



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

# Public Notice

**In Reply to Application Number  
CENAB-OPR-M (Harbor East LLC c/o Jake Robinson)  
2017-60475**

PN 17-24

Comment Period: May 19, 2017 to June 8, 2017

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**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:

APPLICANT: Harbor East LLC  
c/o Jake Robinson  
11426 Newport Bay Drive  
Berlin, Maryland 21811

LOCATION: In the West Ocean City Harbor, at 12905 Harbor Road, Ocean City, Worcester County, Maryland.

WORK: To maintenance dredge by mechanical method an approximate 58-foot by 520-foot area to -10.0 feet mean low water (MLW) resulting in approximately 3,300 cubic yards of silt and sand to be deposited at an existing upland (non-wetland) disposal site at the Brittingham disposal site. A 10-year maintenance dredging clause is requested. The existing waterway depths at the proposed dredge area are approximately -5.0 to -12.0 feet MLW. If you have any questions concerning this matter, please contact Mrs. Laura Coleman of this office at (443) 853-2051 or via email at [lamuelle.l.coleman@usace.army.mil](mailto:lamuelle.l.coleman@usace.army.mil).

The purpose of the project is to improve access to navigation.

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 or to the wetlands. No wetland impacts are proposed.

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 aqueous* (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 total of 868 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. According to the Virginia Institute of Marine Science (VIMS) survey maps, there was some nearby SAV mapped outside the project footprint of the proposed activity for years 2008 through 2014 but none at the subject property. 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, 10 S. Howard Street, Baltimore, Maryland, 21201 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 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.

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, 10 S. Howard Street, 21201, 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.

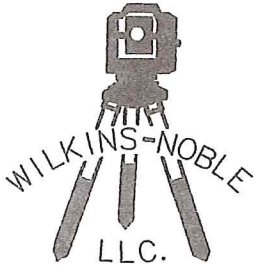
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON  
Chief, Maryland Section Southern



**DREDGING PLAN  
REQUESTED BY  
JAKE ROBINSON**

CIVIL ENGINEERING & LAND SURVEYING

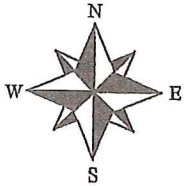


11729 CHURCH ST.  
PRINCESS ANNE, MD 21853  
PHONE: 410-621-0321  
FAX: 410-621-0320

**PROJECT INFORMATION**

|              |               |           |         |           |           |
|--------------|---------------|-----------|---------|-----------|-----------|
| COUNTY       | WORCESTER     | STATE     | MD      | SUBD.     | OC HARBOR |
| MUNICIPALITY | N/A           | DISTRICT  | 10TH    | SECT NO.  | N/A       |
| TAX MAP NO.  | 27            | PARCEL    | 578     | BLOCK NO. | 8         |
| DEED REF.    | 6267/128      | PLAT REF. | 179/1   | LOT NO.   | 58        |
| FIELD BOOK   | PAGE          | DATE      | 11/8/16 | SCALE     | 1" = 100' |
| CAD FILE     | JAKE ROBINSON | DRAWN BY  | NAN     |           |           |

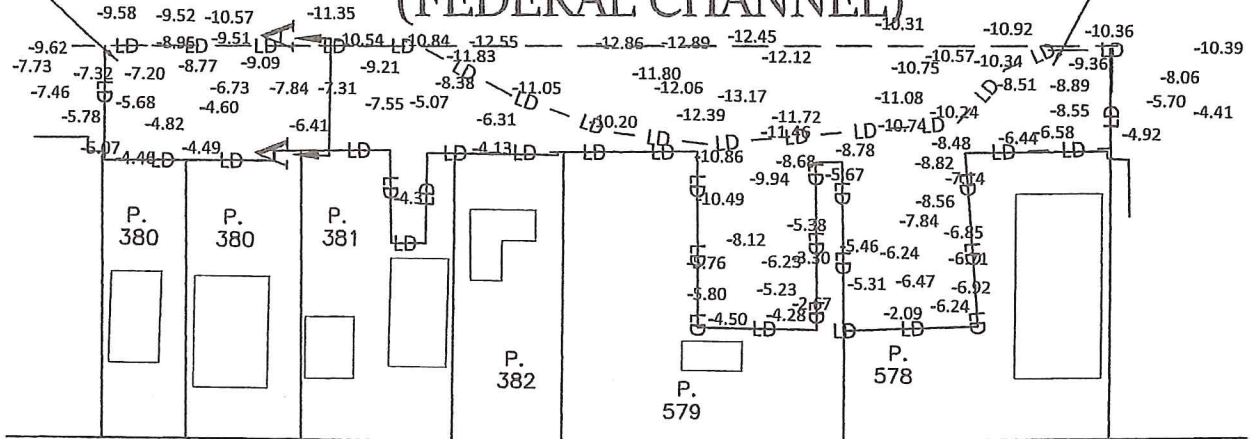
**VICINITY MAP  
SHEET 1 OF 2**



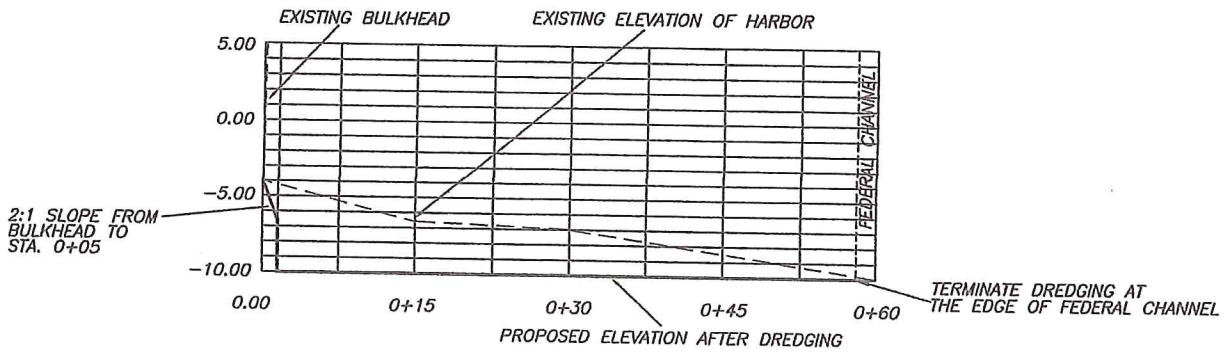
# WEST OCEAN CITY HARBOR (FEDERAL CHANNEL)

LIMITS OF DISTURBANCE  
0.766 +/- ACRES

DREDGE TO ELEV.  
-10.0 MLW DATUM



## HARBOR ROAD



CROSS SECTION A-A

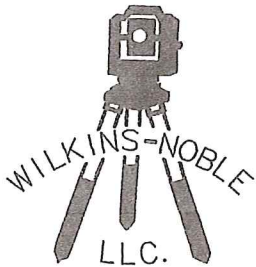
### GENERAL NOTES

ALL ELEVATIONS REFERENCED TO MLW DATUM  
PROP. DREDGE VOLUME 3200 CY  
(TO ELEV. -10.0 MLW DATUM)

NOTE: ALL DREDGE MATERIAL TO BE  
TRANSPORTED TO MDE APPROVED DISPOSAL  
SITE VIA WATERTIGHT TRUCKS

NOTE: VOLUMES MAY VARY DUE TO OBSTRUCTIONS  
(LARGE VESSELS) WITHIN THE DREDGE  
AREA AT THE TIME OF BATHMETRY SURVEY,

CIVIL ENGINEERING & LAND SURVEYING



11729 CHURCH ST.  
PRINCESS ANNE, MD 21853  
PHONE: 410-621-0321  
FAX: 410-621-0320

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| COUNTY WORCESTER | STATE MD      |           |           |
| MUNICIPALITY     | N/A           | SUBD.     | OC HARBOR |
| DISTRICT         | 10TH          | SECT NO.  | N/A       |
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| DEED REF.        | 6267/128      | LOT NO.   | 58        |
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## PLAN VIEW AND X SECTION

SHEET 2 OF 2