



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

Public Notice

In Reply to Application Number
CENAB-OP-RMS (Town of Ocean City-Russell's Reef)
1993-62313

PN 13-69

Comment Period: December 19, 2013 to January 11, 2014

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, as described below:

APPLICANT: Town of Ocean City
 C/o Ms. Gail P. Blazer
 P.O. Box 158
 Ocean City, Maryland 21842

LOCATION: In the Atlantic Ocean approximately 3.77 miles southeast of Ocean City Inlet at a location formerly known as Great Gull Reef.

<i>Latitude</i>	<i>Longitude</i>
38° 16.94' N	75° 01.50' W
38° 16.46' N	75° 00.80' W
38° 15.26' N	75° 02.10' W
38° 15.74' N	75° 02.80' W

WORK: To continue construction of a 3,503-foot wide by 8,100-foot long (approximately 1,033.1-acre) artificial reef by placing suitable materials within 3-acre areas located on 1/10 mile centers throughout Russell's Reef. The project would include the placement of a variety of materials including vessels cleaned to meet Clean Water Act standards; Reef-EX combat vehicles; steel, concrete, or plastic habitat structures; concrete rubble; stone; and abandoned subway cars that would extend varying heights above the bottom substrate depending on the size of the material and the placement location. A minimum vertical clearance varying from -20 to -51 feet at mean low water level would be maintained throughout the project area. All work will be completed in accordance with the enclosed 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.

The applicant is requesting approval for a 10-year period to maintain the existing artificial reef structures, including the addition of additional material as necessary.

The project was previously approved under DA permit CENAB-OP-RS (Maryland Dept. of Natural Resources-Great Gull Reef) on October 4, 1993. The permit was transferred to the Town of Ocean City on March 11, 1999, following transfer of the reef program from Maryland Department of Natural Resources to the Town of Ocean City. The project has been ongoing since 1993 and approximately 6.4 acres of artificial reef spaced throughout the reef area have been constructed to date.

The purpose of the project is to improve and maintain aquatic fish habitat within the Atlantic Ocean in the vicinity of Ocean City, Maryland.

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 by inspecting abandoned vessels or vehicles utilized in reef construction to ensure all materials comply with Clean Water Act requirements. The Project has been and would continue to be constructed in accordance with the

National Artificial Reef Plan developed pursuant to Section 204 of the National Fishery Enhancement Act of 1984 and would result in a net increase of approximately 240-acres of artificial reef habitat in the Atlantic Ocean. Upon development and build-out of the reef sites, it is expected that the proposed undertaking would provide for enhance fisheries and fish habitat. The proposed project would result in the deposition of various materials within the Atlantic Ocean in depths ranging from -22 to -51 feet at MLW. These deeper waters do not support SAV. Compensatory mitigation is not being proposed by the applicant for permanent impacts to open tidal waters as the project is proposed to enhance the existing aquatic environment.

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 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 butterfish) 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 1,330.1 acres of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy substrate that does not support submerged aquatic vegetation (SAV) or hard clams (*Mercenari mercenari*) due to the depth of the ocean at the project location. 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 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.

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 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.

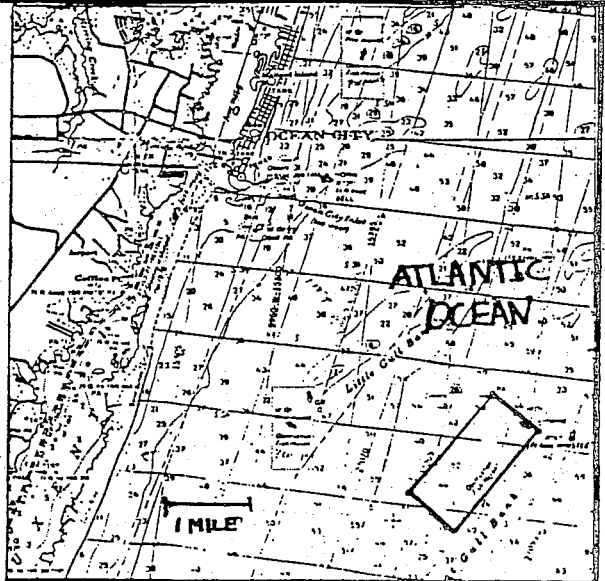
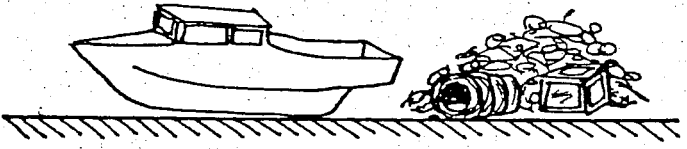
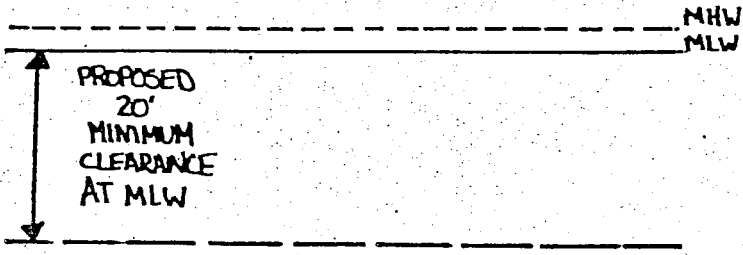
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost 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.

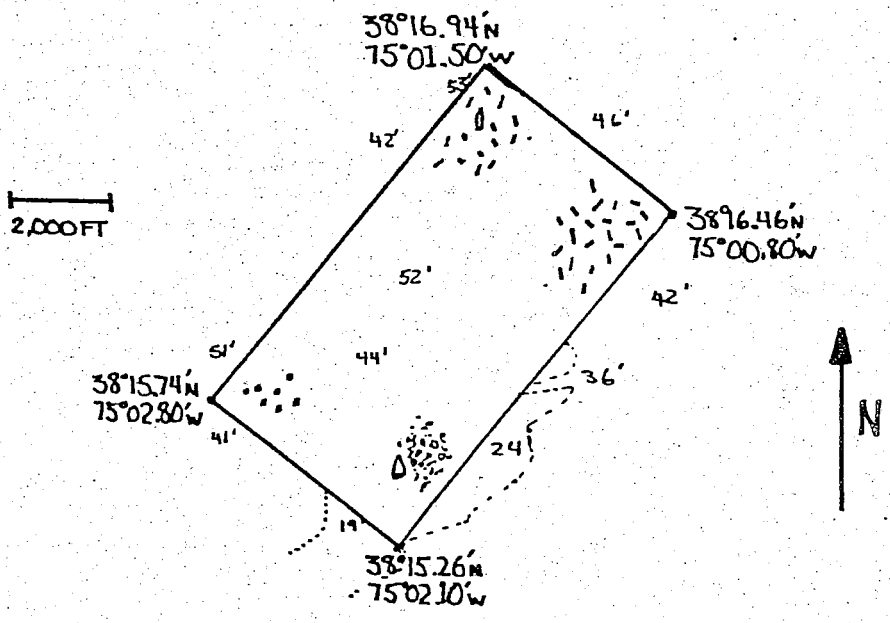
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern



SECTION VIEW

VICINITY MAP



PLAN VIEW

SHEET 1 OF 1

NOTES:

PROPOSED REEF MATERIALS INCLUDE DESIGNED STEEL, CONCRETE, OR PLASTIC HABITAT MODULES, CONCRETE RUBBLE, RIPRAP, CONCRETE OR STEEL VESSELS, [REDACTED]

PROPOSED GREAT GULL REEF

IN: ATLANTIC OCEAN
 AT: NEAR OCEAN CITY
 WORCHESTER COUNTY
 APPL. BY: MARYLAND DEPARTMENT OF
 NATURAL RESOURCES
 DATE: JUNE, 1992

Russell's Reef

January, 2013

Please Note: This chart is intended for private use only and may not be reproduced or otherwise redistributed without the written permission of the Ocean City Reef Foundation.

ETERNAL REEFS
Memorial Reef Balls
38.16.703N 85.01.573W
38.16.658N 75.01.52W
38.16.652N 75.01.580W

Apple Barge, "Chantell"
"Capt. Smitty" Crane
Reef Units
38.16.840
75.01.390

Daisey Barge
38.16.660N
75.01.560W

Bubba's Boat
OC Parrotheads
38.16.620N
75.01.180W

38.16.46N
75.00.50W
Pulver's Reef
38.16.175N 75.01.150W

Hall's Seafood
82' Cutter
38.16.860N
72.02.590W

King S. (Jamie) Fox III
Memorial Eternal Reef

Helen Ruth Lucy
40' Clam Boat
38.16.727N
75.01.431W

Bahia Marina
Foot Mgmt. Towers &
Apple Barge
38.16.315N 75.01.127W

Concrete Pipes
38.16.284N 75.01.080W

Mumford Steel
38.16.237 75.01.136

North Bay Tank

Gibby's Pipes
38.16.180N 75.01.152W

Parkside H.S. Reef 2
38.16.190N 75.01.1540W

Parkside HS Reef 3
38.16.206N 75.01.185W

Doug Ake's Reef
38.16.11N
75.01.84W

MAGEE FARM REEF GROUP
38.16.150N 75.01.171W

John Anthony
38.16.119N 75.01.439W

Turney's Journey's
38.12.151N 75.01.160W

Absolute Demo Steel
38.16.10N
75.01.87W

FISH HAVEN REEF UNITS
Kelly & Karen
Foot Management Inc.
Dave & Helen Raum
Ken & Elsie MacMullin
38.16.112N - 75.01.444W

BIG JOE HALL REEF GROUP

Big Joe Hall
38.16.090N
75.01.444W

Morgan's Reef
38.16.112N
75.01.444W

Jim Martin/Raven's
Roost
38.16.000N
75.01.800W

Millsboro P.D. Rifle Reef
38.15.880N 75.01.510W

Magee Pipe
38.16.010N
74.01.830W

Magee Pipe
38.15.528 75.02.144

Magee Pipe
38.15.905N
75.01.471W

Fish America Foundation Units
Ake's Acre
38.15.575N 75.02.116W

Cable Barge
W.K. Popp
38.15.75'N 75.02.64'W

MUMFORD METAL REEF GROUP

30 Wreckettes
Placed by
The Morning Star

200
Wreckettes
placed by the
O.C. Princess

Magee Farm Reef
38.15.550N 75.02.161W

38.15.74'N
75.02.80'W

Mumford's Reef
38.15.565N 75.02.160W

Belmont/Hearne Reef 1
38.15.562N 75.02.161W

38.15.533'N
75.02.142'W



Ocean City Reef Foundation
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