

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

Public Notice

In Reply to Application Number
CENAB-OP-RMS (Harrison, John) 2013-62055

PN 14-54

Comment Period: October 21, 2014 to November 10, 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 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: John Harrison
C/o Coastal Compliance Solutions, LLC
P.O. Box 66
Fruitland, Maryland 21826

LOCATION: In an unnamed tidal basin and the Newport Bay at 5939 South Point Road in Berlin, Worcester County, Maryland

WORK: After-the-fact request for emplacement of 670 linear feet of stone revetment, 11-foot wide, extending a maximum of 10 feet channelward of the approximate mean high water (MHW) shoreline; emplacement of 78 linear feet of stone revetment, 9-foot wide extending a maximum of 11 feet channelward of the approximate MHW shoreline; emplacement of 77 linear feet of stone revetment, 8-foot wide, extending a maximum of 8 feet channelward of the approximate MHW shoreline; emplacement of 31 linear feet of stone revetment, 7-foot wide, extending a maximum of 3 feet channelward of the approximate MHW shoreline; emplacement of 44.4 linear feet of stone revetment, 7-foot wide extending a maximum of 3 feet channelward of the approximate MHW shoreline; for construction of an 8.5-foot wide by 31-foot long parallel pier extending no more than 8.5 feet channelward of the approximate MHW shoreline; and for construction of a 12-foot wide by 31.9-foot long parallel pier extending a maximum of 12 feet channelward of the approximate MHW shoreline.

In addition, the project proposes the following new work: to nourish an existing beach area by depositing approximately 35 cubic yards of clean select sand fill material within a 20-foot wide by 115-foot long (2,300 square foot) area to extend a maximum of 20 feet channelward of the approximate MHW shoreline; to create approximately 2,300 square feet of marsh, varying from 1 to 11-foot wide, along 270 linear feet of shoreline by depositing approximately 125 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* to extend no more than 11 feet channelward of the approximate MHW shoreline; and to construct a 9-foot wide by 270-foot long staggered stone sill system with 6 to 8-foot wide flushing windows to extend a maximum of 20 feet channelward of the approximate MHW shoreline, impacting approximately 500 square feet of submerged aquatic vegetation (SAV); to replace in-kind an unauthorized 160 linear foot timber

breakwater to extend a maximum of 180 feet channelward of the approximate MHW shoreline and a 160 linear foot wave break structure attached to the existing pier to extend a maximum of 160 feet channelward of the approximate MHW shoreline. In addition, the work includes the removal of an unauthorized 4-foot wide by 10-foot long timber walkway placed along the existing beach; a 6-foot wide by 18-foot long stone revetment; a 6-foot wide by 39-foot long stone revetment; a 160-foot long timber groin; and to restore the areas to their pre-existing conditions. All work would be completed in accordance with the plans dated January 20, 2014 within an unnamed tidal basin and the Newport Bay at 5939 South Point Road in Berlin, Worcester County, Maryland. 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.

The purpose of the proposed project is to improve shoreline erosion control and to improve navigable access.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable. An SAV survey was performed in the area, and the channelward extent of the marsh establishment area and stone structures would impact approximately 500 square feet of SAV. The project elements have been reduced to minimize impacts to SAV. This habitat consists of a mostly sand substrate, 2,200 square feet of which does support SAV at a 10 to 40% coverage density. SAV has been identified by the NMFS as a habitat area of particular concern that has been identified as essential fish habitat for sensitive fish species within the Maryland Coastal Bays. The applicant has reduced the channelward extent of the proposed work that would permanently shade and bury SAV habitat.

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 butterflyfish) and *Sphyrna lewini* (scalloped hammerhead shark) juvenile; *Clupea harengus* (Atlantic sea herring) and *Prionace 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 does not comprise 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 17,355 square foot area of EFH as described under the MSFCMA for the species and life stages identified above.

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 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 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 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

GENERAL NOTES:

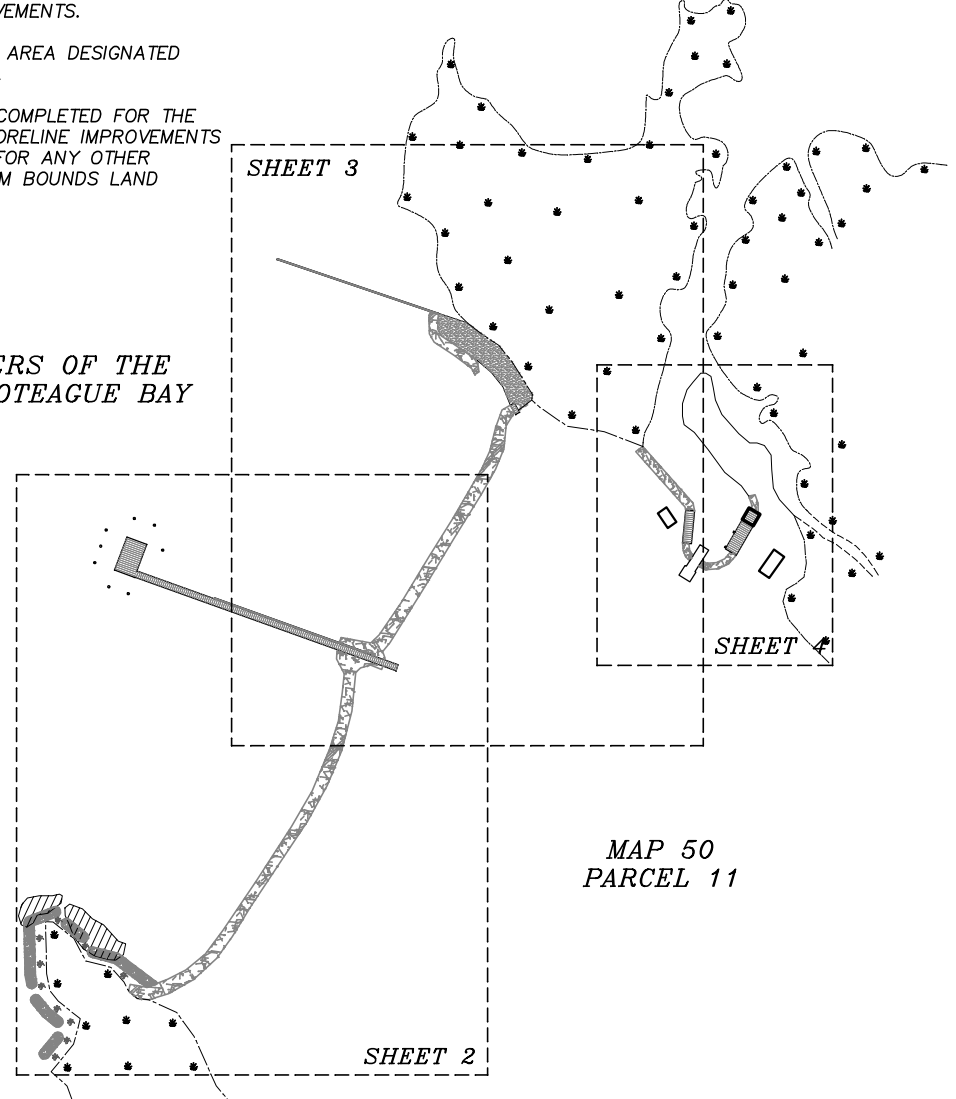
1. DEED REFERENCE: 2735-40
PLAT REFERENCE: 114-25
 2. PROPOSED SHORELINE IMPROVEMENTS: PROPOSED STAGGERED STONE SILL NOT TO EXCEED 20' CHANNELWARD AS SHOWN HEREON, BACKFILL WITH SAND AND PLANT WITH SPARTINA ALTERNIFLORA.
- PROPOSED SHORELINE ADJUSTMENTS: (1) 918.4 L.F. OF UNPERMITTED RIP RAP TO REMAIN. (2) 57 L.F. OF UNPERMITTED RIPRAP TO BE REMOVED. (3) 4' X 10' PIER TO BE REMOVED. (4) 12.5 L.F. OF AN EXISTING DOCK TO BE REMOVED.
3. ELEVATIONS SHOWN HEREON ARE BASED WITHIN AN ASSUMED DATUM. THE LINE OF SATURATION, MEASURED TO BE M.H.W., IS SET AS 2.0' FOR THE PURPOSE OF THIS SHORELINE PERMIT DRAWING.
 4. AS PER THE VIRGINIA INSTITUTE OF MARINE SCIENCES (VIMS) MAP LABELED, TINGLES ISLAND, MD (170), THE WATERS OF THE SUBJECT SITE HAVE A 10 - 40% SUBMERGED AQUATIC VEGETATION (SAV) RATING.
 5. NO TREES OR OTHER VEGETATION NEED TO BE REMOVED IN ORDER TO COMPLETE THE PROPOSED IMPROVEMENTS.
 6. THIS PROPERTY LIES WITHIN A CRITICAL AREA DESIGNATED "R.C.A.", OR RESOURCE CONSERVATION AREA.
 7. THIS SHORELINE PERMIT DRAWING WAS COMPLETED FOR THE EXPRESS PURPOSE OF FACILITATING THE SHORELINE IMPROVEMENTS SHOWN HEREON, AND SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT WRITTEN PERMISSION FROM BOUNDS LAND SURVEY LLC.



VICINITY MAP
1" = 3000'±



WATERS OF THE
CHINCOTEAGUE BAY



MAP 50
PARCEL 11



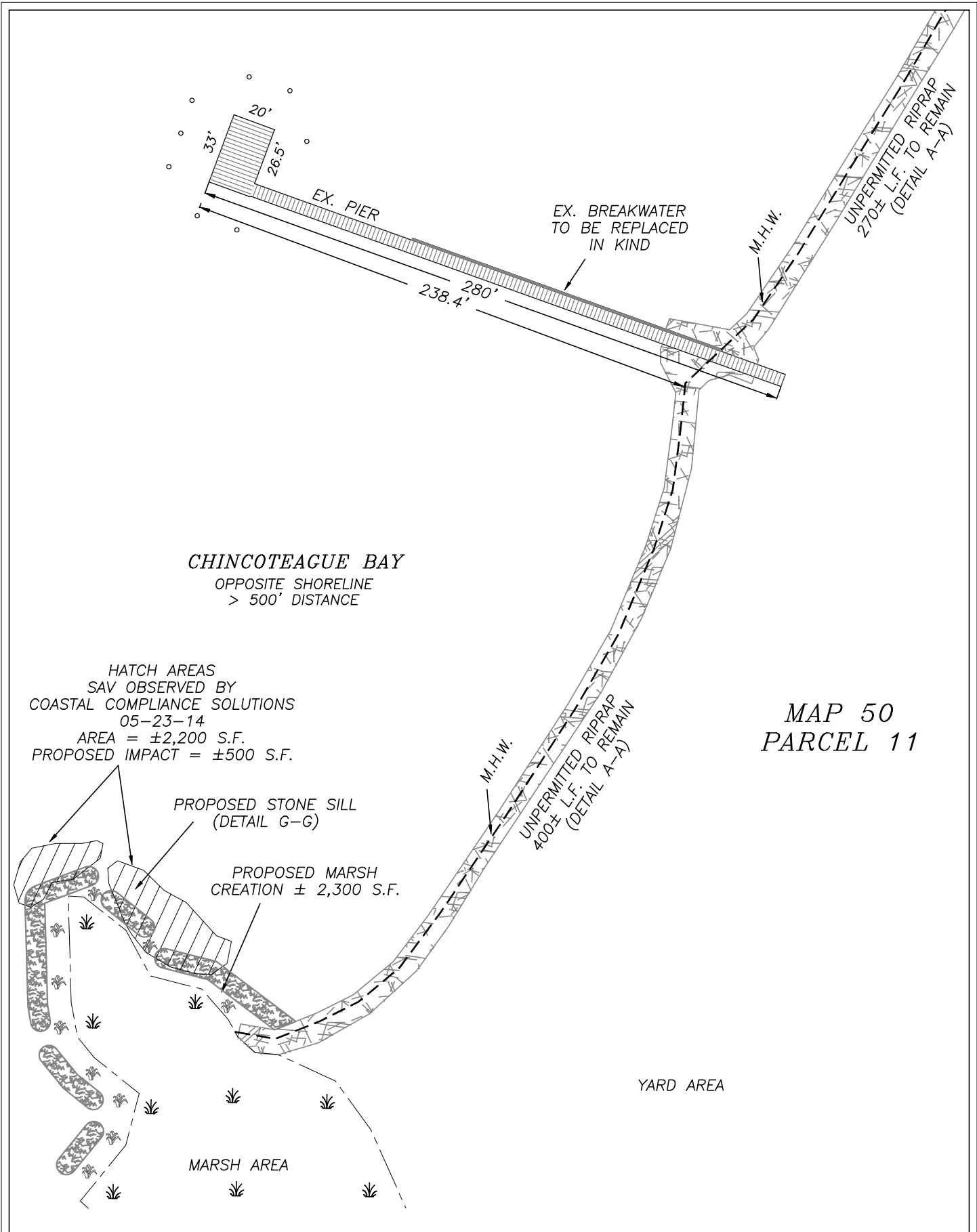
BOUNDS LAND SURVEY LLC
MARYLAND & DELAWARE LAND AND
HYDROGRAPHIC SURVEYING
PO Box 20 • Newark, Maryland 21841
p. 410.726.2767 • coard.bounds@gmail.com

SHORELINE PERMIT DRAWING

ON LANDS OF
JOHN H. & KAREN G. HARRISON

5939 SOUTH POINT ROAD - OCEAN CITY, MARYLAND
PARCEL 11 - TAX MAP 50 - WORCESTER COUNTY - TAX DISTRICT 10

REVISED:	AUGUST 27, 2014	SAV PER CCS & NMF COMMENTS
DRAWN:	NOVEMBER 15, 2013	SCALE: N.T.S.
SURVEYED:	NOVEMBER 5, 2013	JOB: 177
		SHEET: 1 OF 7



MAP 50
PARCEL 11

HATCH AREAS
SAV OBSERVED BY
COASTAL COMPLIANCE SOLUTIONS
05-23-14
AREA = ±2,200 S.F.
PROPOSED IMPACT = ±500 S.F.

PROPOSED STONE SILL
(DETAIL G-G)

PROPOSED MARSH
CREATION ± 2,300 S.F.

MARSH AREA

YARD AREA

JOHN H. & KAREN G. HARRISON

REVISED: AUGUST 27, 2014 SAV PER CCS & NMF COMMENTS

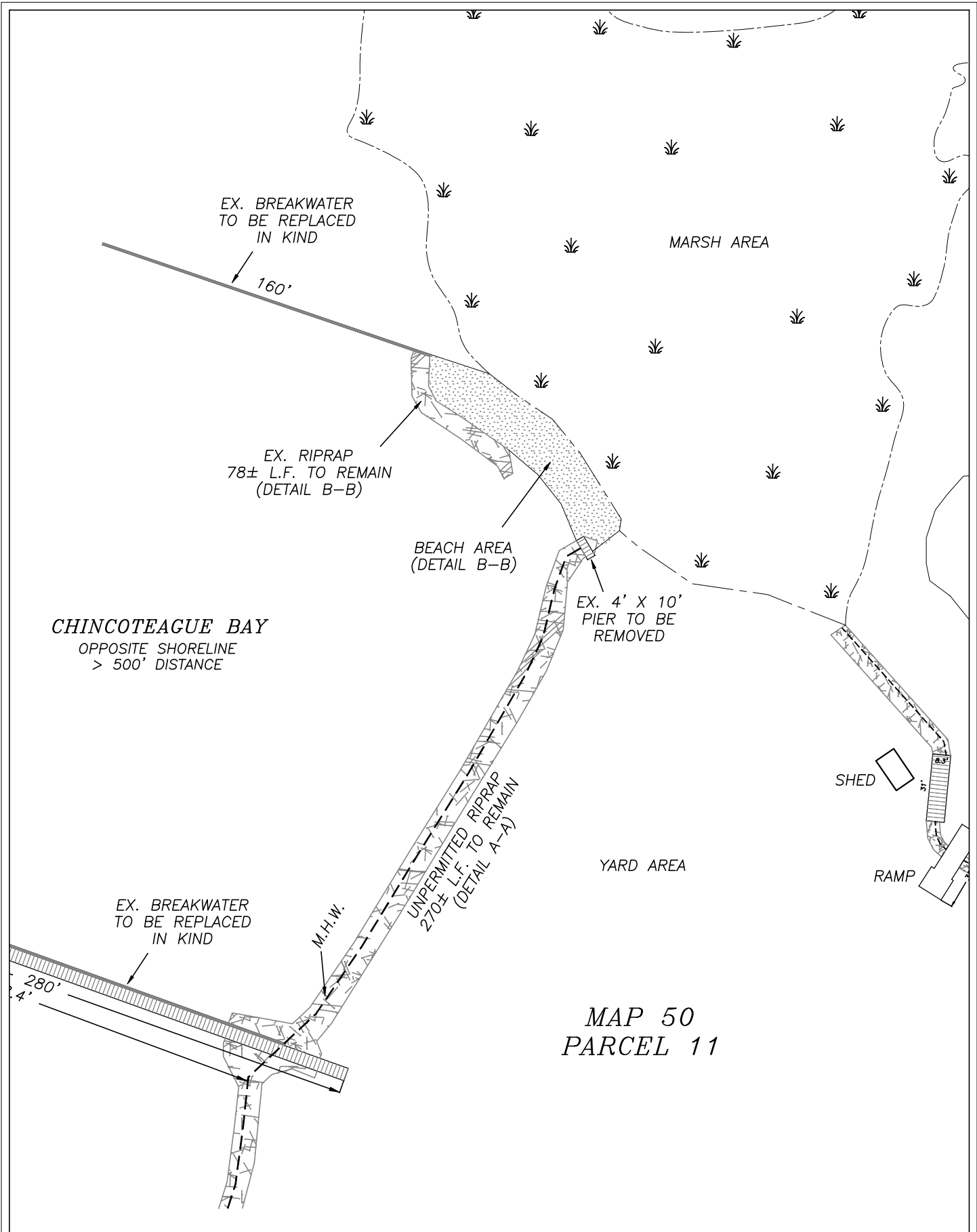
DRAWN: NOVEMBER 15, 2013

SCALE: 1" = 60'

SURVEYED: NOVEMBER 05, 2013

JOB: 177

SHEET: 2 OF 7



JOHN H. & KAREN G. HARRISON

REVISED: MAY 29, 2014 SAV PER CCS

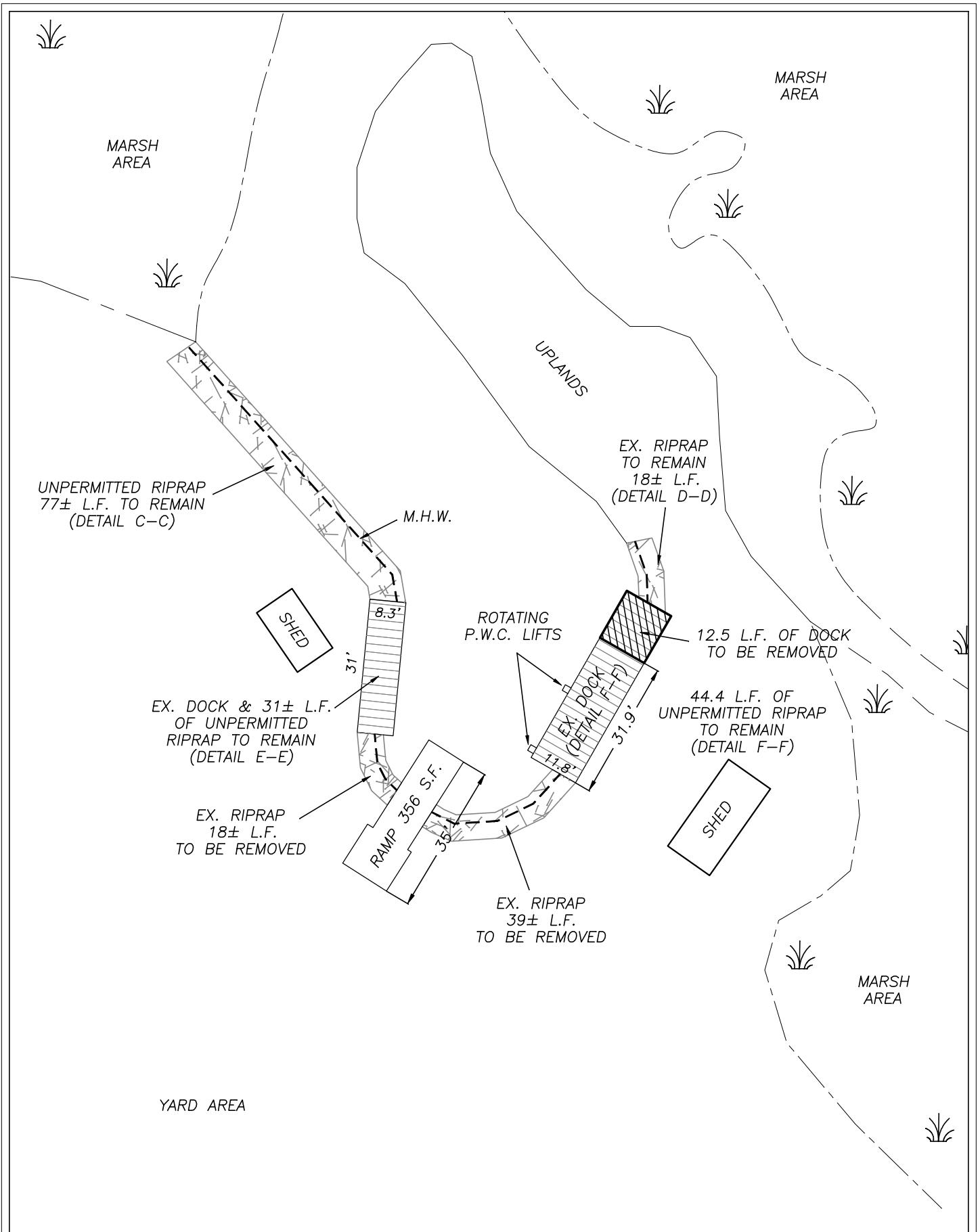
DRAWN: NOVEMBER 15, 2013

SCALE: 1" = 60'

SURVEYED: NOVEMBER 05, 2013

JOB: 177

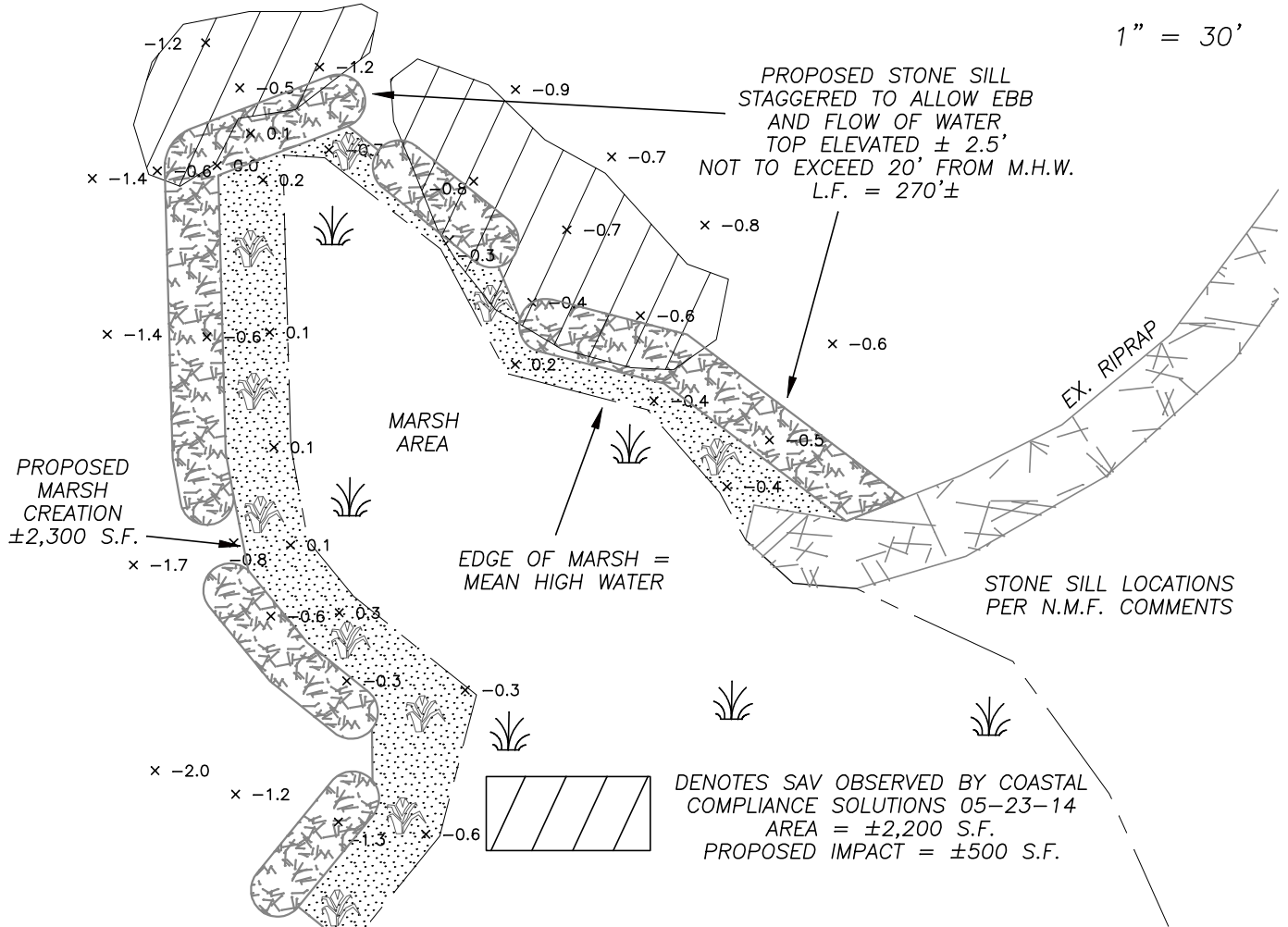
SHEET: 3 OF 7



JOHN H. & KAREN G. HARRISON

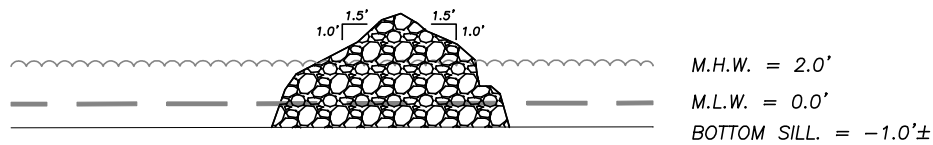
REVISED:	MAY 29, 2014	SAV PER CCS	SCALE: 1" = 30'
DRAWN:	NOVEMBER 15, 2013		
SURVEYED:	NOVEMBER 05, 2013	JOB: 177	SHEET: 4 OF 7

1" = 30'



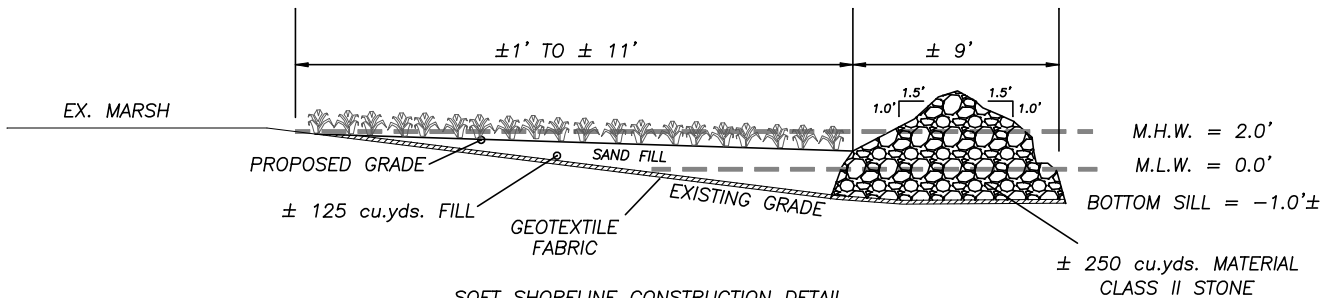
ROCK SILL CONSTRUCTION DETAIL
NOT TO SCALE, FOR PERMITTING PURPOSES ONLY

PROPOSED STONE SILL
TOP ELEVATED ± 2.5' ABOVE M.H.W.



PLANT W/ SPARTINA ALTERNIFLORA
AT 18" O.C. SPACING

PROPOSED STONE SILL
STAGGERED TO ALLOW EBB AND FLOW OF WATER
TOP ELEVATED ± 2.5' ABOVE MHW



SOFT SHORELINE CONSTRUCTION DETAIL
NOT TO SCALE, FOR PERMITTING PURPOSES ONLY

JOHN H. & KAREN G. HARRISON

REVISED: AUGUST 27, 2014 SAV PER CCS & NMF COMMENTS

DRAWN: NOVEMBER 15, 2013

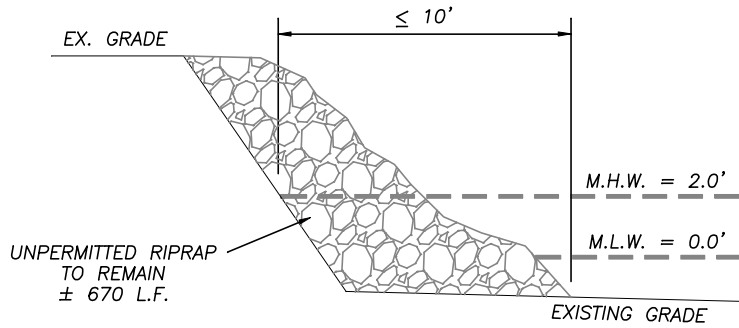
SCALE: PER DETAIL

SURVEYED: NOVEMBER 05, 2013

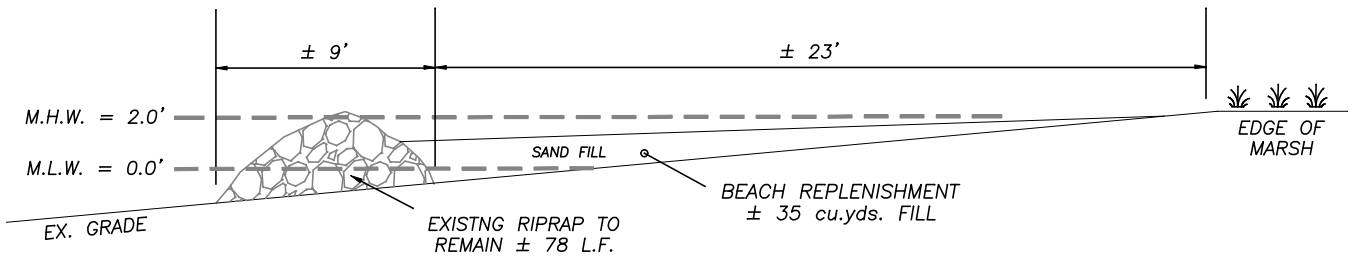
JOB: 177

SHEET: 5 OF 7

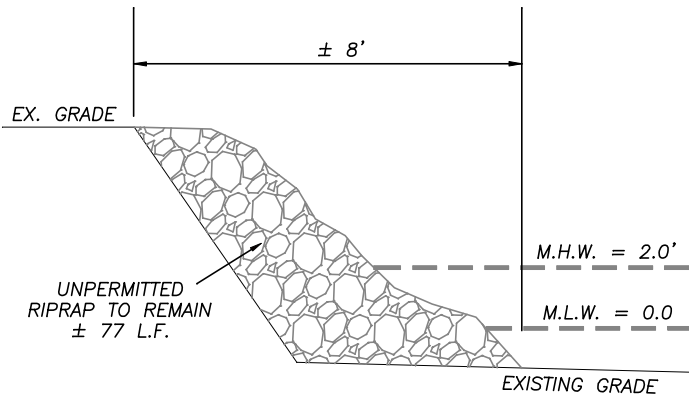
DETAIL A-A
UNPERMITTED RIPRAP TO REMAIN
NOT TO SCALE



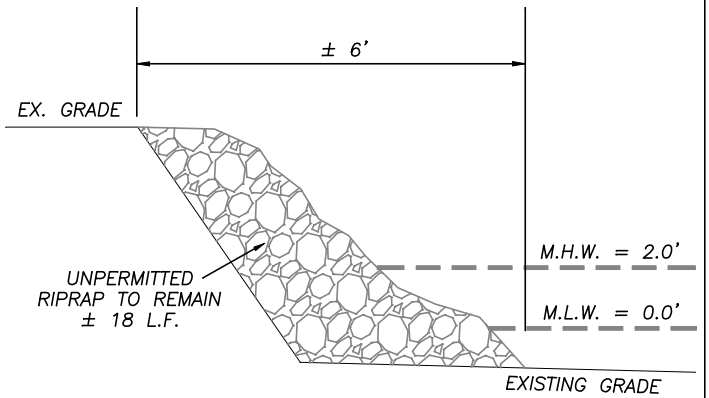
DETAIL B-B
BEACH REPLENISHMENT & EXISTING RIPRAP TO REMAIN
NOT TO SCALE



DETAIL C-C
UNPERMITTED RIPRAP TO REMAIN
NOT TO SCALE



DETAIL D-D
UNPERMITTED RIPRAP TO REMAIN
NOT TO SCALE



JOHN H. & KAREN G. HARRISON

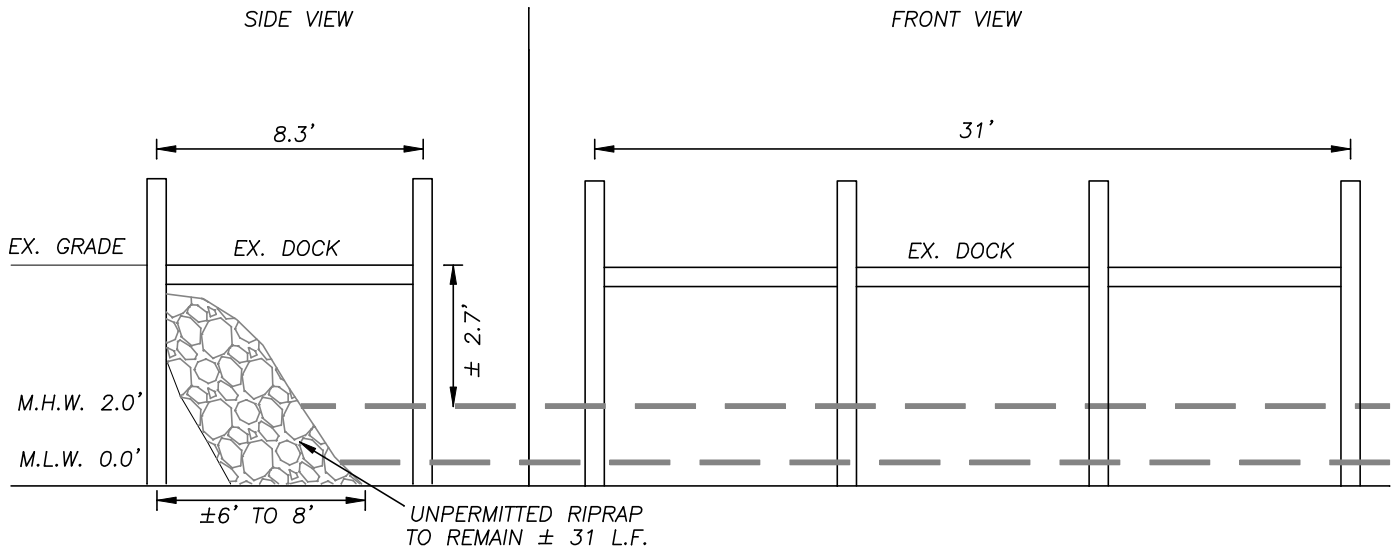
REVISED: MAY 29, 2014 SAV PER CCS
DRAWN: NOVEMBER 15, 2013
SURVEYED: NOVEMBER 5, 2013

SCALE: N.T.S.

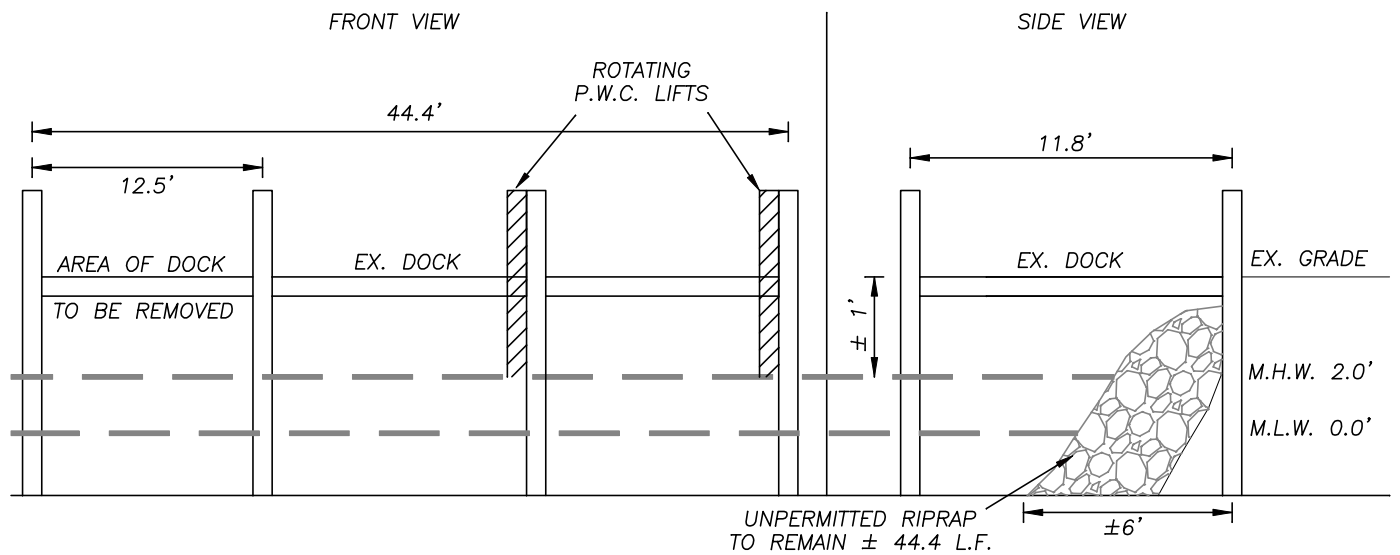
JOB: 177

SHEET: 6 OF 7

DETAIL E-E EXISTING DOCK
NOT TO SCALE



DETAIL F-F EXISTING DOCK
NOT TO SCALE



JOHN H. & KAREN G. HARRISON

REVISED: MAY 29, 2014 SAV PER CCS
DRAWN: NOVEMBER 15, 2013
SURVEYED: NOVEMBER 5, 2013

SCALE: N.T.S.
JOB: 177 SHEET: 7 OF 7