



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

Public Notice

In Reply to Application Number
CENAB-OP-RMS (Martin Fish Co LLC/Bulkhead, Pier, &
Dredging) 2013-61014

PN 13-47

Comment Period: August 6, 2013 to September 6, 2013

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 (DA) 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: Martin Fish Company
12929 Harbor Road
Ocean City, Maryland 21842

LOCATION: In Ocean City Harbor at 12929 Harbor Road, Ocean City, Worcester County, Maryland

WORK: To construct approximately 220 linear feet of steel replacement bulkhead with approximately 70 cubic yards of clean dredge material backfill to extend approximately 1.5 feet channelward of the existing deteriorating timber bulkhead ; to replace in-kind a 20-foot wide by 250-foot long parallel concrete deck on pilings ,to extend a maximum of 25 feet channelward of the existing bulkhead; to remove/mechanically dredge approximately 305 cubic yards of unauthorized rubble fill material from an approximate 30-foot wide by 58-foot long (1,752 square foot) area that was historically tidal waters and construct 30 linear feet of new bulkhead channelward of the fill area to be removed, with approximately 305 cubic yards of dredge material as backfill to extend a maximum of 58 feet channelward of the existing deteriorated bulkhead and in the same alignment as the 220 linear feet of proposed replacement bulkhead; and to mechanically dredge a 10 to 40-foot wide by 250-foot long (approximately 5,900 square foot) area to a depth of -10.0 feet mean low water (MLW).

The dredging would be completed by utilizing a long-boom excavator from the existing dock/property and would result in a total of approximately 480 cubic yards of dredged material that would be deposited in the following locations: 305 cubic yards to be deposited within the 30-foot wide by 58-foot long area as backfill for the proposed new bulkhead; 70 cubic yards as backfill for the proposed replacement bulkhead; and the remaining approximately 105 cubic yards to be deposited in an upland (non-wetland) disposal site approved by the Maryland Department of the Environment. The applicant also requests 10-year maintenance dredging. All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Ms. Laura Shively of this office at (410) 962-6011 or via email at laura.shively@usace.army.mil.

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.

The purposes of the project are shoreline erosion control; to improve navigable access; and to improve safety.

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 effect essential fish habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for *Pleuronectes americanus* (winter flounder), *Scophthalmus aquosus* (windowpane flounder), *Pomatomus saltatrix* (blue fish), *Stenotomus chrysops* (scup), *Centropristus striata* (black sea bass), and *Paralichthys dentatus* (summer flounder) juvenile and adult; *Urophycis chuss* (red hake) eggs, larvae, and juvenile; *Peprilus triacanthus* (Atlantic butterflyfish) and *Sphyrna lewini* (scalloped hammerhead shark) juvenile; *Clupea harengus* (Atlantic sea herring) and *Prionance glauca* (blue shark) adult; *Odontaspis taurus* (sand tiger shark) larvae and adult; *Squatina dumerili* (Atlantic angel shark) and *Charcharinus plumbeus* (sandbar shark) larvae, juvenile, and adult; *Charcharinus obscurus* (dusky shark) and *Galeocerdo cuvieri* (tiger shark) larvae; and eggs, larvae, juvenile, and adult stages of *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia); all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 12,982 square feet (0.30 acres) of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy sub-tidal substrate that does not support submerged aquatic vegetation (SAV) or hard clams (*Mercenari mercenary*). The proposed project will alter the existing elevations within the project footprint. However, the District Engineer 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 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 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, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

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 Wetlands and Waterways Program, Maryland Department of the Environment, 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.

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 Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division 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.

A preliminary review of this application indicates that the proposed work will not affect listed 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 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, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

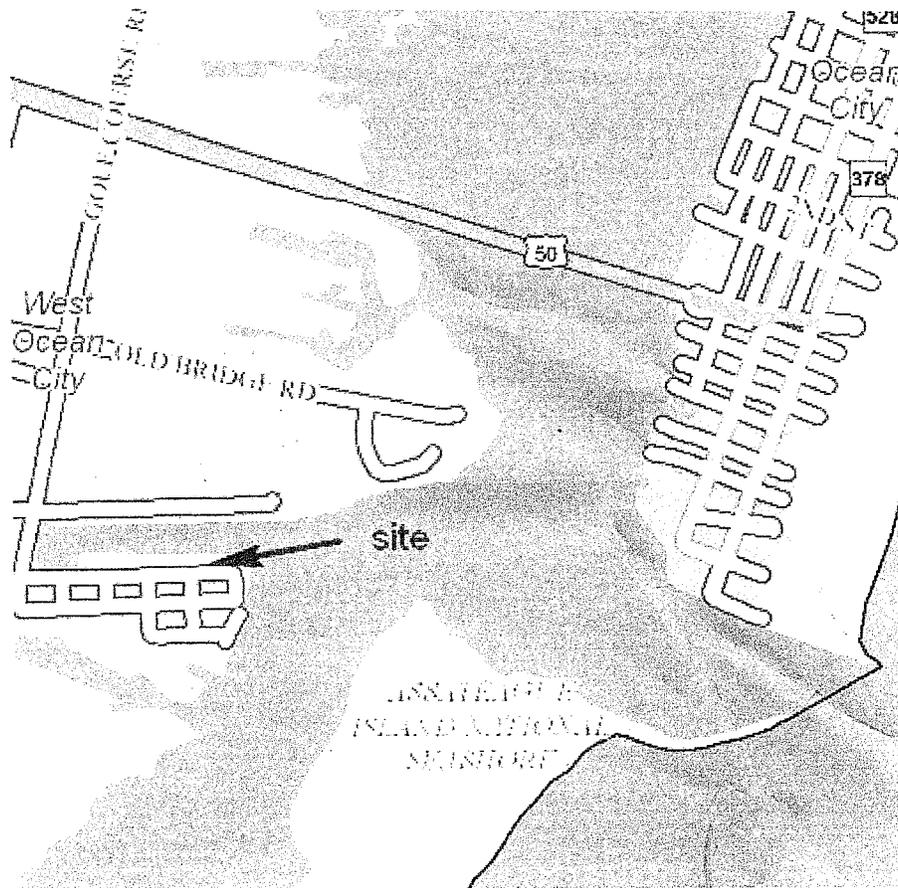
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

Kathy B. Anderson
Chief, Maryland Section Southern

SHORELINE PROTECTION, DECK REPLACEMENT, & DREDGING
MARTIN'S FISH CO.
WEST OCEAN CITY

VICINITY MAP



Enclosures:

Engineering plans for bulkhead, deck and fill.....Sheets 1-5, Becker Morgan Group

Bathymetric survey by Frank Lynch, Jr. & Associates

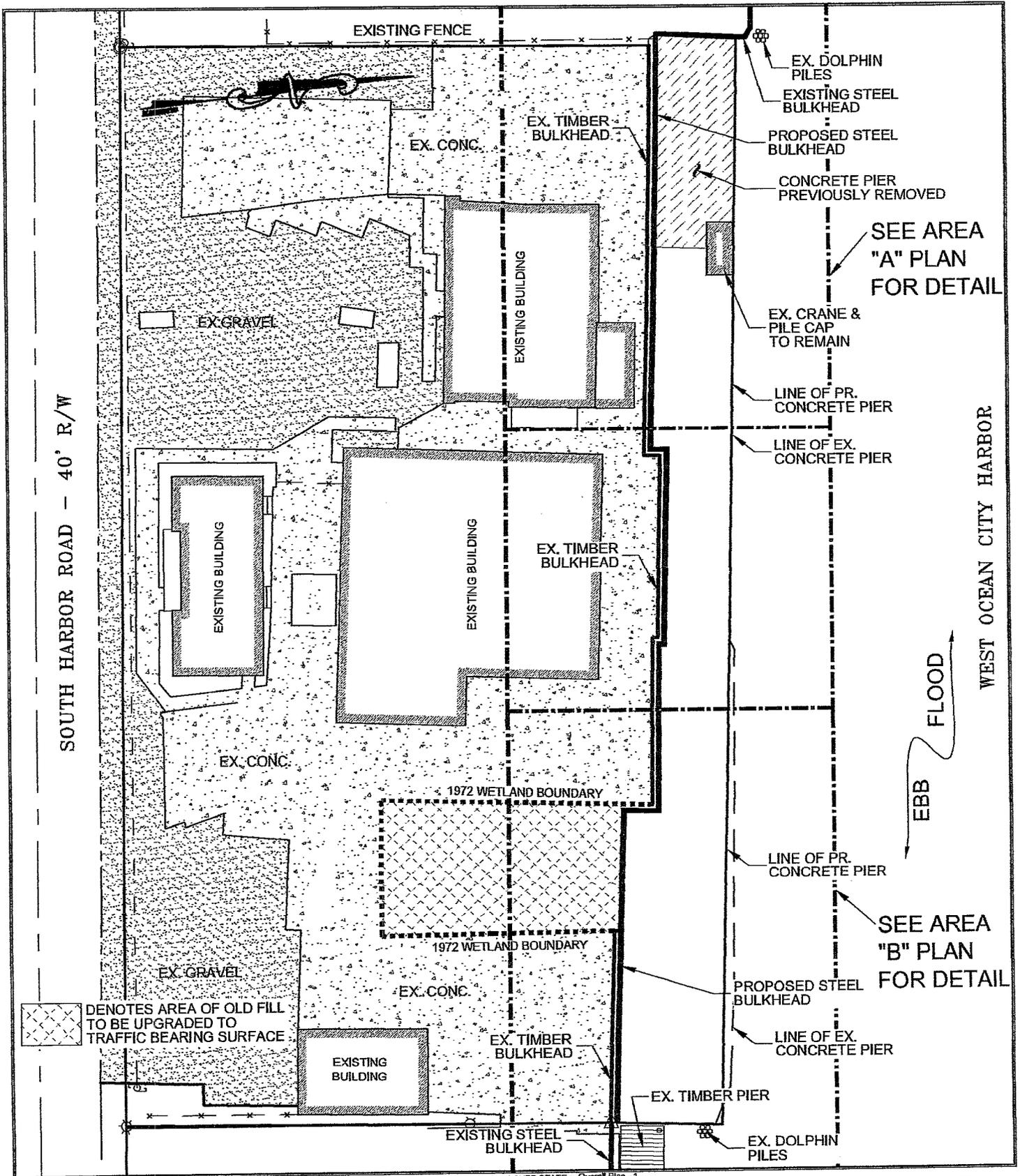
Relationships to Federal Channel and US Army Corps of Engineers bathymetric data....Appendix A

Graphic cross section of proposed dredging.....Appendix B

Owner: Martin's Fish Co., Inc.
12929 Harbor Rd.
Ocean City, MD 21842
Tax Map 27, Parcel 387

Date: May 6, 2013

Spencer Rowe, Inc.
12430 Fleetway Dr.
Ocean City, MD 21842
410-213-0127



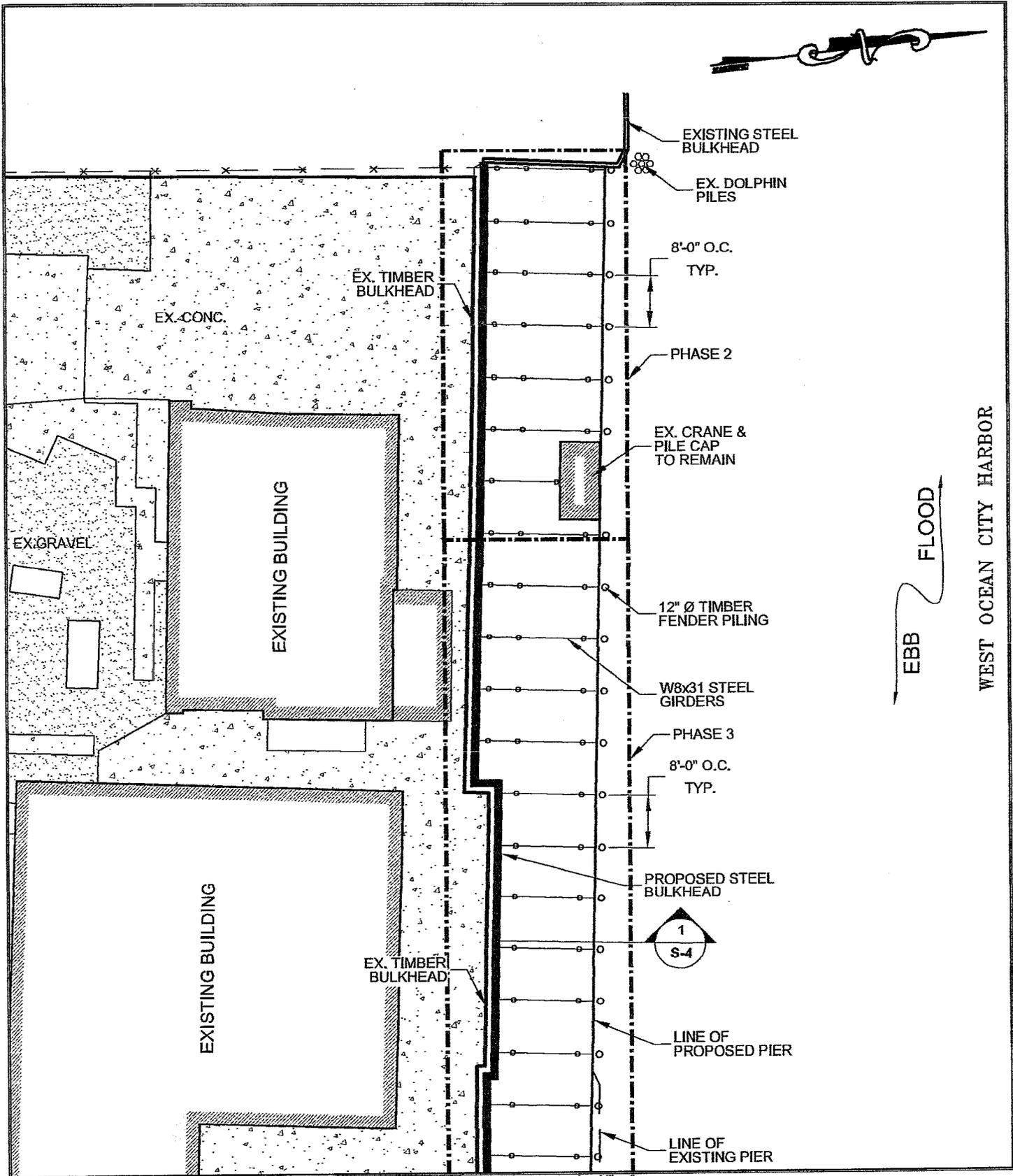
LAYER STATE: Overall Plan - 1

MARTIN FISH COMPANY
PROPOSED DECK RENOVATION
OVERALL PLAN
 OCEAN CITY
 WORCESTER COUNTY, MD

BECKER MORGAN GROUP

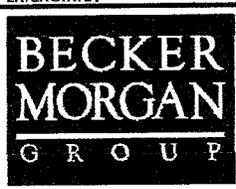
ARCHITECTURE
 ENGINEERING
Salisbury, MD
 312 West Main St., Suite 300
 Salisbury, MD 21801
 Ph. 410.546.9100
 Fax 410.546.5824

BMG: 2013060.00
 SCALE: 1" = 30'
 DATE: 04/08/13
 DRAWN BY: SDB
S-1



LAYER STATE: Area A Plan - 2

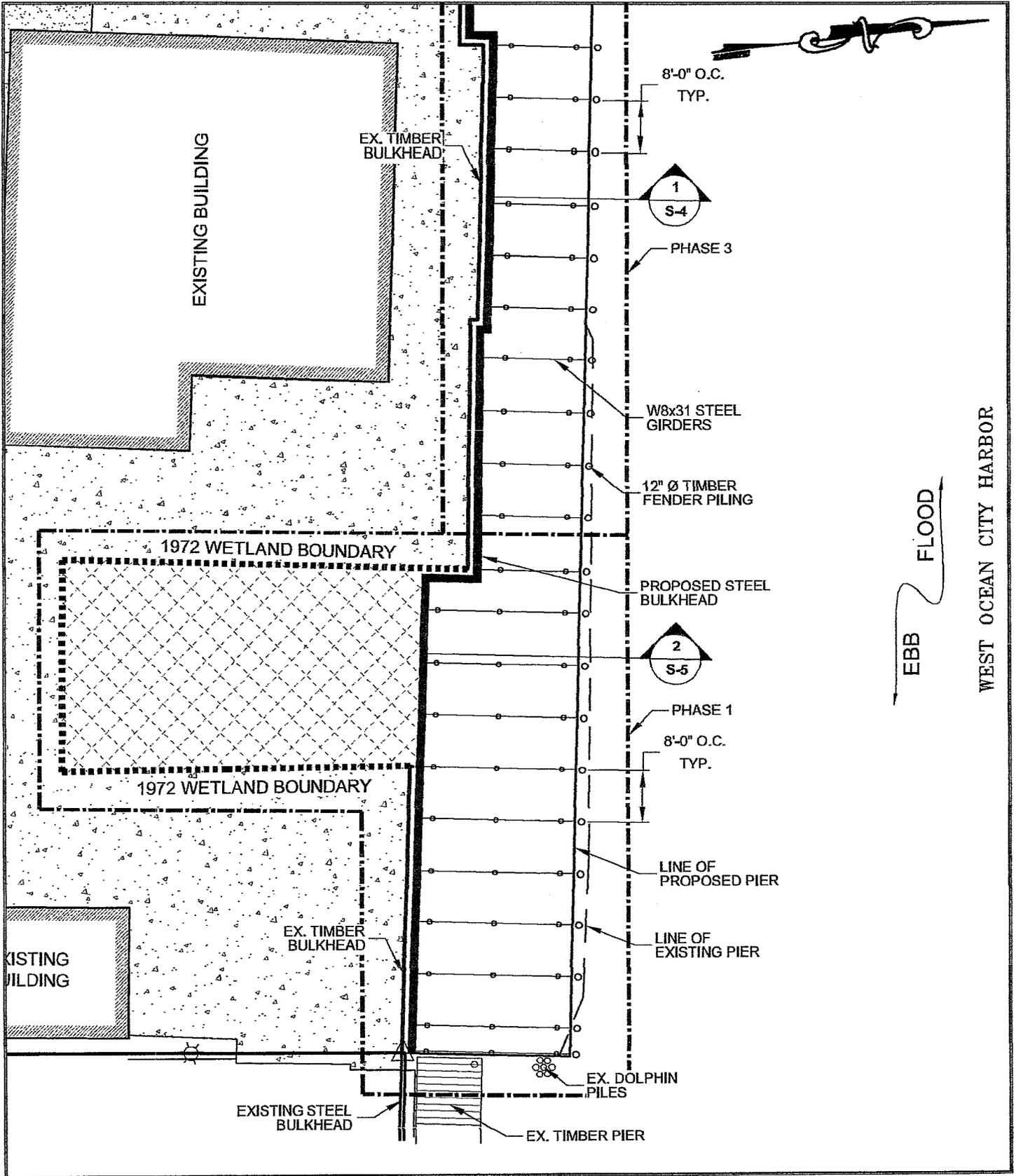
**MARTIN FISH COMPANY
PROPOSED DECK RENOVATION
AREA "A" PLAN**
OCEAN CITY
WORCESTER COUNTY, MD



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312 West Main St., Suite 300
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BMG: 2013060.00
SCALE: 1" = 20'
DATE: 04/08/13
DRAWN BY: SDB

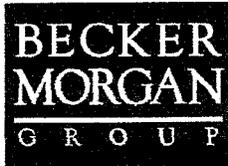
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LAYER STATE: Area B Plan - 3

**MARTIN FISH COMPANY
PROPOSED DECK RENOVATION
AREA "B" PLAN**

OCEAN CITY
WORCESTER COUNTY, MD

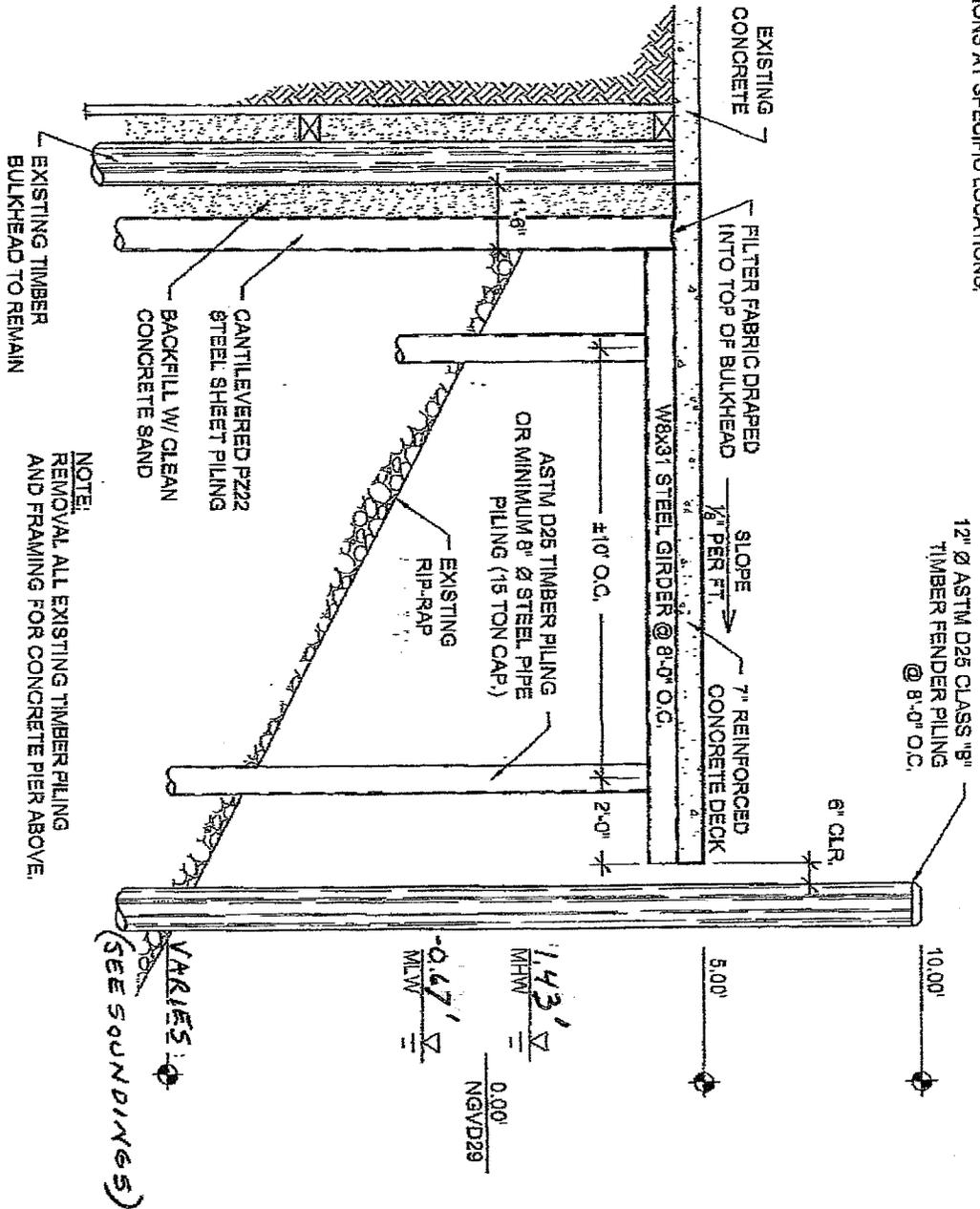


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BMG: 2013060.00
SCALE: 1" = 20'
DATE: 04/08/13
DRAWN BY: SDB

S-3

NOTE: MHW AND MLW ELEVATIONS EXTRAPOLATED FROM DATA FOR THE NOAA TIDE STATION AT THE OCEAN CITY INLET. TIDAL ELEVATIONS ARE SUBJECT TO LOCAL FLUCTUATIONS AT SPECIFIC LOCATIONS.



NOTE:
REMOVAL ALL EXISTING TIMBER PILING
AND FRAMING FOR CONCRETE PIER ABOVE.

SECTION 2
1/4" = 1'-0"

LAYERSTATE: Section 2-3

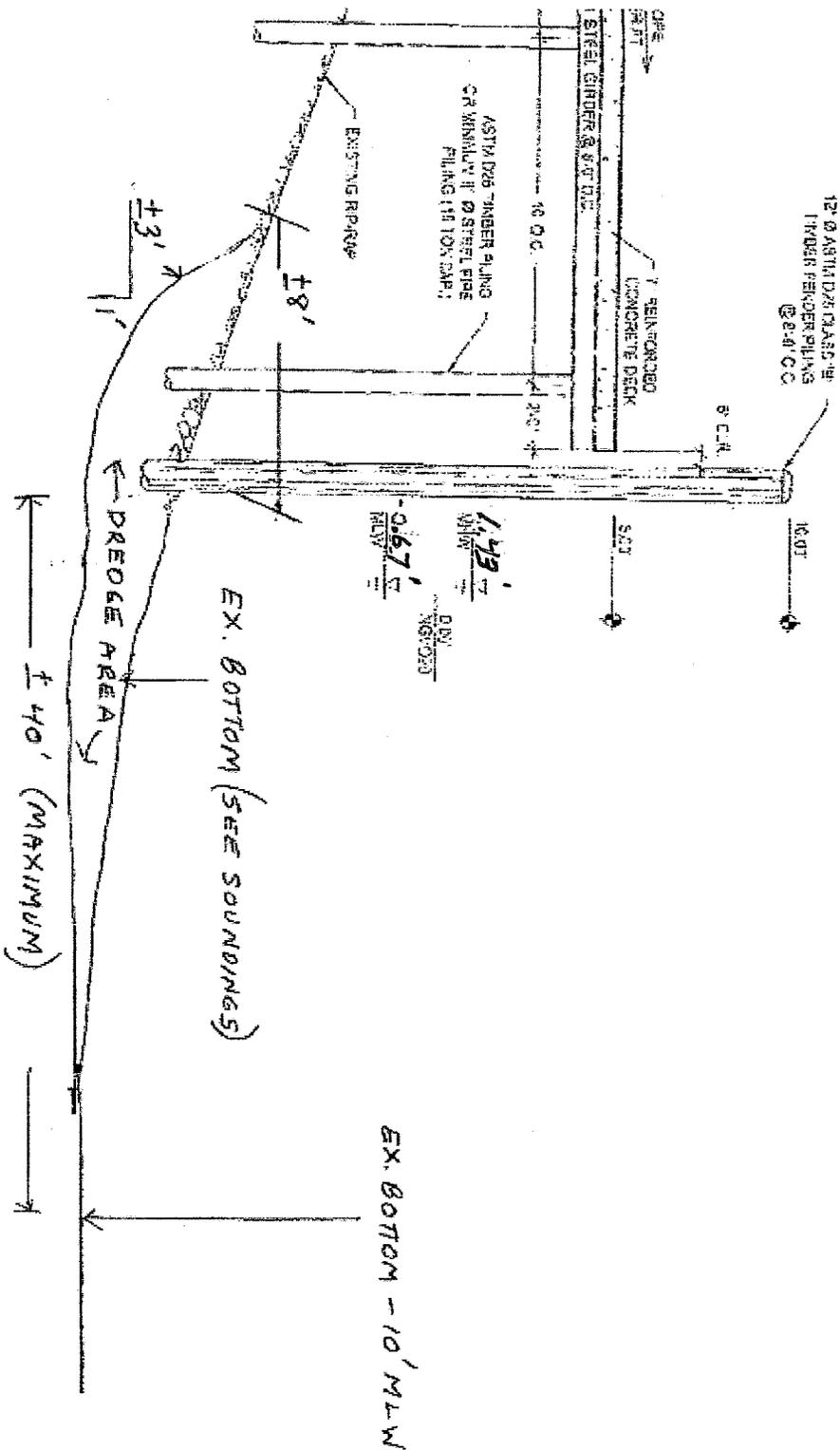
MARTIN FISH COMPANY
PROPOSED DECK RENOVATION
SECTION - 2
 OCEAN CITY
 WORCESTER COUNTY, MD

BECKER MORGAN GROUP

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BWG: 2013060.00
 SCALE: 1/4" = 1'
 DATE: 04/10/13
 DRAWN BY: SDB
S-5

**APPENDIX B
PROPOSED DREDGING SECTION (TYP.)
GRAPHIC REPRESENTATION**



Martin's Fish Co. WOC Harbor	Date: May 6, 2013	Spencer Rowe, Inc. 12430 Fleetway Dr. Ocean City, MD 21842 410-213-0127
NOT TO SCALE		