

U.S. Army Corps
of Engineers
Baltimore District
PN 13-18

Public Notice

In Reply to Application Number
CENAB-OP-RMS(JAMES REHAK) 2013-60255

Comment Period: April 8, 2013 to April 29, 2013

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: Mr. James M. Rehak
7201 Bucher Road
Baltimore, Maryland 21219

LOCATION OF THE PROPOSED WORK: In the Tangier Sound, at 11223 Woodduck Road, Dames Quarters, Somerset County, Maryland.

PROPOSED WORK AND PURPOSE: To construct a 6-foot wide by 100-foot long timber pier with a 10-foot by 10-foot "L" head abutting and channelward of an existing 200-foot groin, to install 8 pilings for four boatlifts attached to the proposed pier, to install two 3-pile dolphin clusters, all to extend a maximum of 260 feet channelward of the approximate mean high water (MHW) shoreline; and to construct an 18-foot wide by 200 foot long breakwater parallel to the shoreline between the two existing groins to extend a maximum of 150 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 Mr. Eugene Morgenthaler at (410) 820-8629 or eugene.j.morgenthaler@usace.army.mil.

The purpose of the proposed project is to provide recreational water access and shoreline erosion control to protect existing living shoreline.

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 the MSFCMA for the *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and eggs, larvae, juvenile and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA.

The project may have an adverse effect on Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above.

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 21203-1715, within the comment period specified above.

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, 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.

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 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 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.

The evaluation of the impact of this project 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 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, Baltimore, Maryland 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 know by you to be interested and not being known to this office, who did not receive a copy of this notice.

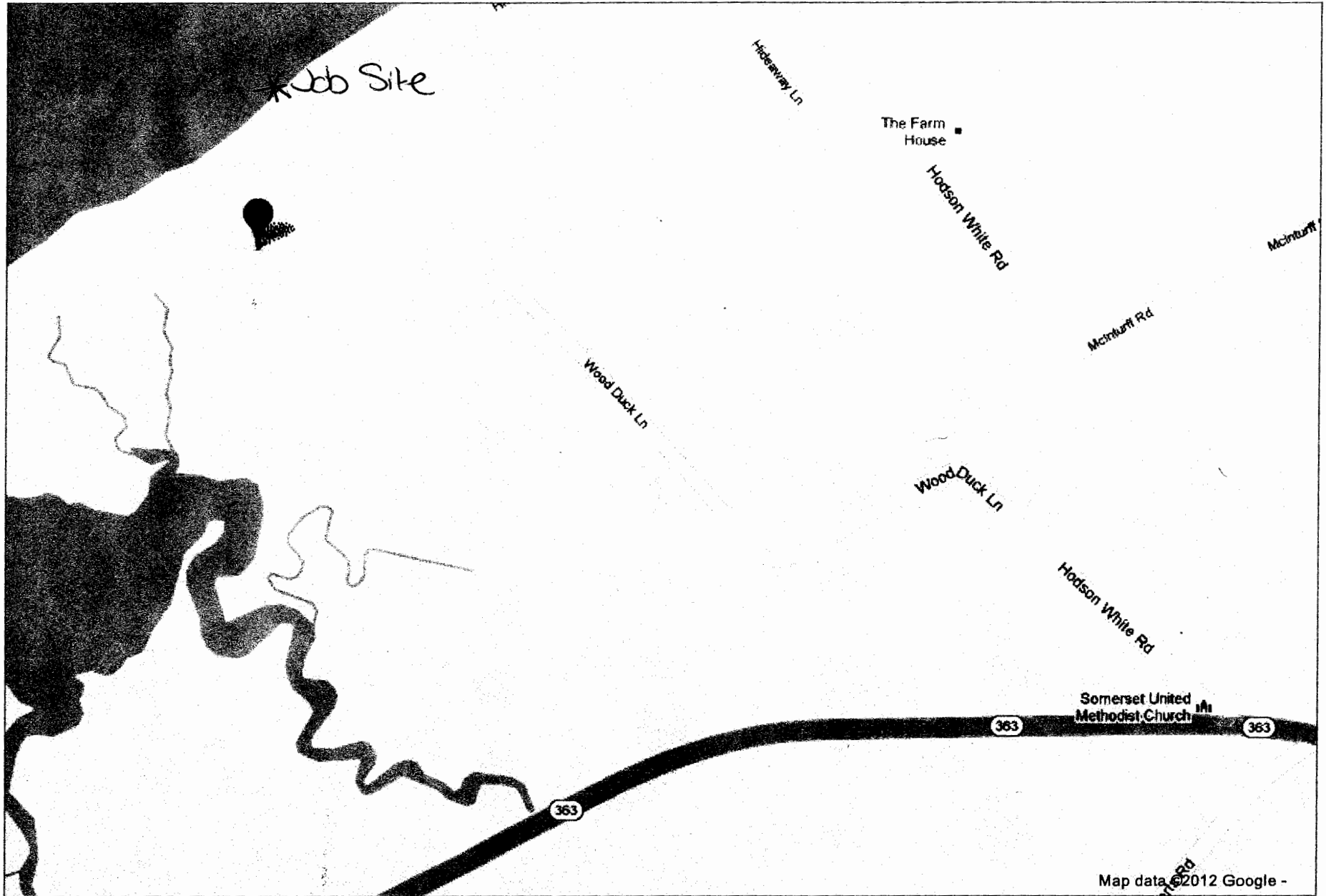
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern

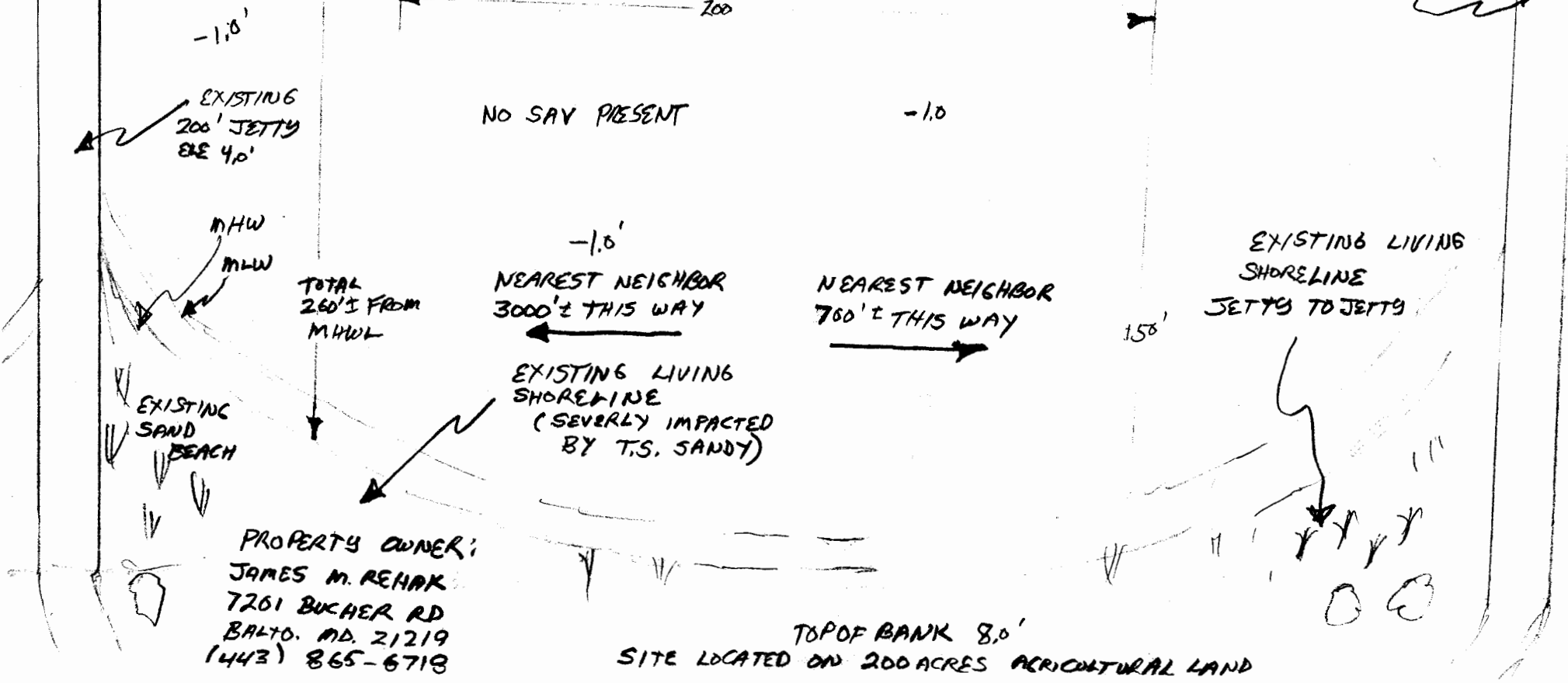
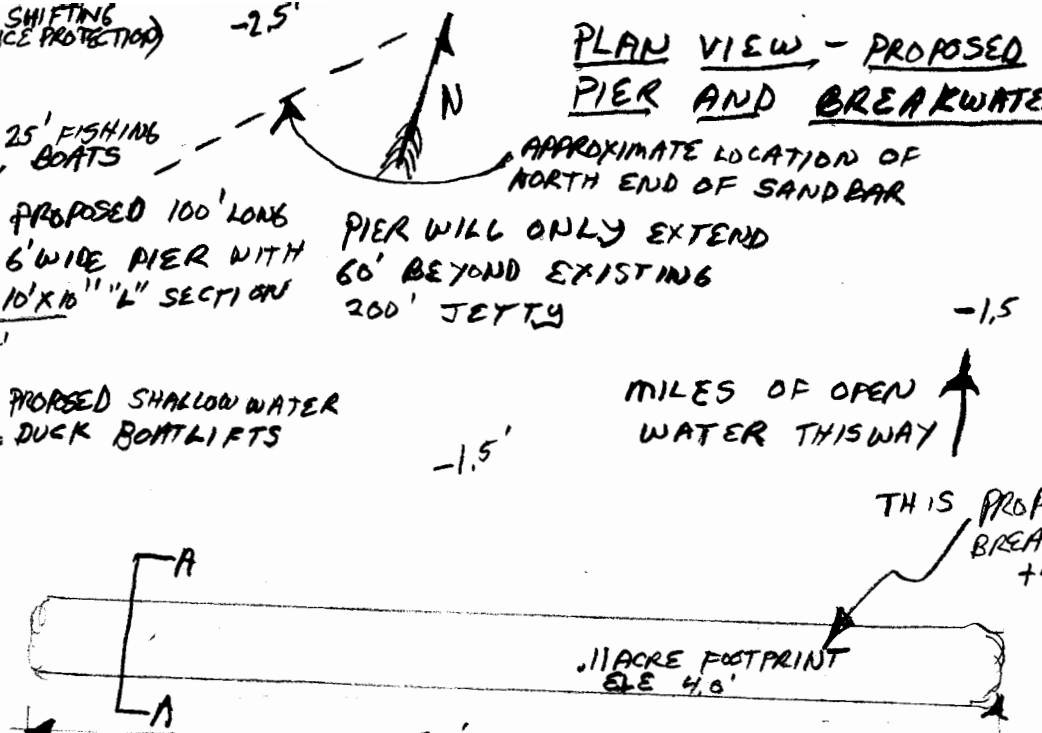
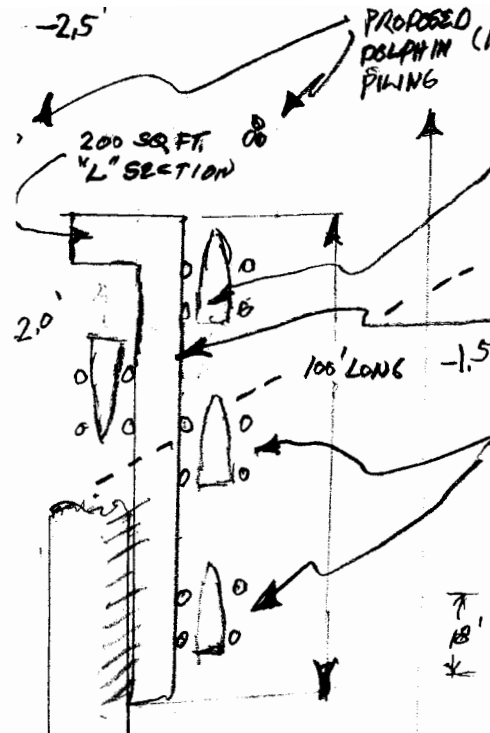
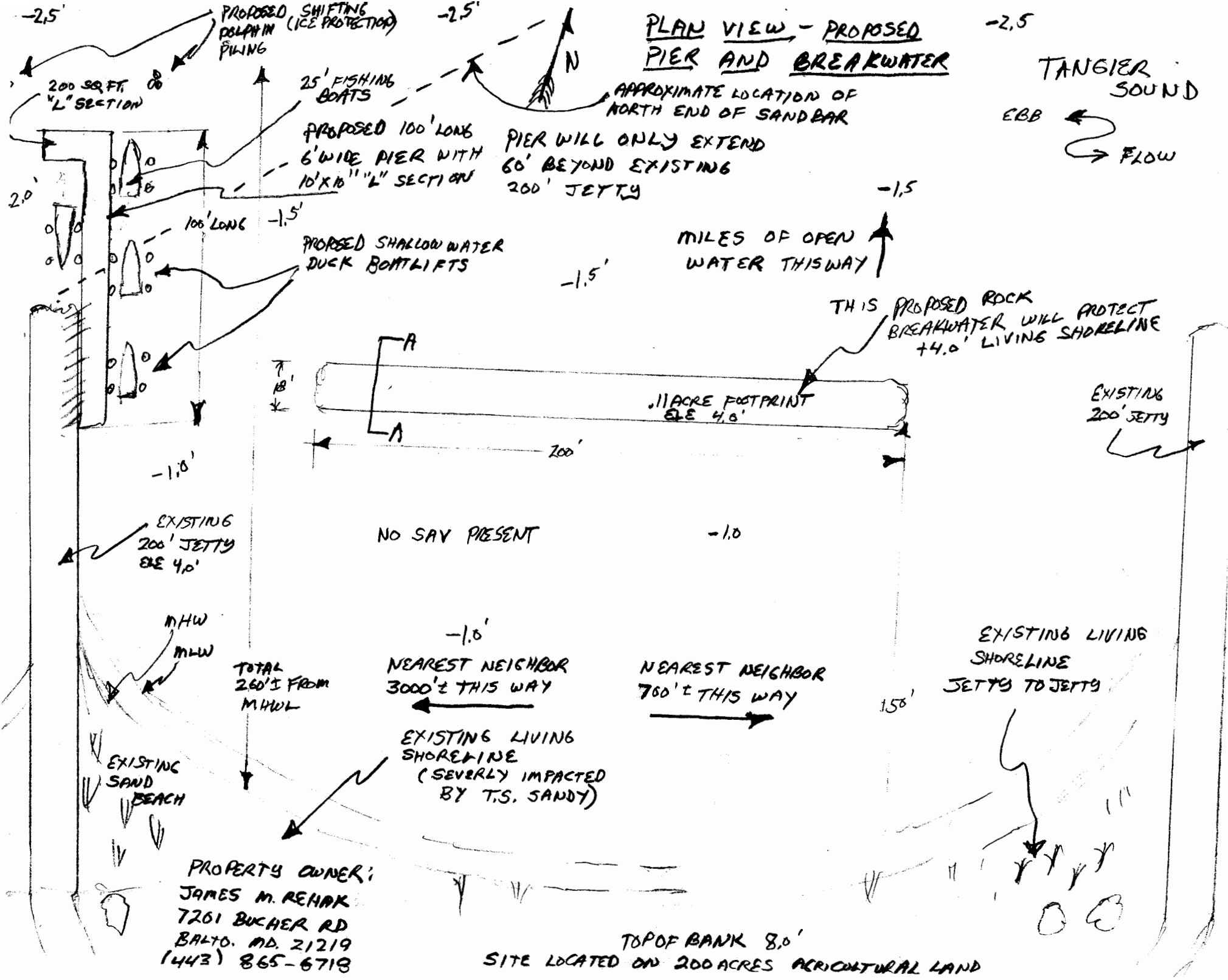
Google

Vicinity map

To see all the details that are visible on the screen, use the "Print" link next to the map.



PLAN VIEW - PROPOSED PIER AND BREAKWATER



PROPERTY OWNER:
JAMES M. REHAK
7201 BUCHER RD
BALTO. MD. 21219
(443) 865-6718

TOPOF BANK 8.0'
SITE LOCATED ON 200 ACRES AGRICULTURAL LAND

-2.5'

-2.5'

-2.5'

-1.5'

-1.5'

-1.0'

-1.0'

-1.0'

150'

TOTAL 260'± FROM MHWL

NO SAV PRESENT

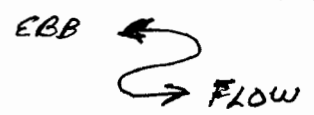
NEAREST NEIGHBOR 3000'± THIS WAY

NEAREST NEIGHBOR 760'± THIS WAY

EXISTING LIVING SHORELINE (SEVERELY IMPACTED BY T.S. SANDY)

EXISTING LIVING SHORELINE JETTIES TO JETTIES

TANGIER SOUND



APPROXIMATE LOCATION OF NORTH END OF SANDBAR

PIER WILL ONLY EXTEND 60' BEYOND EXISTING 200' JETTY

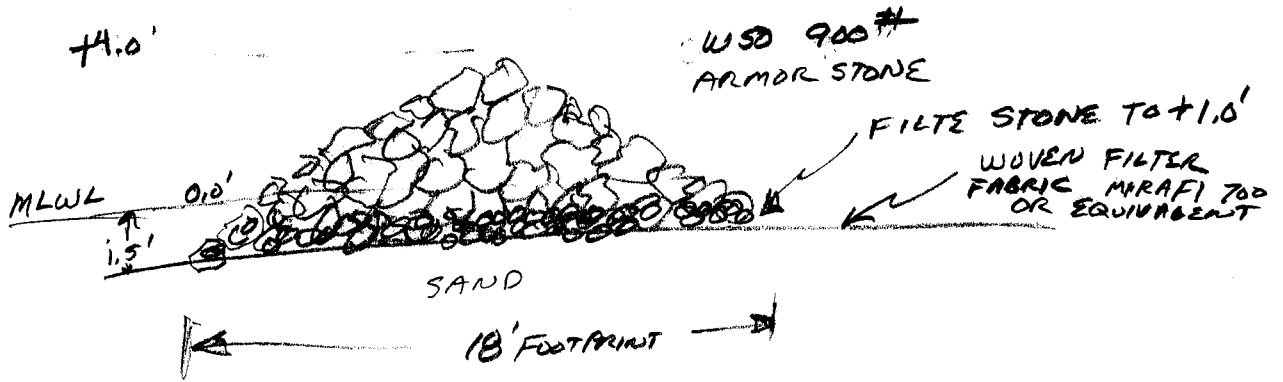
MILES OF OPEN WATER THISWAY

THIS PROPOSED ROCK BREAKWATER WILL PROTECT +4.0' LIVING SHORELINE

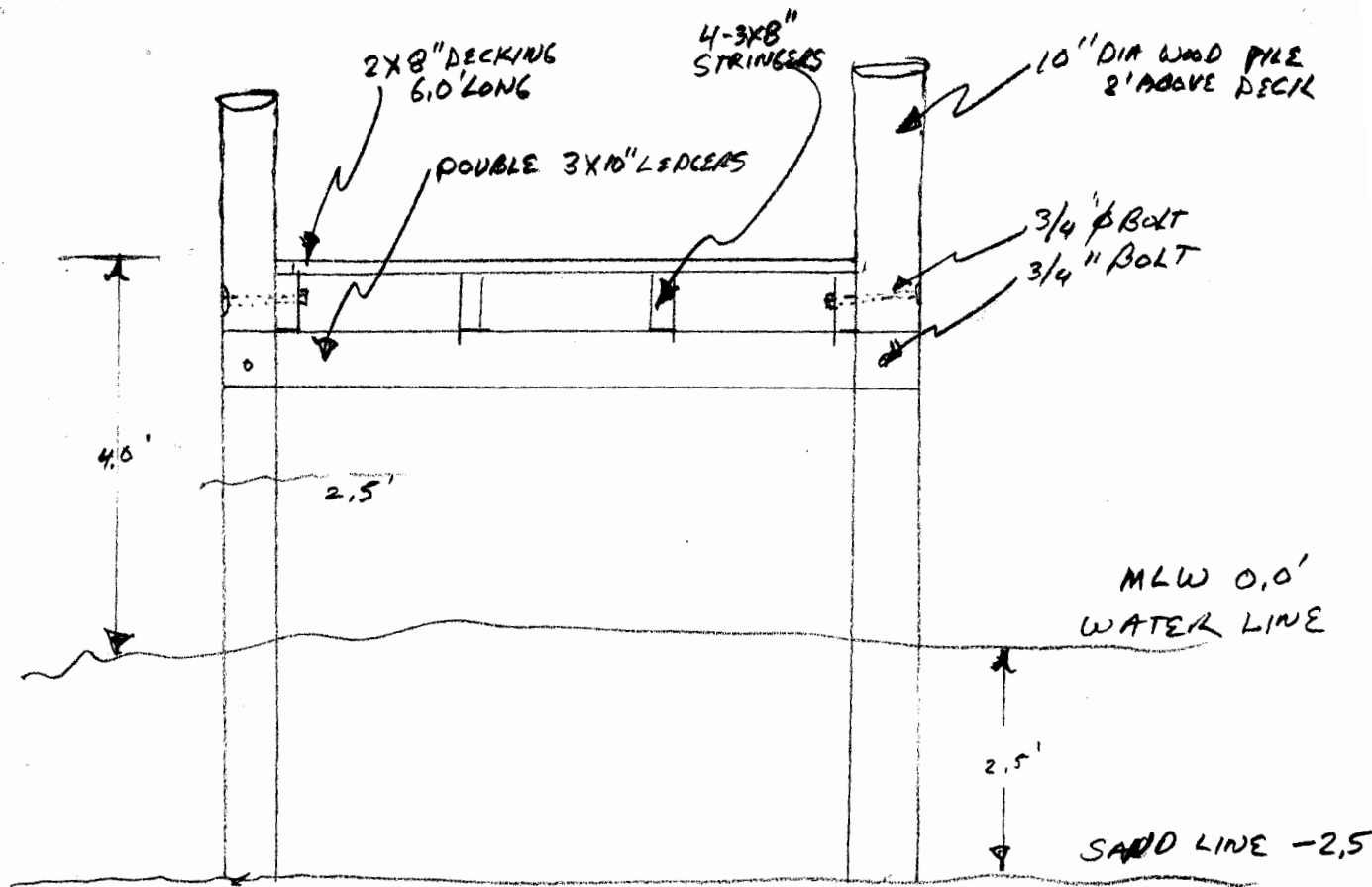
EXISTING 200' JETTY

PROPERTY OWNER
JAMES M. REHAK
7201 BUCHER RD.
BALTO, MD.
(443) 865-2121
6718

BREAKWATER CROSS SECTION
A-A



PROPOSED BREAKWATER IS TO PROTECT
AN EXISTING LIVING SHORLINE THAT
WAS NEGATIVELY IMPACTED BY HURRICANE SANDY
THIS BREAKWATER WAS ONCE PERMITTED BUT
THE ECONOMY PREVENTED ME FROM BUILDING IT.



6' WIDE PIER CROSS SECTION



SCALE 1" = 2'