



Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN 15-45

In Reply to Application Number
NAB-OP-RMS (Hartley, Dorothy and Clayton) 2015-60307

Comment Period: July 10, 2015 – July 30, 2015

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: Dorothy & Clayton Hartley
42415 Riverwinds Drive
Leonardtown, Maryland 20650

LOCATION: In the Potomac River at 42415 Riverwinds Drive, Leonardtown, St. Mary's County, Maryland.

WORK: To remove an existing wood groin and to construct two 10-foot wide by 35-foot long stone groins to extend no more than 35 feet channelward of the approximate mean high water shoreline. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Laura Coleman of this office at (443) 853-2051 or via email at lamuelle.l.coleman@usace.army.mil.

The purpose of the project is to improve shoreline erosion control and to provide additional docking space.

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. Compensatory mitigation is not being proposed by the applicant for impacts to open water (inter-tidal and sub-tidal) habitat.

According to the Virginia Institute of Marine Science (VIMS) survey maps, there is no SAV mapped within the project footprint. No mitigation measures are proposed by the applicant.

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 EFH as described under Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for Juvenile and adult *Pleuronectes americanus* (*winter flounder*) and *Scophthalmus aquosus* (*windowpane flounder*); Juvenile

Pomatomus saltatrix (bluefish); Juvenile and adult *Stenotomus chrysops (scup)* and *Centropristus striata (black sea bass)*; Egg, larvae, juvenile and adult *Scomberomorus cavalla (King mackerel)*, *Scomberomorus maculatus (Spanish mackerel)*, *Rachycentron canadum (Cobia)* and *Sciaenops ocellatus (Red Drum)* all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on an approximate 350 square foot area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt substrate which does not support SAV.

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 at this time to minimize adverse effects on EFH. This preliminary determination may be modified if additional information indicates otherwise and could change the Corps' preliminary determination.

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 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. 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, P.O. Box 1715, Baltimore, Maryland, 21203 within the comment period specified above.

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. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

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

A preliminary review of this application indicates that the proposed work would have no affect on 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.

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 request permit.

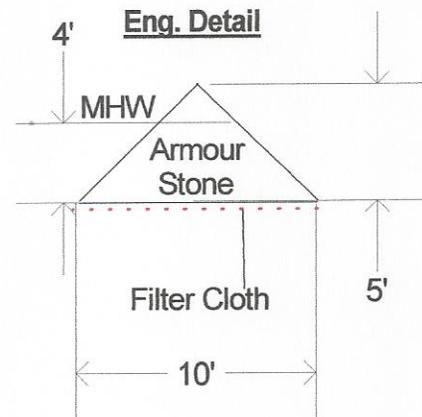
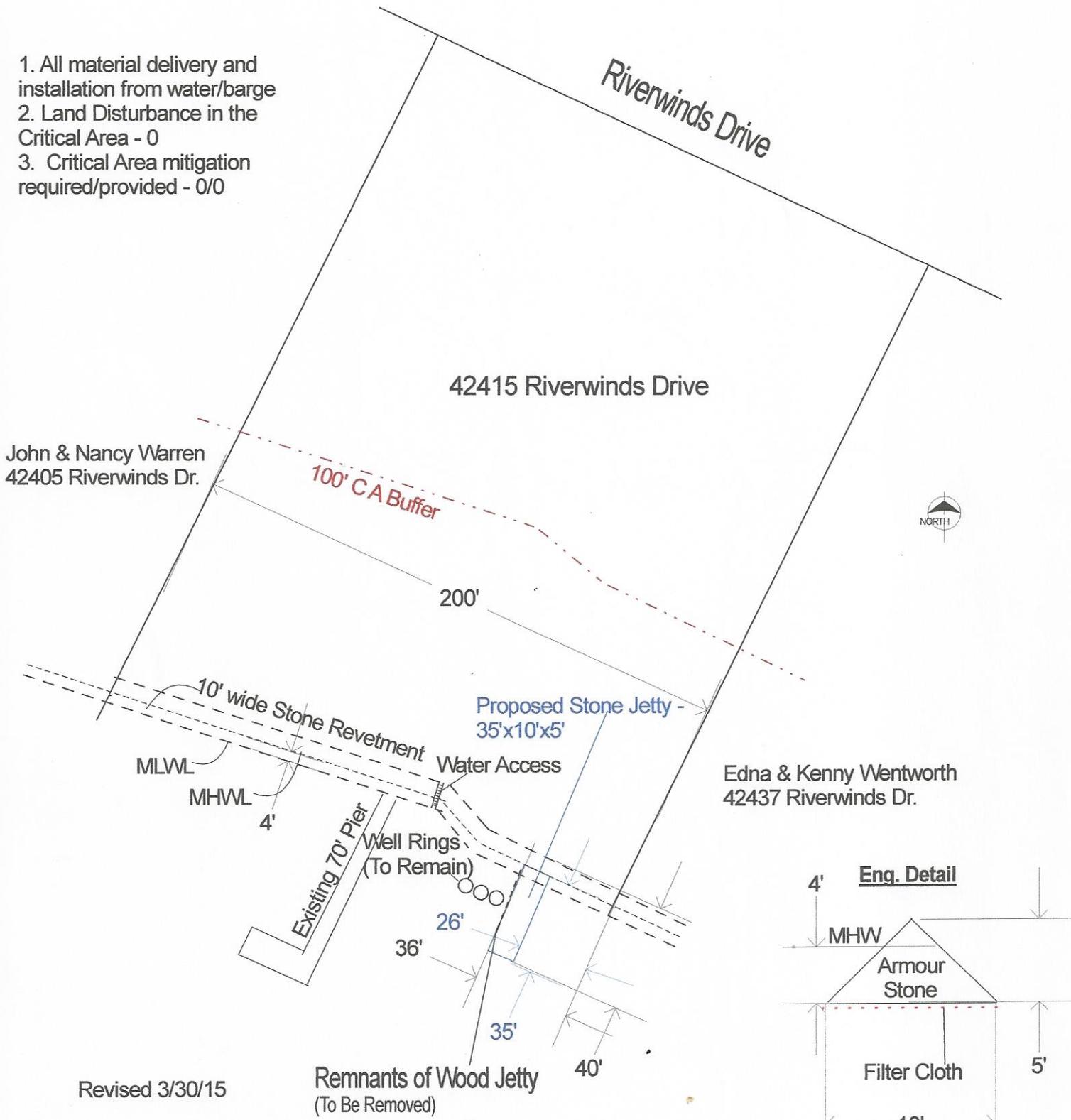
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, 21203-1715, within the comment 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.

It is requested that you communicate this 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

1. All material delivery and installation from water/barge
2. Land Disturbance in the Critical Area - 0
3. Critical Area mitigation required/provided - 0/0



Revised 3/30/15

Remnants of Wood Jetty
(To Be Removed)

Potomac River

Jetty Reconstruction
Dorothy and Clayton Hartley
42415 Riverwinds Drive
Leonardtown, MD

ROBIN GUYTHER Planning Consultant
301 904-4452 drguyther@cs.com

SCALE: 1"=50'