

Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN-19-75

In Reply to Application Number
**NAB-2018-60607-P12 (Flag Harbor-Hydraulic
Dredging And Beach Nourishment)**
Comment Period: November 6, 2019 to December 6, 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) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT:

Flag Harbor Condo Association, Incorporated
P.O. Box 91
St. Leonard, Maryland 20685

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in The Chesapeake Bay at the entrance to Flag Harbor, off Flag Harbor Boulevard, St. Leonard, Calvert County, Maryland (Latitude 38.464444 Longitude - 76.4713888).

OVERALL PROJECT PURPOSE: To dredge, previously dredged area at the entrance of Flag Harbor to allow for boating access to and from the Harbor. The dredge material will be used to for beach nourishment along the south shoreline of the dredge area. The applicant proposes a ten year maintenance dredging and beach nourishment.

PROJECT DESCRIPTION: Proposed Section 10 of the RHA only impacts includes the following:

To hydraulically dredge 64,000 square feet area of the entrance to Flag Harbor to an 8 foot depth below mean low water. The channel and the basin have been periodically dredged since at least 1949 on an as needed basis.

Proposed Section 404 Clean Water Act impacts includes the following:

To deposit the dredged material along the south beach of the dredged channel. The dredged material will be deposited along 500 linear feet of the adjacent beach outward no further than 50 feet channelward of the Mean High Water Line and leveled. The applicant has provided information that shows that this beach area has received beach nourishment from the dredged channel at the entrance of Flag Harbor since 1949.

A ten year maintenance dredging and beach nourishment allowance has also been requested. This requested activity has been occurring since the initial authorization in 1949 on an as needed basis. The prior permit recently expired and the applicant has requested the authorization to continue the dredging and beach nourishment.

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 applicant has stated that they have avoided and minimized to the maximum extent possible while still being capable of fulfilling the projects purpose and need.

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: A preliminary review of this application indicates that the proposed work is not likely to adversely affect 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 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 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 have no 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: Pursuant to Section 106 of the National Historic Preservation Act 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 effect on historic properties. 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 National Historic Preservation Act 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 Section 408:
<https://www.nab.usace.army.mil/section408/>.

WATER QUALITY CERTIFICATION: The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

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 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 Number (2018-61607).

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:

Mr. Michael Dombroskie,
mike.dombroskie@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
Pennsylvania Section
State College Field Office
1631 South Atherton Street
Suite 101
State College, Pennsylvania 16801

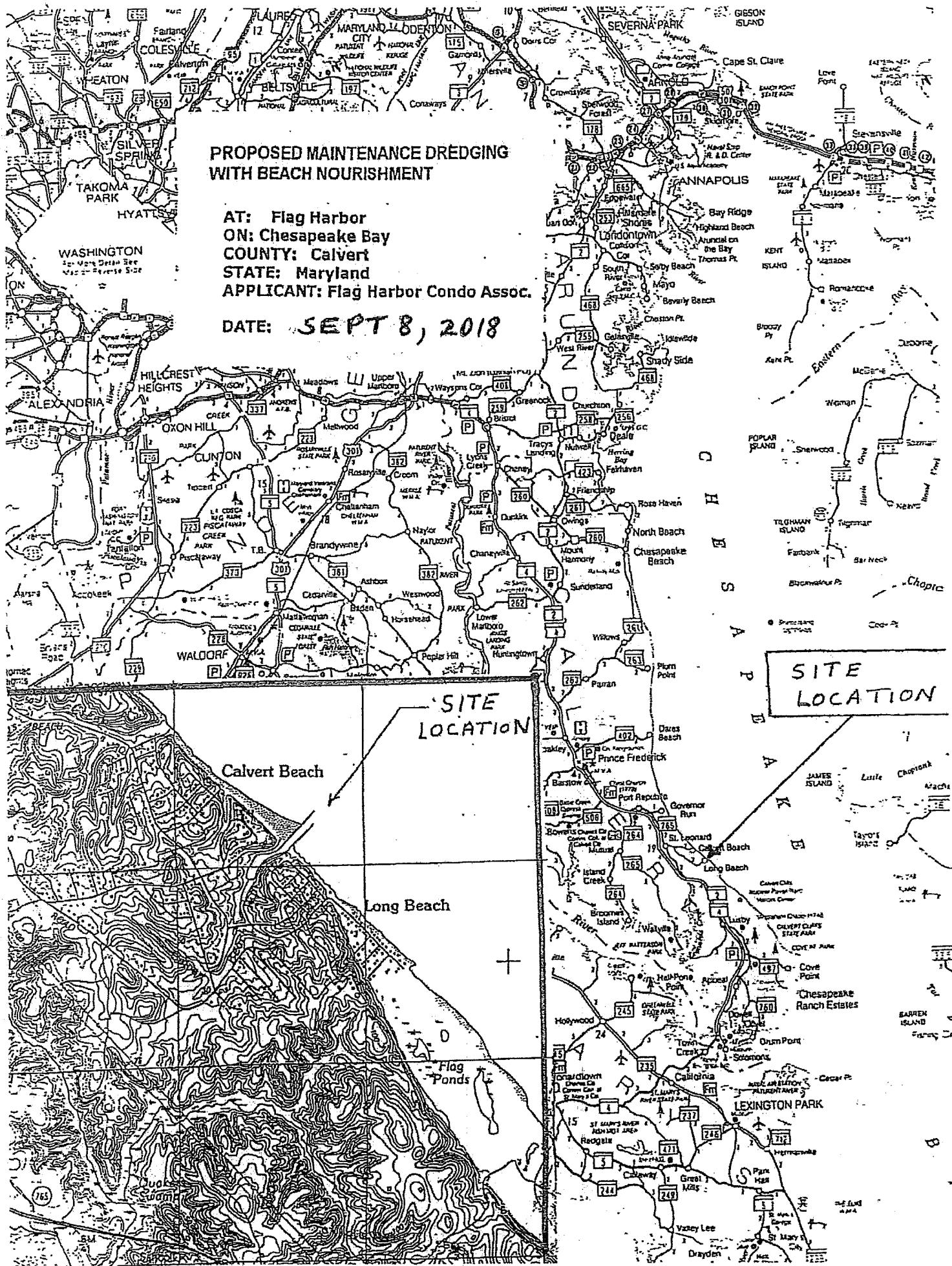
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

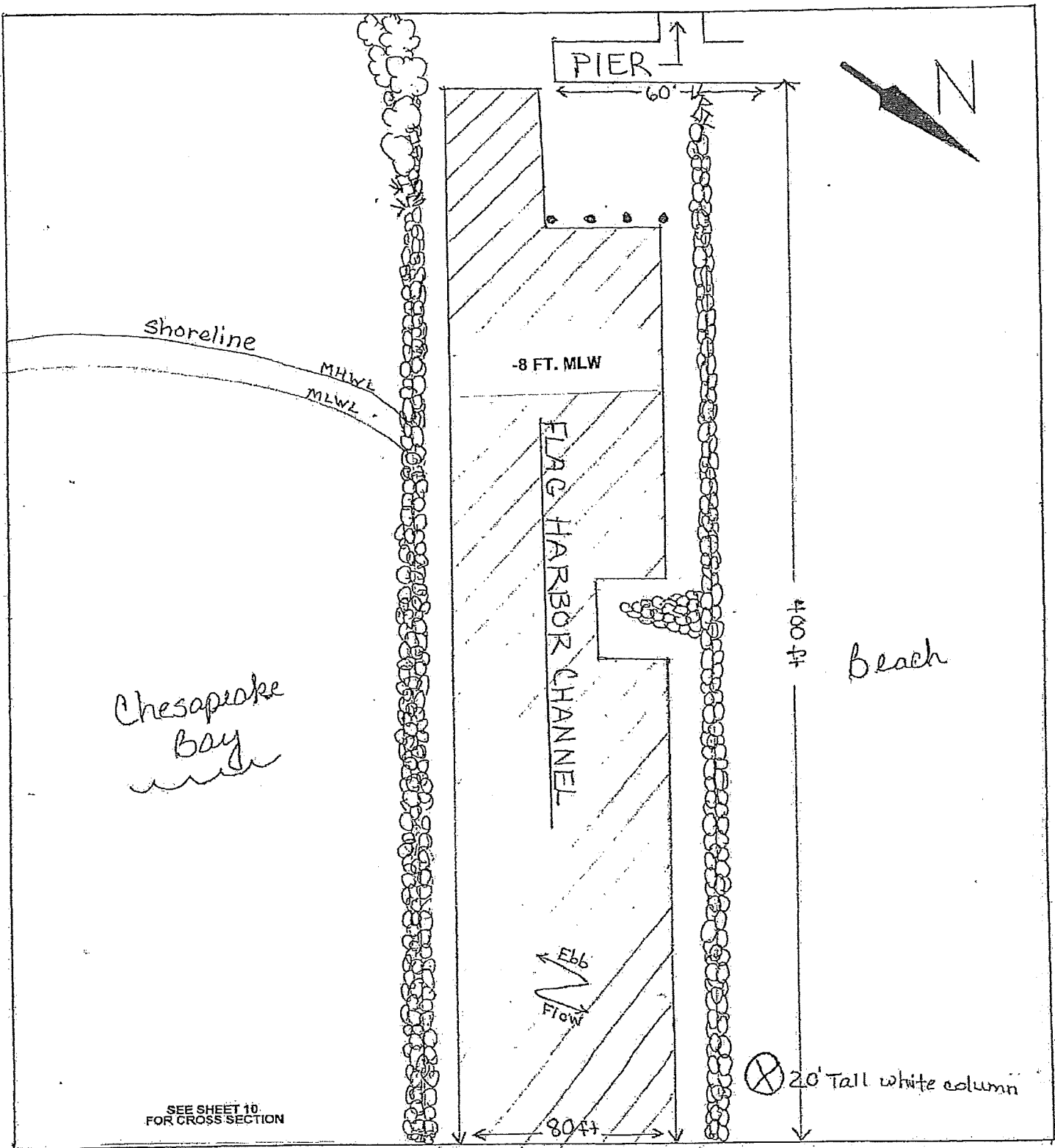
General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact Mr. Michael Dombroskie (814) 235-0571, and mike.dombroskie@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.

**PROPOSED MAINTENANCE DREDGING
WITH BEACH NOURISHMENT**

**AT: Flag Harbor
ON: Chesapeake Bay
COUNTY: Calvert
STATE: Maryland
APPLICANT: Flag Harbor Condo Assoc.**

DATE: SEPT 8, 2018

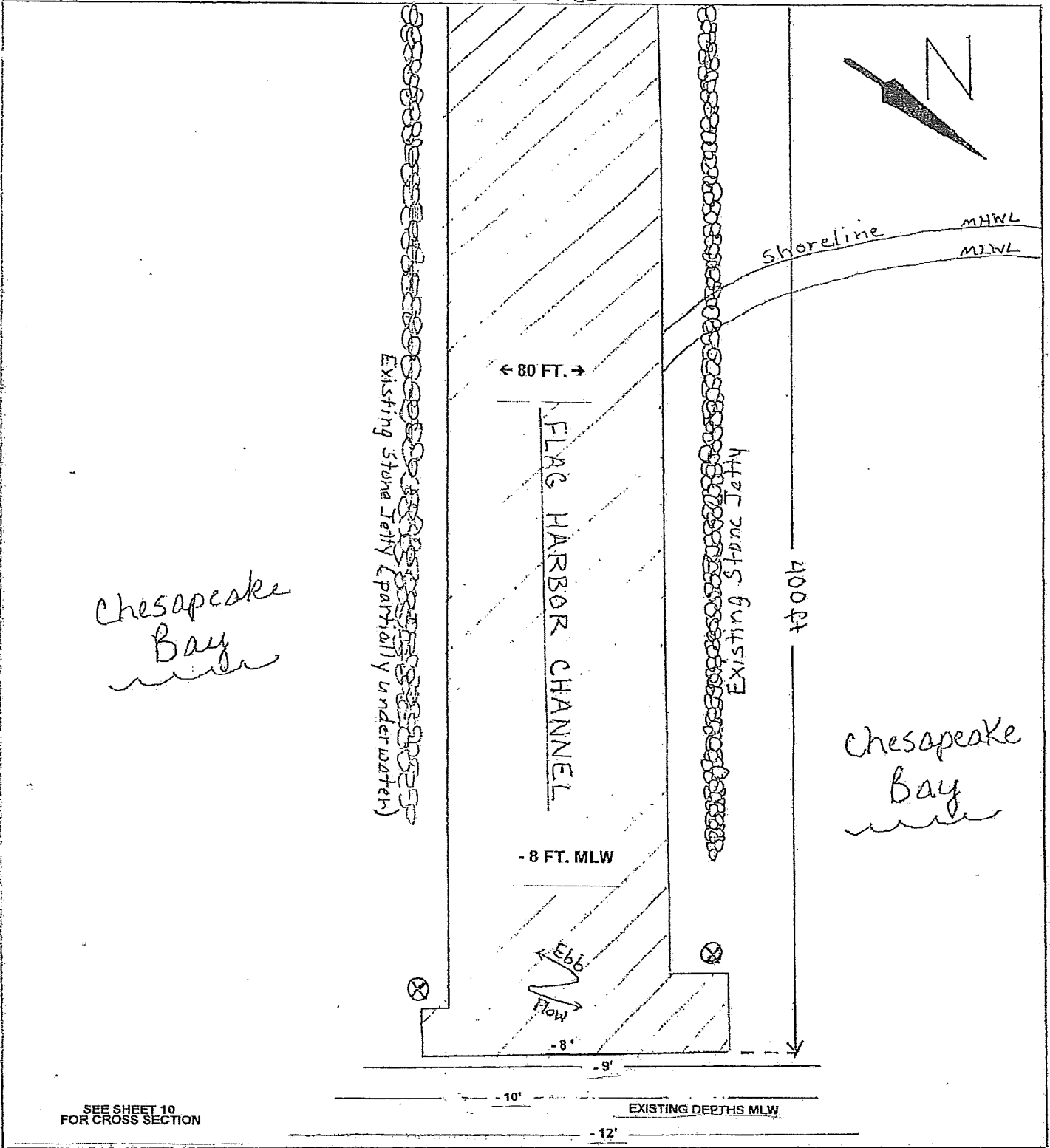




(Continued on next pg.)

<p>Proposed Condition Project: Channel Dredging</p>	<p>Notes: Total sq ft dredge area=64,000 sq ft Dredge to a maximum of 8 ft Total cubic yds to be removed = 5000</p>	<p>Scale: 1 inch=50 feet</p>
<p>Proposed Project for: Flag Harbor Condominium Association, Inc. P.O. Box 91 St. Leonard, Calvert County, MD 20685</p>	<p>REV JUNE 19, 2019</p>	<p>December 17, 2018</p>
		<p>Page 6 of 10</p>

cont'd



Chesapeake Bay

Chesapeake Bay

Proposed Condition

Project: Channel Dredging

Notes: Total sq ft dredge area= 64,000 sq ft

Dredge to a maximum of 8 ft

Total cubic yds to be removed = 5000

Scale: 1 inch=50 feet

Proposed Project for:

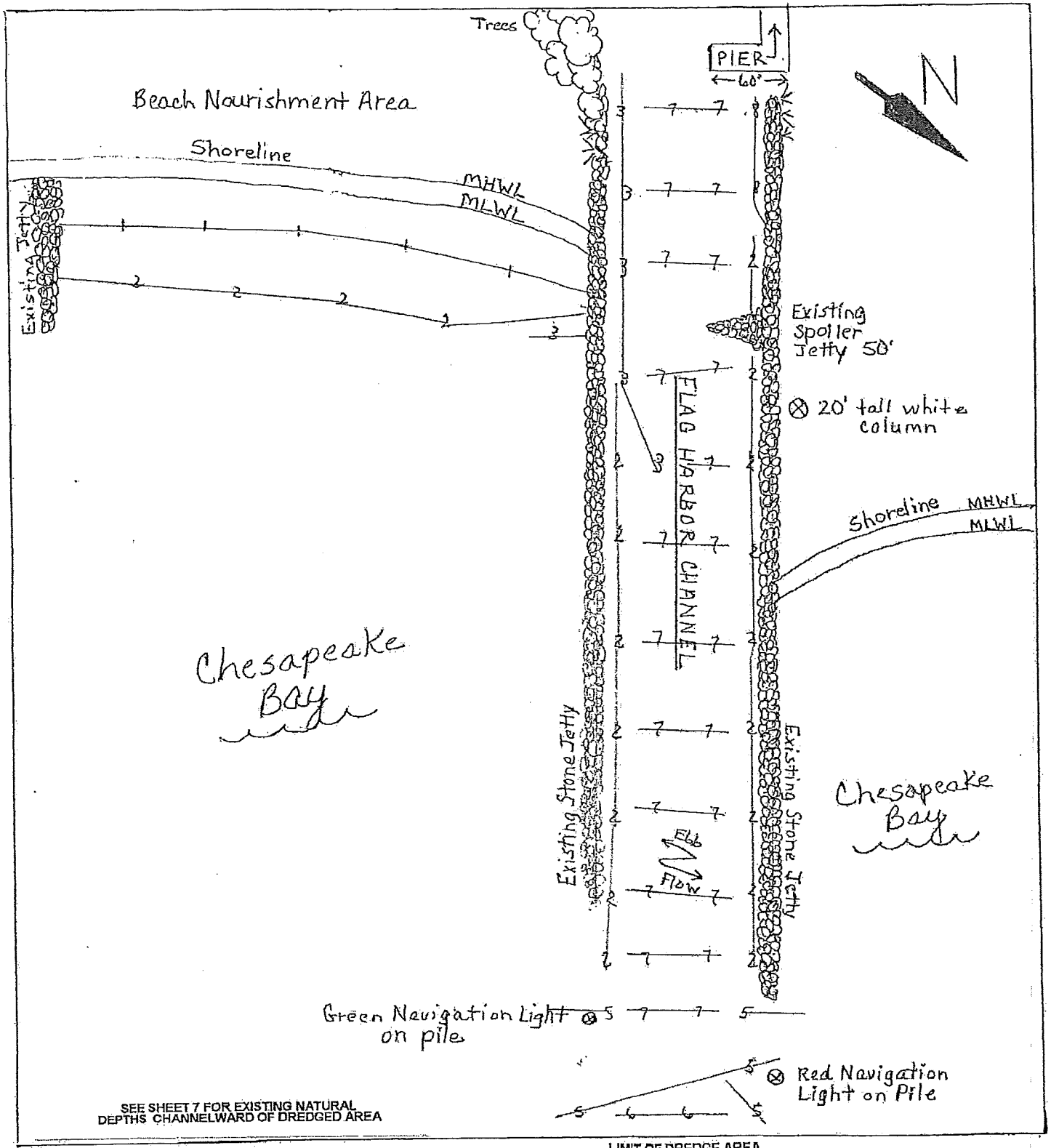
Flag Harbor Condominium Association, Inc.

P.O. Box 91

St. Leonard, Calvert County, MD 20685

REV JUNE 19, 2019

December 17, 2018



Existing Condition

Notes: Scale 1 inch= 100 feet

Project: Channel Dredging

Proposed Project for:

Flag Harbor Condominium Association, Inc.

P.O. Box 91

St. Leonard, Calvert County, MD 20685

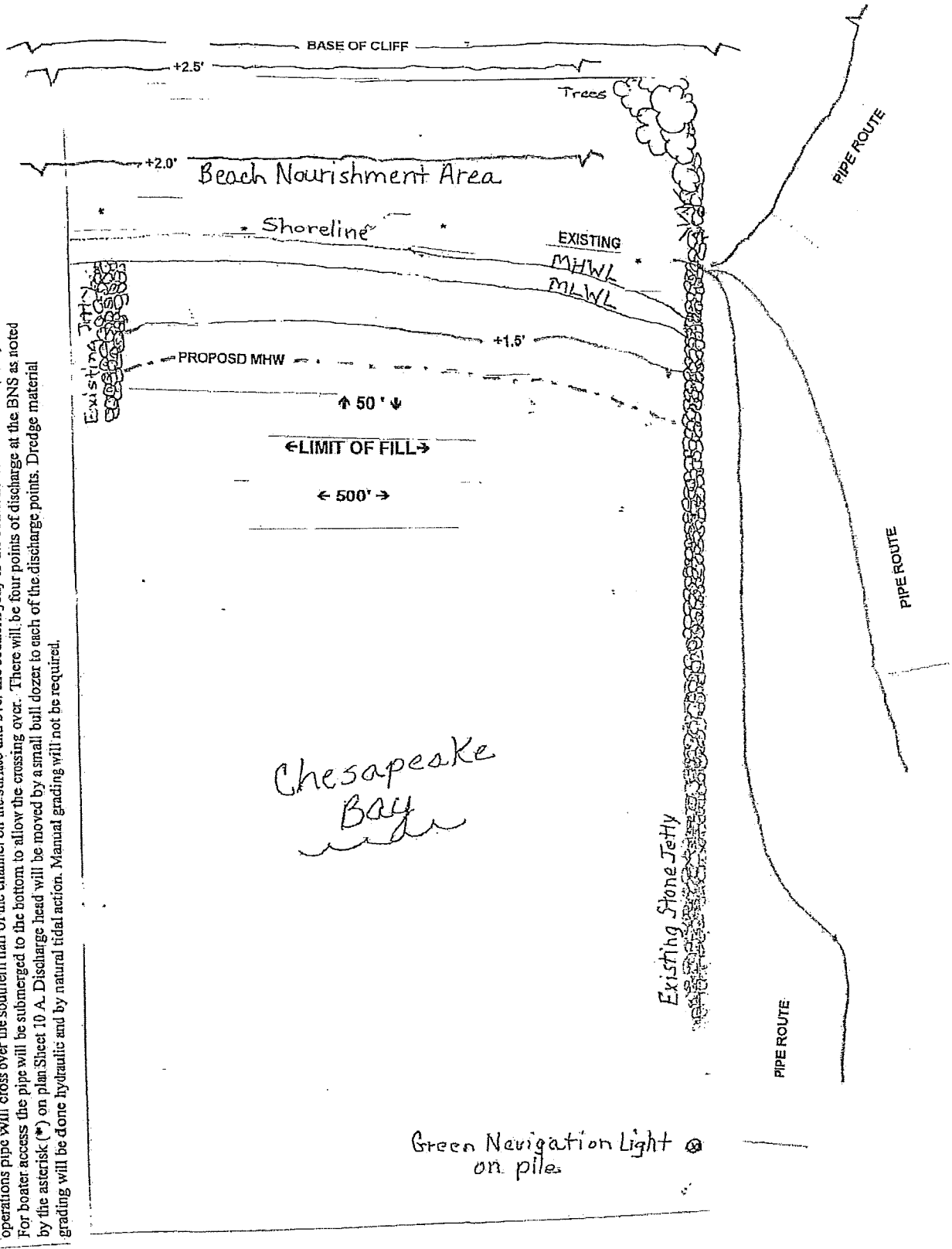
REV JUNE 19, 2019

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Dredging Operation Notes

Dredged will be located mid-channel and move in the channel as required to dredge. Dredge pipe will move up and down the channel as dredge moves. Boaters will have the ability to speak to the dredge operator by marine radio for egress/ingress into the marina. During dredging operations pipe will cross over the southern half of the channel on the surface and over the southern jetty to the beach nourishment site (BNS). For boater access the pipe will be submerged to the bottom to allow the crossing over. There will be four points of discharge at the BNS as noted by the asterisk (*) on plan sheet 10 A. Discharge head will be moved by a small bull dozer to each of the discharge points. Dredge material grading will be done hydraulic and by natural tidal action. Manual grading will not be required.



DOLDON W MOORE & ASSOC.
PERMIT PURPOSES ONLY

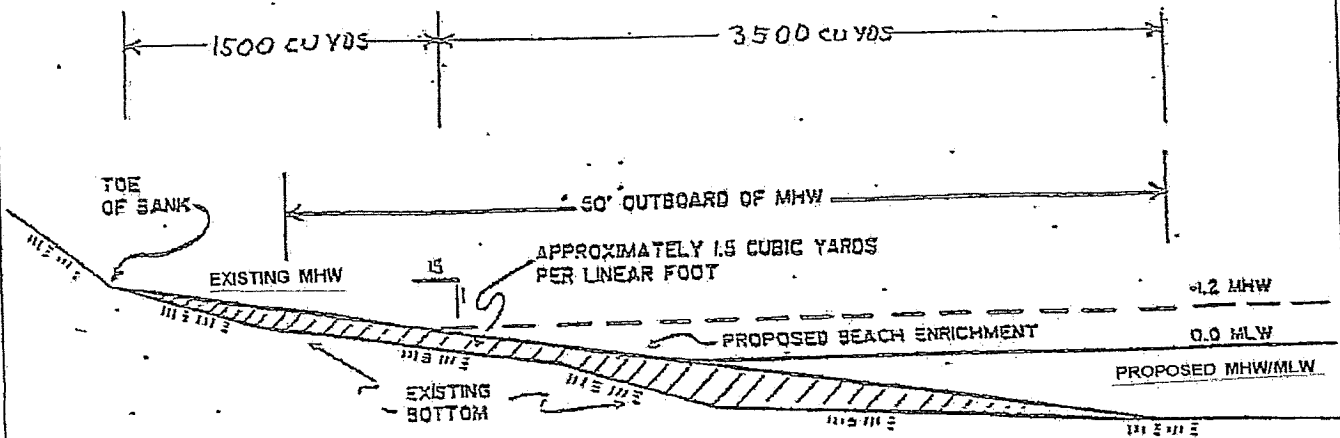
JUNE 19, 2019
NTS

PLAN SHEET 10A

FLAG HARBOR CONDOMINIUM ASSOÇ. INC.

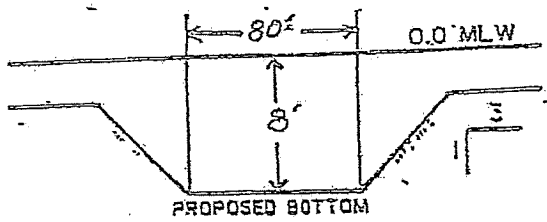
BEACH NOURISHMENT

ESTIMATED DISPOSITION OF DREDGED MATERIAL



SCALE:
 HOR. 1" = 10'
 VER. 1" = 5'

PROPOSED BEACH ENRICHMENT
 TYPICAL CROSS SECTION



TYPICAL CHANNEL CROSS-SECTION
 NO SCALE

Cross Section

Project: Channel Dredging
 AND BEACH NOURISHMENT

Proposed Project for:
 Flag Harbor Condominium Association, Inc.
 P.O. Box 91
 St. Leonard, Calvert County, MD 20685

Notes: Total sq ft dredge area= 64,000 sq ft
 Dredge to a maximum of 8 ft
 Total cubic yds to be removed =: 5000
 The spoil will be hydraulically dredged & deposited along
 500 ft of beach south of the channel

REV JUNE 19, 2019
 December 17, 2018