

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

Public Notice

In Reply to Application Number
NAB-2017-62185 (CAPE ST MARY'S MARINA LLC)

PN 19-21

Comment Period: April 10, 2019 to May 1, 2019

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 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: Cape St. Mary's Marina, LLC
c/o Gregory Burkhardt
27290 Holly Lane
Mechanicsville, Maryland 20659

WATERWAY AND LOCATION: In Cat Creek, a tributary to the Patuxent River, at Cape St. Mary's Marina, 27290 Holly Lane, at Mechanicsville, St. Mary's County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes to maintenance dredge by hydraulic method a 50-foot by 1,650-foot (approximately 82,500 square foot area) to a depth of -5.0 feet mean low water (MLW) resulting in approximately 3,500 cubic yards of sand and silt dredged material to be deposited in two locations: 1) approximately 1,800 cubic yards as beach nourishment within an approximately 1.35-acre area to extend no more than 56 feet channelward of the approximate mean high water shoreline in Cat Creek, Cape St. Mary's Marina, 27290 Holly Lane, Mechanicsville, St. Mary's County, Maryland, and 2) approximately 1,700 cubic yards to provide backfill for a proposed shoreline protection project at 42132 and 42138 Patuxent Drive in the Patuxent River, St. Mary's County, Maryland. Existing waterway depths within the project area range from -2.3 to -5.4 MLW. Approximately 1,806 linear feet and 1,602 linear feet of hydraulic pipeline will be anchored to the substrate by sandbags in two alignments along the dredge footprint to accommodate the two disposal sites. The applicant has requested a 10-year maintenance dredging clause. All work is to be completed in accordance with the attached plans dated September 25, 2018. If you have any questions concerning this matter, please contact Ms. Connie Ramsey at (410) 962-5676 or Connie.L.Ramsey@usace.army.mil.

Corps authorization CENAB-OP-RP (ST.MARY'S COUNTY DPW/CAT CREEK) 91-60627-7 was originally issued October 31, 1994 to hydraulically maintenance dredge approximately 3,500 cubic yards of material, extend an existing timber jetty and deposit approximately 1,800 cubic yards of sandy dredge as beach enrichment at the above location. This authorization expired December 31, 2004. No subsequent requests for maintenance dredging approvals have been received until the current project.

As part of the planning process for the proposed 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 and previously authorized work. No compensatory mitigation is proposed since no wetland impacts are proposed.

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 evaluation of the impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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 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, [Attn: Ms. Connie Ramsey, CENAB-OPR-M], 2 Hopkins Plaza, Baltimore, Maryland 21201 or Connie.L.Ramsey@usace.army.mil, within the comment period specified above.

ESSENTIAL FISH HABITAT: 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 the Patuxent River complex for EFH as described under the MSFCMA for windowpane flounder (*Scopthalmus aquosus*) juveniles and adults;

bluefish (*Pomatomus saltatrix*) juveniles and adults; summer flounder (*Paralichthys dentatus*) larvae, juveniles and adults; scup (*Stenotomus chrysops*) juveniles and adults; black sea bass (*Centropristis striata*) juveniles and adults; little skate (*Leucoraja erinacea*) adults; Atlantic herring (*Clupea harengus*) juveniles and adults; winter skate (*Leucoraja ocellata*) adults; clearnose skate (*Raja eglanteria*) juveniles and adults and red hake (*Urophycis chuss*) eggs, larvae, juveniles, adults. Mapping of the project area using the Maryland Department of Natural Resource's online MERLIN database indicates the project site as white perch juvenile habitat.

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 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 area is not a Habitat Area of Particular Concern (HAPC).

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 the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 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.

COASTAL ZONE MANAGEMENT PROGRAM: 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 Tidal Wetlands Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that the MDE 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.

ENDANGERED SPECIES ACT: A preliminary review of this application indicates that the proposed work may affect, but is not likely to adversely 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.

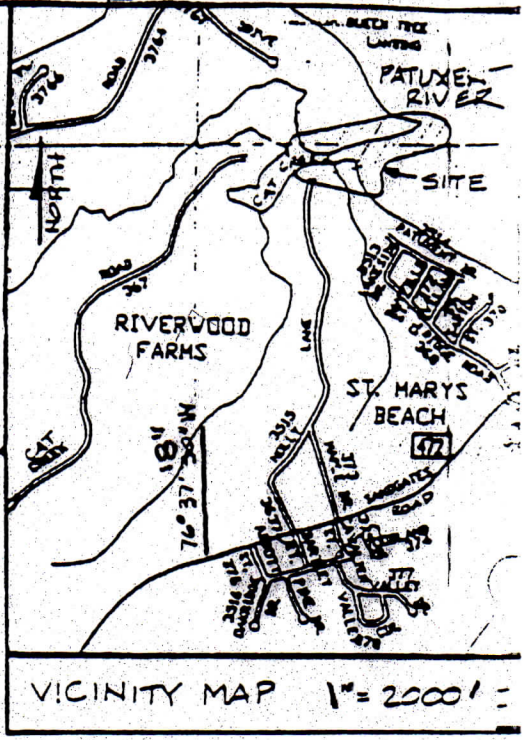
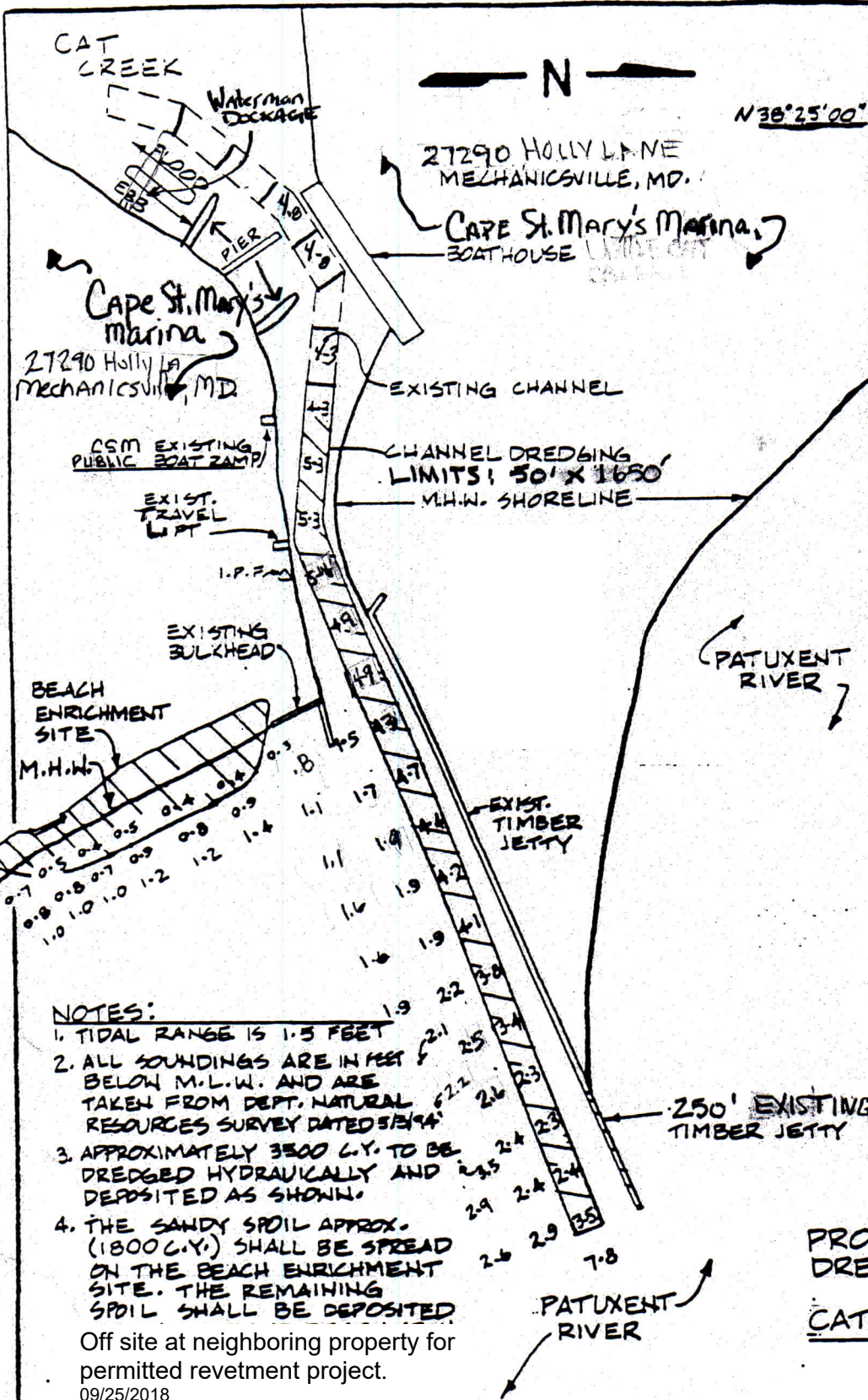
NATIONAL HISTORIC PRESERVATION ACT: Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, 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, to the U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified as above to receive consideration. Also, it must clearly state the interest that may be adversely affected by this activity and 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



NOTES:

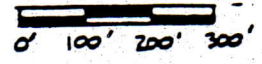
1. TIDAL RANGE IS 1.5 FEET
2. ALL SOUNDINGS ARE IN FEET BELOW M.L.W. AND ARE TAKEN FROM DEPT. NATURAL RESOURCES SURVEY DATED 5/24/94
3. APPROXIMATELY 3500 C.Y. TO BE DREDGED HYDRAULICALLY AND DEPOSITED AS SHOWN.
4. THE SANDY SPOIL APPROX. (1800 C.Y.) SHALL BE SPREAD ON THE BEACH ENRICHMENT SITE. THE REMAINING SPOIL SHALL BE DEPOSITED

Off site at neighboring property for permitted revetment project.
09/25/2018

PROPOSED MAINTENANCE DREDGING.

CAT CREEK, ST. MARY'S CO.

PLAN



SHEET 1 of 2

CAPE ST. MARY'S MARINA
Gregory Burkhardt skism
27290 HOLLY LN. MECHANICSVILLE, MD

GENERAL NOTES

I. CONSTRUCTION SEQUENCE

- 1) CLEAR & GRUB BASE OF DIKES
- 2) BUILD DIKES & STONE OUTLET

- 3) SEED & STABILIZE DIKES

II. SPOIL AREA REQUIREMENTS

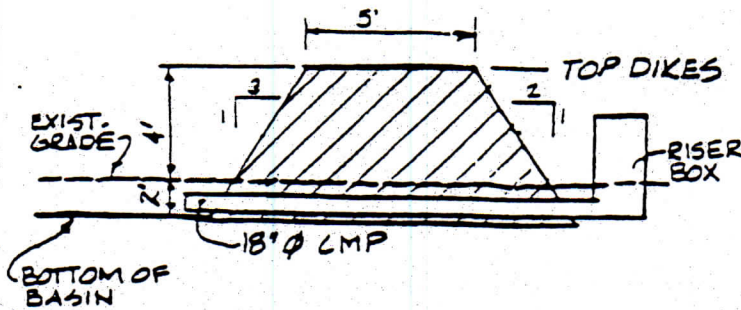
- A) Off Site Neighboring property for revetment project

1. QUANTITY OF DREDGED MATERIAL \approx 1700 C.Y. \pm
2. VOLUME OF SPOIL CELL @ TOP OF DIKES \approx 3.5 AC-FT. (5,600 C.Y. \pm)
3. THE DE-WATERED SPOIL WILL THAN BE SPREAD ON THE Off Site revetment project.

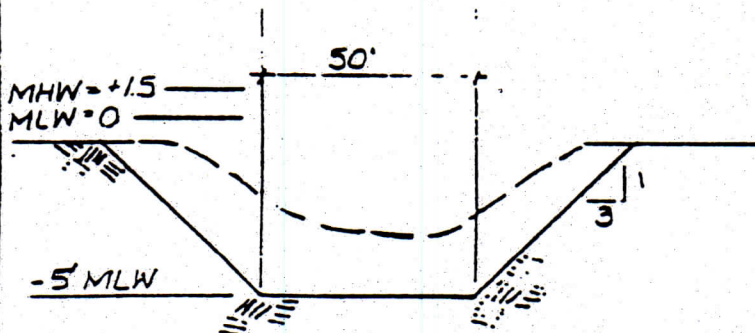
- B) BEACH ENRICHMENT SITE (1.35 AC \pm)

1. QUANTITY OF DREDGED MATERIAL \approx 1,750 C.Y. \pm

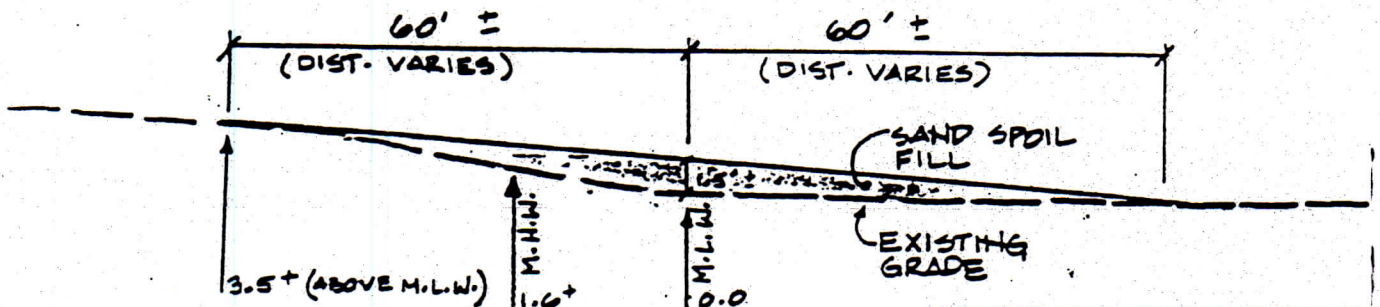
NOTE: FINAL DESIGN OF THE SPOIL CELL WILL BE APPROVED BY THE SOIL CONSERVATION DISTRICT & THE WATER RESOURCES ADMINISTRATION, & ARMY CORPS OF ENGINEERS.



SECTION THRU DIKES
NO SCALE

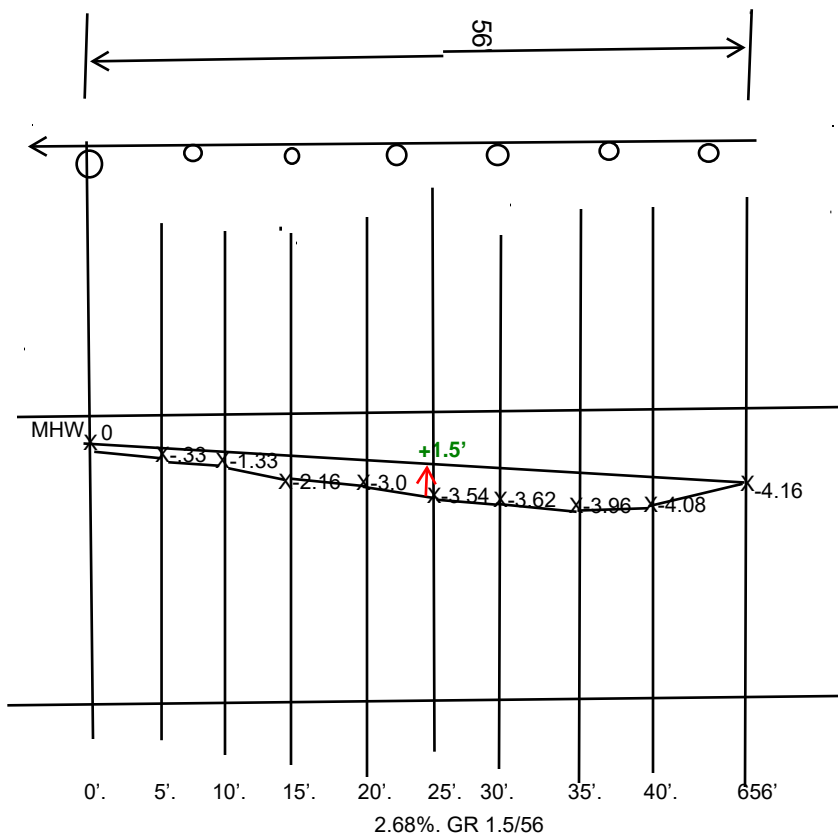


TYPICAL CHANNEL SECTION
NO SCALE



TYPICAL BEACH ENRICHMENT PROFILE
NO SCALE

CAPE ST MARY'S MARINA DREDGE PERMIT REQUEST



CROSS ELEVATION SHOWING
PRESENT & **PROPOSED** ELEVATIONS