

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

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS 2014-61620 (White Marlin Marina)

PN 14-70

Comment Period: December 12, 2014 to January 12, 2015

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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 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: White Marlin Marina  
C/o James D. Miller, President  
205 Somerset Avenue  
Ocean City, Maryland 21842

LOCATION: In the Sinepuxent Bay at White Marlin Marina, at 205 and 300 Somerset Avenue in Ocean City, Worcester County, Maryland.

WORK: To replace in-kind a 12-foot wide by 148-foot long pier with a 12-foot wide by 95-foot long "T" head and 95 linear feet of steel sheeting breakwater under and at the channelward edge of the pier "T" head to extend a maximum of 160 feet channelward of the existing bulkhead; to replace a 4-foot wide by 138-foot long pier and an adjacent 8-foot wide by 138-foot long pier with an angled 5-foot wide by 55-foot long "L" head with one 12-foot wide by 138-foot long pier with a 5-foot wide by 55-foot long "L" head and to replace in kind a 195 linear foot angled steel sheeting breakwater, 3 feet in width, underneath the proposed southern pier and "L" head, all to extend a maximum of 150 feet channelward of the existing bulkhead; to construct a new 160 linear foot steel sheeting groin, 3 feet in width, along the northern property line to extend a maximum of 160 feet channelward of the existing bulkhead; to install four 6-pile dolphins to extend a maximum of 160 feet channelward of the existing bulkhead; to install approximately 15 batter piles to extend a maximum of 3 feet channelward of the existing bulkhead; and to mechanically maintenance dredge an approximate 2.5-acre area to extend a maximum of 440 feet channelward of the existing bulkhead within an existing boat basin and marina to a depth of -6.0 feet at mean low water (MLW) level. The dredging would result in a total of approximately 4,000 cubic yards of dredged material that would be deposited at an upland site approved by the Maryland Department of the Environment. The applicant also requests 6-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](mailto:laura.shively@usace.army.mil).

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

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. The project as proposed would not impact any SAV or any existing wetlands. The applicant has not proposed compensatory mitigation at this time.

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 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 2.5-acre 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

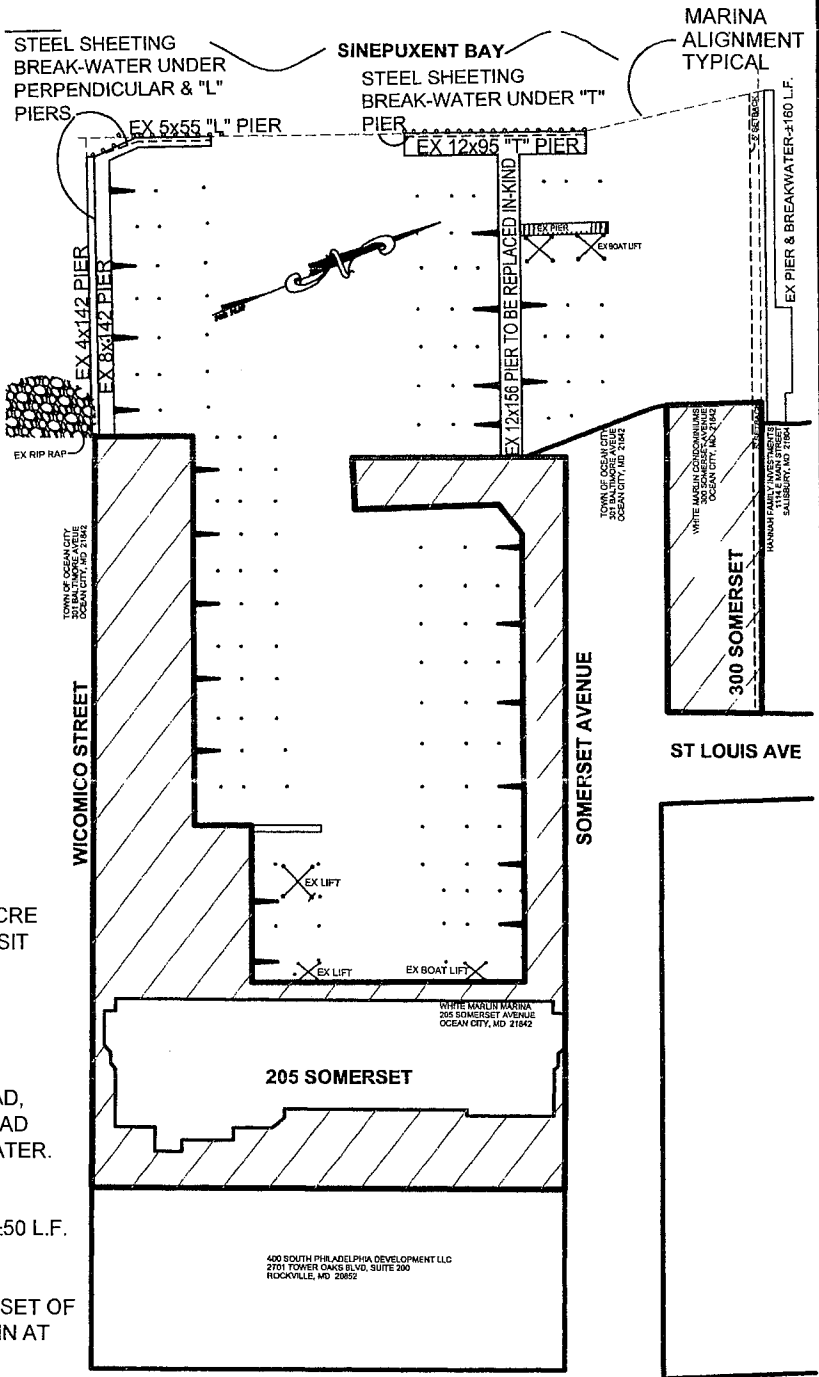
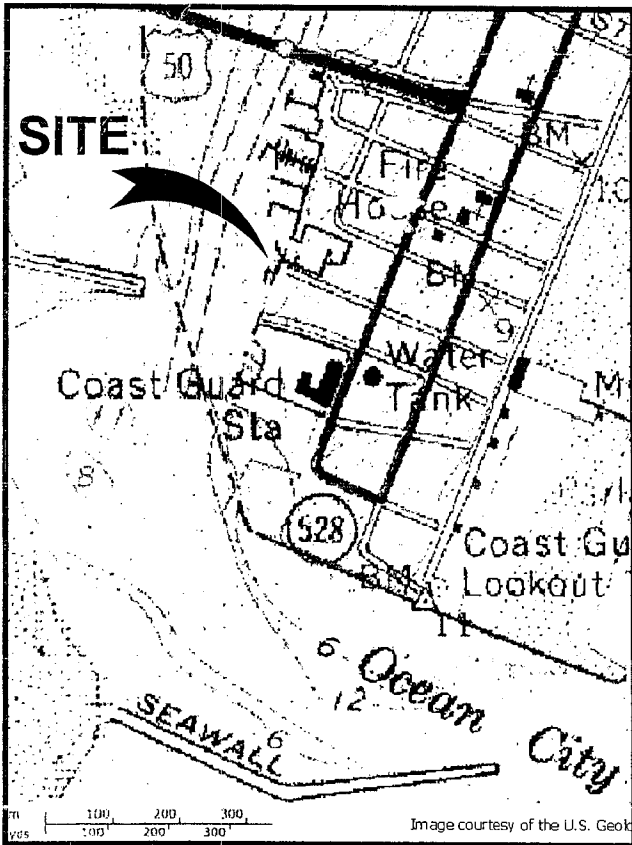
of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

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



**PROJECT DESCRIPTION:**

1. MAINTENANCE DREDGE EXISTING ±109,000 SF/±2.5 ACRE BOAT BASIN TO A UNIFORM DEPTH OF -6.0 MLW AND DEPOSIT ±4,000 C.Y. OF SPOIL AT AN APPROVED UPLAND SITE.
2. REPLACE ALL PIERS WITH CROSS-BRACING IN-KIND, INCLUDING:
  - 12x156 PERPENDICULAR PIER WITH 12x95 "TEE" HEAD, INCLUDING THE 95 L.F. BREAKWATER UNDER THE "TEE" HEAD
  - 8x142 & 4x142 WITH NEW 8x142 PIER WITH BREAKWATER.
  - 5x55 "L" HEAD WITH BREAKWATER
3. INSTALL NEW BATTER PILINGS ALONG AN EXISTING ±50 L.F. OF BULKHEAD FOR ADDITIONAL REINFORCEMENT.
4. CONSTRUCT NEW ±160 L.F. BREAKWATER AT AN OFFSET OF 5' FROM NORTH PROPERTY LINE WITH MULTI-POLE DOLPHIN AT WEST END.
5. INSTALL NEW FOUR (4) MULTI-POLE DOLPHINS AS SHOWN - 1 EACH AT END OF "L" AND "TEE" HEADS

ALL WORK TO BE PERFORMED WITHIN EXISTING LIMITS AND ALIGNMENT OF MARINA.

**WHITE MARLIN MARINA  
PROPOSED BATTER PILES, BREAKWATER,  
DREDGING, DOLPHINS, & PIER REPLACEMENTS  
OCEAN CITY, MARYLAND**

**APPLICANT:**

WHITE MARLIN MARINA & CONDOMINIUMS  
C/O JAMES D. MILLER, PRESIDENT  
110 OLD BARN DRIVE  
WEST CHESTER, PA 19382

LOCATION: 205 & 300 SOMERSET AVENUE

WATERWAY: SINEPUXENT BAY

WATER DEPTH MEASUREMENTS: 9/18/14  
REFERENCED TO MLW 2:45 P.M.

NO SAV'S

TAX MAP: 110  
PARCELS: 2501 & 2464

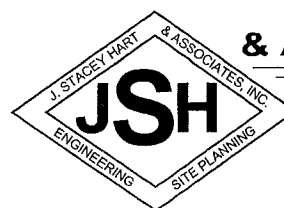
JOB NUMBER:  
P14-041

SCALE:  
1"=100'

SHEET NO:  
1 of 8

DATE:  
9/18/2014

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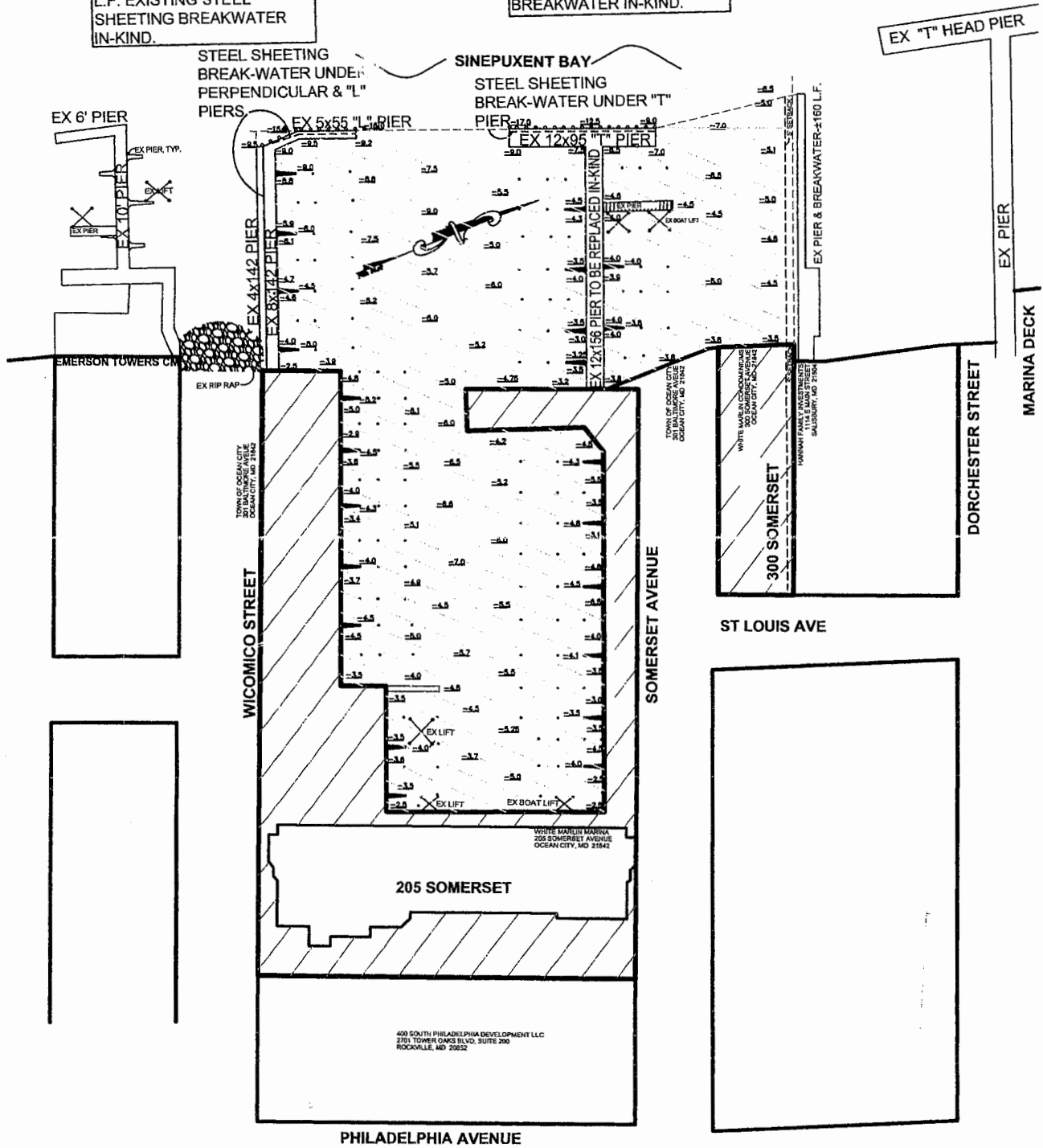


**J. STACEY HART  
& ASSOCIATES, INC.**

POST OFFICE BOX 6  
SNOW HILL, MD 21863  
PHONE: 410-390-8096  
FAX: 877-646-4365  
EMAIL: stacey@jstaceyhart.com

REPLACE EX 4x142 & 8x142 PIERS WITH A 12x142 PIER IN SAME FOOTPRINT; REPLACE EX 5x55 "L" PIER IN-KIND, ALL WITH CROSS BRACING. REPLACE ±195 L.F. EXISTING STEEL SHEETING BREAKWATER IN-KIND.

REPLACE EX 12x156 PIER AND 12x95 "T" HEAD PIER IN-KIND WITH CROSS BRACING; REPLACE EXISTING 95 L.F. OF STEEL BREAKWATER IN-KIND.



**WHITE MARLIN MARINA  
PROPOSED BATTER PILES, BREAKWATER,  
DREDGING, DOLPHINS, & PIER REPLACEMENTS  
OCEAN CITY, MARYLAND**

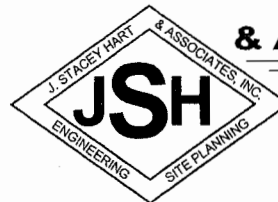
APPLICANT:  
WHITE MARLIN MARINA & CONDOMINIUMS  
C/O JAMES D. MILLER, PRESIDENT  
110 OLD BARN DRIVE  
WEST CHESTER, PA 19382

LOCATION: 205 & 300 SOMERSET AVENUE  
WATERWAY: SINEPUXENT BAY  
WATER DEPTH MEASUREMENTS: 9/18/14  
REFERENCED TO MLW 2:45 P.M.

NO SAV'S  
TAX MAP: 110  
PARCELS: 2501 & 2464

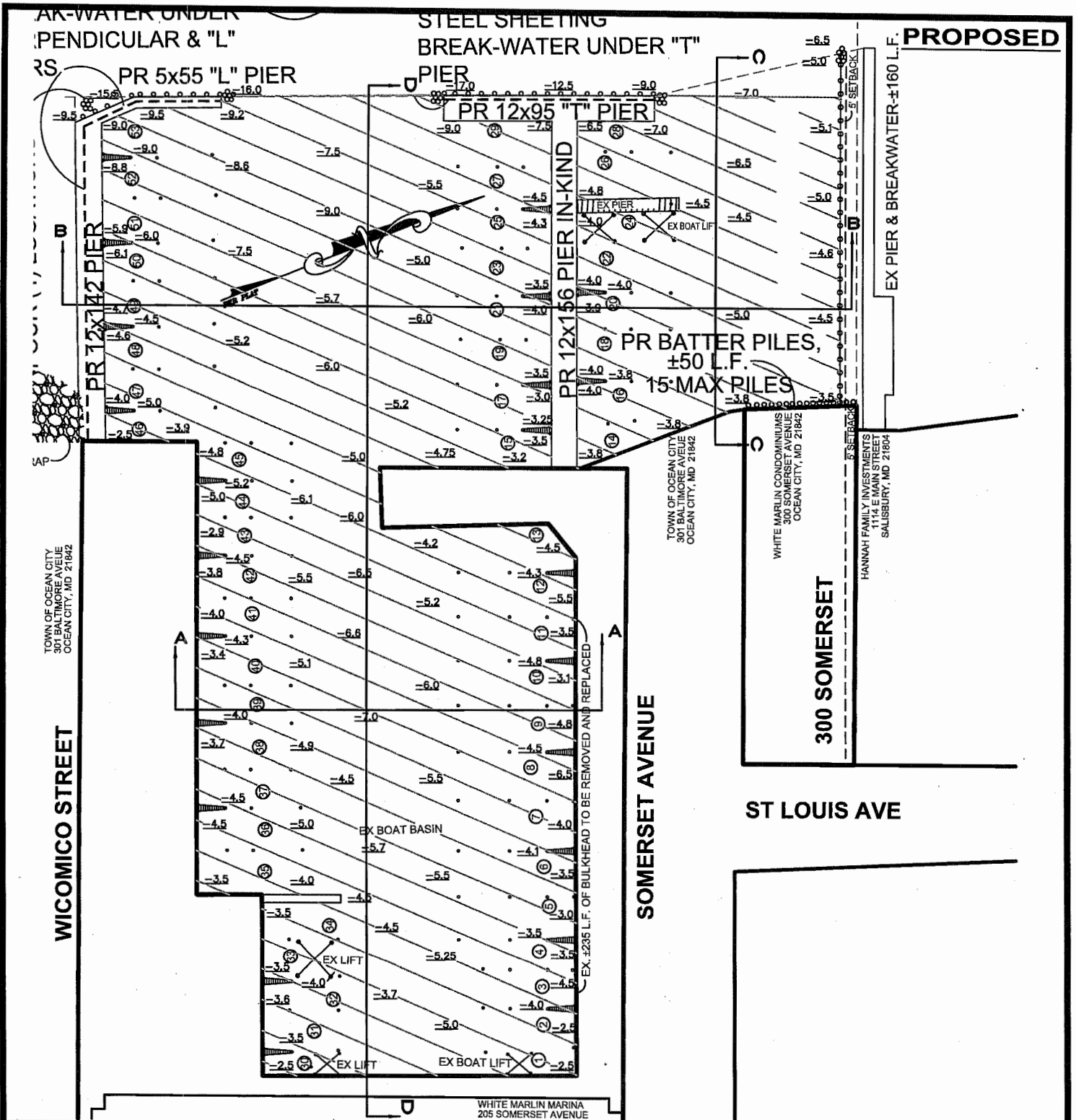
JOB NUMBER: P14-041	SCALE: 1"=100'	SHEET NO: 2 of 8	DATE: 9/18/2014
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OCEAN CITY, MARYLAND**

APPLICANT:  
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C/O JAMES D. MILLER, PRESIDENT  
110 OLD BARN DRIVE  
WEST CHESTER, PA 19382

LOCATION: 205 SOMERSET AVENUE  
WATERWAY: SINEPUXENT BAY  
WATER DEPTH MEASUREMENTS: 9/18/14  
REFERENCED TO MLW 2:45 P.M.

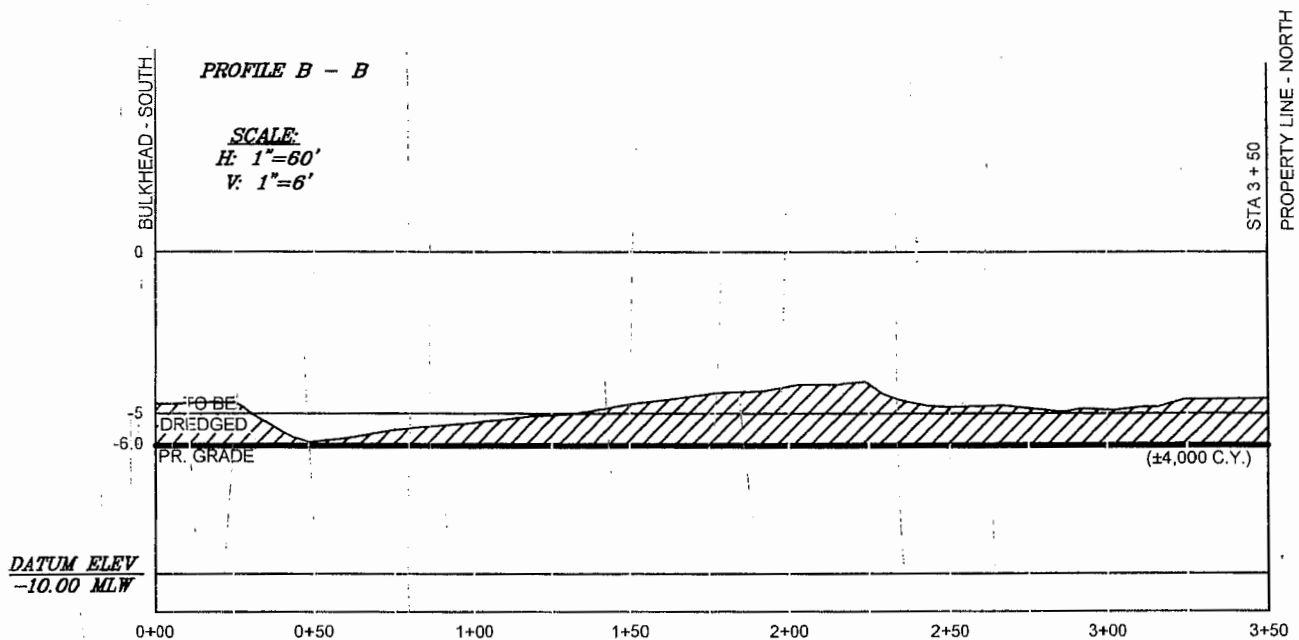
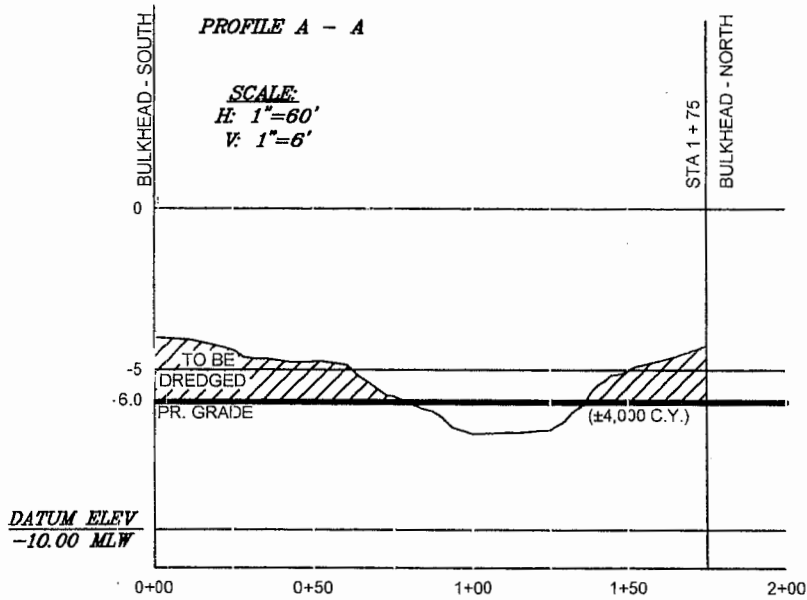
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PARCELS: 2501

JOB NUMBER: P14-041	SCALE: 1"=60'	SHEET NO: 3 of 8	DATE: 9/18/14	REVISED: 10/14/14
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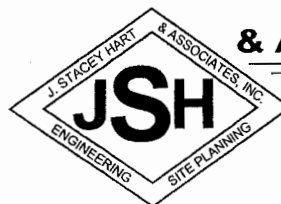
**APPLICANT:**  
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LOCATION: 205 & 300 SOMERSET AVENUE  
 WATERWAY: SINEPUXENT BAY  
 WATER DEPTH MEASUREMENTS: 9/18/14  
 REFERENCED TO MLW 2:45 P.M.

NO SAV'S  
 TAX MAP: 110  
 PARCELS: 2501 & 2464

JOB NUMBER: P14-041	SCALE: AS NOTED	SHEET NO: 4 of 8	DATE: 9/18/2014
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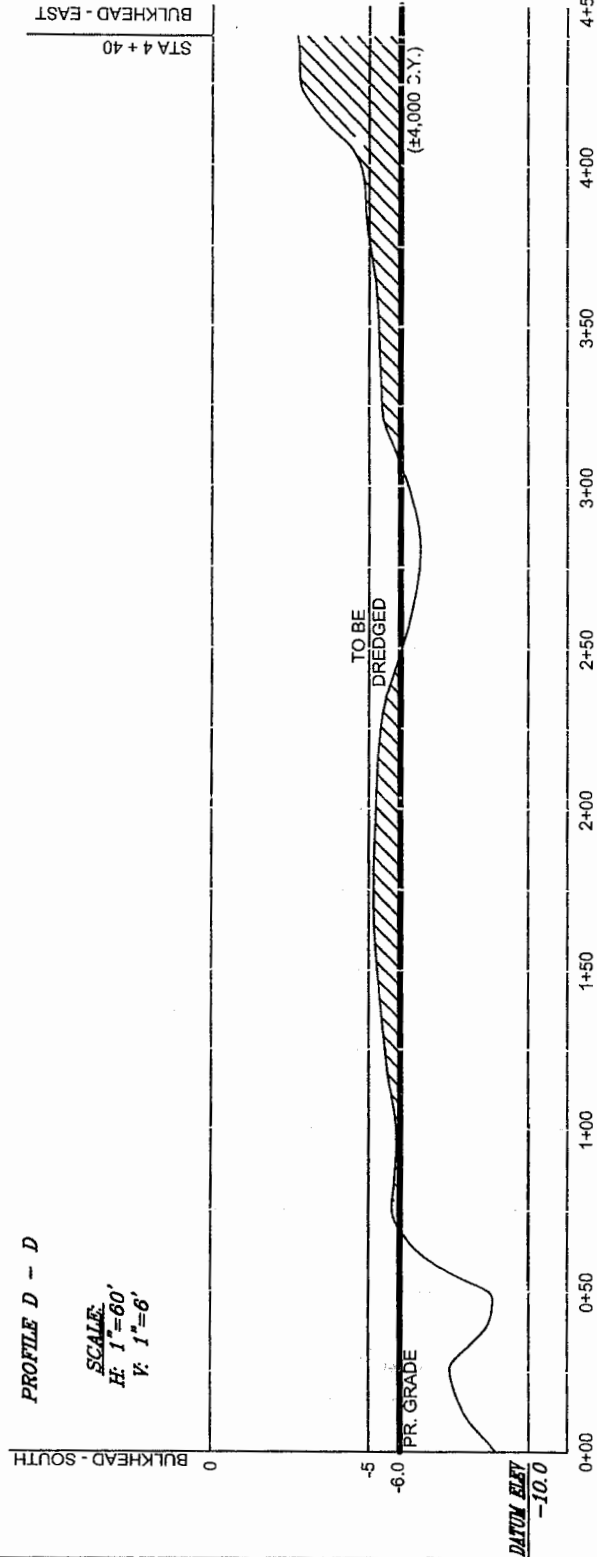
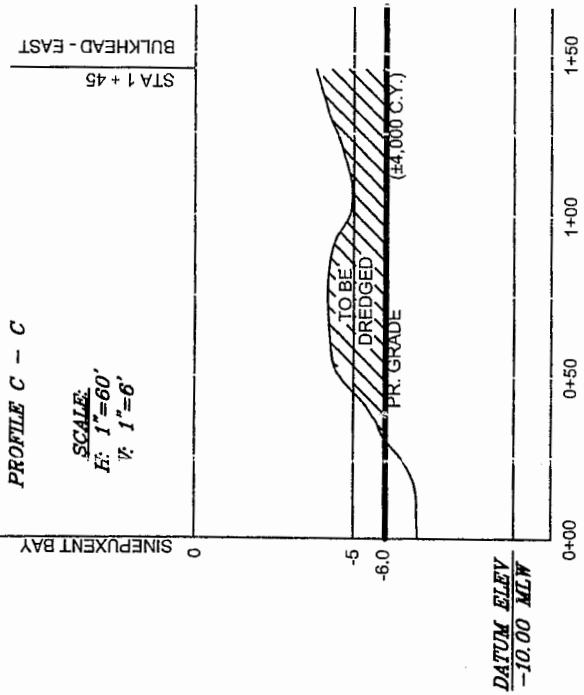
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OCEAN CITY, MARYLAND**

**APPLICANT:**

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LOCATION: 205 & 300 SOMERSET AVENUE  
WATERWAY: SINEPUXENT BAY

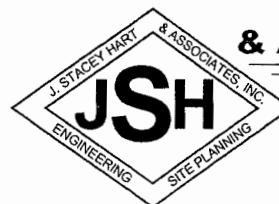
NO SAV'S

TAX MAP: 110  
PARCELS: 2501 & 2464

WATER DEPTH MEASUREMENTS: 9/18/14  
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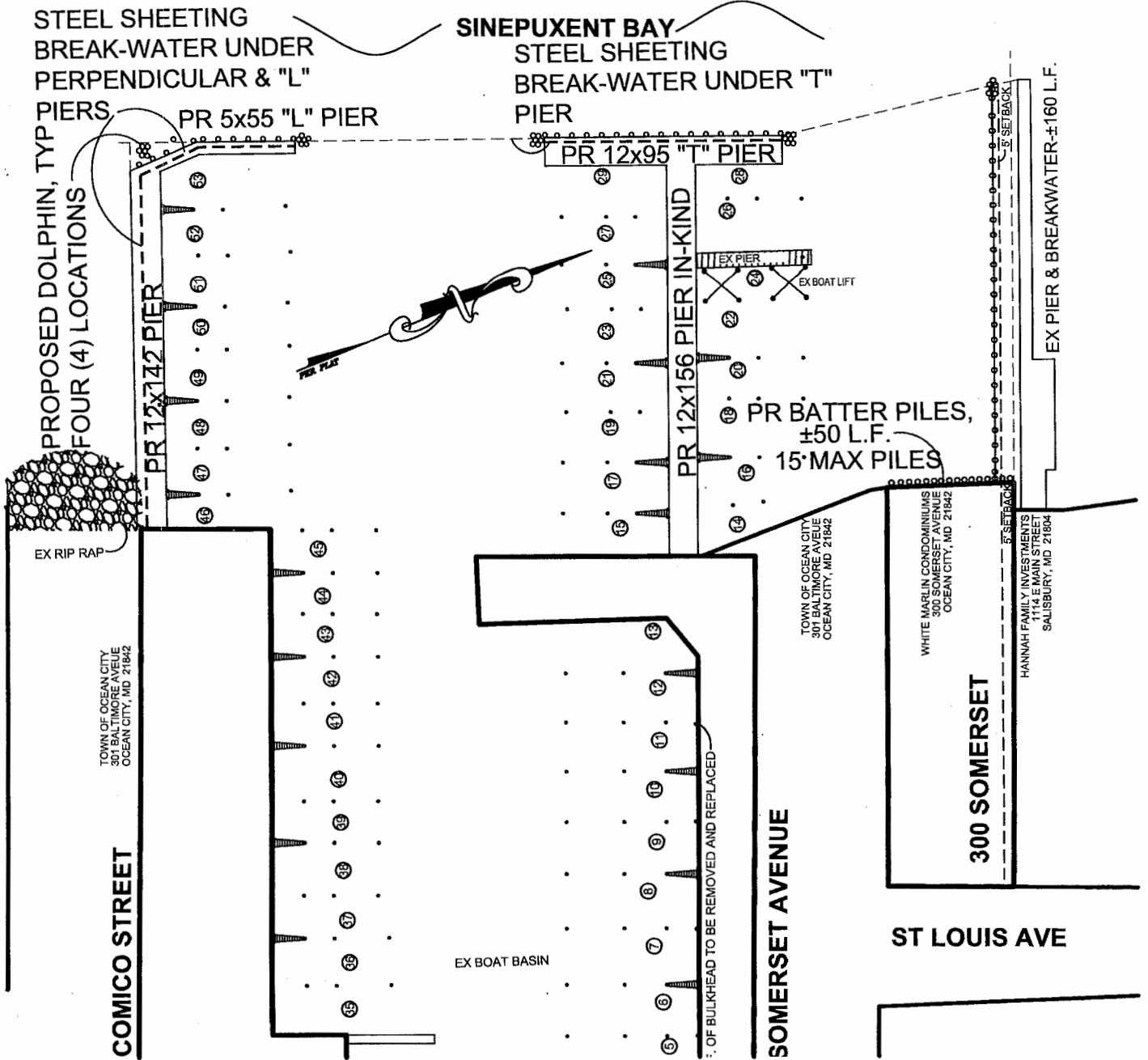
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P14-041

SCALE:  
AS NOTED

SHEET NO:  
5 of 8

DATE:  
9/18/2014

**PROPOSED**



**WHITE MARLIN MARINA  
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DREDGING, DOLPHINS, & PIER REPLACEMENTS  
OCEAN CITY, MARYLAND**

APPLICANT:  
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LOCATION: 205 SOMERSET AVENUE  
WATERWAY: SINEPUXENT BAY  
WATER DEPTH MEASUREMENTS: 9/18/14  
REFERENCED TO MLW 2:45 P.M.

NO SAV'S  
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PARCELS: 2501

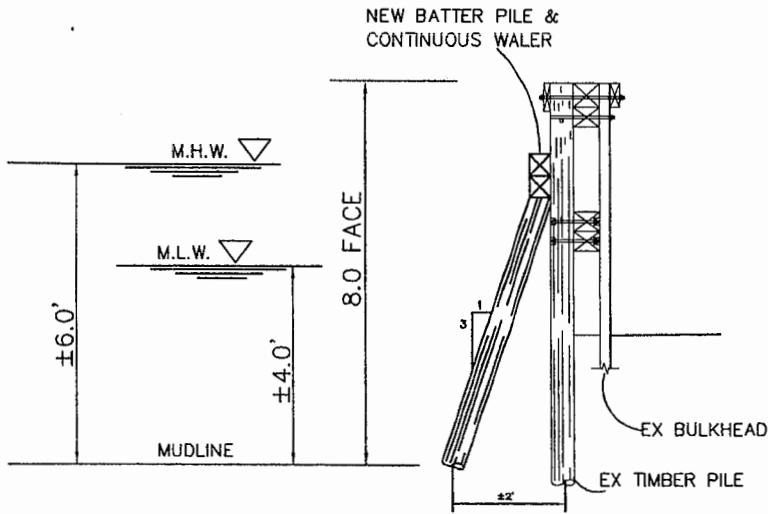
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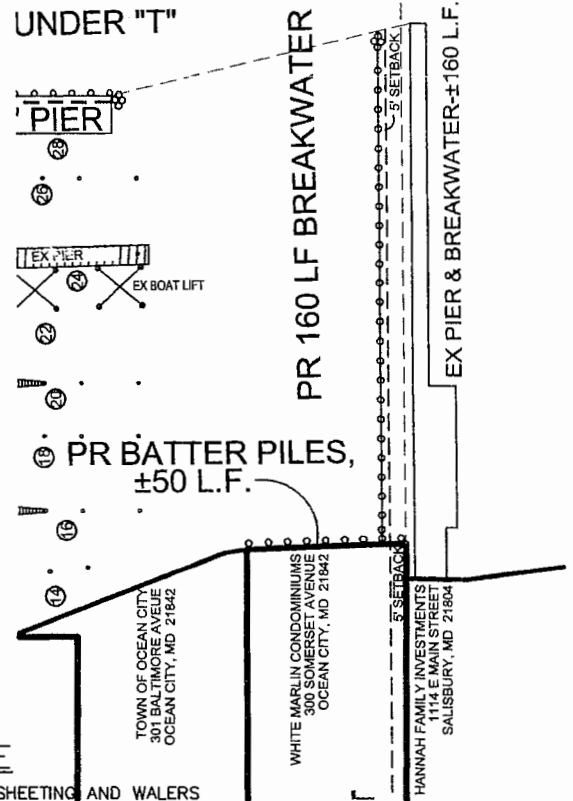


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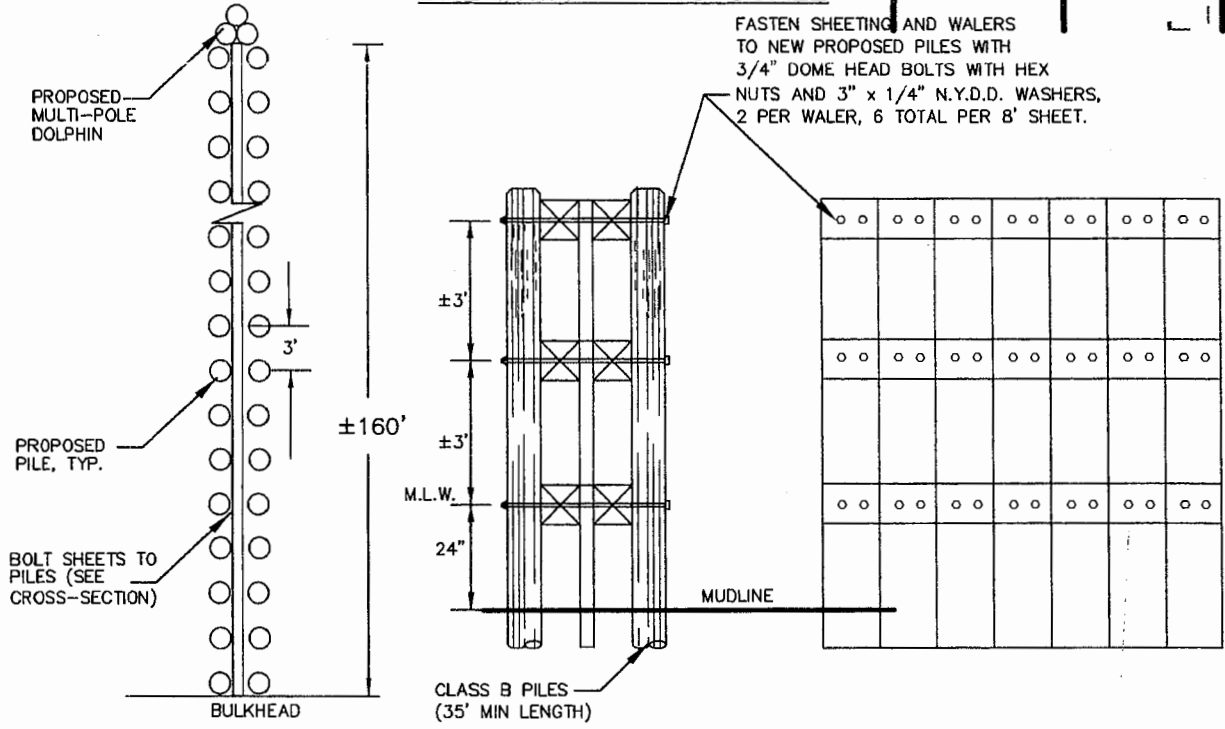
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BATTER PILE: NO SCALE



BREAKWATER: NO SCALE



○ PROPOSED PILE

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LOCATION: 205 & 300 SOMERSET AVENUE NO SAV'S  
WATERWAY: SINEPUXENT BAY TAX MAP: 110  
WATER DEPTH MEASUREMENTS: 9/18/14 PARCELS: 2501 & 2464  
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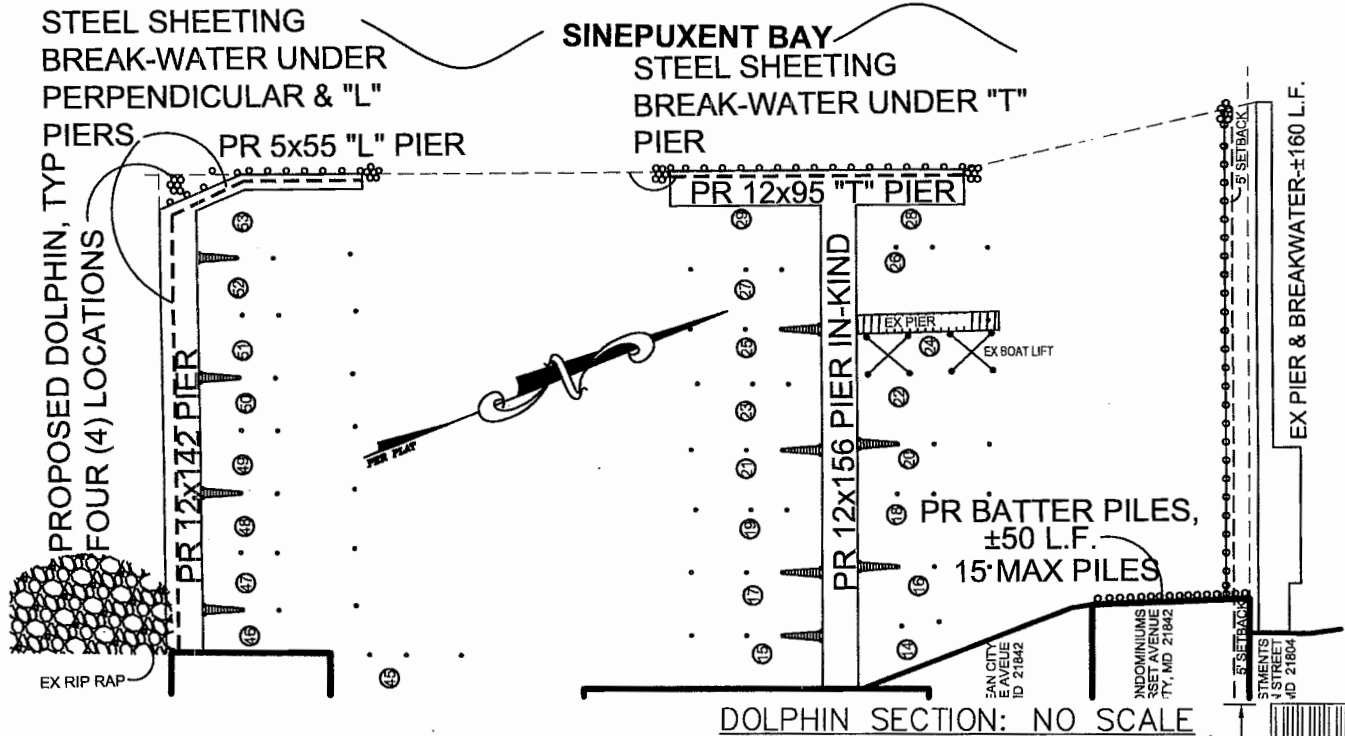
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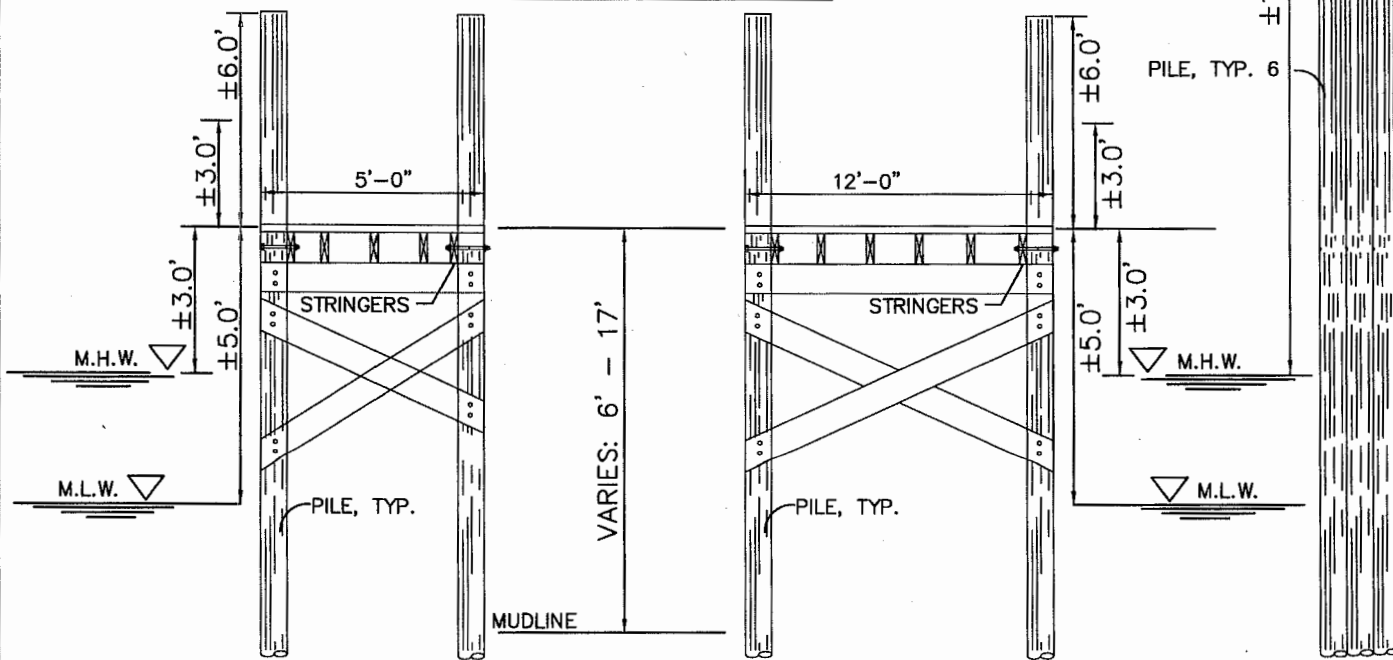
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**PROPOSED**



DOLPHIN SECTION: NO SCALE

PIER SECTIONS: NO SCALE



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LOCATION: 205 SOMERSET AVENUE  
WATERWAY: SINEPUXENT BAY  
WATER DEPTH MEASUREMENTS: 9/18/14  
REFERENCED TO MLW 2:45 P.M.

NO SAV'S  
TAX MAP: 110  
PARCELS: 2501

JOB NUMBER: P14-041	SCALE: 1"=60'	SHEET NO: 8 of 8	DATE: 9/18/14	REVISED: 10/14/14
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