

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

Public Notice

**In Reply to Application Number
NAB-2019-61516 (Town of Ocean City/Jack Spot Reef)
NAB-2019-61517 (Town of Ocean City/Great Eastern Reef)**

PN 19-73

Comment Period: November 5, 2019 to December 5, 2019

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403), as described below:

APPLICANT: Town of Ocean City
c/o Ms. Gail P. Blazer
301 Baltimore Avenue
Ocean City, Maryland 21842

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in the Atlantic Ocean near Ocean City, Worcester County, Maryland. Both reef projects are greater than 3 nautical miles offshore and therefore do not fall within the Maryland state boundaries.

OVERALL PROJECT PURPOSE:

To create artificial reefs for improved fish habitat in the Atlantic Ocean near Ocean City, Worcester County, Maryland.

PROPOSED WORK:

Jackspot Reef

Proposed impacts under Section 10 of the Rivers and Harbors Act (33 USC 403) include the following:

To continue the construction and build out of an approximately 2,650-foot wide by 3,040-foot long (185-acre) artificial reef site, all within the previously approved boundary located approximately 19 nautical miles southeast of the Ocean City Inlet, by deploying additional suitable reef materials at a total of 3 existing placement sites, including a 150-foot buffer area offset from the outside edge of existing reef deployments or those sites

previously surveyed as depicted on the project plans. 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 -55 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° 5.7" N	-74° 48.96" W
38° 5.645" N	-74° 48.42" W
38° 5.215" N	-74° 49.045" W
38° 5.155" N	-74° 48.485" W

The project was previously approved under DA permit CENAB-OP-RMS-2002-62091-1 (JACKSPOT REEF) issued on November 5, 2004 and modified on May 13, 2009. Work at the reef project has been ongoing since its original authorization. The Corps prior approval expires on December 31, 2019.

The work is proposed in accordance with the enclosed plans dated August 21, 2019

Great Eastern Reef

Proposed impacts under Section 10 of the Rivers and Harbors Act (33 USC 403) include the following:

To continue the construction and build out of an approximately 5,720-foot wide by 6,090-foot long (800-acre) artificial reef site, all within the previously approved boundary located approximately 17 nautical miles east south east of the Ocean City Inlet, by deploying additional suitable reef materials at a total of 9 existing placement sites, including a 150-foot buffer area offset from the outside edge of existing reef deployments or those sites previously surveyed as depicted on the project plans. 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 -60 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° 13" N	-74° 44.5" W
38° 13" N	-74° 43.3" W
38° 12" N	-74° 44.5" W
38° 12" N	-74° 43.3" W

The project was previously approved under DA permit CENAB-OP-RMS-1999-61343-1

(GREAT EASTERN REEF) issued on April 2, 1999 and modified on May 13, 2009. Work at the reef project has been ongoing since its original authorization. The Corps prior approval expires on December 31, 2019.

The work is proposed in accordance with the enclosed plans dated August 21, 2019

LEAD FEDERAL AGENCY: The U.S. Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

The projects 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 (https://www.gsmtc.org/pubs/SFRP/Guidelines_for_Marine_Artificial_Reef_Materials_January_2004.pdf) and the "National Artificial Reef Management Plan," Revision dated November 2007 (<https://www.bsee.gov/sites/bsee.gov/files/research-other/narpwcover3.pdf>). 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. 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.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

ENDANGERED SPECIES: The lead federal agency is responsible for Endangered Species Act coordination. A preliminary review of this application indicates that the proposed work **Choose an item**. 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.

ESSENTIAL FISH HABITAT: The lead federal agency is responsible for Essential Fish Habitat coordination. 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), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES: The lead federal agency is responsible for historic resources coordination. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no adverse effect on historic properties. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit. The applicant as agreed to comply with the stipulations of the Programmatic Agreement (PA) between the U.S. Army Corps of Engineers, Baltimore District (Corps), the Maryland State Historic Preservation Officer (MHT), and the Town of Ocean City for all new artificial reef deployment projects, the Corps, the MHT, and the permittee signed on June 28, 2017, June 21, 2017, and June 30, 2017. A local Memorandum of Understanding between the Town of Ocean City and the Ocean City Reef Foundation, dated September 27, 2017 expands the PA to all

future reef deployment activities. As the evaluation of this proposal continues, additional information may become available which could modify this preliminary determination. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES: Section 106 of the NHPA also requires federal agencies to consult with federally-recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. The lead federal agency is responsible for tribal coordination. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408): All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding 408 WQC: <https://www.nab.usace.army.mil/section408/>.

WATER QUALITY CERTIFICATION: The applicant is not required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act. The proposed project is regulated under Section 10 of the Rivers and Harbors Act (33 USC 403) only.

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.

The applicant must obtain any State or local government permits which may be required.

SUBMISSION OF COMMENTS: 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 and are subject to release to the public through the Freedom of Information 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 U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Numbers NAB-2019-61516 (Town of Ocean City/Jack Spot Reef) and/or NAB-2019-61517 (Town of Ocean City/Great Eastern Reef)

PUBLIC HEARING REQUESTS: 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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

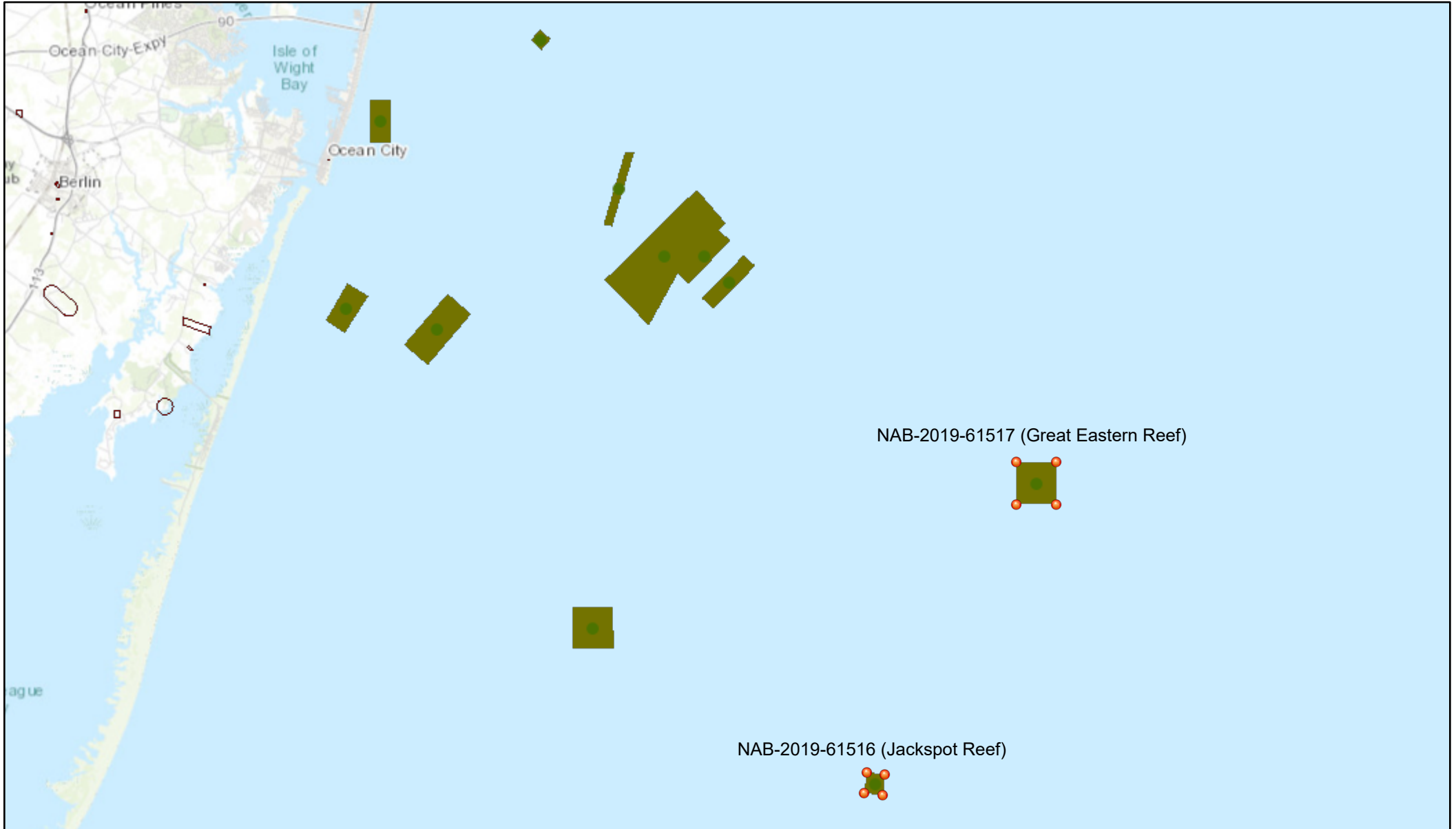
Jessica Miller
Jessica.d.miller@us.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
218 N. Washington Street, Suite 304
Easton, MD 21601

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact (Jessica Miller, 410-820-8629, Jessica.d.miller@us.army.mil).

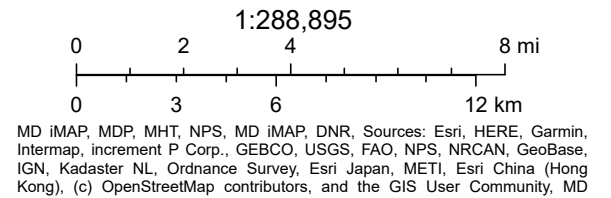
This public notice is issued by the Chief, Regulatory Branch.

Town of Ocean City Artificial Reefs



9/25/2019 3:49:42 PM

- 2019-61517_Lat_Long_Converter
- 2019-61516_Lat_Long_Converter
- Maryland Artificial Reef Initiative Center Points
- Maryland Artificial Reef Initiative Sites
- State Boundary Mask
- National Register Historic Places



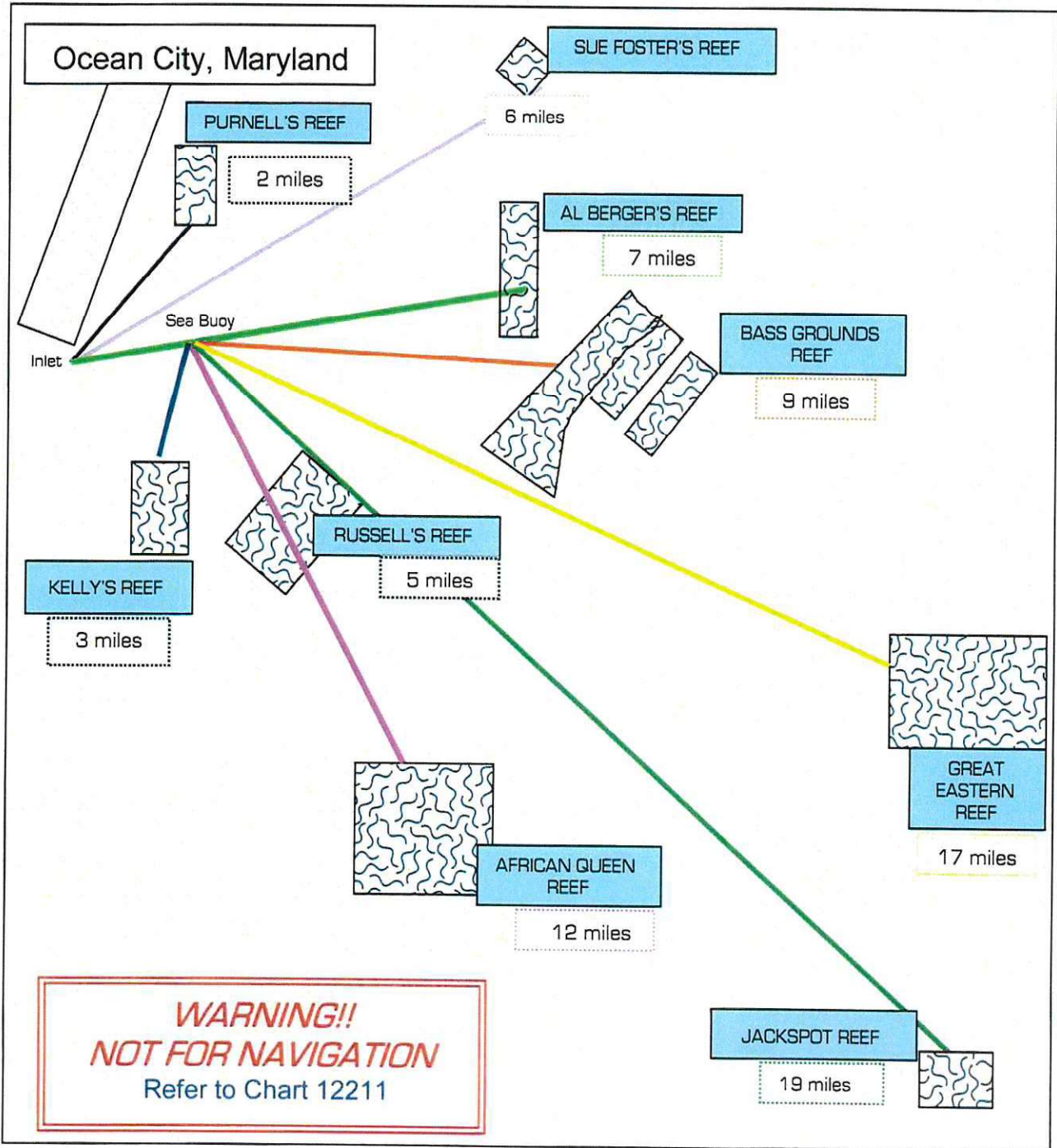
Maryland Department of Natural Resources

2019-257



OCEAN CITY REEF FOUNDATION

2019 REEF NETWORK



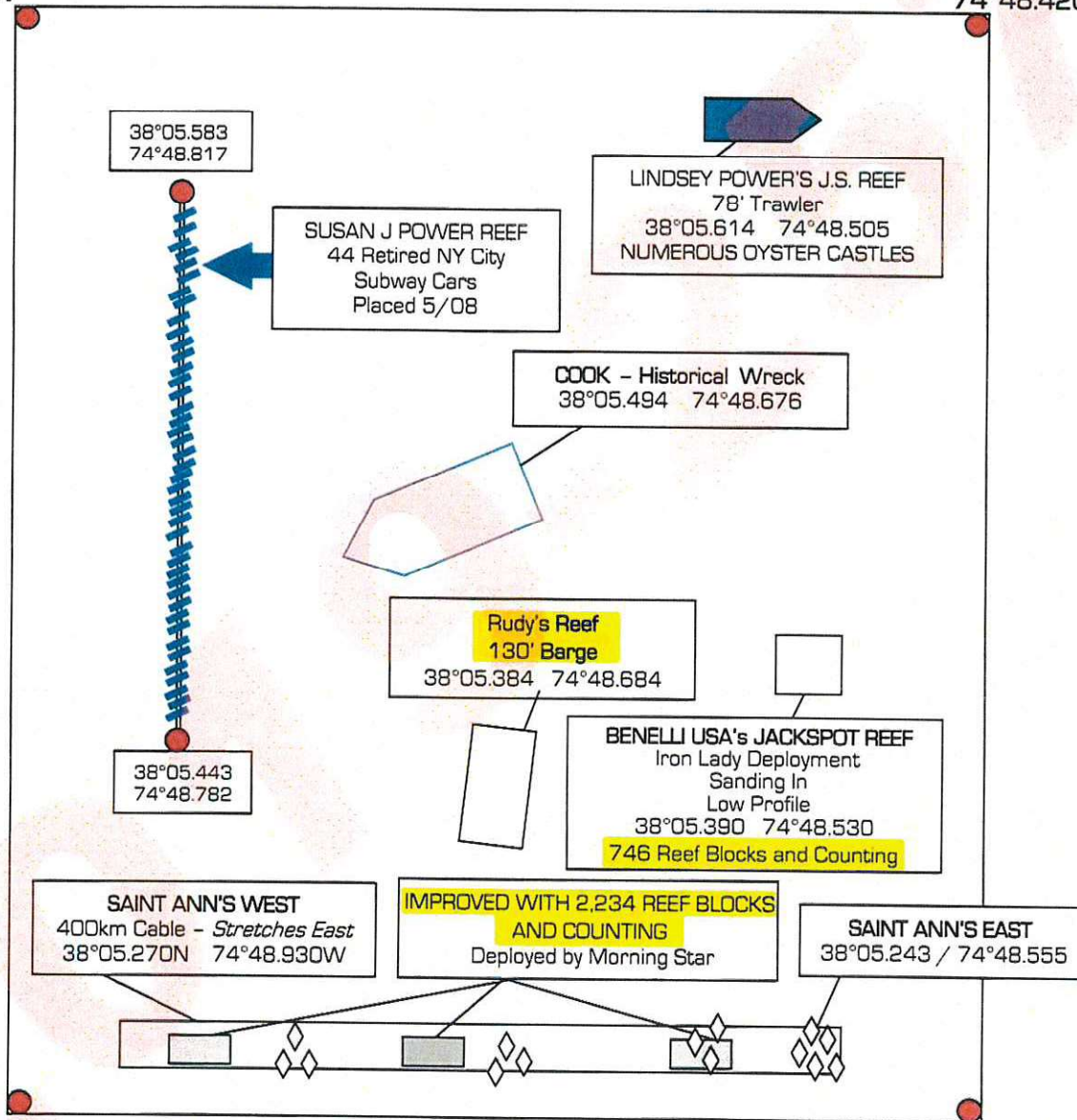
Ocean City Reef Foundation
P.O. Box 1072 - Ocean City, MD 21843 - Email: info@ocreefs.org - www.OCREEFS.org

Jackspot Reef 2019

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.

38°05.70N
74°48.960W

38°05.645N
74°48.420W



38°05.215N
74°49.045W

38°05.155N
74°48.485W

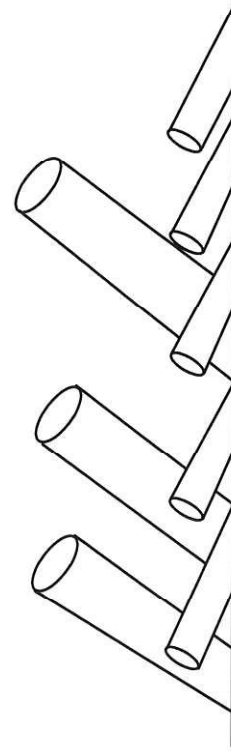


Ocean City Reef Foundation
P.O. Box 1072-Ocean City, MD 21843
Phone: 410-208-0064 E-Mail: info@ocreefs.org

JACKS SPOT REEF CROSS SECTION VIEW

H/V
M/L

PROPOSED
-55' MINIMUM
CLEARANCE
AT MLW



EXISTING Jack's Spot Reef RE-APPLICATION

IN: ATLANTIC OCEAN

AT: NEAR OCEAN CITY

WORCESTER COUNTY

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

DATE: August 21, 2019

NOTES:

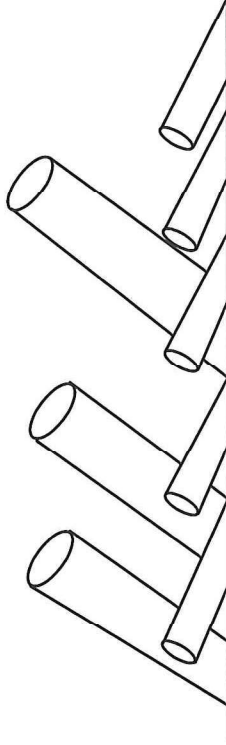
PROPOSED REEF MATERIALS INCLUDE DESIGNED
STEEL, CONCRETE, OR PLASTIC HABITAT MODULES,
CONCRETE RUBBLE, RIP-RAP, CONCRETE OR STEEL
VESSELS AND CLEANED EX-COMBAT EQUIPMENT

PURPOSE:
TO ENHANCE AND MAINTAIN THE EXISTING ARTIFICIAL
REEF

GREAT EASTERN REEF CROSS SECTION VIEW

MHW
MLW

PROPOSED
-60' MINIMUM
CLEARANCE
AT MLW



EXISTING GREAT EASTERN REEF RE-APPLICATION

IN: ATLANTIC OCEAN

AT: NEAR OCEAN CITY

WORCESTER COUNTY

APPLY BY: OCEAN CITY REEF FOUNDATION AND TOWN
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DATE: August 21, 2019

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