

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

Public Notice

**In Reply to Application Number
CENAB-OPR-M (Pier Street Court HOA) 2015-61337**

PN 15-81

Comment Period: November 5, 2015 to November 25, 2015

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:

APPLICANT: Pier Street Court Homeowners Association
C/O: J. P. Kettinger
PO Box 24
Oxford, Maryland 21654

LOCATION: In the Tred Avon River at Robe's Harbor Court, Oxford, Talbot County, Maryland.

WORK: The applicant proposes to maintenance dredge by mechanical method an approximate 4,500 square foot area to -6.5 feet mean low water (MLW) resulting in approximately 583 cubic yards of silt and sand to be deposited at an existing upland (non-wetland) disposal site at Dependable Sand and Gravel Company Inc. at 13155 Ocean Gateway, Queen Anne's, County, Maryland. A 10-year maintenance dredging clause is requested. The existing waterway depths at the proposed dredge area are approximately -0.8 to -6.7 feet MLW. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Laura Coleman of this office at (443) 853-2051 or via email at lamuelle.l.coleman@usace.army.mil.

The purpose of the project is 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 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 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 Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for Juvenile and adult Red hake (*Urophycis chuss*) and Windowpane flounder (*Scopthalmus aquosus*); Adult Atlantic sea herring (*Clupea harengus*); Juvenile and adult Bluefish (*Pomatomus saltatrix*); Eggs, larvae, juvenile and adult Atlantic butterfish (*Peprilus triacanthus*); Larvae, juvenile and adult Summer flounder (*Paralichthys dentatus*); Juvenile and adult Scup (*Stenotomus chrysops*) and Red Drum (*Sciaenops ocellatus*); Eggs, larvae, juveniles and adult King mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), Cobia (*Rachycentron canadum*), Black sea bass (*Centropristus striata*) and all managed species under the MSFCMA. The project has 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 total of 4,500 square foot area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt substrate which does not support SAV. According to the Virginia Institute of Marine Science (VIMS) survey maps, there was some nearby SAV mapped outside the project footprint of the proposed activity for years 2006 through 2013. 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.

Where applicable, 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 would have no effect on 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.

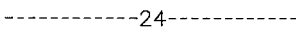
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern

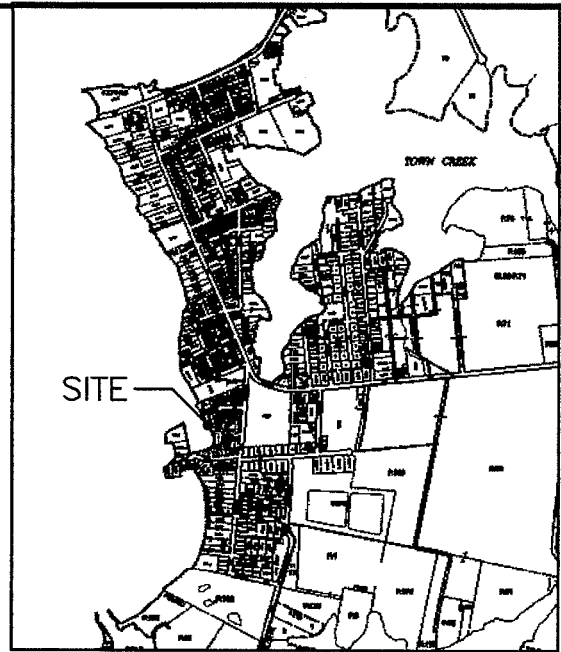
LEGEND & ABBREVIATIONS

MLW MEAN LOW WATER (ELEVATION)
 MHW MEAN HIGH WATER (ELEVATION)
 MLWL MEAN LOW WATER LINE
 MHWL MEAN HIGH WATER LINE

PROPERTY LINE 

CONTOUR LINE  -24-

SPOT ELEVATION  -2.15



VICINITY MAP

SCALE: 1" = 2000'

NOTES:

1. TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
2. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
3. THERE ARE EXISTING PIERS ON THE ADJOINING PROPERTIES TO THE NORTH AND SOUTH.
4. MEAN TIDAL RANGE = 1.62'
5. LOT SIZE = N/A
6. LOT DEPTH = N/A
7. LOT WIDTH AT SHORELINE = N/A
8. DISTANCE TO CHANNEL CENTERLINE = N/A
9. MAXIMUM CHANNELWARD ENCROACHMENT = N/A
10. 911 ADDRESS = PIER CT
 OXFORD, MARYLAND 21654

THE INFORMATION SHOWN HEREON WAS TAKEN FROM 1972 1"=200' STATE OF MARYLAND WETLANDS MAPS, AERIAL PHOTOGRAPHS, TAX MAPS AND A SITE SKETCH. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING FEATURES INCLUDING PROPERTY LINES, SHORELINES, EXISTING PIERS, OTHER STRUCTURES, AND SOUNDINGS HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC. THIS SKETCH IS FOR PERMIT PURPOSES ONLY AND IS NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

FILE No. 1426
 JOB No. 150092
 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No. 1

PERMIT DRAWINGS
PIER STREET COURT
HOMEOWNERS ASSOCIATION
OXFORD, MARYLAND
 IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 400 GRID 23 PARCEL 789

Lane Engineering, LLC
 Established 1986
 Civil Engineers • Land Planning • Land Surveyors



E-mail: general@leinc.com
 117 Bay St. Easton, MD 21601 (410) 822-8003
 15 Washington St. Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095

TRED AVON RIVER

PARCEL #783
 JOHN & MARY YERRICK
 6813 WINTERBERRY LANE
 BETHESDA, MD 20817

PLEASANT ST.

PARCEL #789 (APPLICANT)
 PIER STREET COURT
 HOMEOWNERS ASSOCIATION
 PO BOX 24
 OXFORD, MD 21654

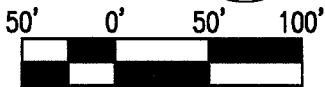
PARCEL #791-1
 PIER STREET LLC
 PO BOX 146
 OXFORD, MD 21654

PIER COURT

PIER STREET

SOUTH MORRIS STREET

MARYLAND STATE PLANE
 NAD 83 (CORS) & R DVA



SCALE IN FEET

SITE OVERVIEW

**PIER STREET COURT
 HOMEOWNERS ASSOCIATION
 OXFORD, MARYLAND**

**IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 400 GRID 23 PARCEL 789**

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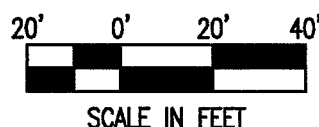
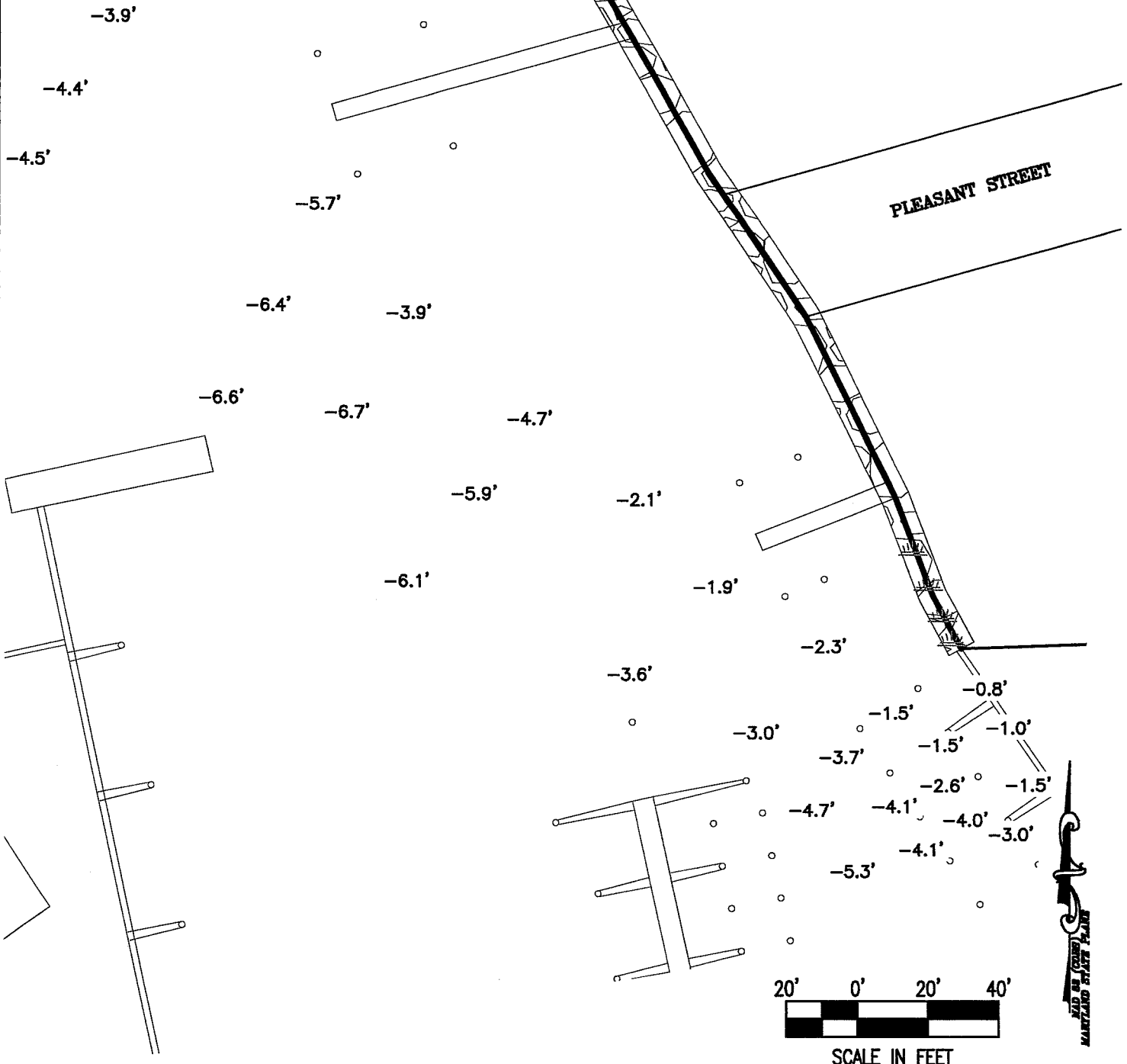
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SHEET No. 2
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 150092
 FILE No. 1426

TRED AVON RIVER

SOUNDINGS AS SHOWN HAVE NOT BEEN FIELD LOCATED AND ARE CONSIDERED APPROXIMATE. SOUNDINGS ARE TO BE USED FOR MARINE PERMITTING PURPOSES ONLY.




1174 EAST ST
 OXFORD, MD 21651
 (410) 221-0818

SHEET No. **3**
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 150092
 FILE No. 1426

EXISTING CONDITIONS
PIER STREET COURT
HOMEOWNERS ASSOCIATION
OXFORD, MARYLAND
 IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 400 GRID 23 PARCEL 789

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TRED AVON RIVER

PLEASANT STREET

APPROX. MHW

4500 SF TOTAL TO BE DREDGED

APPROXIMATELY 210 CY DREDGED

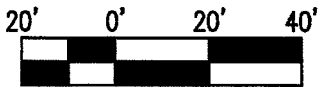
APPROXIMATELY 373 CY DREDGED

PIER COURT

STOCKPILE & STAGING AREA

PIER STREET

AREAS WILL BE DREDGED TO APPROXIMATELY 6.6'



SCALE IN FEET

FILE No. 1426
 JOB No. 150092
 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No. 4

PROPOSED IMPROVEMENTS
PIER STREET COURT
HOMEOWNERS ASSOCIATION
OXFORD, MARYLAND

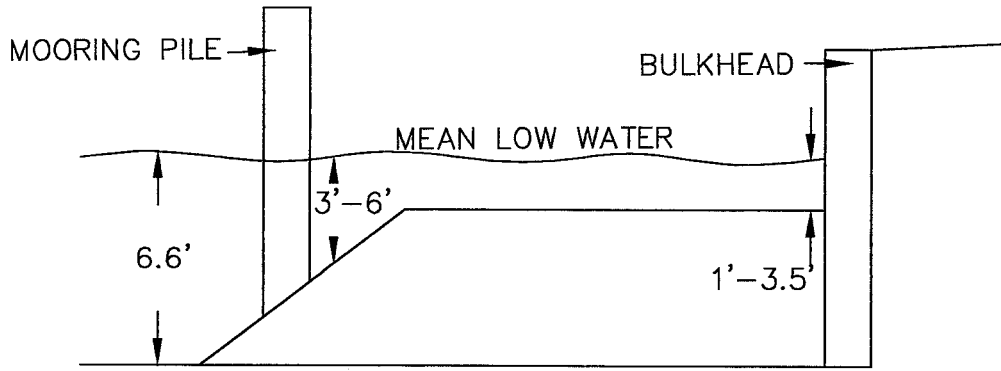
IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 400 GRID 23 PARCEL 789

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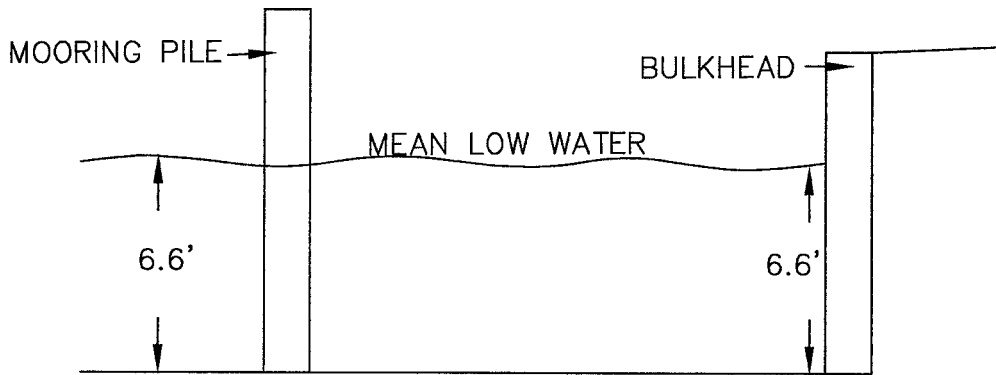
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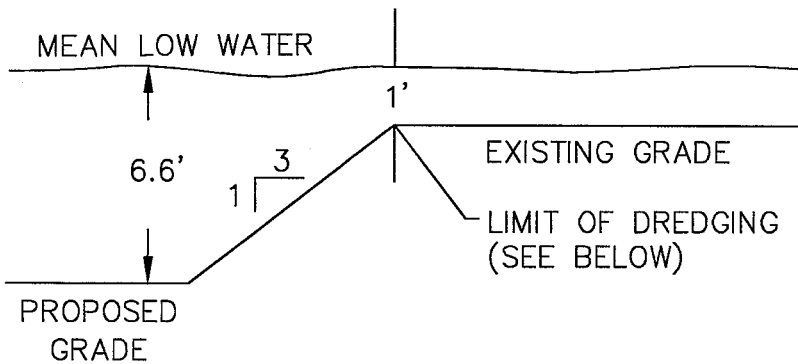
E-mail: general@leinc.com
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 15 Washington St. Cambridge, MD 21613 (410) 221-0818
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EXISTING GRADE



PROPOSED GRADE



THIS DETAIL IS PROVIDED TO REPRESENT THAT SLOPE ADJACENT TO THE DREDGE AREA WILL NOT BE LESS THAN 3:1. TO PREVENT INSTABILITY OF ADJACENT MATERIAL.

DETAILS

**PIER STREET COURT
HOMEOWNERS ASSOCIATION
OXFORD, MARYLAND**

**IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 400 GRID 23 PARCEL 789**

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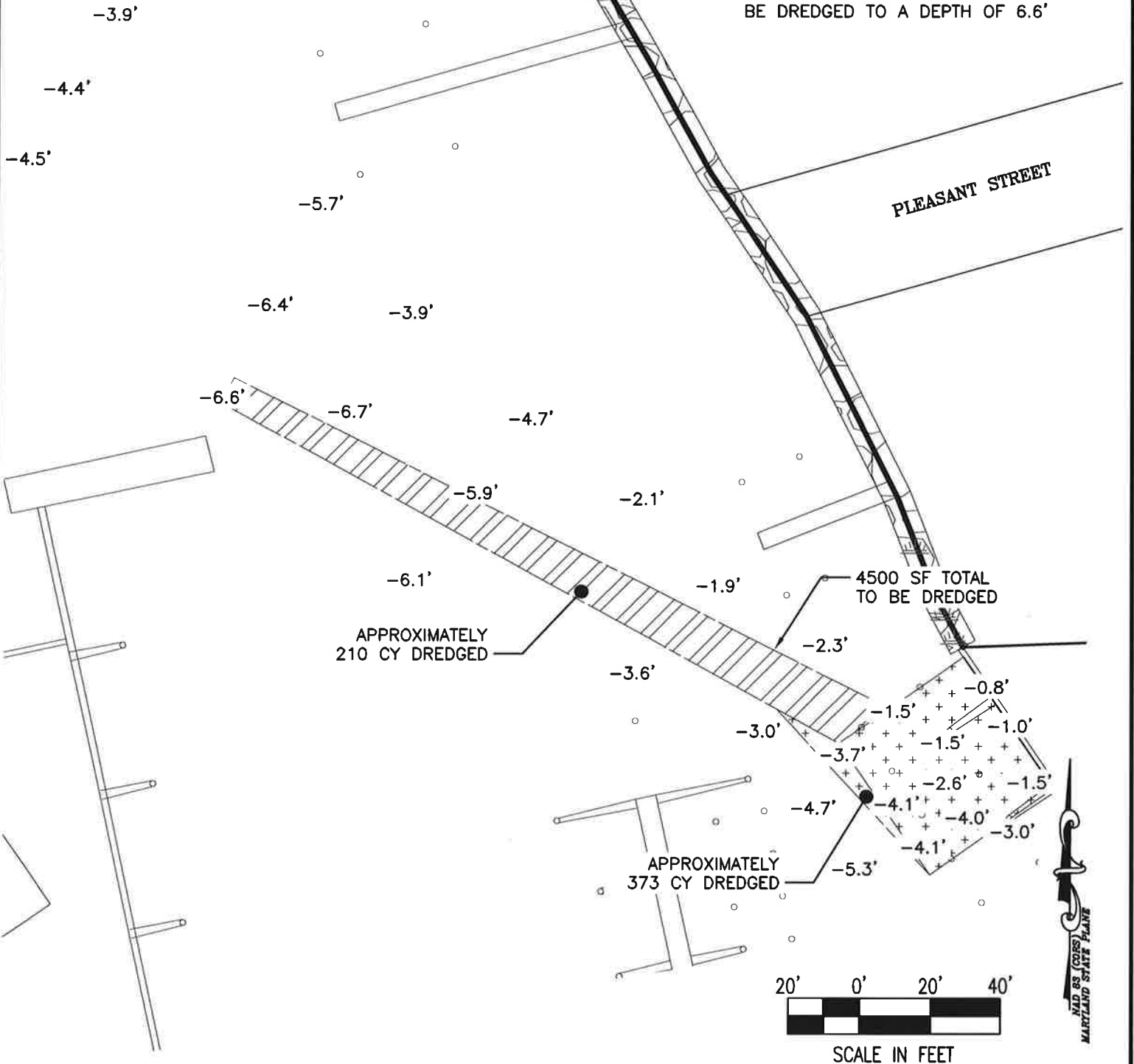
DATE: AS NOTED
SCALE: AS NOTED
JOB No. 150092
FILE No. 1426

SHEET No.
5

TRED AVON RIVER

SOUNDINGS AS SHOWN HAVE NOT BEEN FIELD LOCATED AND ARE CONSIDERED APPROXIMATE. SOUNDINGS ARE TO BE USED FOR MARINE PERMITTING PURPOSES ONLY.

-APPROXIMATE AREA AS SHOWN TO BE DREDGED TO A DEPTH OF 6.6'



FILE No. 1426
 JOB No. 150092
 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No. 1 OF 1

EXISTING DEPTHS & DREDGING AREA
PIER STREET COURT
HOMEOWNERS ASSOCIATION
OXFORD, MARYLAND
 IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 400 GRID 23 PARCEL 789

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