

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2019-61791 (CA Comm-Breezy Point Park)

PN-20-46

Comment Period: July 23, 2020 to August 7, 2020

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. 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 of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

APPLICANT: Calvert County Board of County Commissioners
175 Main Street
Prince Frederick, Maryland 20678

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located at Breezy Point Park, 5300 Breezy Point Road, Chesapeake Beach, Maryland 20732, within the tidal waters of Chesapeake Bay, in Calvert County, Maryland.

OVERALL PROJECT PURPOSE: The overall project purpose is to re-establish and protect the non-vegetated shoreline that existed prior to a hurricane in 2018 at Breezy Point Park, located at 5300 Breezy Point Road, Chesapeake Beach, Calvert County, Maryland.

PROPOSED WORK: The following work is proposed for authorization under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Placement of sand to re-establish the non-vegetated shoreline to pre-2018 hurricane conditions would result in 172,779 square feet (3.97 acre) of permanent impact to the bay. Placement of two stone breakwater structures would permanently impact 4818 square feet (0.11 acre) of the bay with one structure, 112 linear feet long by 30 linear feet wide extending a maximum of 60 feet channelward of the re-established mean high water line (100 feet from the 2018 hurricane established mean high water line), being connected to a groin at the south end of the project, and one structure, 92 linear feet long by 26 linear feet wide, extending a maximum of 40 feet channelward of the re-established mean high water line (90 feet from the 2018 hurricane established mean high water line), to be connected to a groin at the north end of the project. Four proposed off-shore stone breakwaters would permanently impact 22,380 square feet (0.51 acre) of the bay, with one stone breakwater 205 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line (130 feet from the hurricane established mean high water line); one stone breakwater 205 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line (160 feet from the hurricane established mean high water line); one stone breakwater 203 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line

(140 feet from the hurricane established mean high water line); and one stone breakwater 120 linear feet by 30 linear feet extending a maximum of 40 feet channelward of the re-established mean high water line (120 feet from the hurricane established mean high water line). Plantings of *Spartina patens* marsh vegetation is also proposed along 1,400 linear feet of shoreline to create 61,654 square feet (1.42 acres) of new tidal wetland. All work is proposed to be completed in accordance with the enclosed plans.

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 did not provide any proposed avoidance, minimization and compensatory mitigation statements. Impacts to waters were avoided by limiting the beach nourishment to the area that was removed by the 2018 hurricane. Spacing between the breakwaters would reduce impacts by minimizing the footprint of the filled area, leaving the areas between the breakwaters in their existing condition, and allowing for water to flow between them. Planting 61,654 square feet of the impact area with *Spartina patens* would provide living shoreline habitat.

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 will not 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.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, 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. The Corps has made a preliminary determination this project will not adversely affect any Essential Fish Habitat. 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 of 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. 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.

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.

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: NAB-2019-61791.

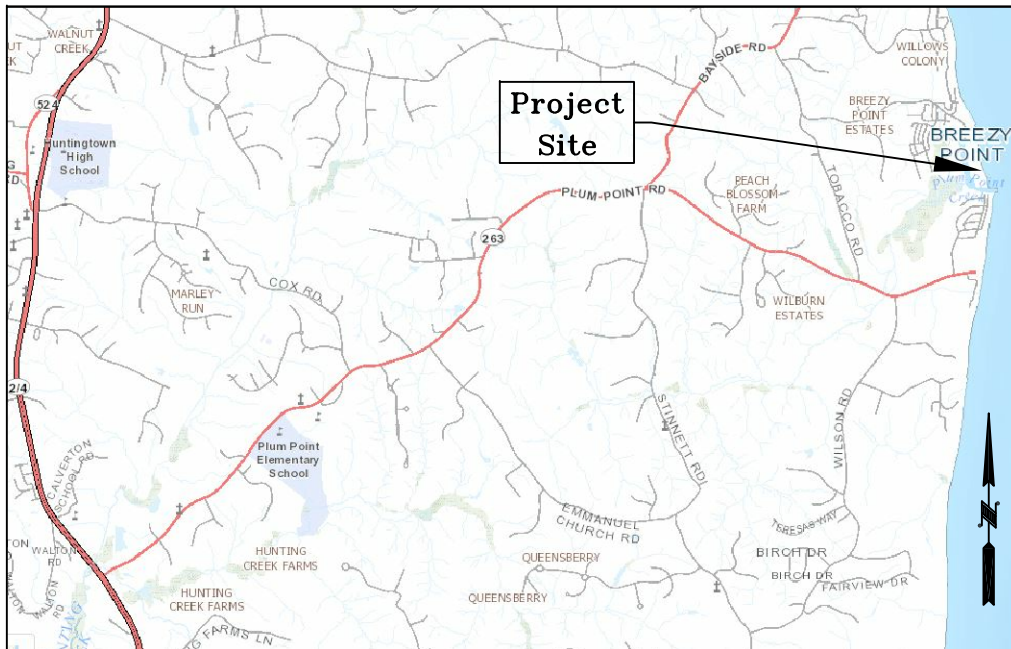
PUBLIC HEARING REQUESTS: Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also it must clearly set 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:

Ms. Terry Eucker
Terry.P.Eucker@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
Tioga Regulatory Field Office
170 Ives Run Lane
Tioga, Pennsylvania 16946

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, please contact Ms. Terry Eucker at (570) 835-4262 or Terry.P.Eucker@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.

Breezy Point Living Shoreline Re-Establishment Project – Vicinity Map



Vicinity Map & Aerial Photo

Project: Breezy Point Living Shoreline Re-Establishment Project

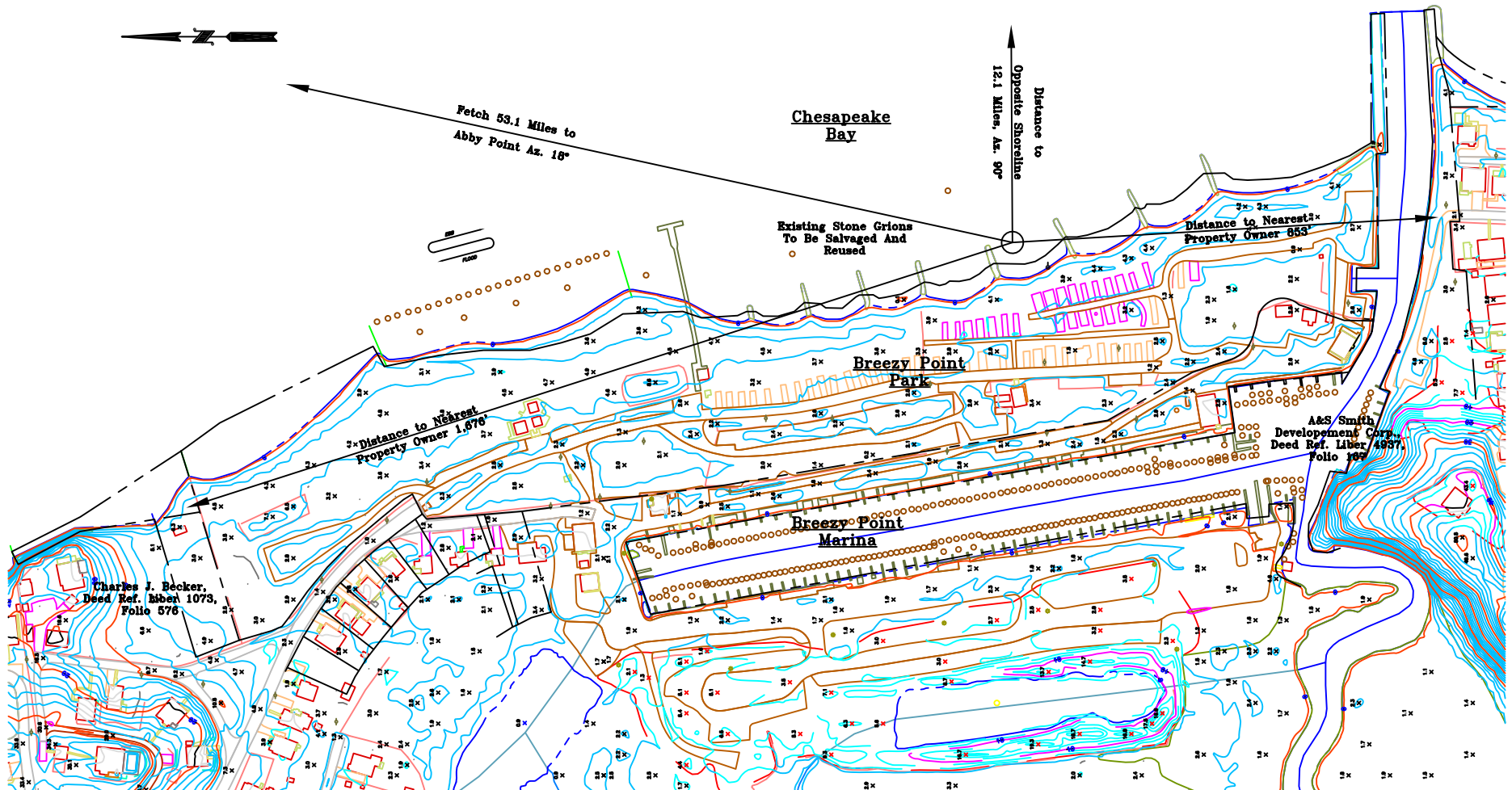
Proposed Project for : Breezy Point Park

Applicant: Calvert Board of County Commissioners

Mailing Address: 175 Main Street, Prince Frederick, Calvert

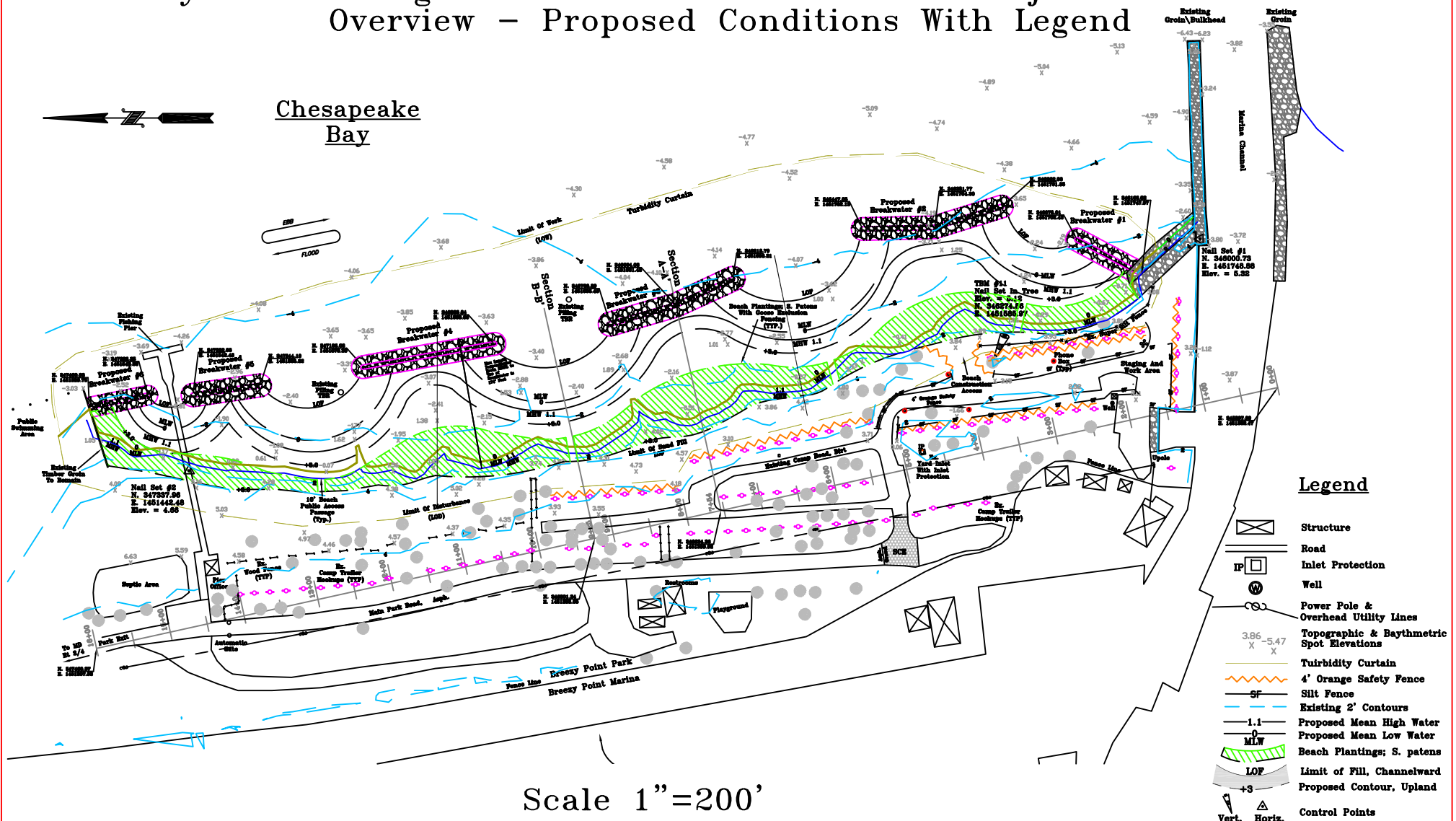
County Maryland 20678

Breezey Point Living Shoreline Re-Establishment Project – PLATE 1 of 6
Overview With Distances/Fetch Indicated
Scale 1" = 300'

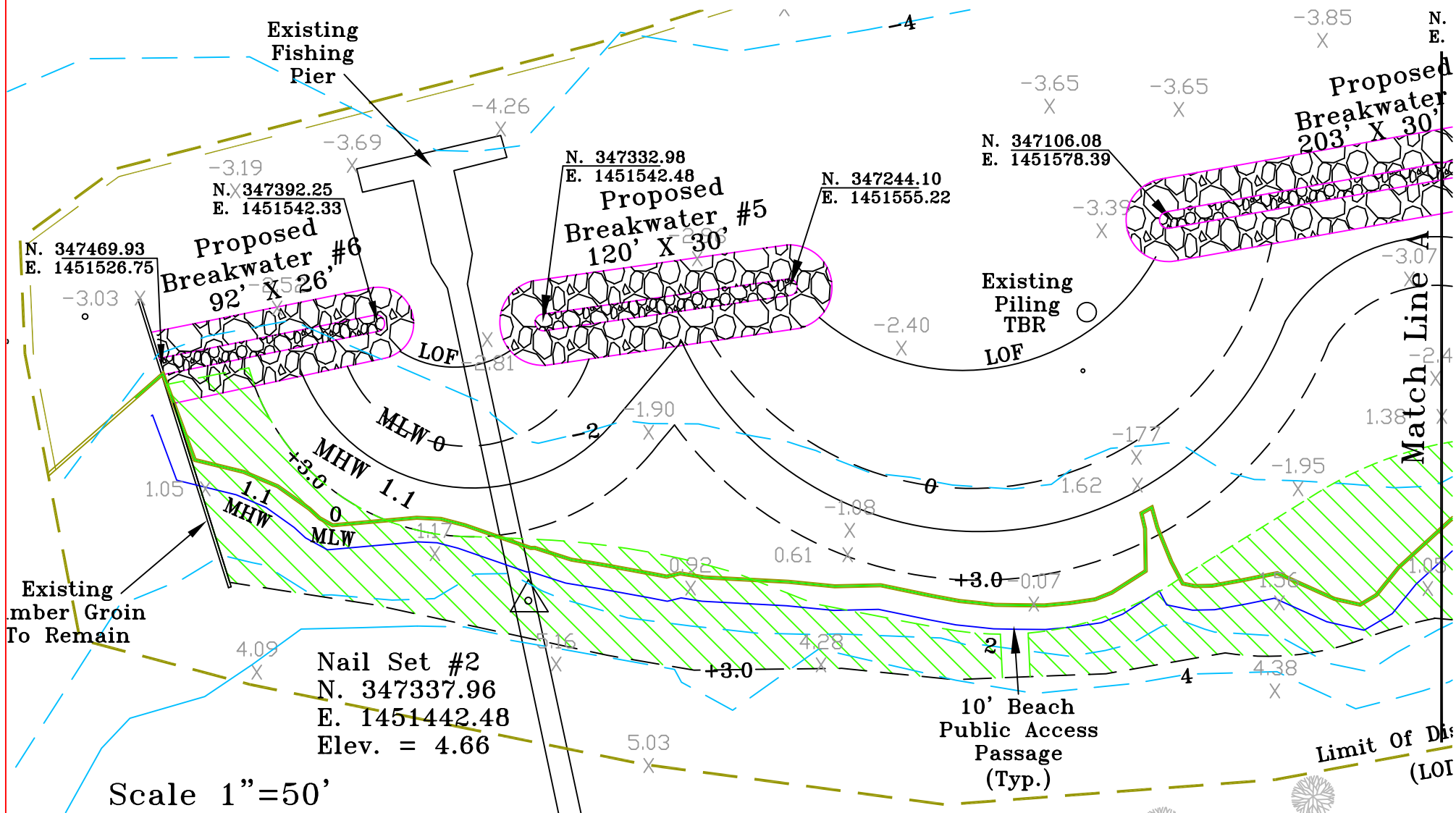


Breezey Point Living Shoreline Re-Establishment Project – PLATE 2 of 6

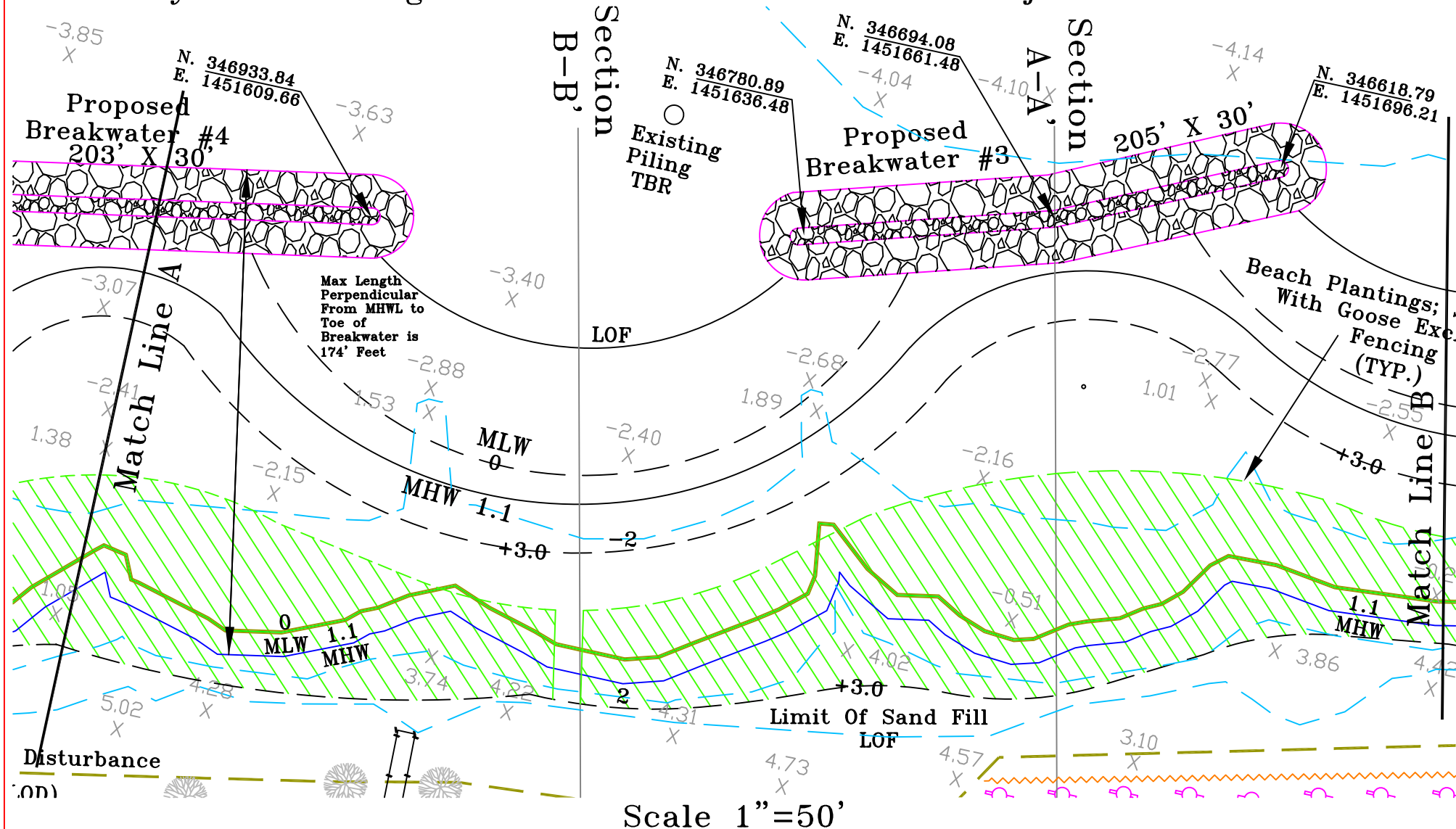
Overview – Proposed Conditions With Legend



Breezy Point Living Shoreline Re-Establishment Project – PLATE 3 of 6



Breezy Point Living Shoreline Re-Establishment Project - PLATE 4 of 6



Breezy Point Living Shoreline Re-Establishment Project – PLATE 5 of 6

Proposed Breakwater #2
205' X 30'

Proposed Breakwater #1
112' X 30'

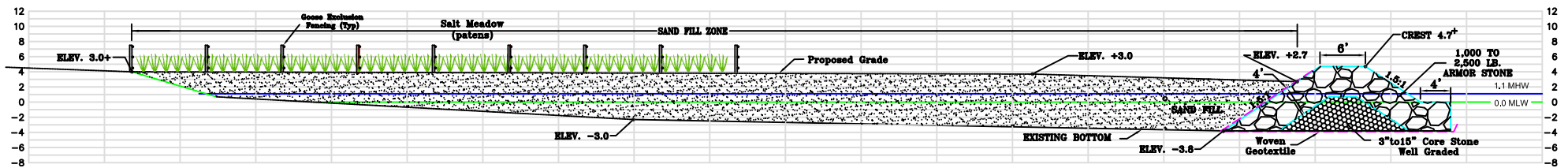
TBM #11
Nail Set In Tree
Elev. = 5.12
N. 346274.86
E. 1451585.97

Match Line B

Scale 1"=50'

Breezy Point Living Shoreline Re-Establishment Project – PLATE 6 of 6

Typical Cross Section



Section A-A' 7+54
Sand Fill & Sill
Total Sand Fill = 27,300 Cy
Scale 1"=20'