

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

Public Notice

In Reply to Application Number
NAB-2019-60444 (Breezy Point Marina/Maintenance
Dredging)

PN 19-23

Comment Period: May 1, 2019 to May 22, 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: A&S Smith Development, LLC
Breezy Point Marina
Ms. Laura Hershfield
48 South River Road, South
Edgewater, Maryland 21037

WATERWAY AND LOCATION: In the entrance channel off the Chesapeake Bay at the Breezy Point Marina, 5230 Breezy Point Road at Chesapeake Beach, Calvert County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes to maintenance dredge by hydraulic method a 30-foot wide by 1,100-foot long (approximately 33,000 square foot area) to a depth of -5.0 feet mean low water (MLW) resulting in approximately 2,400 cubic yards of sand and silt dredged material to be deposited in the existing dredge disposal area onsite. The applicant has requested a 10-year maintenance dredging clause. All work is proposed in accordance with the attached plans dated September 25, 2018.

Corps authorization CENAB-OP-RM (Breezy Point Marina, Inc) 2011-60169 was originally issued September 14, 2011 to construct a replacement bulkhead and dredge the entrance channel. Dredging occurred under the previous authorization and 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. Erica Schmidt, CENAB-OPR-M], 2 Hopkins Plaza, Baltimore, Maryland 21201 or Erica.Schmidt@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

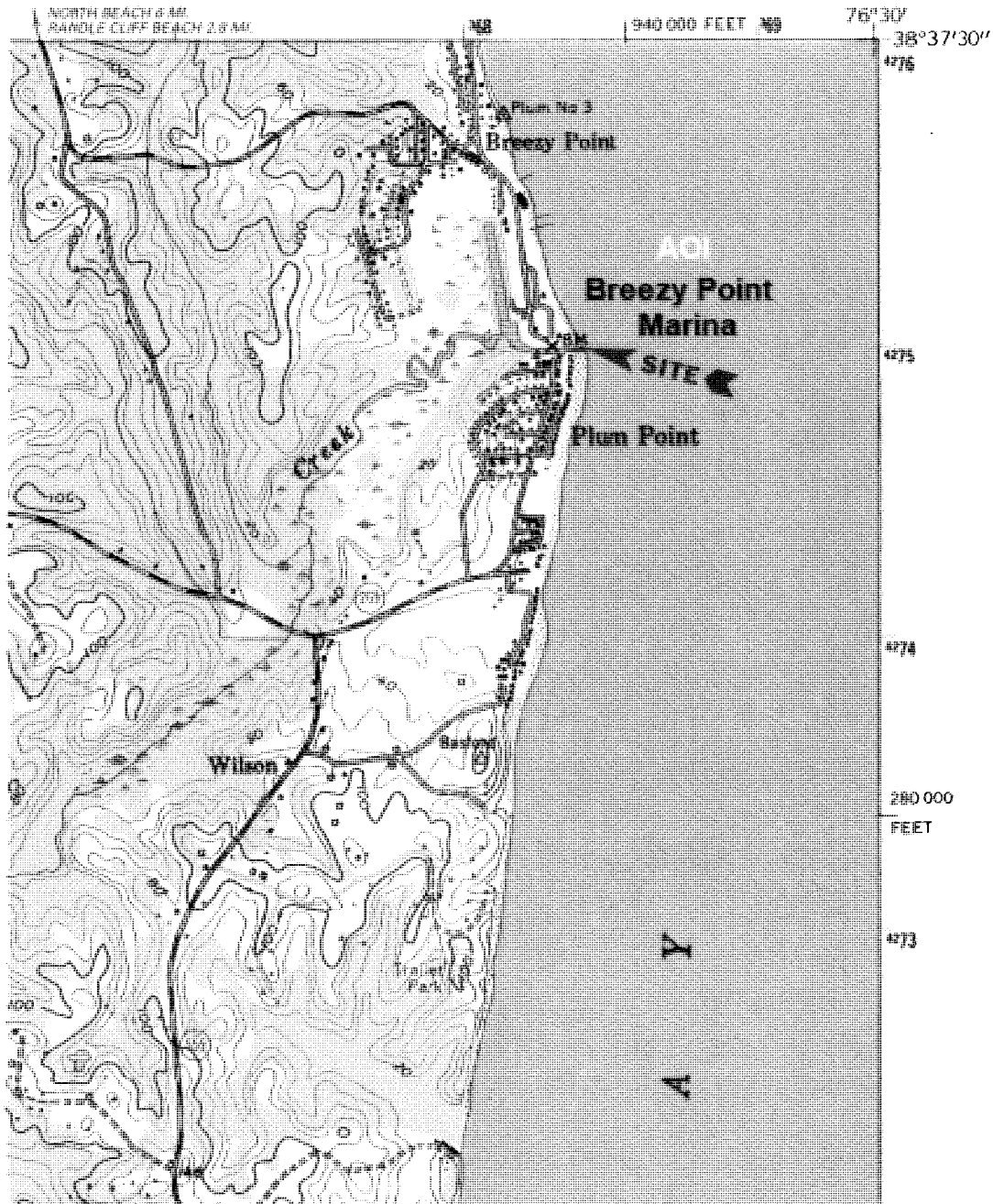
writing, to the U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified as above to receive consideration. Also, it must clearly state the interest that may be adversely affected by this activity and the manner in which the 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

MARYLAND—CALVERT CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
SE/4 PRINCE FREDERICK 15' QUADRANGLE



SCALE 1:24,000
CONTOUR INTERVAL 10 FEET

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 18S
10 000-foot ticks: Maryland Coordinate System of 1983

Imagery.....NAIP, September 2015
Roads..... U.S. Census Bureau, 2015 - 2016
Names.....GNIS, 2016
Hydrography.....National Hydrography Dataset, 2015
Contours.....National Elevation Dataset, 2007
Boundaries.....Multiple sources; see metadata file 1972 - 2016

FIGURE 6 USGS PRINCE FREDERICK QUADRANGLE
CREDIT – UNITED STATES GEOLOGICAL SURVEY
<http://store.usgs.gov/map-locator>
UNITED STATES DEPARTMENT OF THE INTERIOR

BREEZY POINT MARINA
5230 BREEZY POINT ROAD
CHESAPEAKE BEACH, MARYLAND 20732

REVISED DATE 1/24
JAN 2006

BEACH NOURISHMENT PROJECT

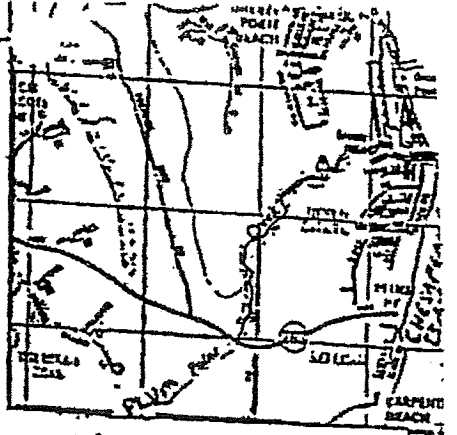
MARINA, INC
99-WL-1577 & 99-WL-1578 NORTH
199063259
revised 02/28/99 02/06/99
page 1 of 4

CASH PLANS

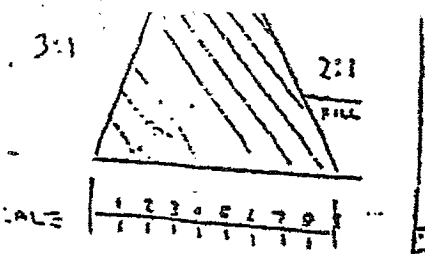
B.M.V.

REPLACE 4,000 L.F. OF
EXISTING DUKKLEND
ALONG ENTIRE
MARINA PERIMETER
(500 FEET)
MENU

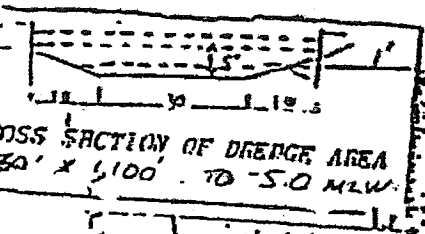
WHITE RAKE DEBRISLETTERS
TO BE INSTALLED
ALONG PERIMETER TO 5 FT. MAX
EXIST. DEBRIS. APPROX.
3.5 FT TO 4.0 FT MAX
ADD 5 BARS 500 C.F.T.
WATER LINE 1.5 FT
X 7.5 IN



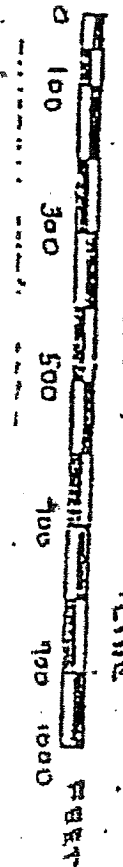
VICINITY MAP



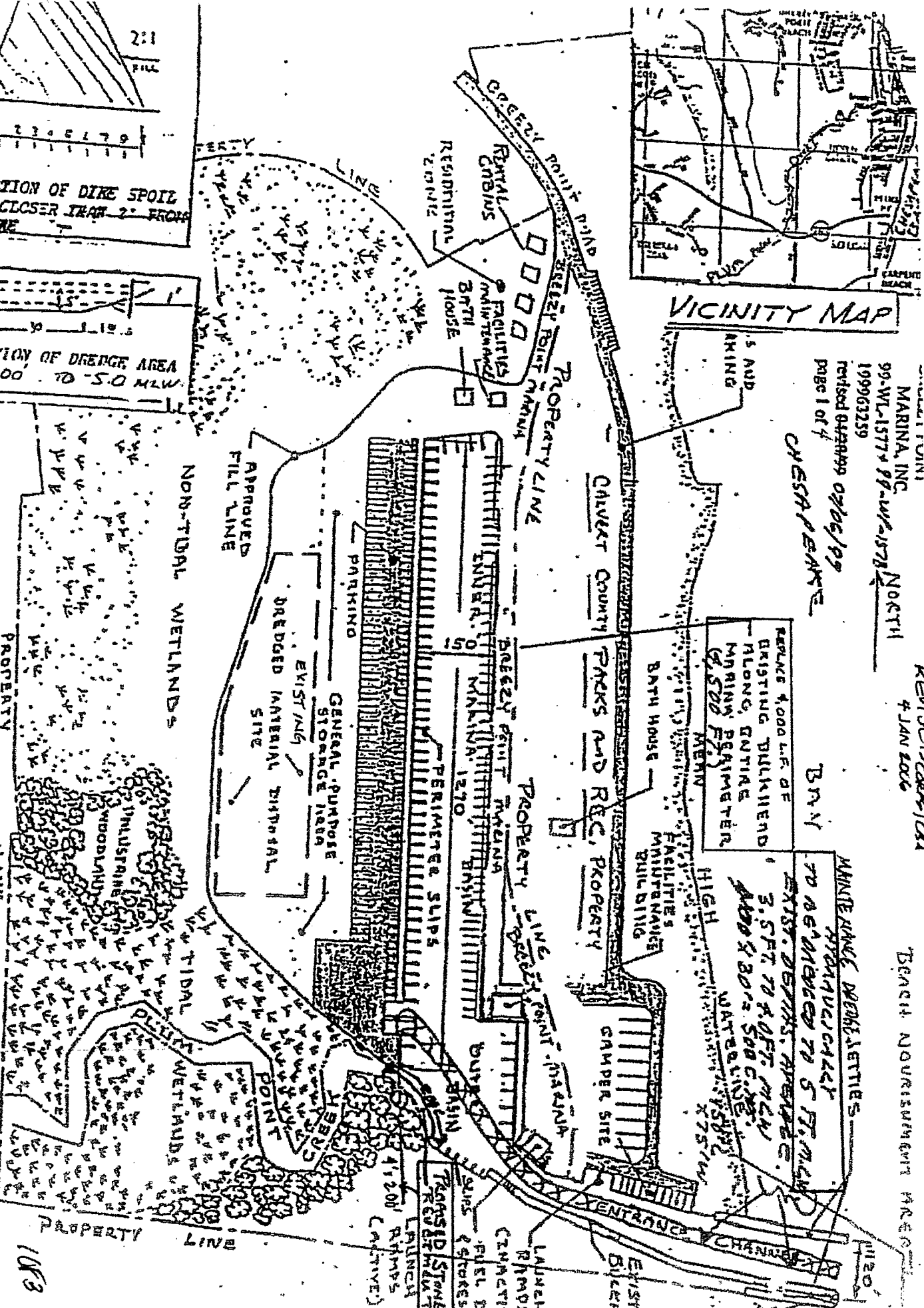
CROSS SECTION OF DIKE SPOIL
TO BE NO CLOSER THAN 2' FROM
TOP OF DIKE



CROSS SECTION OF DREDGE AREA
50' X 500' TO 5.0 MLW



PROPERTY OF
BREEZY POINT MARINA, INC
5230 BREEZY POINT ROAD



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