



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

Public Notice

In Reply to Application Number
CENAB-OPR-M (Town of Ocean City-Sue Foster's Reef) 2015-60862
CENAB-OPR-M (Town of Ocean City-Research Reef) 2015-60863

PN 15-68

Comment Period: October 28, 2015 to November 28, 2015

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, as described below:

APPLICANT: Town of Ocean City
C/o Ms. Gail P. Blazer
P.O. Box 158
Ocean City, Maryland 21842

LOCATION: In the Atlantic Ocean near Ocean City, Worcester County, Maryland.

WORK: The applicant has requested reauthorization for three artificial reef projects within the Atlantic Ocean. Each project is described below:

Sue Foster's Reef

To continue construction of a 2,272-foot wide by 2,335-foot long (approximately 105 acres) artificial reef located approximately 4.0 nautical miles from the shoreline in Ocean City, Worcester County, Maryland by placing suitable materials within five new 5-acre areas and within a 150-foot area around existing deployment sites as depicted on the project plans. The project would include the placement of a variety of materials including vessels cleaned to meet Clean Water Act and Toxic Substance Control Act standards; Reef-EX combat vehicles; steel, concrete, in various forms, designed fabricated reef structures, rock, and other suitable material consistent with the "Guidelines for Marine Artificial Reef Materials" Second Edition, January 2004 (<http://myfwc.com/media/131591/ArtificialReefMaterialsGuidelines.pdf>) and the "Artificial Reef Management Plan for Maryland," June 2007 (http://dnr2.maryland.gov/fisheries/Documents/Maryland_Artificial_Reef_Plan62607.pdf). Placed material would extend varying heights above the bottom substrate depending on the size of the material and the placement location. A minimum vertical clearance of -35 feet at mean low water level would be maintained throughout the project area. The project area coordinates are identified below:

<i>Latitude</i>	<i>Longitude</i>
38° 23' 9"N	74° 58' 44.1" W
38° 22' 54.9" N	74° 58' 25.5" W
38° 22' 36" N	74° 58' 41.1" W
38° 22' 54" N	74° 58' 59.4" W

Sue Foster's Reef was previously authorized under DA permit NAB-2002-62090-1 (Town of Ocean City/Isle of Wight Reef) issued on February 23, 2005 and modified on December 7, 2007. The project has been ongoing since 2005 and approximately 32 acres of artificial reef spaced throughout the reef area on Sue Foster's Reef has been constructed to date.

Research Reef

To continue construction of a 1,208-foot wide by 10,912-foot long (approximately 308 acres) artificial reef located approximately 6.5 nautical miles from the shoreline in Ocean City, Worcester County, Maryland by placing suitable materials within six new 10-acre areas and within a 150-foot area around existing deployment sites as depicted on the project plans. The project would include the placement of a variety of materials including vessels cleaned to meet Clean Water Act and Toxic Substance Control Act standards; Reef-EX combat vehicles; steel, concrete, in various forms, designed fabricated reef structures, rock, and other suitable material consistent with the "Guidelines for Marine Artificial Reef Materials" Second Edition, January 2004 (<http://myfwc.com/media/131591/ArtificialReefMaterialsGuidelines.pdf>) and the "Artificial Reef Management Plan for Maryland," June 2007 (http://dnr2.maryland.gov/fisheries/Documents/Maryland_Artificial_Reef_Plan62607.pdf). Placed material would extend varying heights above the bottom substrate depending on the size of the material and the placement location. A minimum vertical clearance of -57 feet at mean low water level would be maintained throughout the project area. The project area coordinates are identified below:

<i>Latitude</i>	<i>Longitude</i>
38° 20' 16.5"N	74° 56' 11.4" W
38° 20' 15" N	74° 55' 55.5" W
38° 18' 31.8" N	74° 56' 35.04" W
38° 18' 33.3" N	74° 56' 50.1" W

Research Reef was previously authorized under DA permit NAB-2002-62092-1 (Town of Ocean City/Research Reef) issued on February 23, 2005 and modified on December 7, 2007. The project has been ongoing since 2005 and approximately 14 acres of artificial reef spaced throughout the reef area on Research Reef and have been constructed to date.

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 via email at laura.shively@usace.army.mil.

The applicant is requesting approval for a 10-year period to maintain the existing artificial reef structures, including the addition of additional material as necessary.

The purpose of the projects are to improve and maintain aquatic fish habitat within the Atlantic Ocean in the vicinity of Ocean City, Maryland.

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 by inspecting abandoned vessels or vehicles utilized in reef construction to ensure all materials comply with Clean Water Act requirements. The Project has been and would continue to be constructed in accordance with the National Artificial Reef Plan developed pursuant to Section 204 of the National Fishery Enhancement Act of 1984 and would result in a net increase of artificial reef habitat in the Atlantic Ocean. Upon development and build-out of the reef sites, it is expected that the proposed undertakings would provide for enhance fisheries and fish habitat. The proposed projects would result in the deposition of various materials within the Atlantic Ocean in depths ranging from -31 to -55 feet at MLW. These deeper waters do not support SAV. Compensatory mitigation is not being proposed by the applicant for permanent impacts to open tidal waters as the project is proposed to enhance the existing aquatic environment.

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 *Pleuronectes americanus* (winter flounder), *Scopthalmus aquosus* (windowpane flounder), *Pomatomus saltatrix* (blue fish), *Stenotomus chrysops* (scup), *Centropristus striata* (black sea bass), and *Paralichthys dentatus* (summer flounder) juvenile and adult; *Urophycis chuss* (red hake) eggs, larvae, and juvenile; *Peprilus triacanthus* (Atlantic butterfish) and *Sphyrna lewini* (scalloped hammerhead shark) juvenile; *Clupea harengus* (Atlantic sea herring) and *Prionace glauca* (blue shark) adult; *Odontaspis taurus* (sand tiger shark) larvae and adult; *Squatina dumerili* (Atlantic angel shark) and *Charcharinus plumbeus* (sandbar shark) larvae, juvenile, and adult; *Charcharinus obscurus* (dusky shark) and *Galeocerdo cuvieri* (tiger shark) larvae; and eggs, larvae, juvenile, and adult stages of *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia); all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 695 acres of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy substrate that does not support submerged aquatic vegetation (SAV) or hard clams (*Mercenari mercenari*) due to the depth of the ocean at the project location. The proposed project will alter the existing elevations within the project footprint. However, the District Engineer 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 to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

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.

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, but is not likely to adversely affect the following Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended: Loggerhead turtle (*Caretta caretta*), Kemp's Ridley turtle (*Lepidochelys kempii*), Leatherback turtle (*Dermochelys coriacea*), Green turtle (*Chelonia mydas*), Blue whale (*Balaenoptera musculus*), Fin Whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), North Atlantic Right Whale (*Eubalaena glacialis*), Sei Whale (*Balaenoptera borealis*), and Sperm whale (*Physeter catodon*). As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

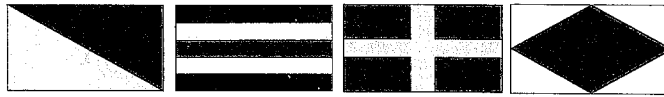
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost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

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, 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 known by you to be interested and not being known to this office, who did not receive a copy of this notice.

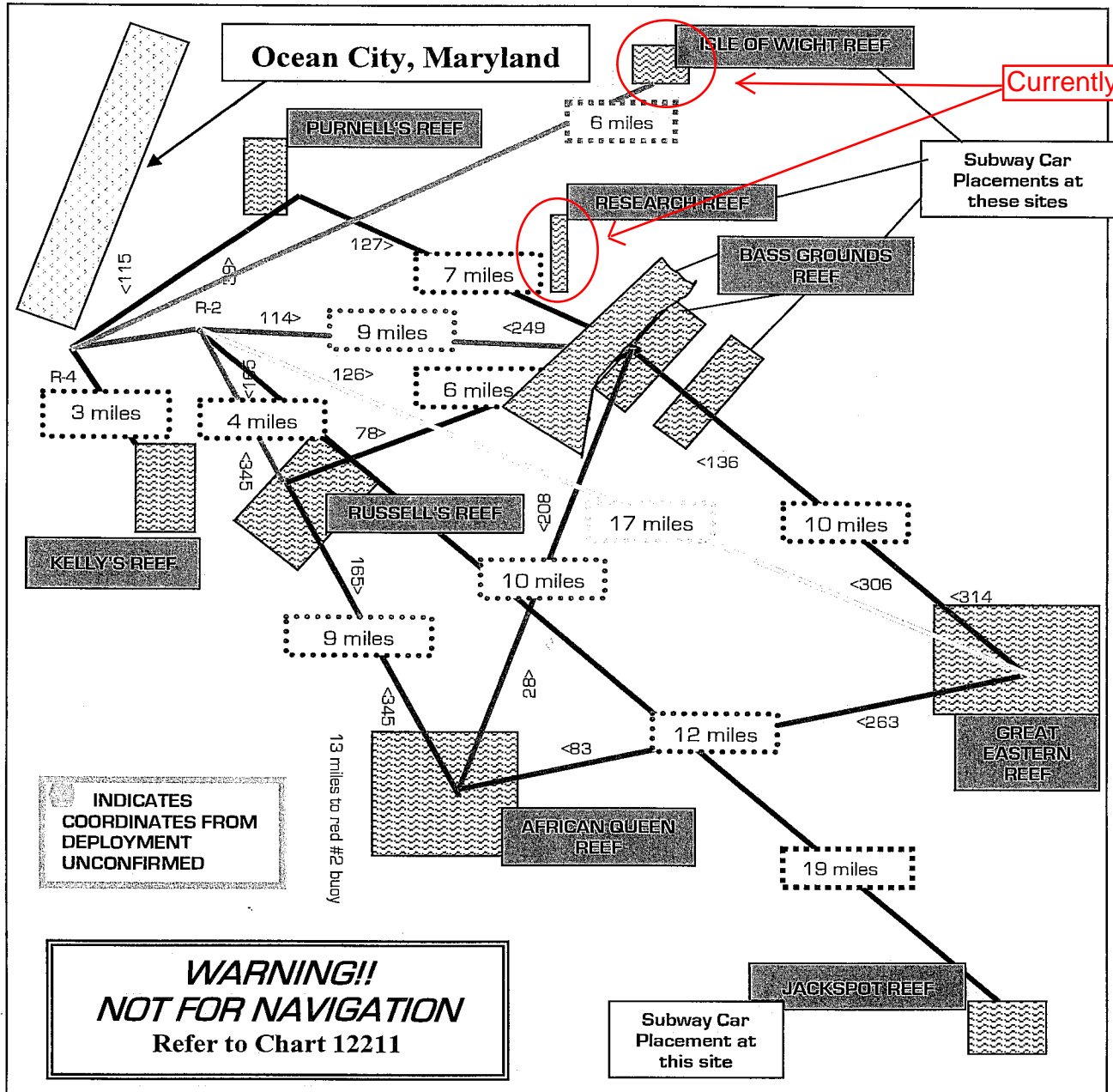
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern



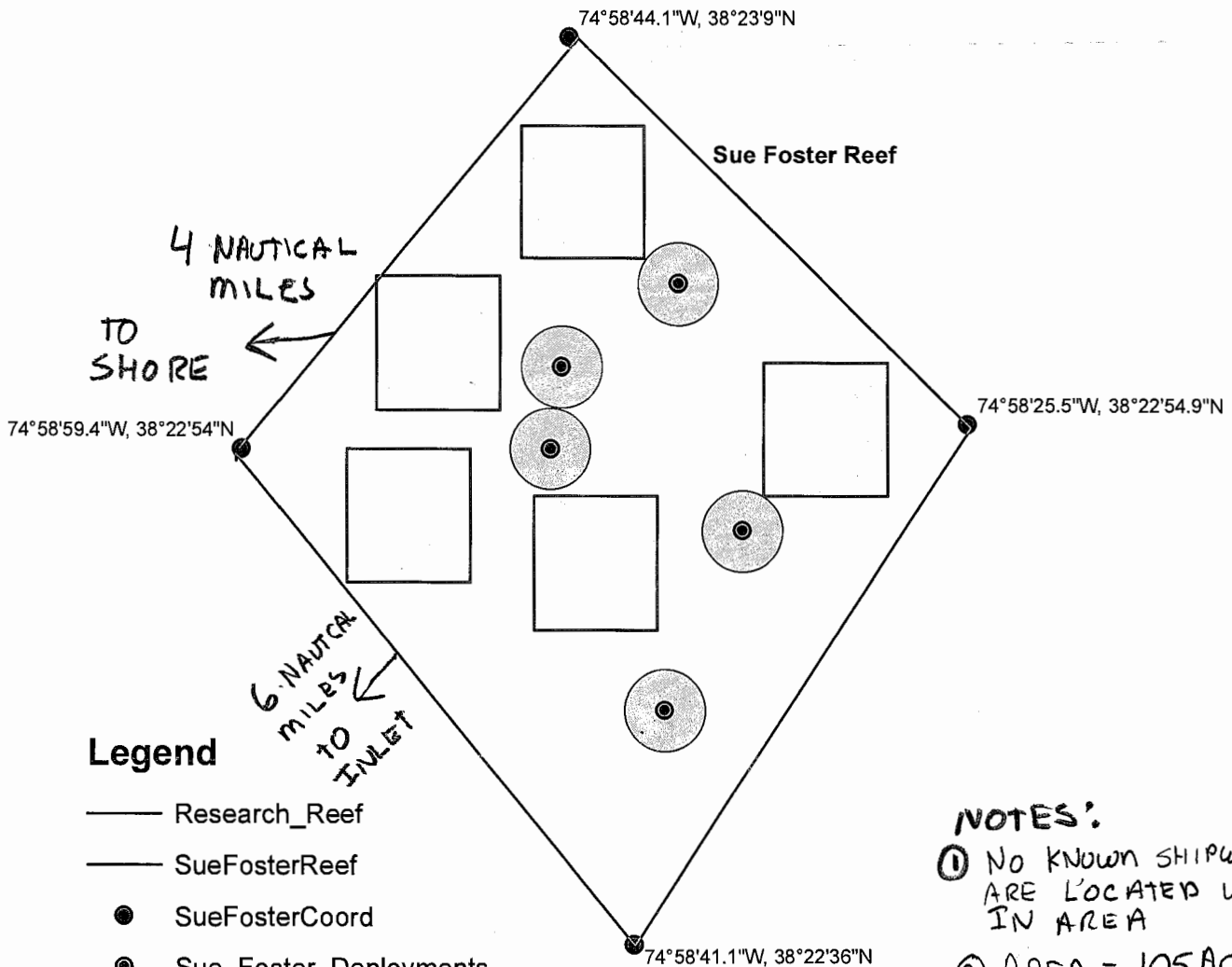
OCEAN CITY REEF FOUNDATION

2015 REEF NETWORK





0 0.04250.085 0.17 Nautical Miles



Legend

- Research_Reef
- SueFosterReef
- SueFosterCoord
- ⊙ Sue_Foster_Deployments
- Deploy_Sue_Foster_Buffer2
- SF_5_acre_plmts

105 ACRES
LUBBERS

NOTES:

- ① NO KNOWN SHIPWRECKS ARE LOCATED WITH IN AREA
- ② AREA = 105 ACRES
- ③ EXISTING DEPLOYMENT AREA =
- ④ NO CURRENT PLACEMENT ON PROPOSED 5 ACRE PLACEMENTS

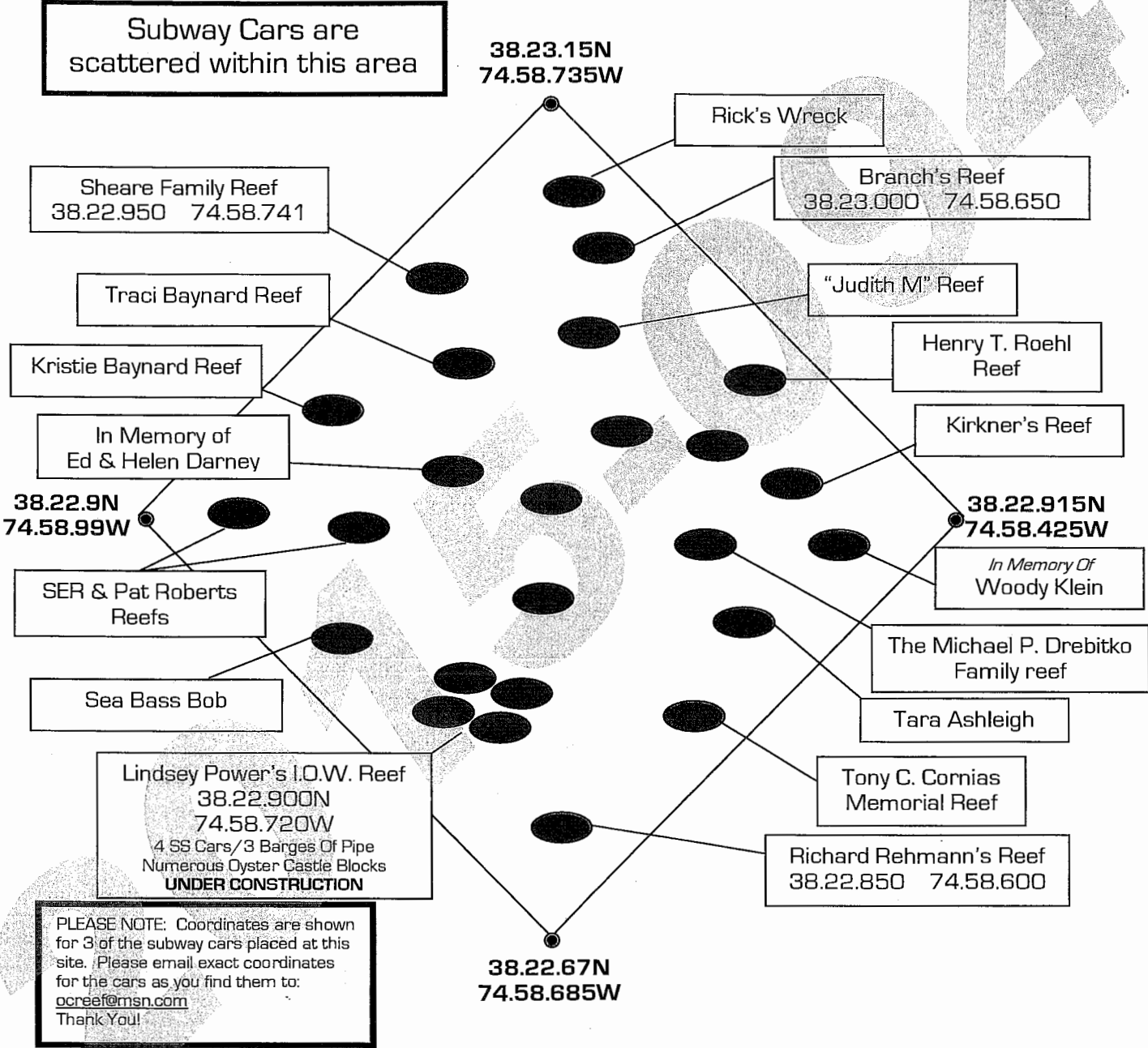
JULY 2015

SUE FOSTER'S REEF

January, 2015

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Subway Cars are scattered within this area



Ocean City Reef Foundation
P.O. Box 1072 - Ocean City, MD 21843
Phone: 410-208-0064 E-Mail: ocreef@msn.com

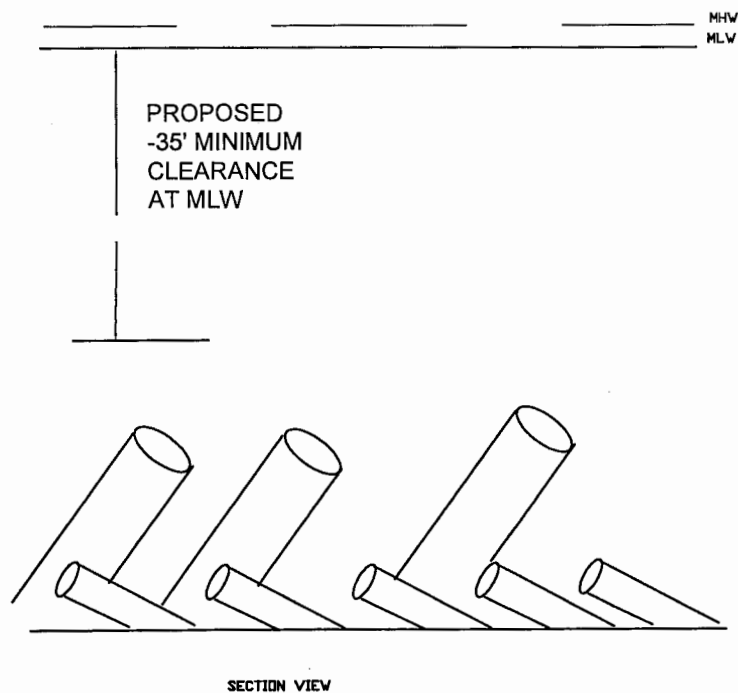
FID	Shape *	Name
0	Polygon	Blk 1
1	Polygon	Blk 2
2	Polygon	Blk 3
3	Polygon	Blk 4
4	Polygon	Blk 5

Deploy_Sue_Foster, 6/8/2015, Page 1-1

FID	ID	Shape *	Name
0	1	Point	74°58'39"W, 38°23'0"N
1	2	Point	74°58'36"W, 38°22'51"N
2	3	Point	74°58'45"W, 38°22'54"N
3	4	Point	74°58'44.46"W, 38°22'57"N
4	5	Point	74°58'40.14"W, 38 22'44.16"N

Deployment	Dept_meter
Branch's Reef	17
Richard Rehmann's Reef	17
Lindsey Power I.O.W reef	17
Shear Family Reef	17
April 2015 concrete	17

SUE FOSTER'S REEF CROSS SECTION VIEW



EXISTING Sue Foster Reef RE-APPLICATION

IN: ATLANTIC OCEAN

AT: NEAR OCEAN CITY

WORCESTER COUNTY

APPLY BY: OCEAN CITY REEF FOUNDATION AND TOWN
OF OCEAN CITY

DATE: APRIL 5, 2005

NOTES:

PROPOSED REEF MATERIALS INCLUDE DESIGNED
STEEL, CONCRETE, OR PLASTIC HABITAT MODULES,
CONCRETE RUBBLE, RIPRAP, CONCRETE OR STEEL
VESSELS AND CLEANED EX-COMPAT EQUIPMENT

PURPOSE:

TO ENHANCE AND MAINTAIN THE EXISTING ARTIFICIAL
REEF



0 0.075 0.15 0.3 Nautical Miles

74°56'11.4"W, 38°20'16.5"N

74°55'55.5"W, 38°20'15"N

Legend

- Research_Reef
- ⊙ Research_Reef_coord
- Research_Deployments
- ▨ Research_Deployments_Buffer
- RR_10_acre_

137 AREA
ACRES

Research Reef
Research Reef

6.5
NAUTICAL
MILES
TO
OCEAN CITY
INLET

74°56'50.1"W, 38°18'33.3"N

74°56'35.04"W, 38°18'31.8"N

NOTES:

- ① NO KNOWN SHIPWRECKS ARE LOCATED WITH IN THE REEF COORDINATES
- ② AREA = 137 ACRES
- ③ EXISTING DEPLOYMENT AREA =
- ④ NO CURRENT PLACEMENTS IN PROPOSED 10 ACRE BOXES
- ⑤

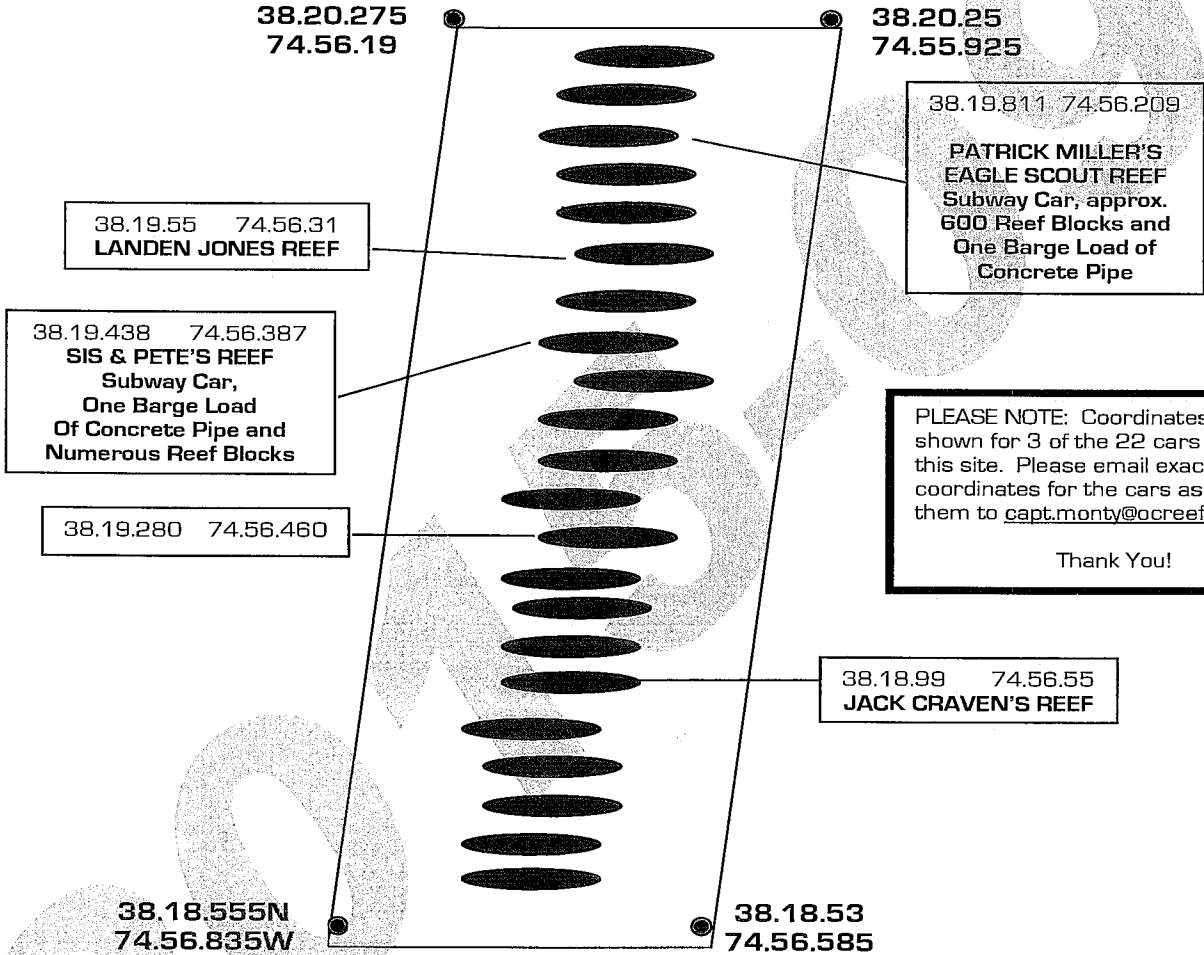
JULY 2015

RESEARCH REEF

January, 2015

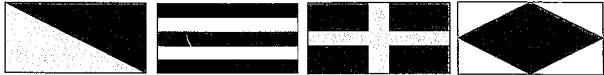
Please Note: This chart is intended for private use only and may not be reproduced or otherwise redistributed without the written permission of the Ocean City Reef Foundation.

22 Subway Cars are placed at this site between the coordinates shown



PLEASE NOTE: Coordinates are shown for 3 of the 22 cars placed at this site. Please email exact coordinates for the cars as you find them to capt.monty@ocreefs.org

Thank You!



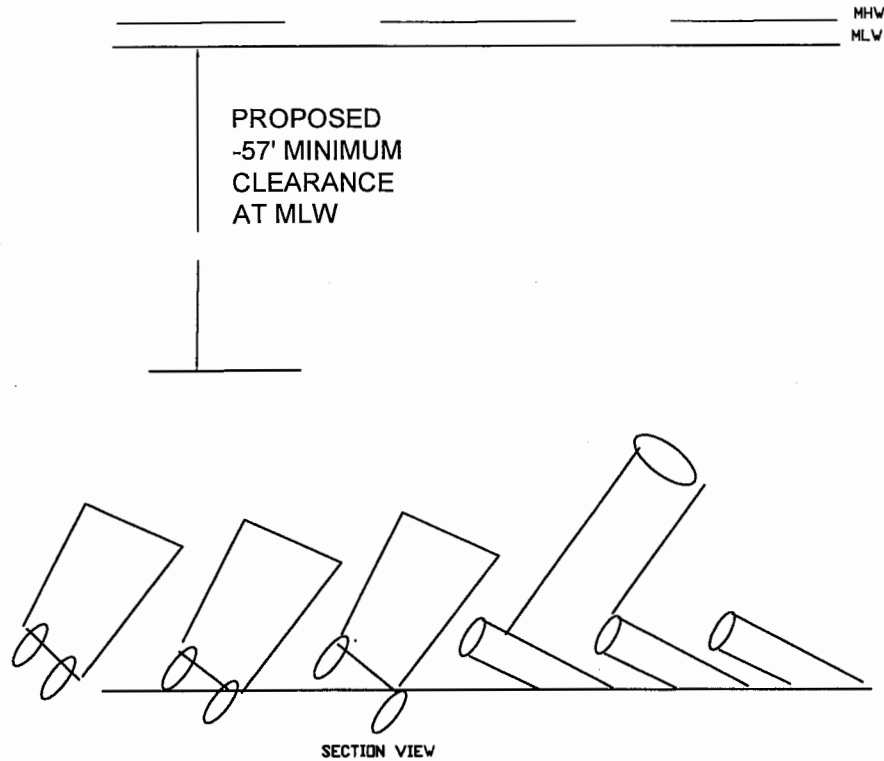
Ocean City Reef Foundation
P.O. Box 1072 - Ocean City, MD 21843
Phone: 410-208-0064 E-Mail: ocreef@msn.com

Research_Deployments, 6/8/2015, Page 1

FID	Shape *	Name	Deployment	ID
0	Point	74°56'33"W, 38°18'59.4"N	Jack Craven's Reef	5
1	Point	74°56'27.6"W, 38°19'16.8"N	Subway Cars	4
2	Point	74°56'23.22"W, 38°19'26.28"N	Sis and Pete's Reef	3
3	Point	74°56'18.6"W, 38°19'33"N	Landen Jones Reef	2
4	Point	74°56'12.54"W, 38°19'48.66"N	Patrick Miller's Reef	1

FID	Shape *	Name
0	Polygon	Blk 1
1	Polygon	Blk 2
2	Polygon	Blk 3
3	Polygon	Blk 4
4	Polygon	Blk 5
5	Polygon	Blk 6

RESEARCH REEF CROSS SECTION VIEW



EXISTING RESEARCH REEF RE-APPLICATION

IN: ATLANTIC OCEAN

AT: NEAR OCEAN CITY

WORCESTER COUNTY

APPLY BY: OCEAN CITY REEF FOUNDATION AND TOWN
OF OCEAN CITY

DATE: april 5, 2005

NOTES:

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STEEL, CONCRETE, OR PLASTIC HABITAT MODULES,
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REEF