



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2019-60841 (Town of Queenstown/Dredging)

PN 19-50

Comment Period: July 31, 2019 – August 21, 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** as described below:

APPLICANT: Town of Queenstown
PO Box 4
Queenstown, MD 21658

WATERWAY AND LOCATION: In Queenstown Creek at 1st and 2nd Avenue in Queenstown, Queen Anne's, County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes, in accordance with the attached plans, to dredge by mechanical method an approximate irregular shaped 150-foot wide by 209-foot long area to extend no more than 209 feet channelward of the existing bulkhead and an approximate 30-foot by 55-foot area to extend no more than 55 feet channelward of the existing bulkhead. All areas would be dredged to a depth of -5.5 feet mean low water resulting in approximately 844 cubic yards of material to be deposited in watertight trucks and transported to Baker Landfill Material Placement Area at 501 4H Park Road in Queenstown, Maryland. The applicant has requested a 10-year maintenance dredging clause. All work is proposed in accordance with the attached plans dated May 2019. If you have any questions concerning this matter, please contact Ms. Laura Coleman at (410) 853-2051 or Lamuelle.L.Coleman@usace.army.mil.

The proposed dredge area is within an approximate 5,324 square foot area of the Queenstown Creek federal navigation channel.

The purpose of the work is navigable access. The water depth at the subject property ranges from -1.0 foot to -5.0 feet mean low water.

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. Compensatory mitigation is not being

proposed by the applicants for impacts to open water (sub-tidal) habitat. No wetland fill impacts are proposed and no submerged aquatic vegetation (SAV) 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 Laura Coleman, CENAB-OPR-M, 2 Hopkins Plaza, Baltimore, Maryland 21201 or Lamuelle.L.Coleman@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 complex for EFH as described under the MSFCMA for *Leucoraja erinacea* (Little Skate) adult; *Clupea harengus* (Atlantic Herring) juvenile and adult; *Urophycis chuss* (Red Hake) adult, eggs, larvae, and juvenile; *Leucoraja erinacea* (Winter Skate) adult; *Raja eglanteria* (Clearnose Skate) adult and juvenile; *Scophthalmus aquosus* (Windowpane Flounder) juvenile; *Pomatomus saltatrix* (Bluefish) adult and juvenile; and *Paralichthys dentatus* (Summer Flounder) juvenile and adult, all under the MSFCMA.

The proposed project has the potential to adversely affect EFH, managed species, or associated species of concern such as major prey species, including affected life history stages by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The site did not support SAV during the last five (5) of most recent mapped data available from the Virginia Institute of Marine Science (VIMS) data for years 2013 to 2017.

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 both individually and cumulatively. This determination may be modified if additional information indicates otherwise and would change the preliminary determination. Determinations will be either: no effect, minimal adverse effect, more than minimal but less than substantial adverse effect, or substantial adverse effect.

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 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 the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

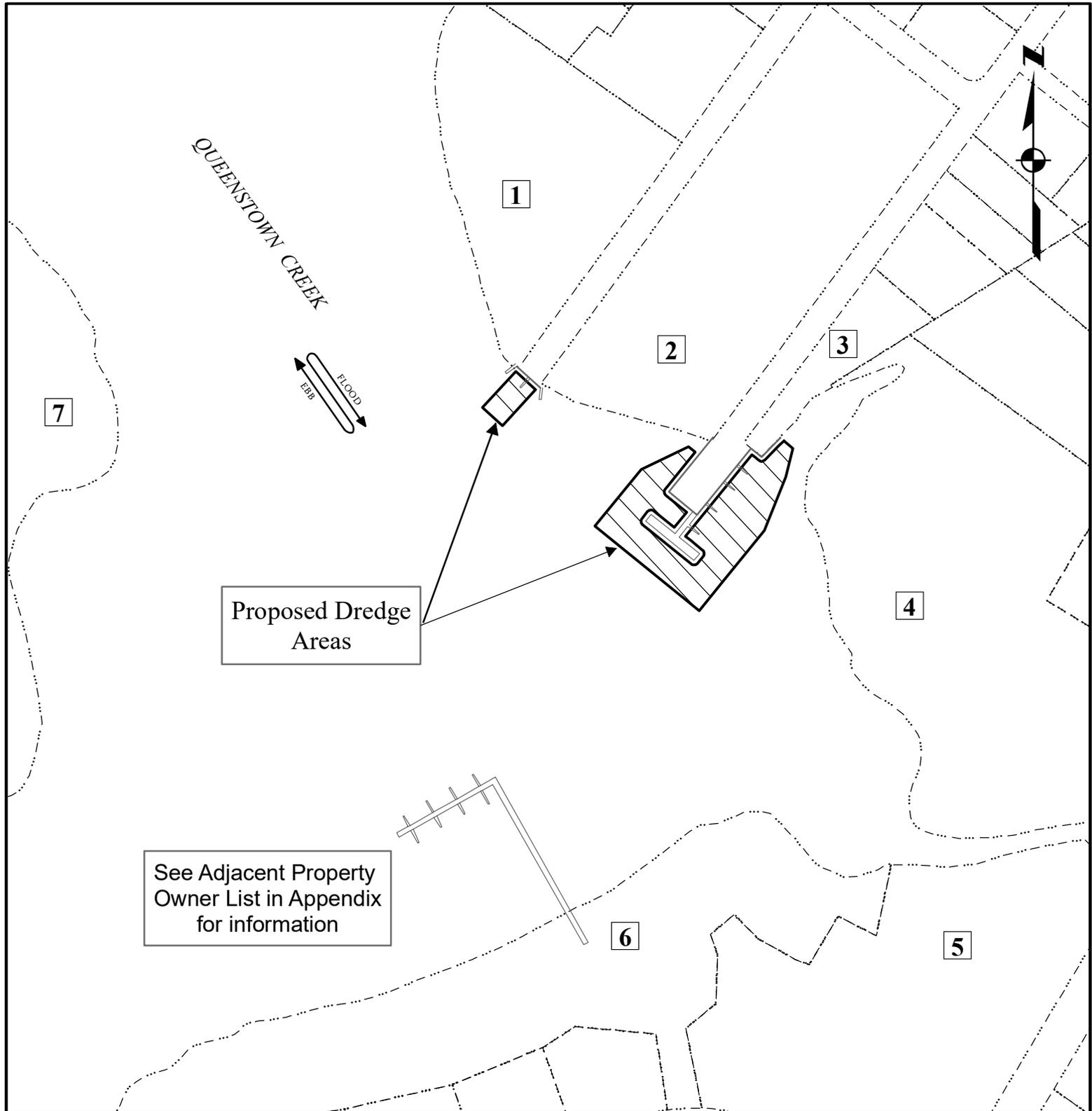
NATIONAL HISTORIC PRESERVATION ACT: Review of the latest published version of the National Register of Historic Places indicates that the subject property is not listed as eligible as a protected historical resource. The project design is to be reviewed by the Maryland Historical Trust (MHT). Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

33 USC 408 (SECTION 408): The Corps is reviewing the proposed dredging of the navigation channel, pursuant to 33 USC 408 (Section 408). A determination has not been made at this time.

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.

This public notice is issued by the Chief, Regulatory Branch.

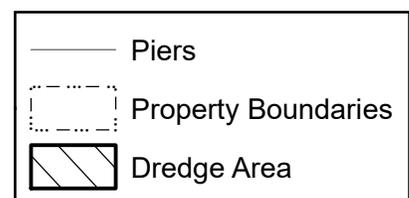


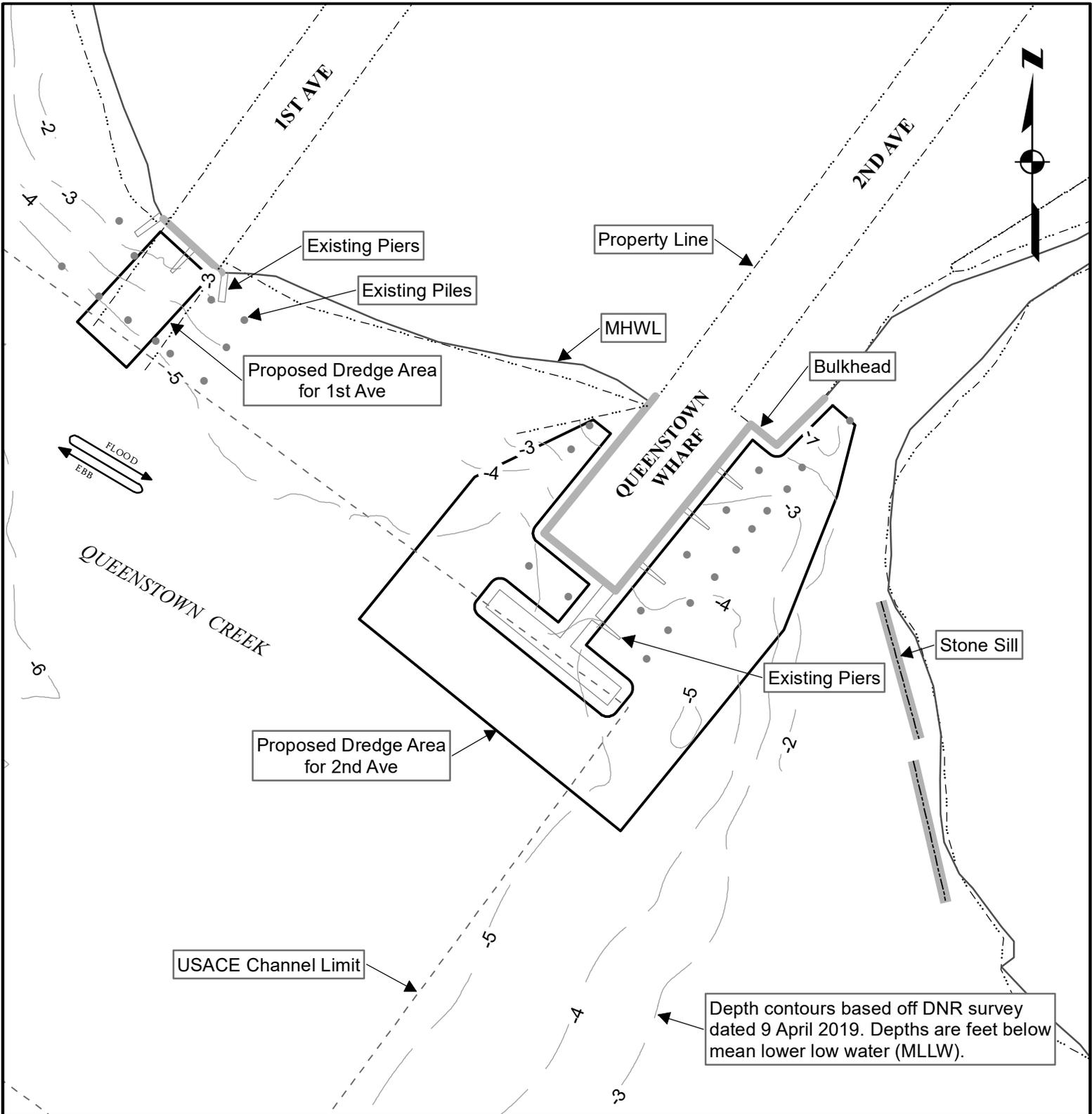
Proposed Dredging

PROPERTY MAP



Queenstown Boat Slips
 Queen Anne's County, MD
 Appl. By: Town of Queenstown
 Date: May 2019
 Sheet: 3 of 8





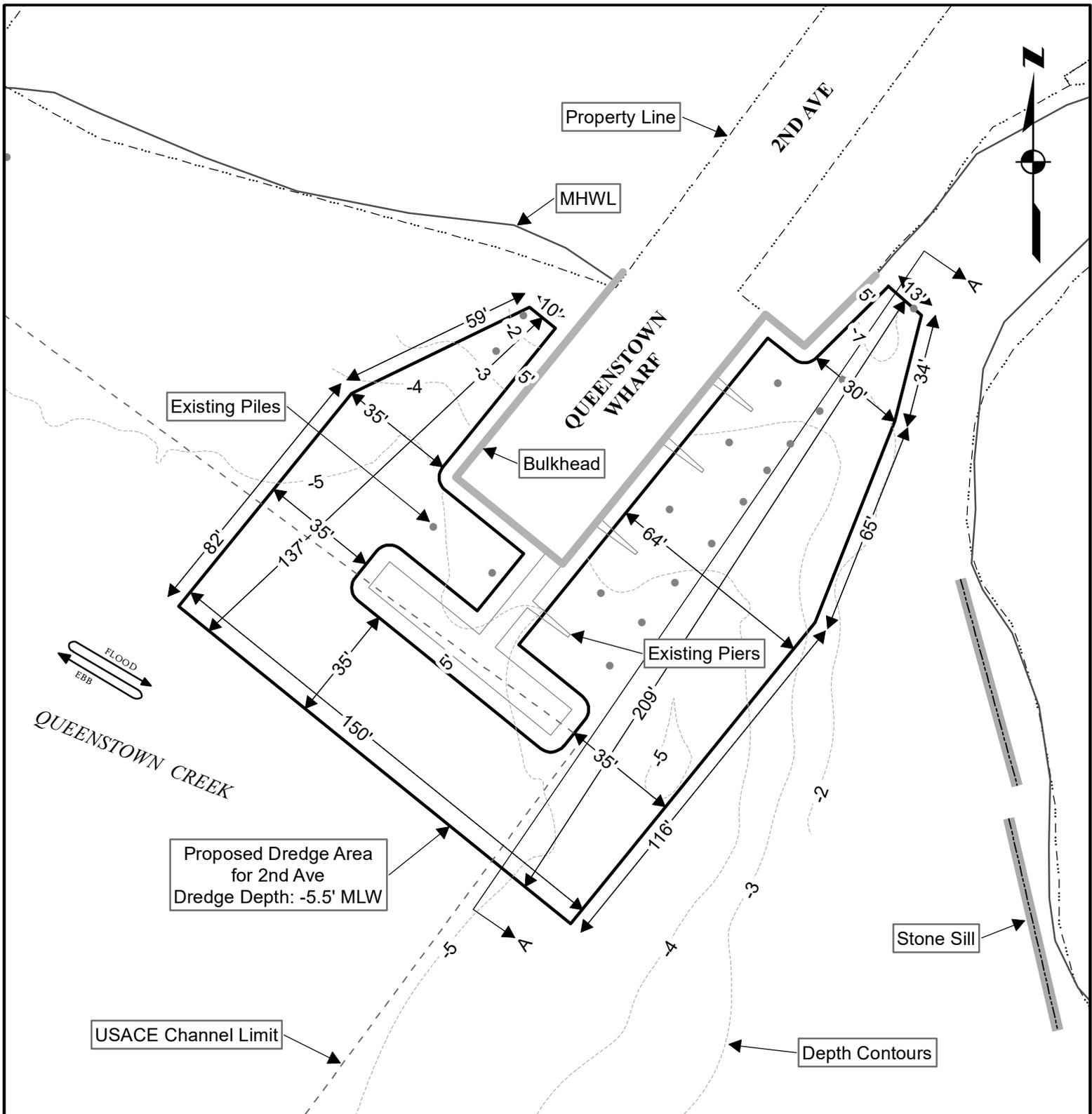
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EXISTING CONDITIONS

- Bulkhead
- Piling
- Piers
- Stone Sill
- Mean High Water Line
- Depth Contour (ft MLLW)
- Property Boundaries
- USACE Queenstown Channel

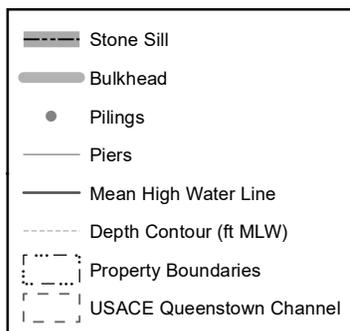


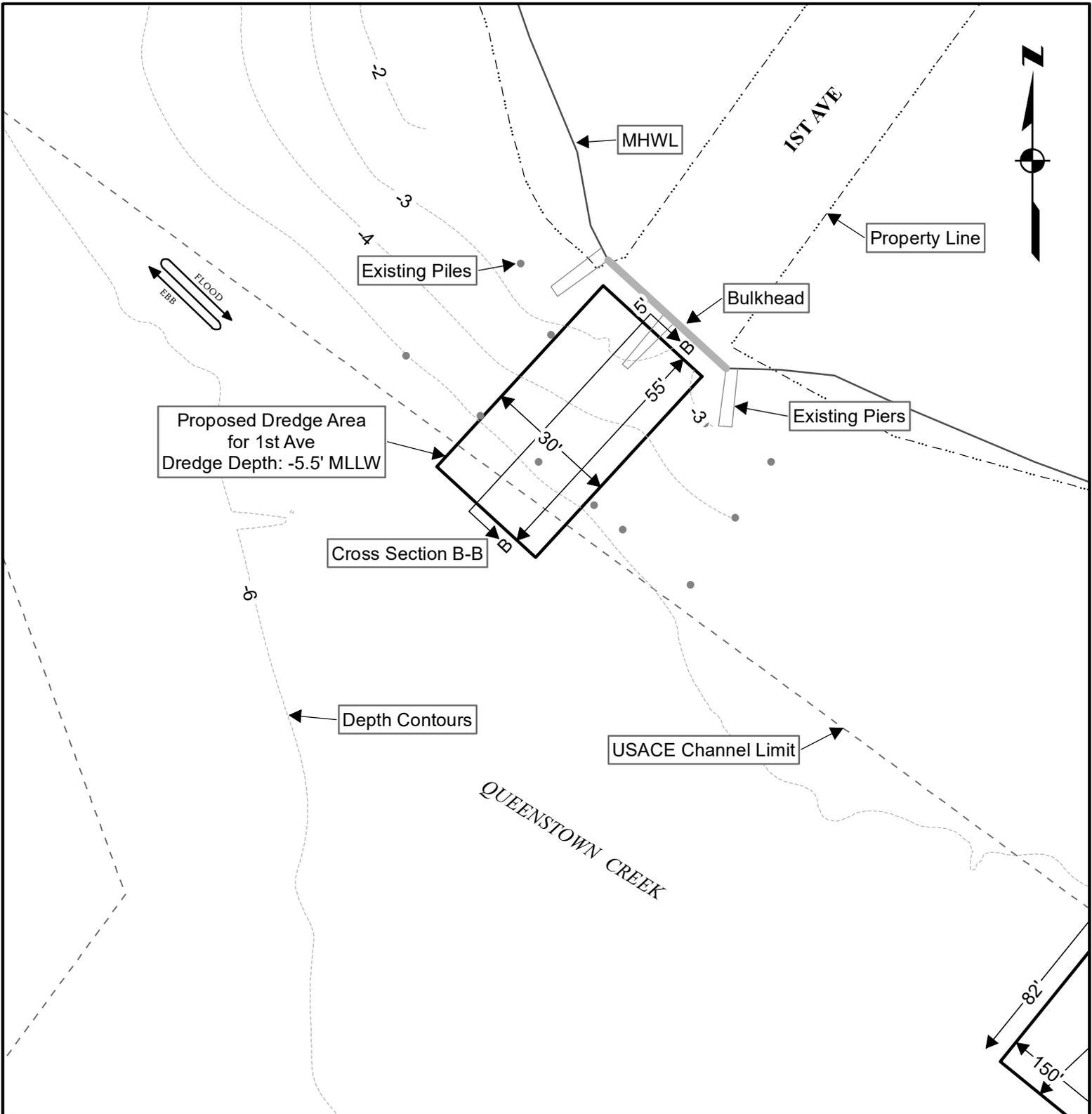


Proposed Dredging

Queenstown Boat Slips
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PROPOSED PLAN 1

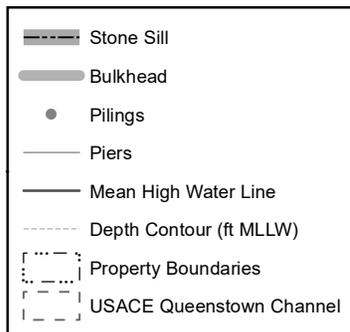




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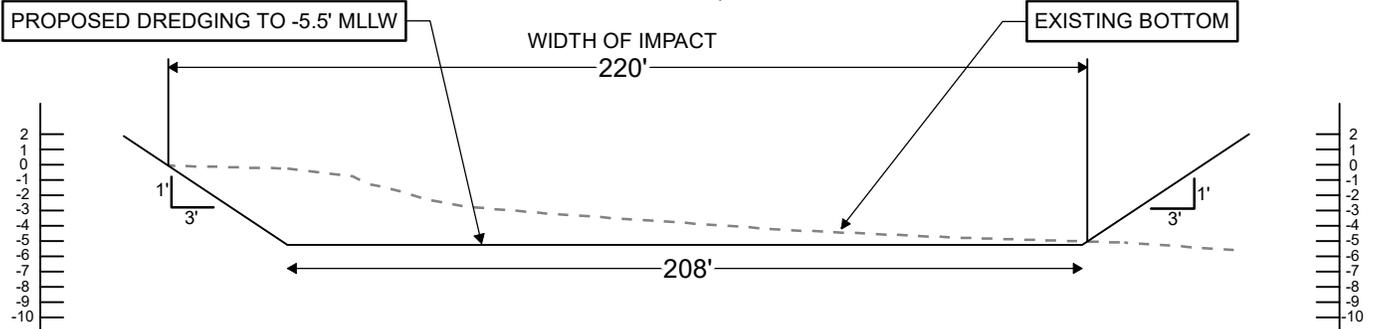
PROPOSED PLAN 2



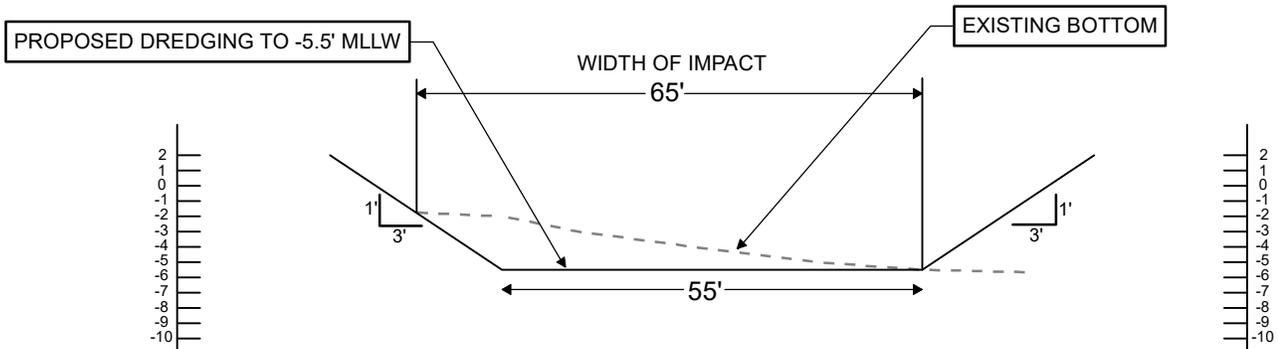
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CROSS SECTION A-A, 208' W SECTION



CROSS SECTION B-B, 55' W SECTION



Proposed Dredging

CROSS SECTIONS

Queenstown Slip Dredging
Queen Anne's County, MD

Appl. By: Town of Queenstown

Date: May 2019

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