



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

Baltimore District
PN-23-28

Public Notice

**In Reply to Application Number
NAB-2022-62129-M51 (Kentmorr Marina Properties
LLC/Maintenance Dredging and Beach Nourishment)**

Comment Period: May 30, 2023 to June 29, 2023

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT:

Kentmorr Marina Properties, LLC.
910 Kentmorr Road
Stevensville, Maryland 21666

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in Chesapeake Bay, in Stevensville, Queen Anne's County, Maryland (Latitude 38.914813, Longitude -76.364582).

OVERALL PROJECT PURPOSE:

To improve navigable access and beach nourishment.

PROJECT DESCRIPTION:

To hydraulically or mechanically dredge an approximately 2,000 linear feet by 73-to-76-foot (ft) wide (139,999 square foot (sf)) entrance channel area to a maximum depth of -6.0 ft at mean low water. Approximately 56,038 sf of channel area would be proposed as maintenance dredging and approximately 83,961 sf as new dredging area.

The work includes placement of up to approximately 5,682 cubic yards of resulting dredge spoil material for beach nourishment. Suitable beach nourishment material would be placed onsite to the north and south of the existing stone jetties as needed, extending a maximum of 73 ft channelward of the approximate mean high water

shoreline. Turbidity curtains would be temporarily deployed around the perimeter of proposed beach nourishment areas during material placement. Excess dredged material and/or dredged material unsuitable for beach nourishment would be disposed of at an approved upland disposal site identified as Edwin A. and John O. Crandell, Inc. located at 5360 Brown's Way Road, in Churchton, Maryland. In addition, the applicant also requests 10-year approval for maintenance dredging to maintain the entrance channel.

All work will be completed in accordance with the enclosed plan(s) Prepared by Bay Land Consultants and Designers, Inc, dated November 2022. Please refer to the table below for a summary of aquatic resource impacts.

EFFECTS ON AQUATIC RESOURCES:

Activity	Open Water Impact (Approx. sf)	Authority
New Dredging	83,961	Section 10/404
Maintenance Dredging	56,038	
Beach Nourishment	15,850	
Total:	155,849	

LEAD FEDERAL AGENCY:

The United States Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

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. All impacts to shallow water habitat are within the historic footprint and all proposed areas are within previous placement areas. Proposed dredging impacts are limited to areas dredged multiple times or necessary to connect previously authorized water depths (-6.0 ft mean low water) to existing -6.0 ft contours to avoid stagnant pockets of water forming on the river bottom. Compensatory mitigation is not being proposed by the applicant for impacts to open water (deep water) habitat, and no wetland or submerged aquatic vegetation impacts are proposed. Maintenance dredging and beneficial placement of dredge material north and south of the existing jetties was last completed under Corps' permit NAB-2015-60208. A sieve analysis of the proposed dredge material and existing beach material was completed in 2015. Toxicity analysis of the proposed dredge material was completed in 2015. Material would be pumped into the stockpile areas and fine graded on the beach as in previous years.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work is not likely to adversely affect federally listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. The project site has been mapped as migrating and foraging habitat for juvenile, subadult and adult Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*); overwintering habitat and migrating and foraging habitat for adult shortnose sturgeon (*Acipenser brevirostrum*); and migrating and foraging habitat for adult and juvenile Green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), Leatherback sea turtle (*Dermochelys coriacea*), and Loggerhead sea turtle (*Caretta caretta*). The project location and vicinity are not mapped as critical habitat for any known federally listed threatened or endangered species under the United States Fish and Wildlife Service's jurisdiction. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

ESSENTIAL FISH 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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely

affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA designated in Chesapeake Bay for little skate (*Leucoraja erinacea*), Atlantic herring (*Clupea harengus*), red hake (*Urophycis chuss*), windowpane flounder (*Scophthalmus aquosus*), winter skate (*L. ocellata*), clearnose skate (*Raja eglanteria*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), scup (*Stenotomus chrysops*), summer flounder (*Paralichthys dentatus*), and black sea bass (*Centropristis striata*); all managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no adverse effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):

All Section 408 proposals will be coordinated internally at the United States Army Corps of Engineers. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408: <https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Requests/>.

WATER QUALITY CERTIFICATION:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

COASTAL ZONE MANAGEMENT PROGRAMS:

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 Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement.

The applicant must obtain any state or local government permits which may be required.

SUBMISSION OF COMMENTS:

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 and are subject to release to the public through the Freedom of Information Act. 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 United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2022-62129-M51

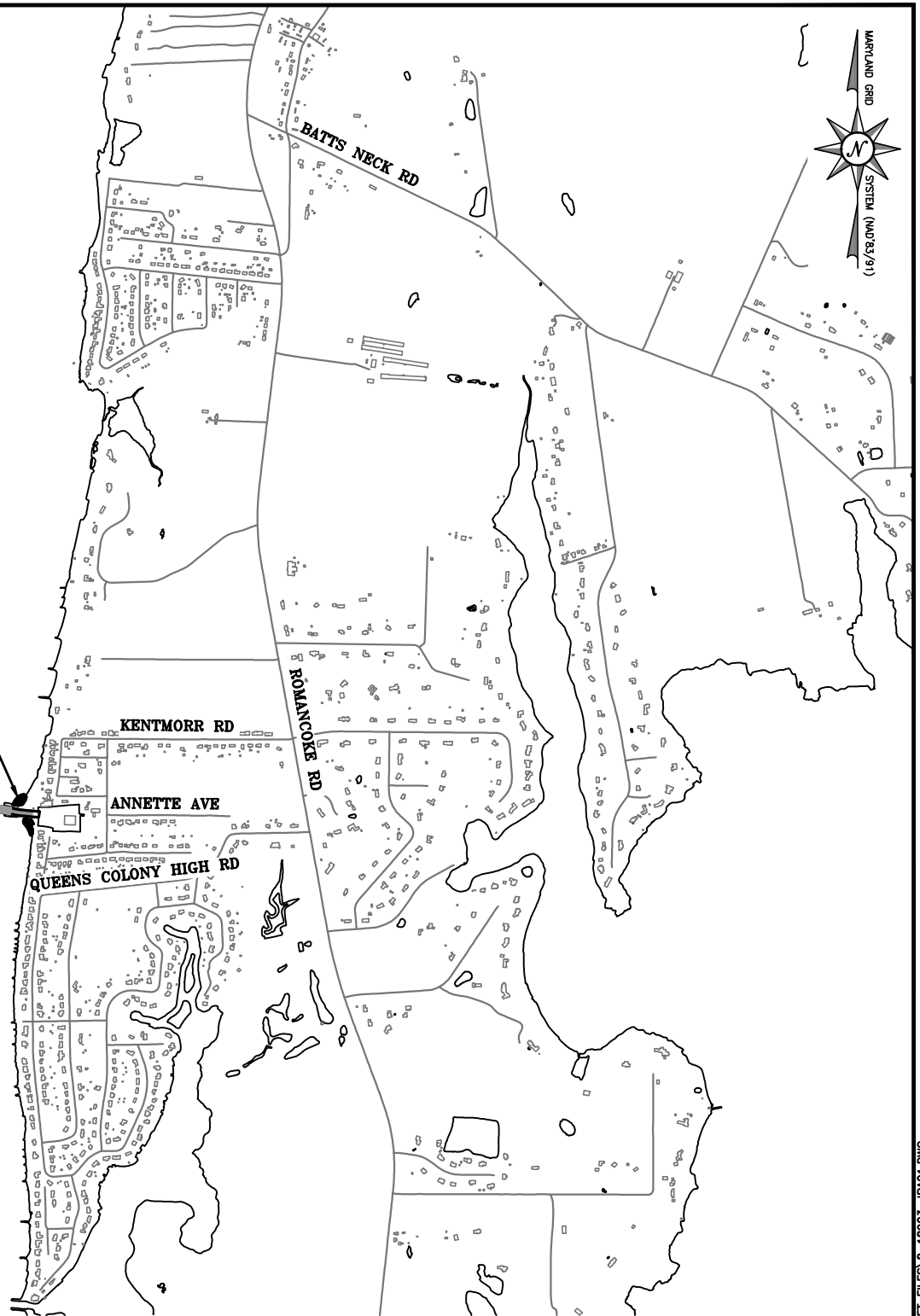
PUBLIC HEARING REQUESTS:

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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

Ms. Megan Spindler
megan.l.spindler@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
218 N. Washington Street, Suite 304
Easton, Maryland 21601

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Megan Spindler at megan.l.spindler@usace.army.mil or by phone at 410-207-9987. This public notice is issued by the Chief, Regulatory Branch.



KENTMORR MARINA
BENEFICIAL PLACEMENT SITE

KENTMORR MARINA
DREDGE SITE



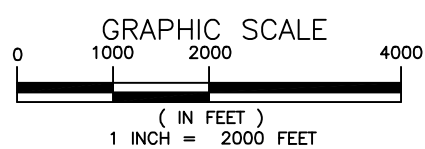
MAINTENANCE DREDGING AT KENTMORR MARINA

QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

VICINITY MAP

DATE: NOVEMBER 2022 SHEET 1 OF 9



NOTE:
BASEMAP TAKEN FROM QUEEN ANNE'S COUNTY
2018 PLANIMETRICS AND IMAGERY.

Bayland
Consultants & Designers, Inc.
"Integrating Engineering and Environment"

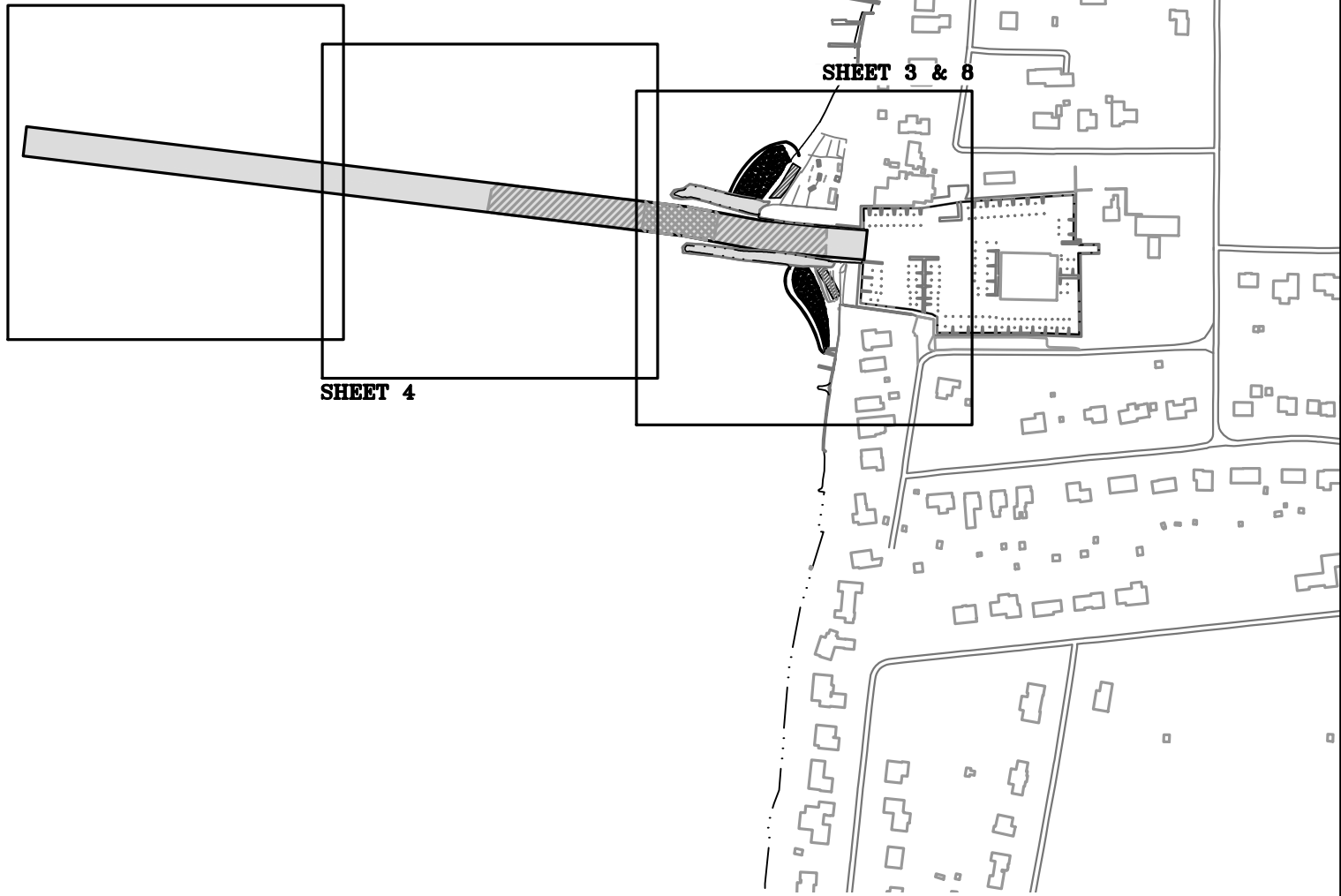
7455 New Ridge Road, Suite T Phone: (410) 694-9401
Hanover, Maryland 21076 Fax: (410) 694-9405
www.baylandinc.com

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SHEET 5

SHEET 3 & 8

SHEET 4



**MAINTENANCE DREDGING AT
 KENTMORR MARINA**

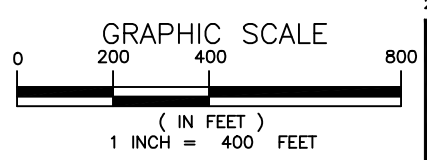
QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

KEY SHEET

DATE: NOVEMBER 2022 SHEET 2 OF 9

NOTE:
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 2018 PLANIMETRICS AND IMAGERY.



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MATCHLINE REFER TO SHEET 4

CHESAPEAKE BAY
EBB FLOOD

EX. STONE JETTY (TYP.)

DAVID MICHAEL PAVONE
906 KENTMORR RD
T.M. 0070
DEED: 04086/00270
PLAT: N/A
25,000 SF

DAVID HARPER &
TAMERA HARPER
908 KENTMORR RD
T.M. 0070
DEED: 04086/00238
PLAT: N/A
18,750 SF

KENTMORR MARINA LLC
910 KENTMORR RD
T.M. 0070
DEED: 01401/00272
PLAT: N/A
31,145 SF

KENTMORR MARINA LLC
ALLEN AVE.
T.M. 0070
DEED: 03707/00078
PLAT: N/A
4.082 AC

PREVIOUS DREDGING LIMITS
CENAB-OP-RMS (KENTMORR
MARINA) 2015-60280.

PREVIOUS DREDGING
LIMITS 15-WL-0144.

PROPOSED DREDGE AREA
2,000' X 70' TO -6.0' MLW.
CHANNEL OUTLINE REPRESENTS BOTTOM
WIDTH. FOR TOTAL IMPACT SEE TYPICAL
CROSS SECTION AND CHANNEL DATA TABLE.

TODD BENDIT & VERONICA BENDIT
6507 GREYSWOOD RD
T.M. 0070
DEED: 02620/00480
PLAT: N/A
26,676 SF

EX. MLW

EX. MHW

KENTMORR MARINA LLC
ALLEN AVE.
T.M. 0070
DEED: 03707/00078
PLAT: N/A
3.180 AC

LEGEND

- PREVIOUSLY DREDGED CHANNEL
- PROPOSED COUNTY CHANNEL
- 3.6 SOUNDINGS
- PROPOSED CHANNEL DEPTH
- PROPOSED SEDIMENT SAMPLE LOCATION
- EXISTING MEAN LOW WATER
- EXSITING MEAN HIGH WATER
- APPROX. PROPERTY LINES
- COMMUNITY BOAT RAMP

MAINTENANCE DREDGING AT
KENTMORR MARINA

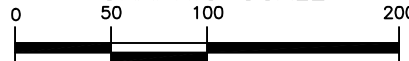
QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

CHANNEL PLAN

DATE: NOVEMBER 2022 SHEET 3 OF 9

GRAPHIC SCALE



(IN FEET)
1 INCH = 100 FEET

NOTE:
BASEMAP TAKEN FROM QUEEN ANNE'S COUNTY
2018 PLANIMETRICS AND IMAGERY.

Bay and Land
Consultants & Designers, Inc.
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CHESAPEAKE BAY
FLOOD

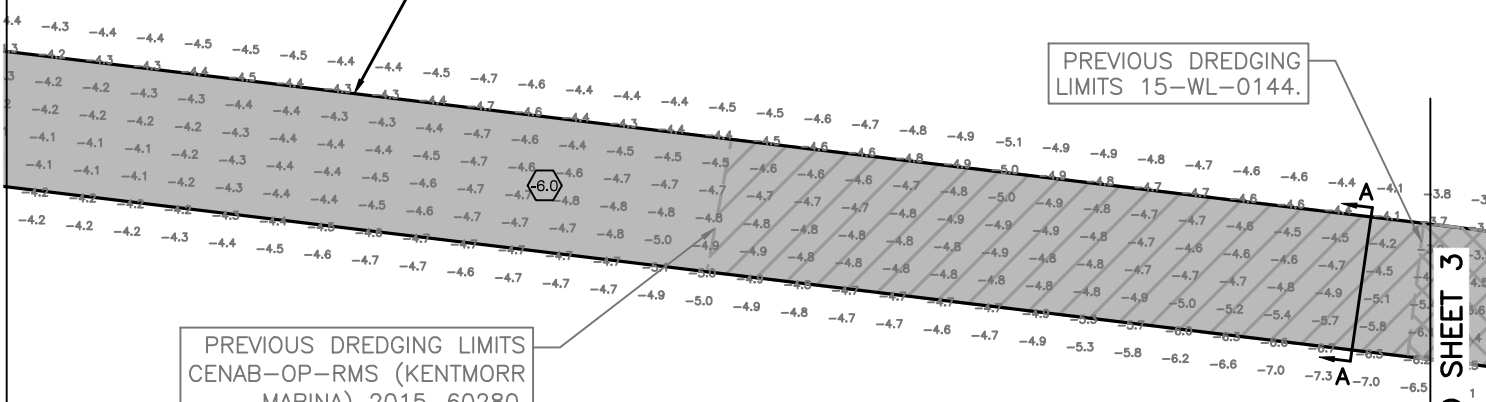
PROPOSED DREDGE AREA
2,000' X 70' TO -6.0' MLW.
CHANNEL OUTLINE REPRESENTS BOTTOM
WIDTH. FOR TOTAL IMPACT SEE TYPICAL
CROSS SECTION AND CHANNEL DATA TABLE.

PREVIOUS DREDGING
LIMITS 15-WL-0144.

PREVIOUS DREDGING LIMITS
CENAB-OP-RMS (KENTMORR
MARINA) 2015-60280.

MATCHLINE REFER TO SHEET 5

MATCHLINE REFER TO SHEET 3



MAINTENANCE DREDGING AT KENTMORR MARINA

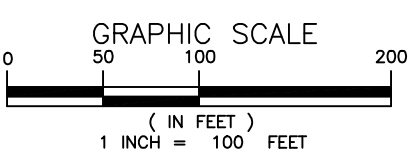
QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

CHANNEL PLAN

DATE: NOVEMBER 2022 SHEET 4 OF 9

NOTE:
BASEMAP TAKEN FROM QUEEN ANNE'S COUNTY
2018 PLANIMETRICS AND IMAGERY.



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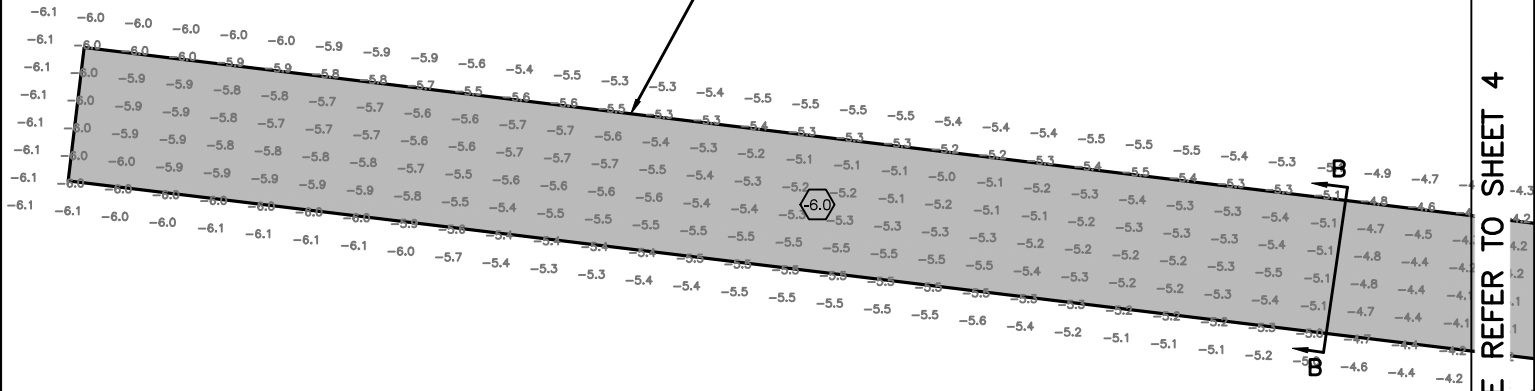
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CHESAPEAKE BAY
EST. 1789
 FLOOD



PROPOSED DREDGE AREA
 2,000' X 70' TO -6.0' MLW.
 CHANNEL OUTLINE REPRESENTS BOTTOM
 WIDTH. FOR TOTAL IMPACT SEE TYPICAL
 CROSS SECTION AND CHANNEL DATA TABLE.



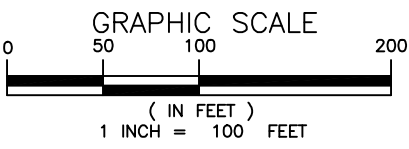
MAINTENANCE DREDGING AT
 KENTMORR MARINA

QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

CHANNEL PLAN

DATE: NOVEMBER 2022 SHEET 5 OF 9



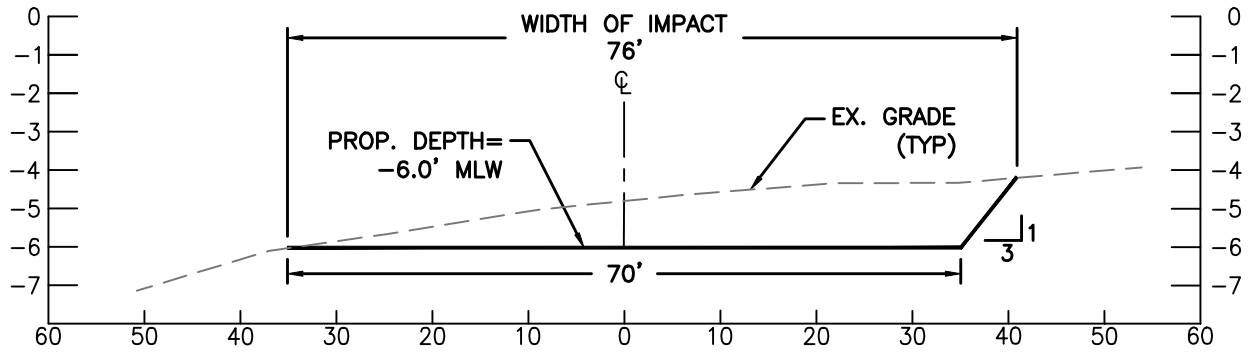
NOTE:
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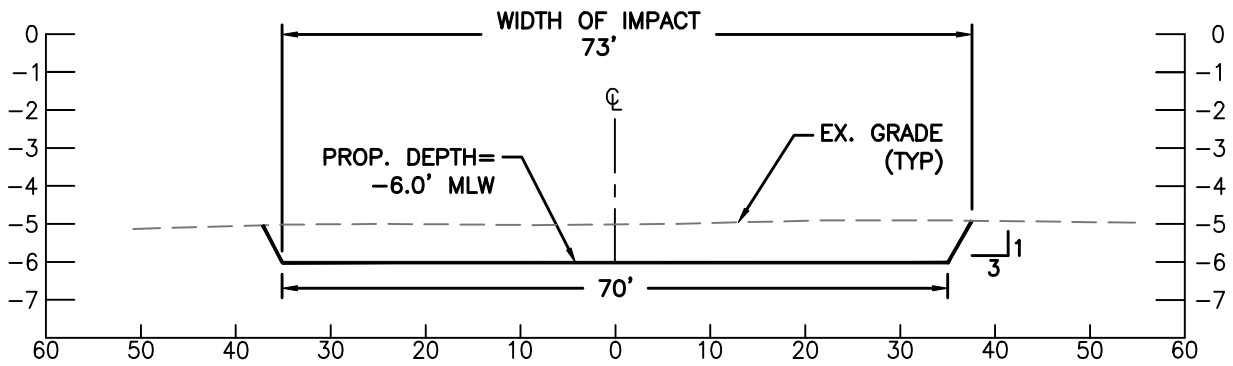
MATCHLINE REFER TO SHEET 4

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SECTION A-A

SCALE: NTS



SECTION B-B

SCALE: NTS

**MAINTENANCE DREDGING AT
KENTMORR MARINA**

QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

CHANNEL SECTIONS

DATE: NOVEMBER 2022 SHEET 6 OF 9

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CHANNEL DETAILS				
SEGMENT	LENGTH (FT)	WIDTH (FT)	DEPTH (FT)	VOLUME (CY)
MAIN CHANNEL	2,000	70	-6.0'	5,682
TOTAL MAIN CHANNEL LENGTH				2,000 LF
TOTAL MAIN CHANNEL VOLUME				5,682 CY
TOTAL AREA OF IMPACT				151,249 SF = 3.47 AC
TOTAL MAIN CHANNEL AREA OF IMPACT TO 2017 SAV				0 SF = 0.00 AC

NOTES:

1. BASEMAP COMPILED FROM QUEEN ANNE'S COUNTY 2018 PLANIMETRICS AND IMAGERY.
2. TIDAL RANGE IS 0.8 FEET.
3. BATHYMETRY FROM BAYLAND SURVEY DATED NOVEMBER 22, 2022.
4. SOUNDINGS ARE IN FEET AND REFER TO MLW.
5. THE KENTMORR MARINA CHANNEL PROPOSED FOR MAINTENANCE DREDGING WAS PREVIOUSLY PERMITTED UNDER 15-WL-0144 CENAB-OP-RMS (KENTMORR MARINA) 2015-60280.
6. THESE ARE PERMIT DRAWINGS ONLY. DESIGN DRAWINGS WILL BE PREPARED SEPARATELY.

**MAINTENANCE DREDGING AT
KENTMORR MARINA**

QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

CHANNEL DETAILS

DATE: NOVEMBER 2022 SHEET 7 OF 9



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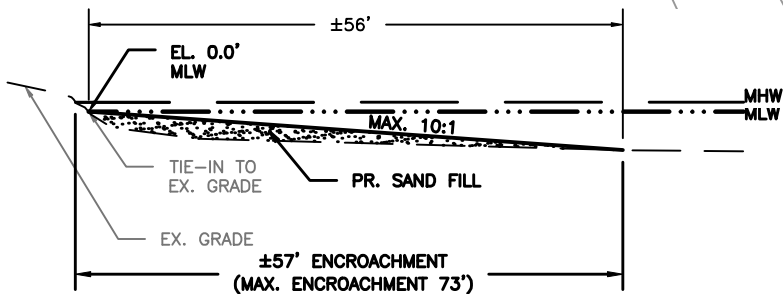
CHESAPEAKE BAY
 EBB FLOOD



PR. TURBIDITY CURTAIN TO BE INSTALLED PRIOR TO AND MAINTAINED DURING ANY SEDIMENT CAUSING ACTIVITY

PR. BEACH NOURISHMENT STOCKPILE AREA

PR. BEACH NOURISHMENT STOCKPILE AREA



TYPICAL BEACH NOURISHMENT SECTION
 SCALE: NTS

MAINTENANCE DREDGING AT KENTMORR MARINA

QUEEN ANNE'S COUNTY, MD

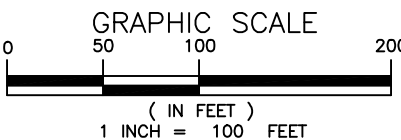
APPL. BY: KENTMORR PROPERTIES, LLC.

KENTMORR MARINA BEACH NOURISHMENT SITE

DATE: NOVEMBER 2022 SHEET 8 OF 9

NOTES:

1. BASEMAP TAKEN FROM QUEEN ANNE'S COUNTY 2018 PLANIMETRICS AND IMAGERY.
2. KENTMORR MARINA BEACH NOURISHMENT SITE IS TO BE PERMITTED FOR PLACEMENT ON AN AS-NEEDED BASIS WITHIN THE ACTIVE DATES OF THE PERMIT. THE SITE IS ACTIVELY ERODING AND MAY BE FILLED WITHIN THE CONFINES OF THESE CONTOURS WHEN NECESSARY.



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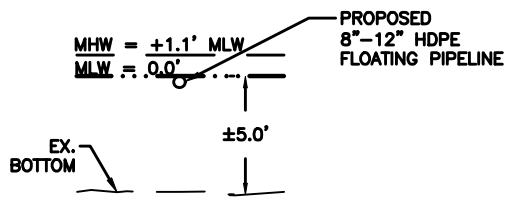
CHESAPEAKE BAY



KENTMORR MARINA BEACH NOURISHMENT SITE

APPROX. LOCATION OF PIPELINE

KENTMORR MARINA BEACH NOURISHMENT SITE



TYPICAL HYDRAULIC PIPELINE SECTION
SCALE: NTS

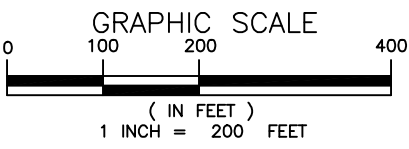
MAINTENANCE DREDGING AT KENTMORR MARINA

QUEEN ANNE'S COUNTY, MD

APPL. BY: KENTMORR PROPERTIES, LLC.

HYDRAULIC PIPELINE PLAN

DATE: NOVEMBER 2022 SHEET 9 OF 9



NOTE: BASEMAP TAKEN FROM QUEEN ANNE'S COUNTY 2018 PLANIMETRICS AND IMAGERY.

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