



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

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (O'BRIEN, KATHLEEN/BEACH PRISMS)  
2014-60322



PN 14-57

Comment Period: November 3, 2014 to December 3, 2014

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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 Maryland Department of the Environment (MDE) and the Baltimore District Corps of Engineers (COE) have received and are evaluating a Joint Permit Application for Department of the Army authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899 and State authorization pursuant to Title 16 of the Environment Article, Annotated Code of Maryland, as described below:

**APPLICANT:** Ms. Kathleen O'Brien  
39 Boon Trail  
Severna Park, Maryland 21146

**LOCATION:** In the Potomac River at 41921 White Point Beach Road, Leonardtown, St. Mary's County, Maryland.

**WORK:** To emplace 102 concrete beach prisms, each measuring 10 feet long by 4.7 feet wide by 4 feet high, with a spacing of 0.5 feet between each concrete structure, along 1,065 linear feet of shoreline extending approximately 35 to no more than 72 feet channelward of the approximate mean high water shoreline. All work is to be completed in accordance with the proposed plan(s).

The project site is situated along a shoreline comprised of an existing timber bulkhead reinforced with toe stone, stone revetment, and eroding shoreline landward of a failed gabion basket shoreline protection project. To reduce impacts, the project was modified from 116 concrete beach prisms to 102 units. The applicant proposes to barge the structures in for the construction of the breach prism project. No backfill is proposed to be deposited.

Compensatory mitigation is not being proposed by the applicant for permanent impacts to open water. The mitigation requirements for MDE's authorization is under review.

The purpose of the project is shoreline stabilization.

**WRITTEN COMMENTS:** To be included in the official record, written comments and information provided by interested parties must be received by the COE and MDE by the closing date of this notice's comment period, December 3, 2014 to receive consideration. The mailing addresses for submission of written comments are:

U.S. Army Corps of Engineers  
 Baltimore District  
 Attn: Mrs. Erica Schmidt  
 PO Box 1715  
 Baltimore, MD 21203-1715

Maryland Department of the Environment  
 Wetlands and Waterways Program  
 Attn: Ms. April Stehr  
 1800 Washington Blvd., Suite 430  
 Baltimore, MD 21230-1708

If you have any questions for the COE concerning this matter please contact Mrs. Erica Schmidt at (410) 962-6029 or by email at [erica.schmidt@usace.army.mil](mailto:erica.schmidt@usace.army.mil).

If you have any questions for MDE concerning this matter or would like to request a public informational hearing, please contact Ms. April Stehr at (410) 537-3789 or by email at [april.stehr@maryland.gov](mailto:april.stehr@maryland.gov).

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 Gadus morhua (Atlantic Cod) adult, Pleuronectes americanus (winter flounder) juvenile, and adult, Scophthalmus aquosus (windowpane flounder) eggs, larvae, juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; (Lophius americanus) (Monkfish) eggs and larvae, Stenotomus chrysops (scup) juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Urophycis chuss (red hake) eggs, larvae, juvenile; (Peprilus triacanthus (Atlantic butterfish) eggs, juvenile, adult; Clupea harengus (Atlantic sea herring) juvenile and adult; Odontaspis taurus (sand tiger shark) larvae and adult; Squatina dumerili (Atlantic angel shark) larvae, juvenile, and adult; Charcharinus obscurus (dusky shark) larvae; Charcharinus plumbeus (sandbar shark) larvae, juvenile, and adult; Odontaspis taurus sand tiger shark, larvae and juvenile, Sphyrna lewini (scalloped hammerhead shark) juvenile; Rhizopriondon terraenovae (Atlantic sharpnose shark) adult, Prionance glauca (blue shark) adult 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), Spisula solidissima (surf clam) juvenile, 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 4,794 square feet of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy and silty sub-tidal substrate that does not support submerged aquatic vegetation (SAV). The proposed project would alter the existing elevations and substrate within the project footprint and the areas filled are not expected to support the current benthos and fishery due to the project. 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, 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, US 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  
U.S. Army Corps of Engineers

FOR THE SECRETARY:

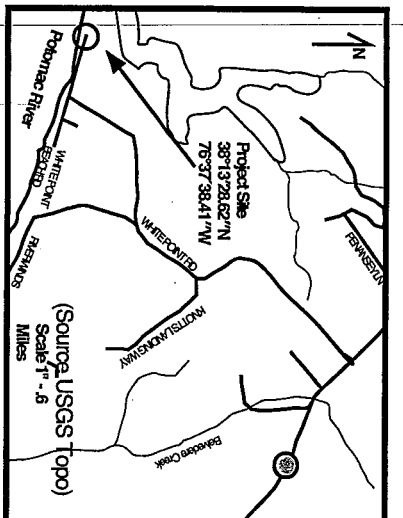


Robert Tabisz  
Acting Chief, Tidal Wetlands Section  
Maryland Department of the Environment



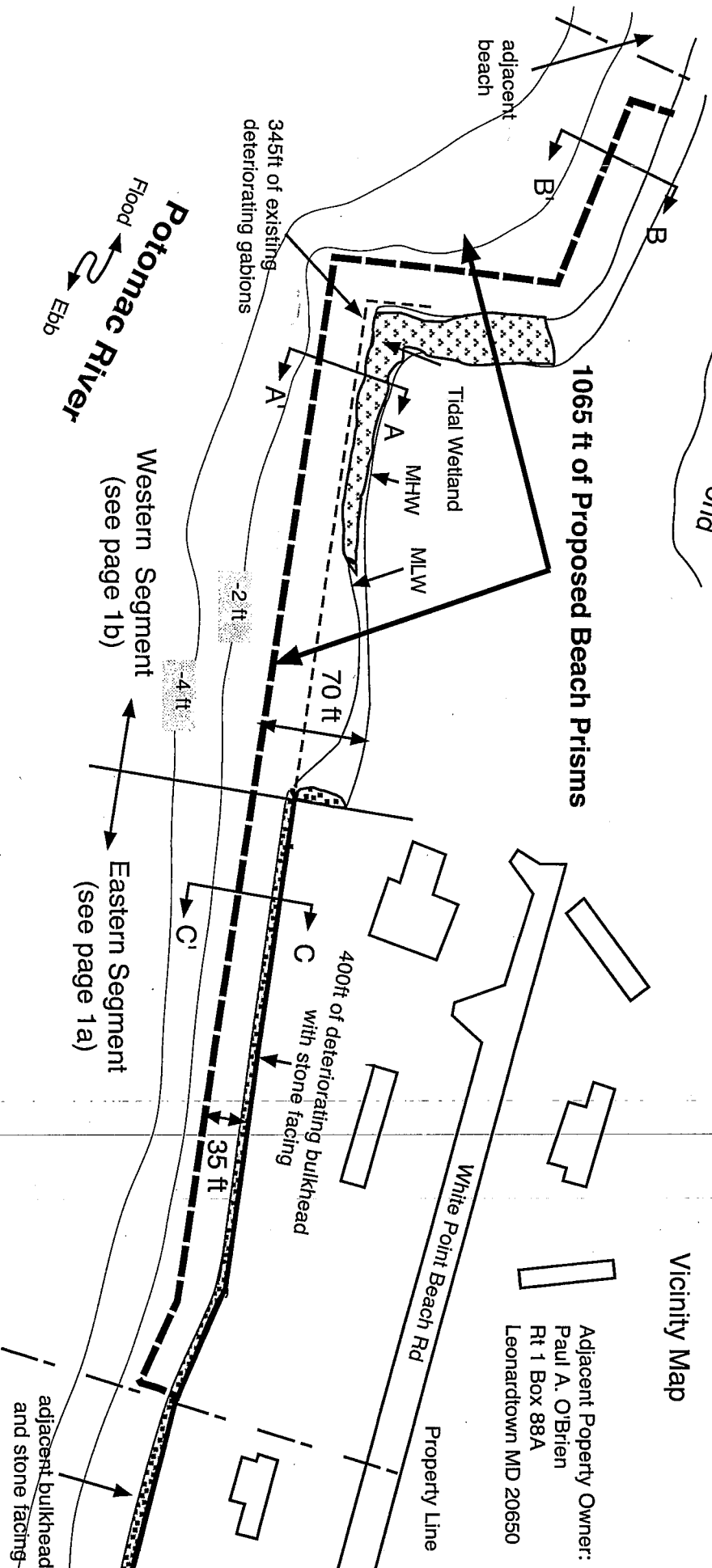
Adjacent Property Owner:  
 Robert E. Cammack  
 PO Box 86  
 Leonardtown, MD 20650

# Plan View



Vicinity Map

Adjacent Property Owner:  
 Paul A. O'Brien  
 Rt 1 Box 88A  
 Leonardtown MD 20650

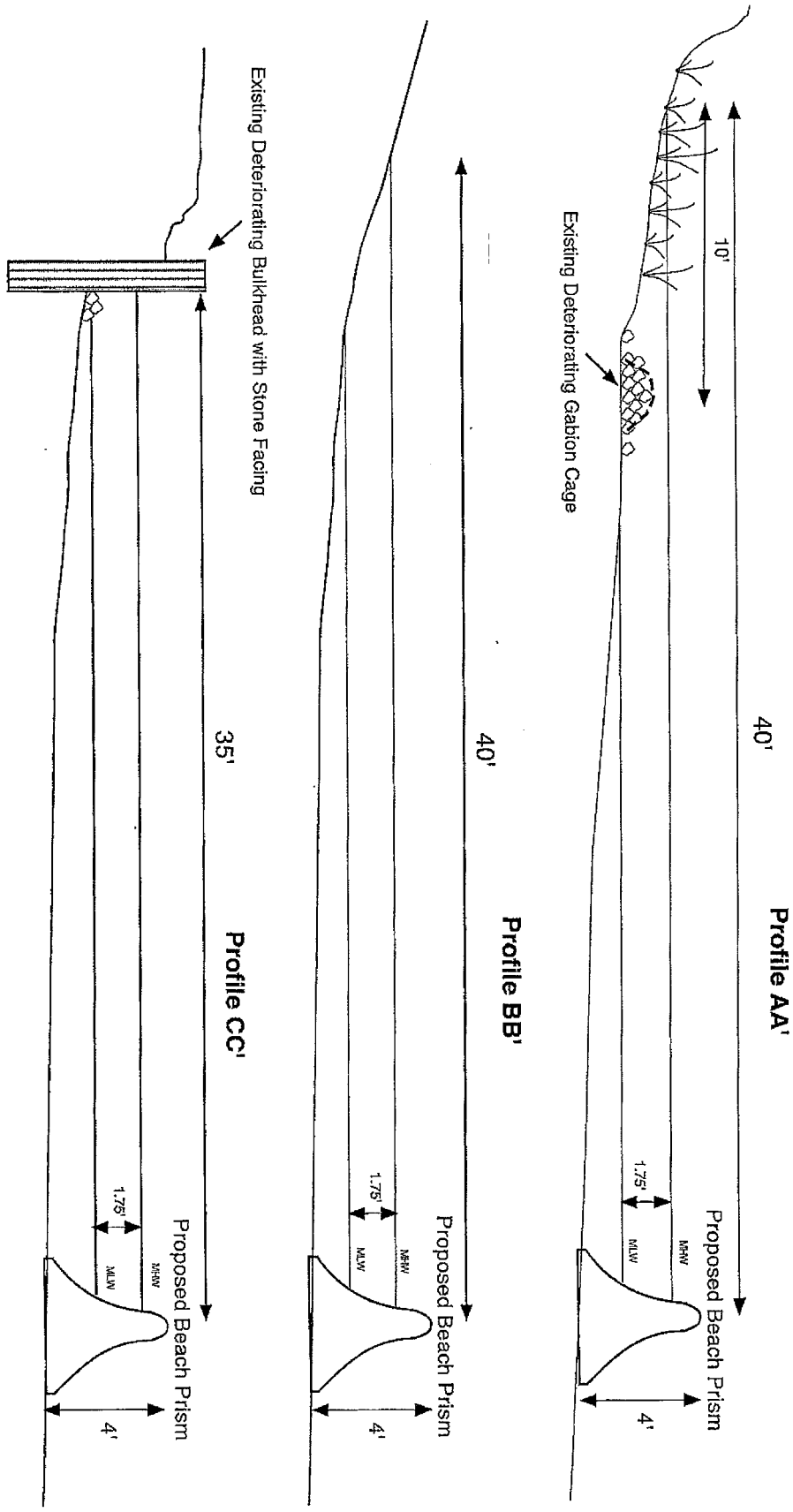


Property Location:  
 41921 White Point Beach Rd  
 Leonardtown, MD 20650  
 (St Mary's County, Maryland - CBG No.21. Folio 20 / 21)

Owner: Kathleen O'Brien

Scale: 1" = 100ft  
 Date: 10/3/12  
 Drn: cjkil  
 Revised: 5/10/14





Scale 1" = 5'

Property Location:  
 41921 White Point Beach Rd  
 Leonardtown, MD 20650  
 (St Mary's County, Maryland - CBG No.21. Folio 20 / 21)

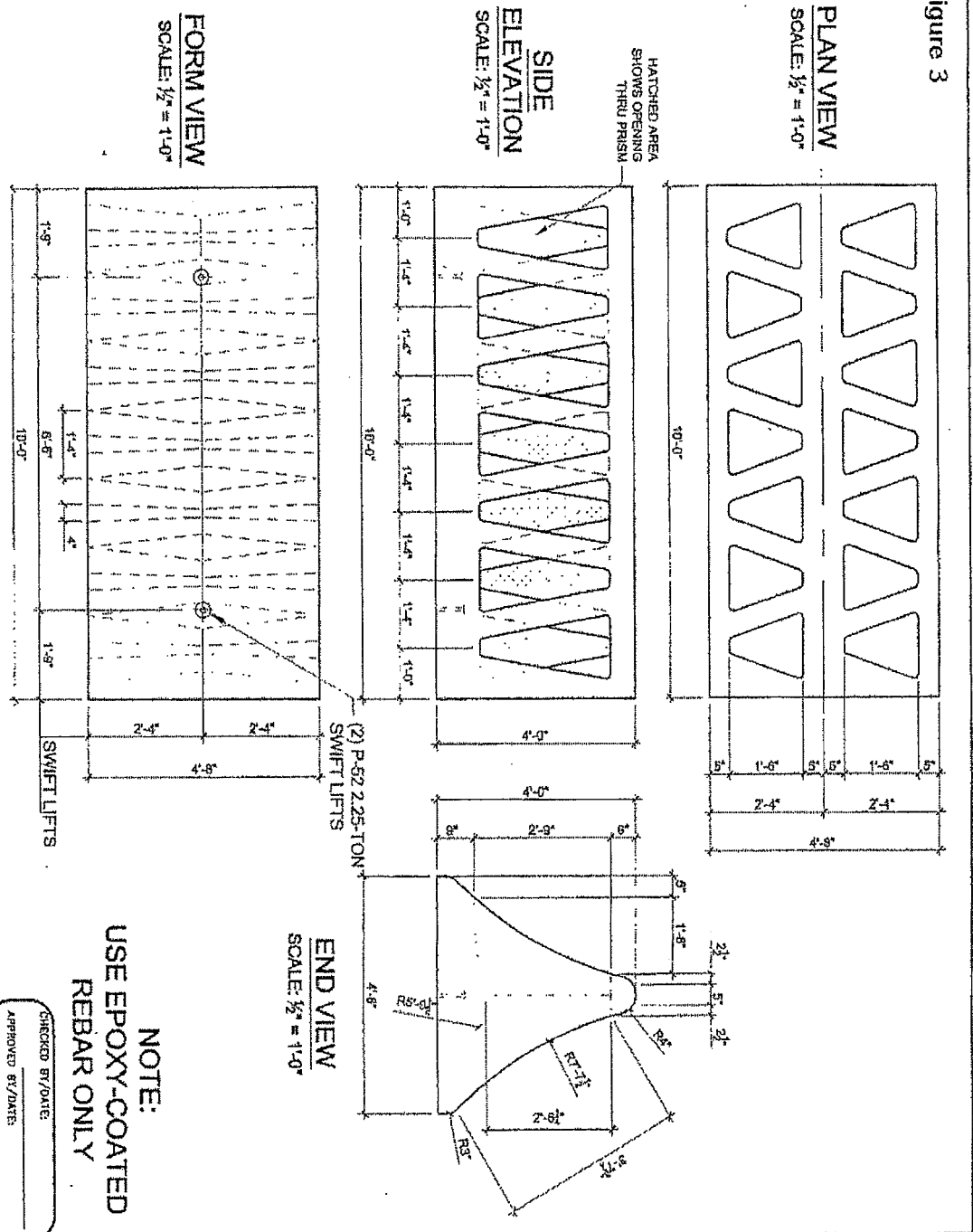
Owner: Kathleen O'Brien

Scale: 1" = 5ft  
 Date: 10/3/12  
 Dwn: cjkil  
 Revised: 1/28/14

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Figure 3



Property Location:  
41921 White Point Beach Rd  
Leonwardtown, MD 20650

Owner: Kathieen O'Brien

Beach Prism Specs

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**CoastWatch**  
ENGINEERING & PLANNING, LLC

