

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

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (MD DNR Chesapeake Bay Artificial Reefs)  
2015-60904

PN 15-88

Comment Period: December 10, 2015 to January 10, 2016

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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 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Maryland Department of Natural Resources-Fisheries Service  
C/o Mr. Erik Zlokovitz  
Tawes Building, B-2  
580 Taylor Avenue  
Annapolis, Maryland 21012

LOCATION: In the Chesapeake Bay from Pooles Island south to Tangier Sound, throughout Maryland waters. Coordinates for each of the 21 artificial reefs are listed on the attached spreadsheet.

WORK: The applicant proposes to continue the previously authorized placement of suitable reef material on 21 existing benthic habitat enhancement artificial fish reef sites ranging from approximately 2.5 acres to 3,440 acres and to expand the Taylor's Island Reef site by an additional 60 acres from the previously authorized 80.5 acres. All other reef sites would remain unchanged. The reef material to be deposited includes concrete rubble, steel, bridge caps, decking, vessels, reef balls/modules, stone, etc., as the material becomes available. A ten-year permit is requested. The artificial reefs were authorized under DA permit CENAB-OP-RMS(MES/Aquatic Reefs) 1997-62368 issued on June 19, 1997 and extended on May 31, 2005; and CENAB-OP-RMS(MD DNR) 2007-07817 issued on December 17, 2007 which added the Gooses Reef site. The combined permits are set to expire on December 31, 2015.

All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter or wish to be provided the full set of plans, please contact Rod Schwarm of this office at 410-820-8550 or via email at [Rodney.D.Schwarm@usace.army.mil](mailto:Rodney.D.Schwarm@usace.army.mil).

The purpose of the project is to enhance aquatic habitat by maintaining and improving existing artificial reefs.

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 based on the existing site conditions. The project as proposed would be constructed in accordance with the National Artificial Reef Plan (NOAA Technical Memorandum, NMFS OF-6, 1985) and would result in a net increase of approximately 8,176.5-acres of artificial reef habitat in the Chesapeake Bay. Upon development and build-out of the reef sites, it is expected that the proposed undertaking would provide for enhanced fisheries and fish habitat. Based on available information from the Virginia Institute of Marine Sciences (VIMS), the 2009 to 2014 five year planning window for submerged aquatic vegetation (SAV) does not reveal SAV at the

project sites. The proposed work is to deposit suitable material in water depths ranging from -8.0 to -60 feet mean low water (MLW). These deeper water habitat areas 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 applicant has stated the project as currently designed seeks to avoid and minimize impacts to regulated resources onsite whereby the artificial reef habitat would maintain the natural functions of the aquatic ecosystem and add beneficial fisheries and fish habitat diversity.

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 *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *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 loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The proposed project will alter the existing elevations within the project footprint. However, 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 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 project areas are not Habitat Area of Particular Concern (HAPC). The Baltimore District has determined that the adverse effects of this project would be more than minimal, although not 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 decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably 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, economics, 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, 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, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

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, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which 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 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*), Shortnose sturgeon (*Acipenser brevirostrum*); and Atlantic sturgeon (*Acipenser oxyrinchus*). As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

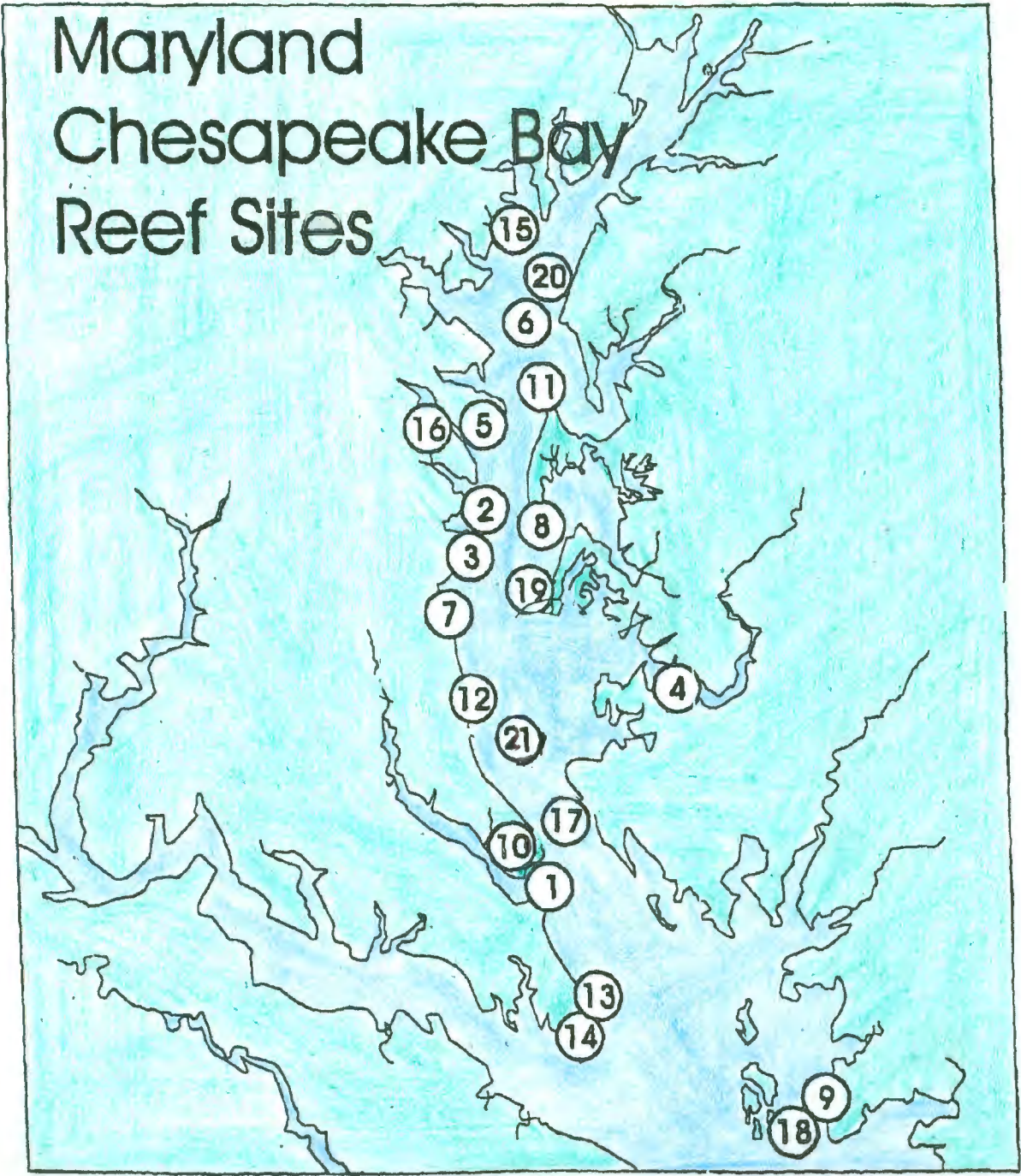
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or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

The evaluation of the impact of the work described above 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 District Engineer must receive the request, which must be in writing, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing 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



**Maryland Department of Natural Resources  
– Fisheries Service / Chesapeake Bay  
Artificial Reefs 18 June 2015**

## Artificial Reef Site Table

### CENAB-OP-RM(MD DNR CHESAPEAKE BAY ARTIFICIAL REEFS) 2015-60904

Site Number/Name	Acreage	Vertical Clearance (feet)	Average depth at site (Charted)	General Location (nearest town or reference point and County)	Latitude	Longitude	Material Previously Deployed (Y/N)
1. Cedar Point	155.	15 ft. MLW	24 ft. MLW	Patuxent River Mouth, St. Mary's County	38°19.03' 38°18.82' 38°18.67' 38°18.53'	-76°23.03' -76°23.22' -76°22.25' -76°22.4'	Y
2. Cedarhurst	50	15 ft. MLW	21.5 ft. MLW	Mid-Bay off West River, Anne Arundel County	38°50.53' 38°50.27' 38°50.53' 38°50.27'	-76°27.9' -76°27.9' -76°27.54' -76°27.54'	Y
3. Chesapeake Beach	50	15 ft. MLW	20 ft. MLW	Mid Bay off Holland Pt/North Beach	38°43.08' 38°42.82' 38°43.08' 38°42.82'	-76°30.36' -76°30.36' -76°30.0' -76°30.0'	Y
4. Choptank Bridge Pier	1	10 ft. MLW	27 ft. MLW	Choptank River between new Rt.50 and old Rt. 50 Bridges (Bill Burton Fishing Piers) Dorchester County	38.576° 38.576° 38.581° 38.581°	-76.059° -76.058° -76.055° -76.055°	Y
5. Dolly's Lump aka Hackett's Point	50	15 ft. MLW	12 ft. MLW	Mid-Bay below Sandy Pt, south of Bay Bridge, Anne Arundel County	38°59.53' 38°59.42' 38°59.27' 38°59.27' 38°59.53'	-76°24.23' -76°24.35' -76°24.35' -76°23.99' -76°23.99'	Y
6. Gales Lumps	1550	15 ft. MLW	16 ft. MLW	Upper Bay below Tolchester, Kent County	39°13.78' 39°13.42' 39°12.88' 39°12.72' 39°13.20'	-76°16.92' -76°17.17' -76°16.38' -76°15.88' -76°17.75'	Y
7. Holland Pt.	81	15 ft. MLW	33.5ft. MLW	Mid-Bay off Holland Pt., Anne Arundel County	39°45.00' 39°45.35' 39°45.35' 39°45.00'	-76°29.20' -76°29.20' -76°29.02' -76°29.20'	Y
8. Hollicutt's Noose	50	8 ft. MLW	22.5ft. MLW	Mouth of Eastern Bay off Kent Pt., Queen Anne's County	39°50.64' 39°50.38' 39°50.38' 39°50.64'	-76°20.75' -76°20.75' -76°20.39' -76°20.39'	Y

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9. Jane's Island	50	15 ft. MLW	17.5 ft. MLW	Tangier Sound nr. Crisfield, Somerset County	37°57.13' 37°56.87' 37°56.87' 37°57.13'	-75°55.18' -75°55.18' -75°56.87' -75°54.82'	Y
10. Little Cove Pt.	50	15 ft. MLW	22.5 ft. MLW	North of Mouth of Patuxent River, Calvert County	38°20.66' 38°20.40' 38°20.40' 38°20.66'	-76°22.98' -76°22.98' -76°22.63' -76°22.63'	Y
11. Love Pt	50	15 ft. MLW	25 ft. MLW	Upper Bay mouth of Chester River, Queen Anne's County	39°04.21' 39°03.95' 39°03.95' 39°04.21'	-76°17.63 -76°17.63' -76°17.27' -76°17.27'	Y
12. Plum Point	3443.5	15 ft. MLW	30 ft. MLW	Mid-Bay below Chesapeake Beach, Calvert County	39°04.21' 39°35.35' 39°35.35' 39°35.75' 39°38.65' 39°39.03'	-76°30.00' -76°30.00' -76°28.73' -76°28.70' -76°29.18' -76°29.32'	Y
13. Point No Point	1059	15 ft. MLW	30 ft. MLW	Lower Bay north of Pt. Lookout, St. Mary's County	38°03.13' 38°02.87' 39°02.87' 39°03.13'	-76°19.26' -76°19.26' -76°18.97' -76°18.97'	Y
14. Point Lookout	50	6 ft. MLW	10 ft. MLW	Lower Bay at Fishing Pier, St. Mary's County	38°03.13' 38°02.87' 38°02.87' 38°03.13'	-76°19.26' -76°19.26' -76°18.97' -76°18.97'	Y
15. Pooles Island	800	15 ft. MLW	20 ft. MLW	Upper Bay South of Pooles Island, Baltimore County	39°14.65' 39°13.95' 39°14.13' 39°14.80'	-76°17.97' -76°17.31' -76°17.00' -76°17.60'	Y
16. Severn River Bridge	2.5	12 ft. MLW	20 ft. MLW	Severn River, south of Naval Academy Bridge, Anne Arundel County	38°59.65' 38°59.65' 38°59.58' 38°59.59' 38°59.63'	-76°29.07' -76°29.12' -76°29.09' -76°29.07' -76°29.06'	Y

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17. Taylor's Island	80.5	15 ft. MLW	50 ft. MLW	Lower Bay west of Taylor's Island, Dorchester County	38°28'5.651" 38°27'32.466" 38°27'40.020" 38°28'8.940"	-76°21'41.541" -76°21'19.704" -76°21'2.220" -76°21'27.90"	Y
18. Tangier Sound	86	15 ft. MLW	31.5 ft. MLW	On State line near Fox Is. Buoy, Somerset County	37°55.22' 37°55.08' 37°55.08'	-75°56.67' -75°56.35' -75°56.90'	Y
19. Tilghman Island	107	15 ft. MLW	22.5 ft. MLW	Mid-Bay, West of Tilghman Island, Talbot County	39°41.80' 39°41.30' 39°41.80' 39°41.30'	-76°22.88' -76°22.88' -76°22.43' -76°22.43'	Y
20. Tolchester	50	12 ft. MLW	16 ft. MLW	Upper Bay North West of Tolchester, Kent County	39°14.38'	-76°16.13'	Y
21. Gooses Reef	362	15 ft. MLW	33 ft. MLW	Mid-Bay between Little Choptank and Parker's Creek, Dorchester County	38°34'32.20" 38°32'39.38" 38°32'39.83" 38°34'32.20"	-76°25'24.48" -76°25'24.48" -76°24'29.88" -76°24'29.88"	Y