

U.S. Army Corps
of Engineers
Baltimore District
PN-18-31

Public Notice

In Reply to Application Number
NAB-2018-60650-P05 (Tilghman Island Marina Dredging)

Comment Period: June 5 to July 5, 2018

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: Tilghman Island Marina, LLC
c/o Ronald Cicero
PO Box 231,
6140 Mariners Court
Tilghman, Maryland 21617

WATERWAY AND LOCATION OF THE PROPOSED WORK: In Knapps Narrows next to Tilghman Island, Talbot County, Maryland

PROPOSED WORK AND PURPOSE: The applicant proposes, in accordance with the attached plans, to mechanically or hydraulically maintenance dredge 38,611 ft² within an existing marina basin to -6.0' mean lower low water (MLLW). The 268-foot-long by 193-foot-wide marina basin was last dredged in 1990 and current basin depth range from -2.5' MLLW to -5.5' MLLW. The resulting 3,533 cubic yards of material will be deposited in the existing Raymond Farm dredged material placement (DMP) site utilizing the existing hydraulic dredging pipeline, if applicable. The applicant has requested a 10-year maintenance dredging clause.

The proposed dredging is within an existing marina basin, and has been previously dredged to the proposed depths. No impacts to wetlands is proposed. Compensatory mitigation is not being proposed by the applicant. The purpose of the project is to maintain access to navigation.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact (Mrs. Marion Gall at marion.gall@usace.army.mil, 814-235-1761, 1631 South Atherton Street, Suite 101 State College, Pennsylvania 16801).

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).

According to the Maryland Department of Natural Resource's Merlin on-line database, no EFH was identified within Tilghman Marina. The Chesapeake Bay main stem has been identified as EFH, as described under Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), for

Juvenile and adult Red hake (*Urophycis chuss*) and Windowpane flounder (*Scophthalmus aquosus*); Adult Atlantic sea herring (*Clupea harengus*); Juvenile and adult Bluefish (*Pomatomus saltatrix*); Eggs, larvae, juvenile and adult Atlantic butterfish (*Peprilus triacanthus*); Larvae, juvenile and adult Summer flounder (*Paralichthys dentatus*); Juvenile and adult Scup (*Stenotomus chrysops*) and Red Drum (*Sciaenops ocellatus*); Eggs, larvae, juveniles and adult King mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), Cobia (*Rachycentron canadum*), Black sea bass (*Centropristus striata*) and 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. The project may have an adverse effect on an approximate total of 0.89 acre area of EFH 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 Virginia Institute of Marine Science (VIMS) survey maps, there was 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.

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, (Regulatory Field Office, 1631 South Atherton Street, Suite 101, State College, PA 16801) within the comment period specified above.

WATER QUALITY CERTIFICATION: 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 Environment. 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 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 federally 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.

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, (Regulatory Field Office, 1631 South Atherton Street, Suite 101, State College, PA 16801), 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.


Wade B. Chandler
Chief, Pennsylvania Section



**Project Location
Tilghman Island Marina**



Tar Island

Knapps Narrows Channel

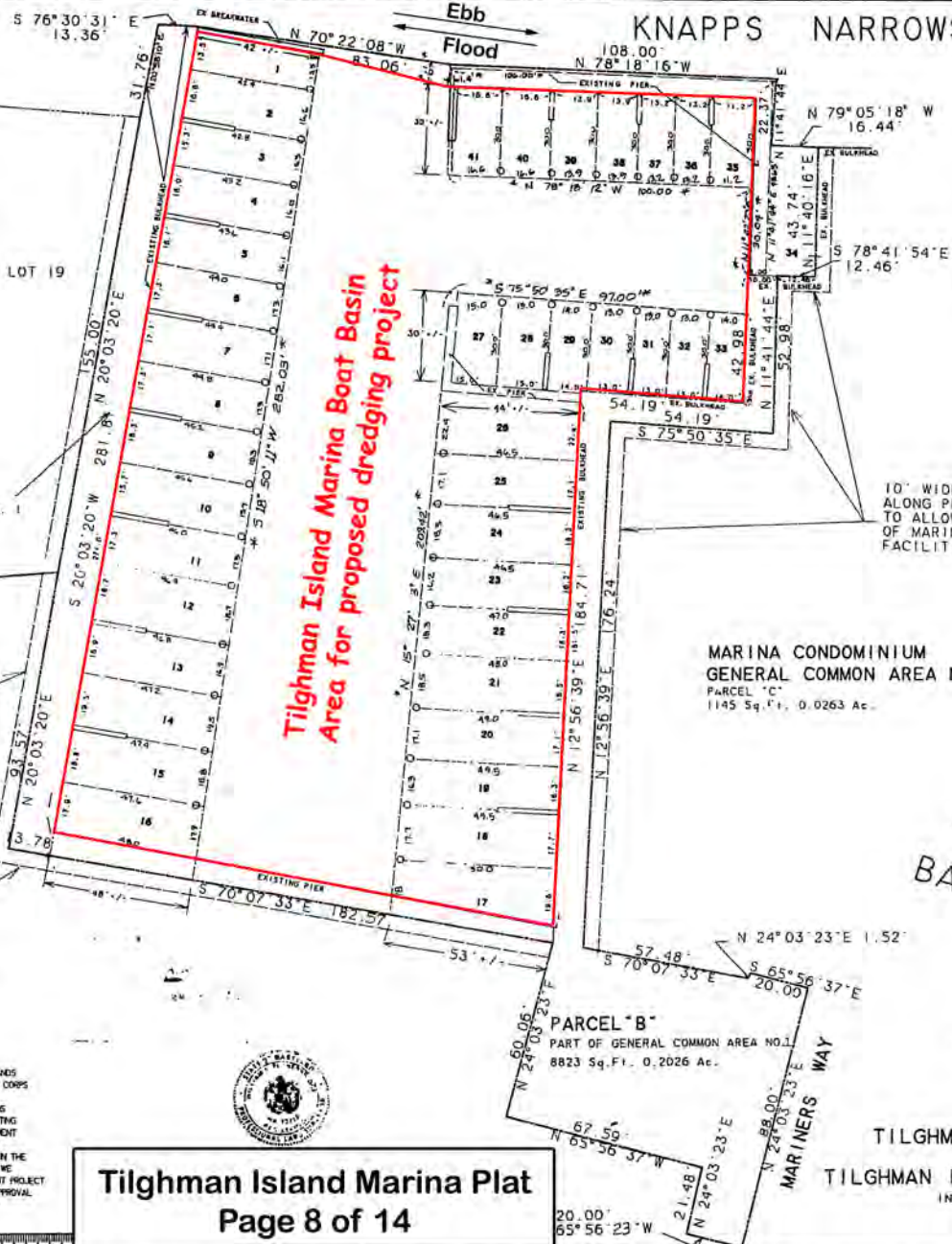
Chesapeake Bay

0 250 ft 500 ft

**Street Map
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KNAPPS NARROWS



IMPERVIOUS AREA DATA

TOTAL TRACT AREA - 300881 SQ. FT.	PROPOSED COVERAGE FOR PUBLIC ROAD - 13154 SQ. FT.
AREA OF EXISTING GRAVEL PARKING AND DRIVEWAY (TO BE REMOVED) - 65,687 SQ. FT.	PROPOSED COVERAGE FOR PRIVATE ROADS - 18040 SQ. FT.
AREA OF EXISTING DWELLING (TO BE REMOVED) - 261 SQ. FT.	PROPOSED COVERAGE FOR MARINA BUILDING - 1269 SQ. FT.
AREA OF EXISTING TRAILERS (TO BE REMOVED) - 850 SQ. FT.	PROPOSED COVERAGE FOR MARINA PARKING SPACE - 2592 SQ. FT.
AREA OF EXISTING CONCRETE SLAB (TO BE REMOVED) - 261 SQ. FT.	TOTAL DEDUCT FROM LIMIT - 35055 SQ. FT.
EXISTING MARINA & LOT (TO BE REMOVED) - 30271 SQ. FT.	
TOTAL AREA OF EXISTING COVERAGE LIMIT OF ALLOWABLE COVERAGE IS 103325 SQ. FT.	
EXISTING REMAINING ALLOWABLE COVERAGE 1103325 SQ. FT. - 35055 SQ. FT. = 882770 SQ. FT.	

LOT	MAXIMUM IMPERVIOUSNESS	TOTAL
1	5000	5000
2-19	35% of lot area	68
TOTAL	68	68

PARCEL "A"
PART OF GENERAL COMMON AREA NO. 1
3865 Sq. Ft. 0.0887 Ac

10' WIDE EASEMENT ALONG PROPERTY LINE TO ALLOW MAINTENANCE OF MARINA CONDOMINIUM FACILITIES.

GENERAL BUILDING RESTRICTIONS:

- zoning classification: "VC" VILLAGE CENTER DISTRICT
- minimum lot size: 10000 SQ. FT. LOTS 1-9
- rear yard 25 FEET
- front yard: 25 FEET
- side yard: SINGLE FAMILY-10 BOTH SIDES TWO ATTACHED SINGLE FAMILY-10 ONE SIDE 0' OTHER SIDE

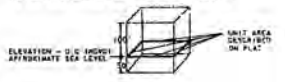
WETLANDS NOTES:

THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY THE U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, WE UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL WETLANDS DELINEATIONS AND REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. WE ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT DENY THIS PROJECT FROM OBTAINING PERMITS AND APPROVAL WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.

Tilghman Island Marina Plat
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CONDOMINIUM NOTES:

1. NUMBERED AREAS INDICATE UNITS FOR CONDOMINIUM.
2. THE AREAS OF WATER OCCUPIED BY THE SLUFS AND A PORTION OF THE COMMON AREA WERE ORIGINALLY HAD AND PART LAND WHICH HAS BEEN DREDGED TO CREATE A TIDAL BASIN PURSUANT TO T.D. WETLANDS PERMIT NO. 75 W-0035 ISSUED BY MARYLAND DEPARTMENT OF NATURAL RESOURCES ON 3/14/70 AND PERMIT ISSUED BY THE ARMY CORPS OF ENGINEERS, CASE NO. 72-7 ISSUED ON 7/27/71.
3. THE AREA INCLUDED IN EACH CONDOMINIUM UNIT IS AS INDICATED ON THE SKETCH BELOW.



10' WIDE EASEMENT ALONG PROPERTY LINE TO ALLOW MAINTENANCE OF MARINA CONDOMINIUM FACILITIES.

MARINA CONDOMINIUM GENERAL COMMON AREA NO. 2
PARCEL "C"
1145 Sq. Ft. 0.0263 Ac

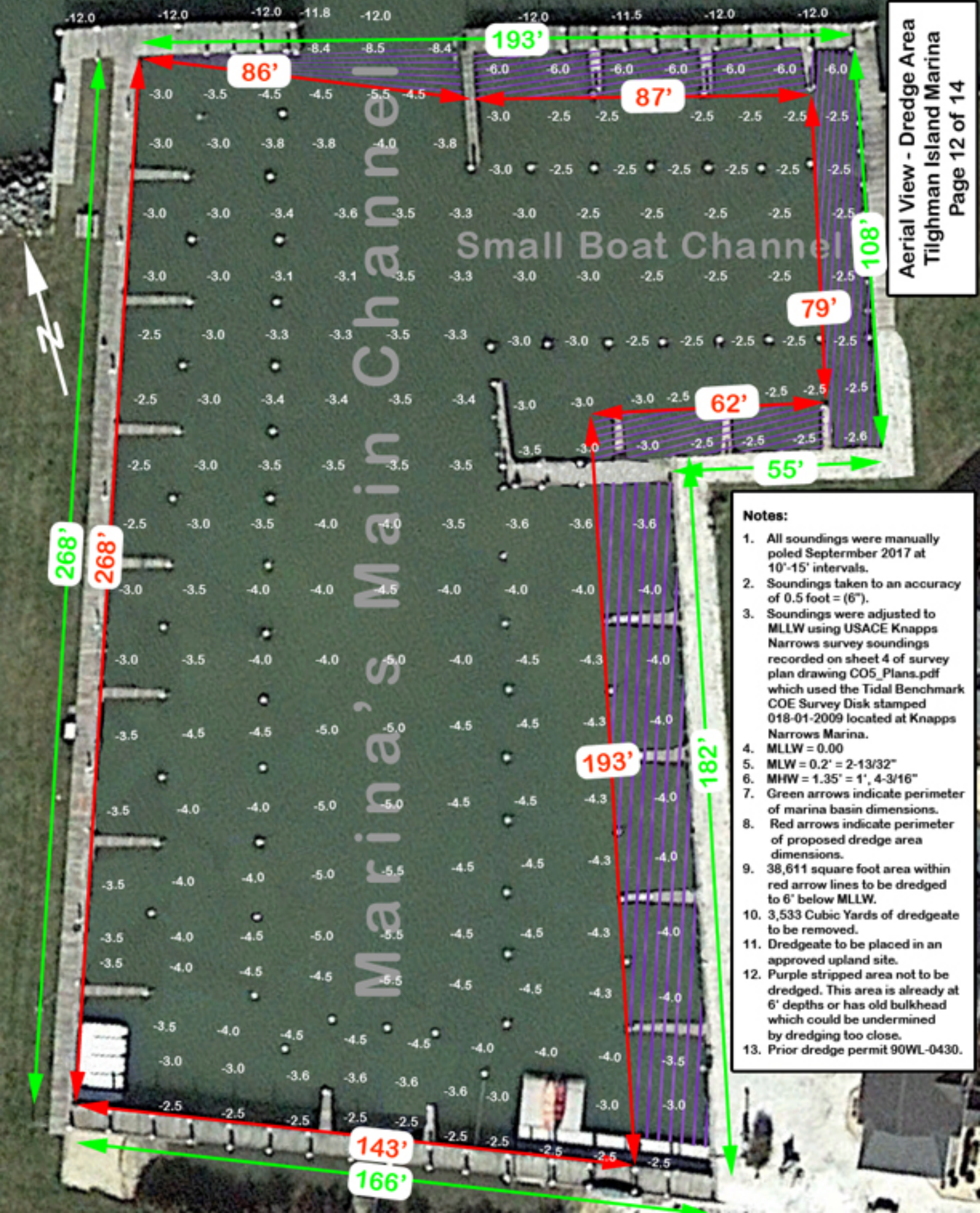
PARCEL "B"
PART OF GENERAL COMMON AREA NO. 1
8823 Sq. Ft. 0.2026 Ac

NOTE: 2ND AMENDMENT PLAT PROVIDES BEARINGS & DISTANCES AROUND SLUFS 114, 17-351 314 35-11

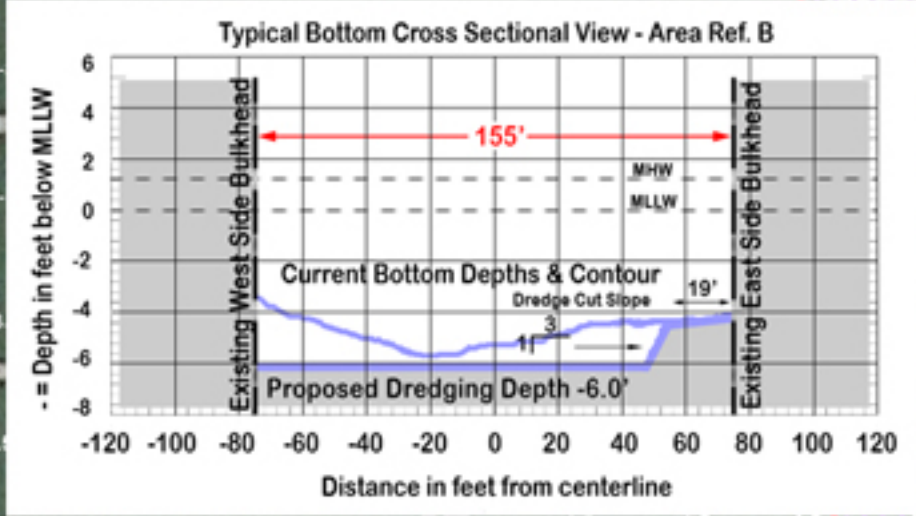
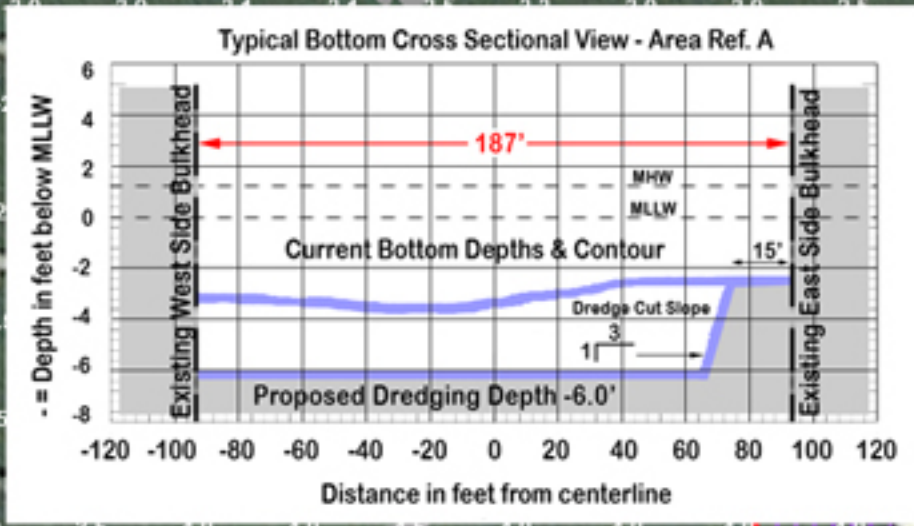
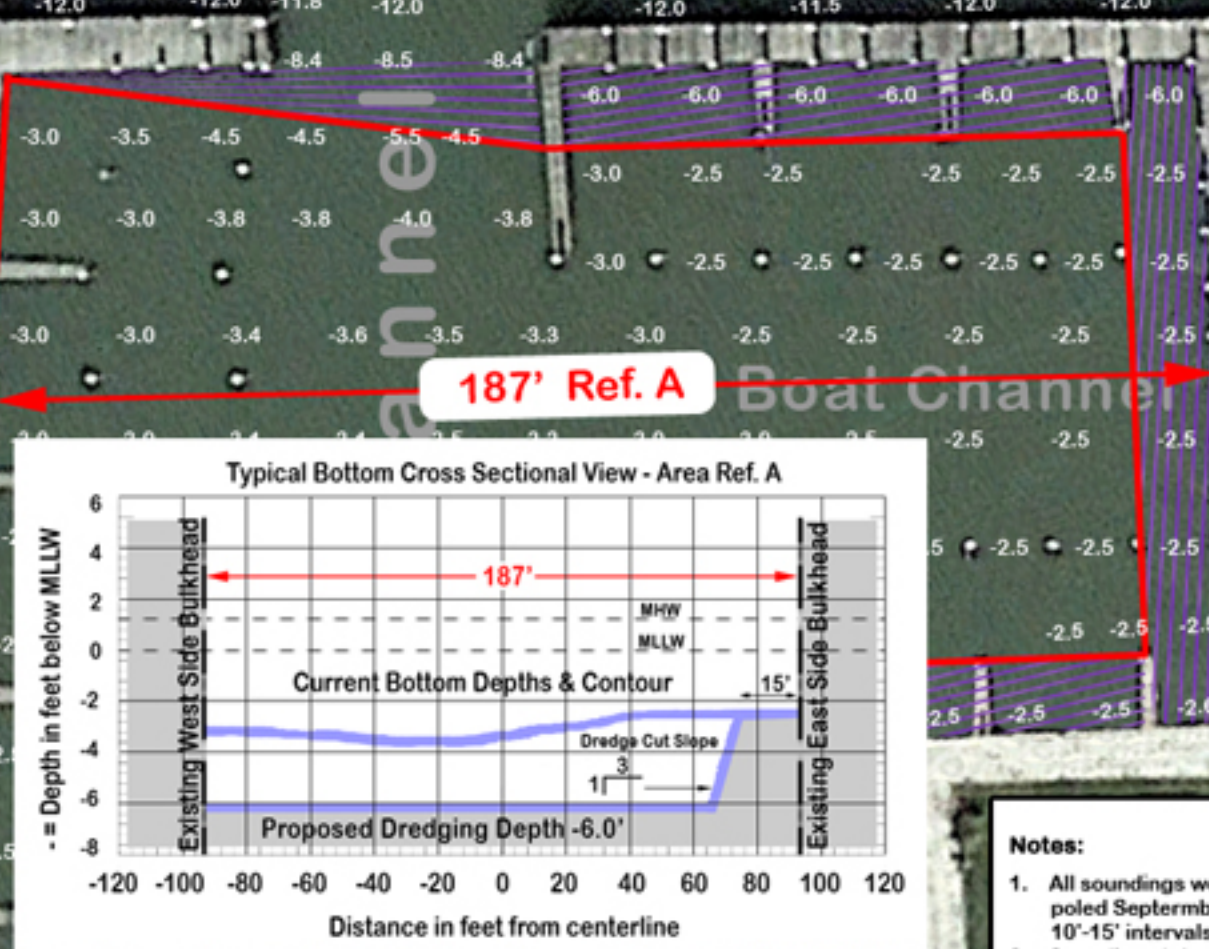
* SECOND AMMENDED *

TILGHMAN QUAY SUBDIVISION
AND
TILGHMAN ISLAND MARINA CONDOMINIUM
IN THE FIRST ELECTION DISTRICT
TALBOT COUNTY, MARYLAND
FEBRUARY 1994 SHEET 2 OF 2

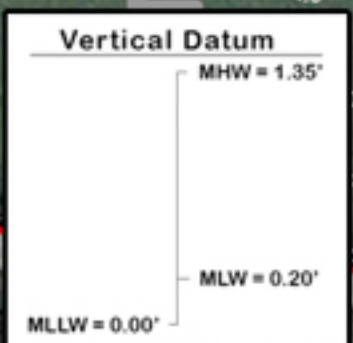




- Notes:**
1. All soundings were manually poled September 2017 at 10'-15' intervals.
 2. Soundings taken to an accuracy of 0.5 foot = (6").
 3. Soundings were adjusted to MLLW using USACE Knapps Narrows survey soundings recorded on sheet 4 of survey plan drawing CO5_Plans.pdf which used the Tidal Benchmark COE Survey Disk stamped 018-01-2009 located at Knapps Narrows Marina.
 4. MLLW = 0.00
 5. MLW = 0.2' = 2-13/32"
 6. MHW = 1.35' = 1', 4-3/16"
 7. Green arrows indicate perimeter of marina basin dimensions.
 8. Red arrows indicate perimeter of proposed dredge area dimensions.
 9. 38,611 square foot area within red arrow lines to be dredged to 6' below MLLW.
 10. 3,533 Cubic Yards of dredgeate to be removed.
 11. Dredgeate to be placed in an approved upland site.
 12. Purple striped area not to be dredged. This area is already at 6' depths or has old bulkhead which could be undermined by dredging too close.
 13. Prior dredge permit 90WL-0430.



155' Ref. B



- Notes:**
- All soundings were manually poled September 2017 at 10'-15' intervals.
 - Soundings taken to an accuracy of 0.5 foot = (6").
 - Soundings were adjusted to MLLW using USACE Knapps Narrows survey soundings recorded on sheet 4 of survey plan drawing CO5_Plans.pdf which used the Tidal Benchmark COE Survey Disk stamped 018-01-2009 located at Knapps Narrows Marina.
 - MLLW = 0.00
 - MLW = 0.2' = 2-13/32"
 - MHW = 1.35' = 1', 4-3/16"
 - Red arrows indicate location of bottom cross sectional views.
 - Red lines indicate perimeter of proposed dredge area.
 - 38,611 square foot area within red lines to be dredged to 6' below MLLW.
 - 3,533 Cubic Yards of dredgeate to be removed.
 - Dredgeate to be placed in an approved upland site.
 - Purple striped area not to be dredged. This area is already at 6' depths or has old bulkhead which could be undermined by dredging too close.
 - Prior dredge permit 90WL-0430.

