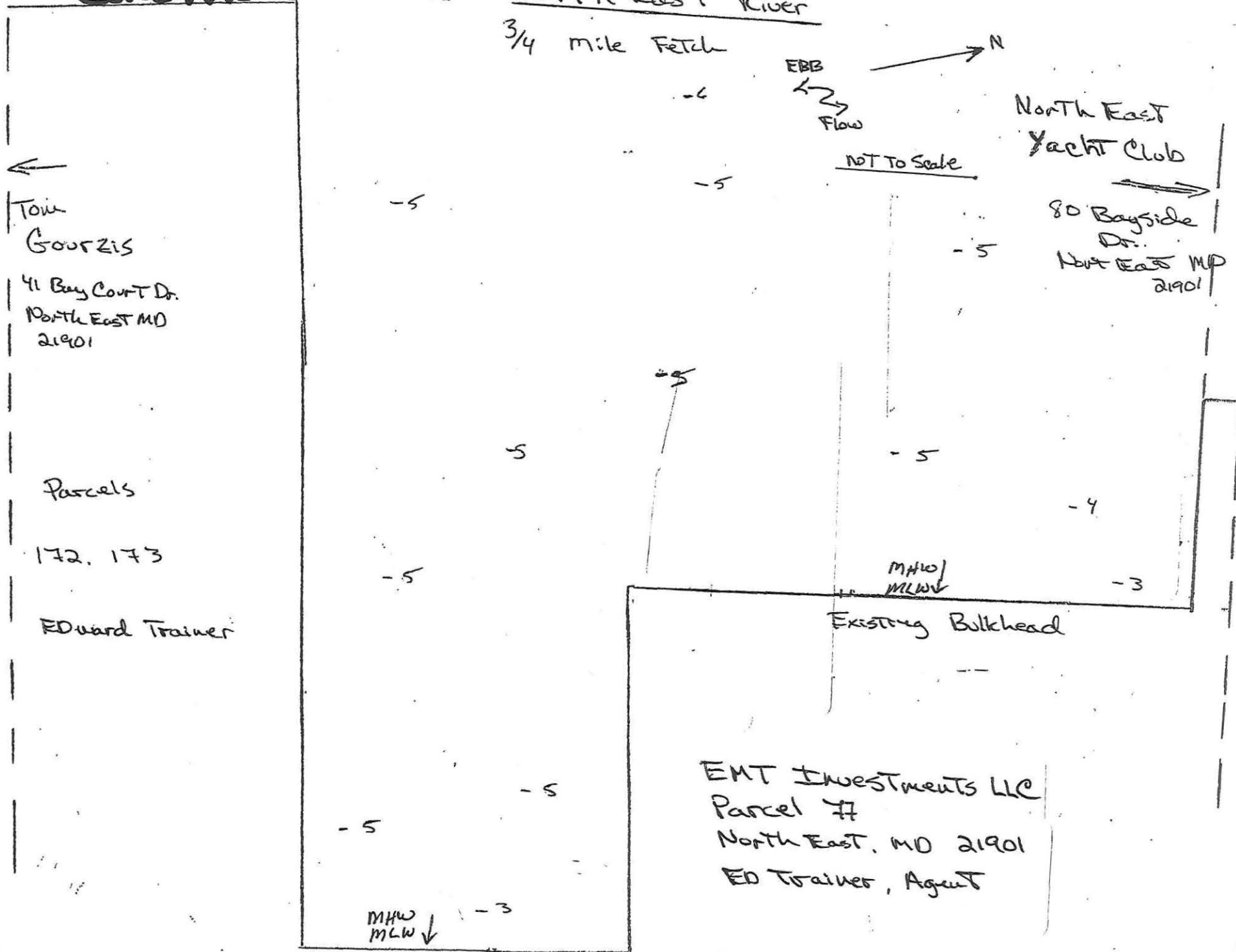
North East River Yacht Club

39.572990, -75.953736





Existing Conditions



Two posed

North East River
3/4 mile Fetch

EBB

Flow

N

North East
Yacht Club

80 Bayside
Dr.

North East MD
21901

NOT TO SCALE

Town
Gourzis

41 Bay Court Dr.
North East MD
21901

320'
Set Back

190'
Set Back

Parcels

172, 173

Edward Trainer

6'
80'
Floating Dock
6'
80'
Floating Dock

MLW
MHW

Bulkhead

190'
Set Back

Existing
Bulkhead

28'
Ramp

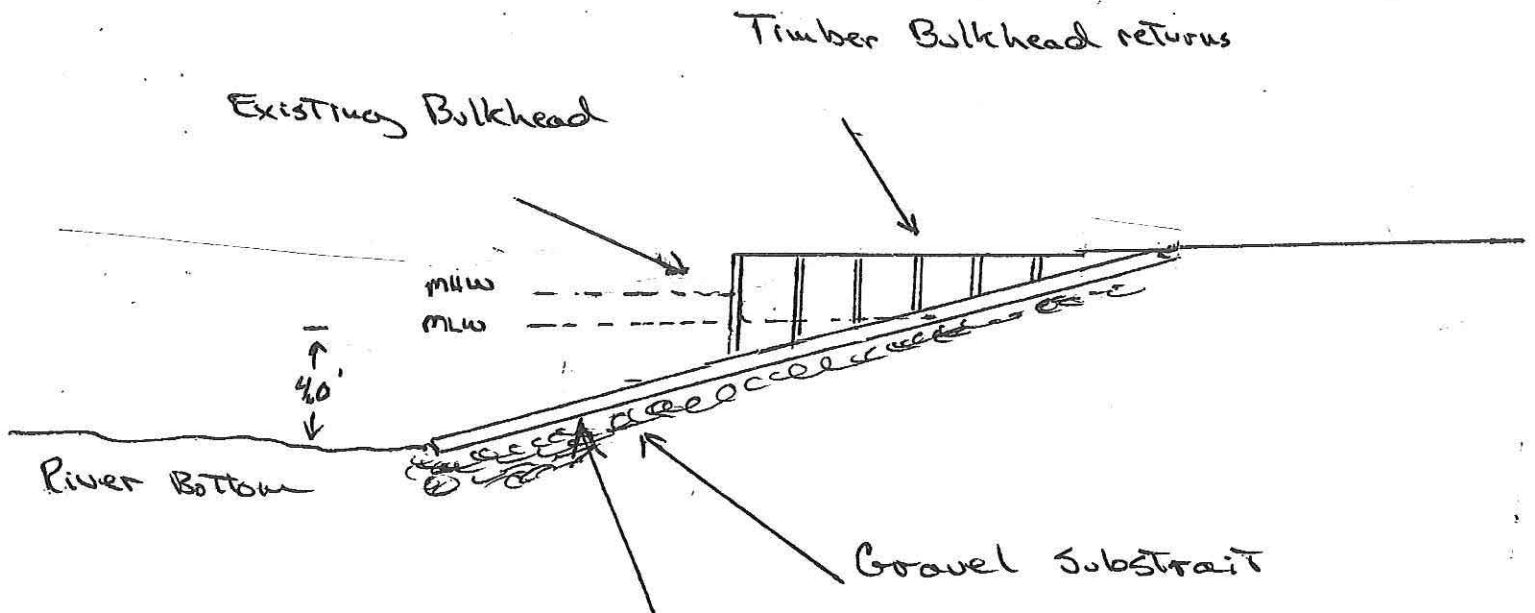
238'

EMT Investments LLC
Parcel 77
North East, MD 2190
ED Trainer, Agent

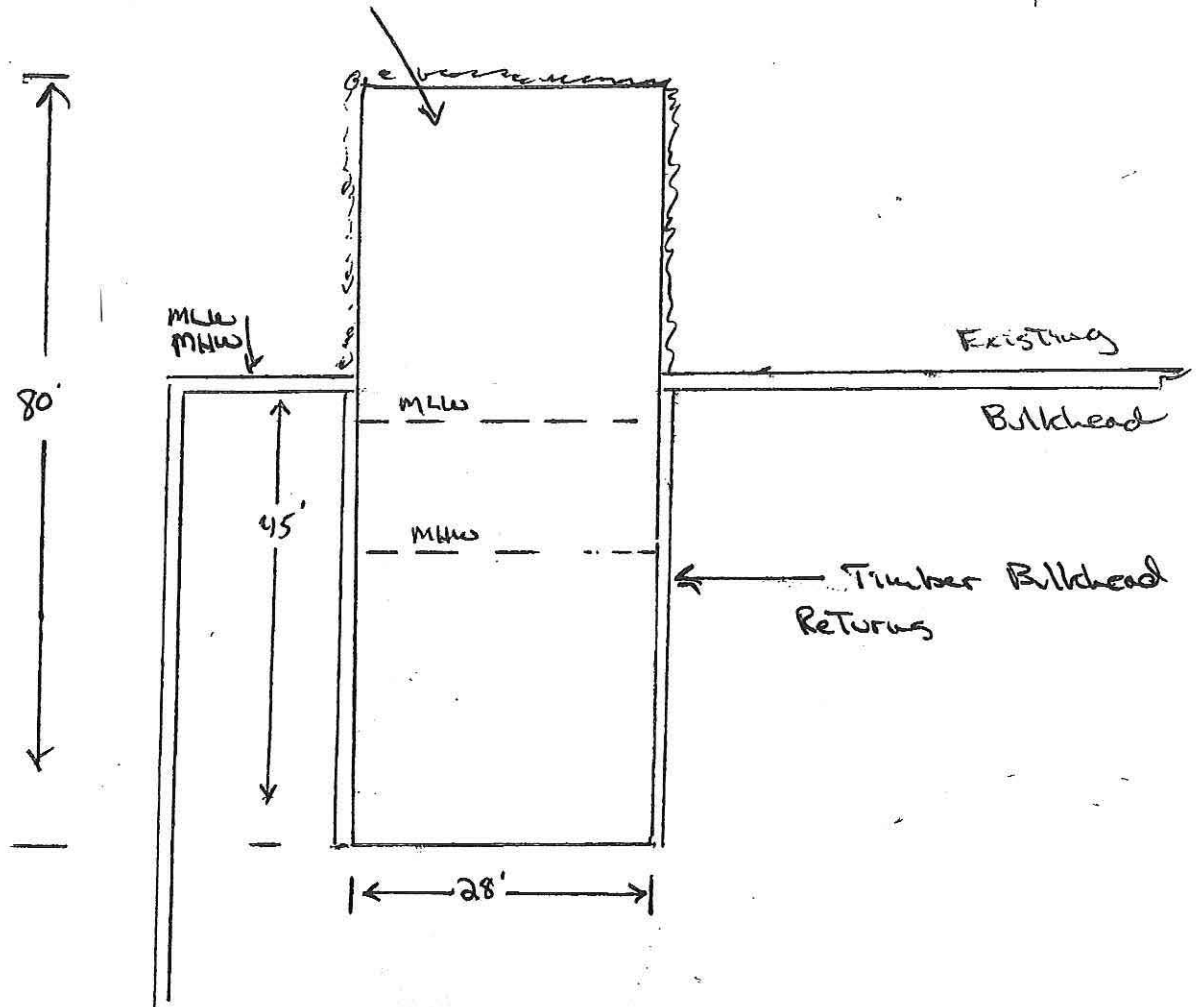
MHW
MLW

Boat Ramp

EMT Investments
Parcel 77
North East MD 21901
EO Trainer, Agent.



80' x 28' x 6" Thick Concrete Slab
reinforced with $\frac{1}{2}$ rebar and woven wire



Boat Ramp returns

Ground Tek Engineering
P.O. Box 782
Bel Air, MD 21014

2- 5/8" DIA. GALV. BOLTS WITH HD. NUT & WASHER COUNTERSUNK. TYPICAL.

5/8" DIA. GALV. BOLT
12" LONG. TYPICAL.

TO BE FILLED WITH CLEAN SAND
0.5 C.Y./L.F. MAXIMUM.

2" x 8" CAP

10% MAX. SLOPE

GRADE

18"
MAX.

5/8" DIA. GALV. ROD W/ OGEE
WASHER & HD. NUT BOTH ENDS
COUNTERSUNK. TYPICAL

6" x 6" WALERS
STAGGERED, LAP
AT PILE. TYPICAL.

EXISTING SHORELINE

2" X 10" TONGUE & GROOVE
SHEET PILING 8' LENGTH
SPIKED FROM BEHIND WITH 30d
GALVANIZED SPIKE. TYPICAL

12'-0" MINIMUM

DEAD MAN PILE 8" DIA. MIN.
8' MIN. LENGTH PENETRATE
VIRGIN SOIL, 6' ON CENTER.

BULKHEAD

EXISTING

3'-0"
MAXIMUM

M.H.W.

M.L.W.

2'-0"
5'-0"

6'-0" MIN. PENETRATION

8" DIA. PILINGS ON 6' ON CENTERS.
NOTE: ALL PILES TO BE 10 TON BEARING
CAPACITY E.N.R. FORMULA. TYPICAL.



**PERMITS AND DEVELOPMENT
MANAGEMENT**

TIMOTHY M. KOTROCO
DIRECTOR

EMT INVESTMENTS LLC
Parcel 177
North East MD 21901
Ed Trainer, Agent

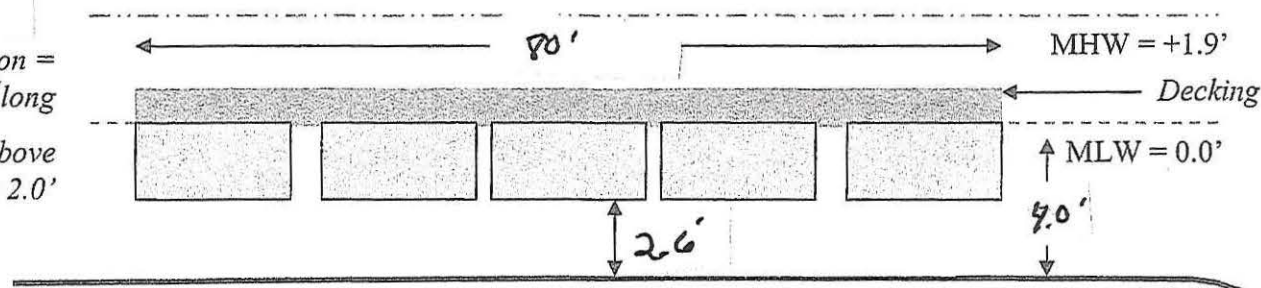
REVISION
06-29-05

DRAWN BY
JOS VENTURINA

Proposed Floating

Deck

Platform Dimension =
6' wide by 80' long
Minimum Height above
Substrate = 2.0'



EMT Investments LLC
Parcel 77
North East, MD 21904
ED Trainer, Agent