

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

Baltimore District
PN-22-30

Public Notice

**In Reply to Application Number
NAB-2022-62043-P05 (Herrington Harbour, Inc. Beach
Nourishment)**

Comment Period: July 18, 2023 to August 17, 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:

Herrington Harbour Inc.
c/o Steuart Chaney
7149 Lake Shore Drive
North Beach, Maryland 20714

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in the Chesapeake Bay, in Anne Arundel County, Maryland. Lat/Long: 38.728203/-76.540247

OVERALL PROJECT PURPOSE:

To restore the beach to previous conditions and protect the restored beach from future storms and erosion.

PROJECT DESCRIPTION:

The applicant is proposing to restore/stabilize the beach shoreline by adding sand and improving the existing breakwaters. The project proposes the following:

1. To deposit 1,242-cubic-yards of sand along the east and west beaches extending a maximum of 25-feet channelward of the approximate mean high-water shoreline.
2. To install stone approximately 41-linear-feet of rock to the ends of the existing breakwaters to reduce the width of the openings from 44-feet, 40-feet and 42-feet down to 35-feet and 25-feet.

3. To add stone to three existing breakwaters that have subsided to bring them up to their original height of 4-feet above the approximate mean low water line.
4. To install two stone breakwater/wave screens channelward of the existing breakwater openings. Each wave screen will be 50-feet-long by 16-feet-wide at the base and 4-feet above the approximate mean low water tide lane and will not exceed 140-feet channelward of the approximate mean high-water shoreline.
5. To add 125-feet-long x 5-feet-wide x 2-feet-high stone to existing rip rap and plant the area landward of the rip rap with American beach grass.
6. To create a sand tombolo by depositing 330-cubic-yards of clean sandy fill that will be 82-feet-long by 53.5-feet-wide and will be 3-feet above the approximate mean low water line.
7. To maintain four existing warning markers on poles in the existing breakwaters.

EFFECTS ON AQUATIC RESOURCES:

Activity (i.e. culvert)	Tidal waters impact (Sq. Ft.)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)
Beach Nourishment	13,750	0	10/404
Tombolo	4,346	0	10/404
Stone Wave Screens	2,400	0	10/404
Existing breakwater rock additions	656	0	10/404
Rip rap addition	625	0	10/404

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:

This project is limited to returning the beach to previous conditions that had prior approvals. It is also designed to protect the restored beach from future storms and erosion.

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 will have no effect federally 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.

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 for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will have no 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 no 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 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-2022-62043-P05.

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:

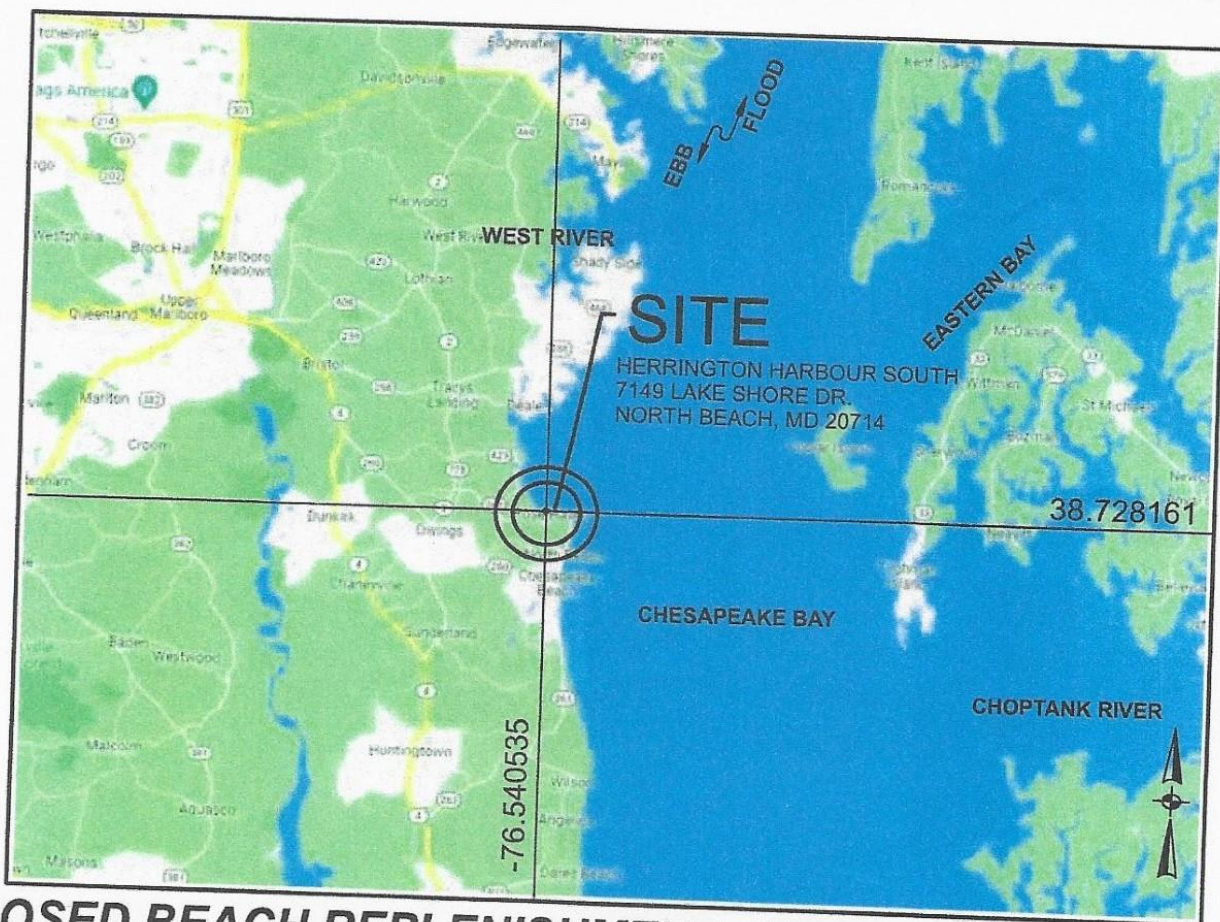
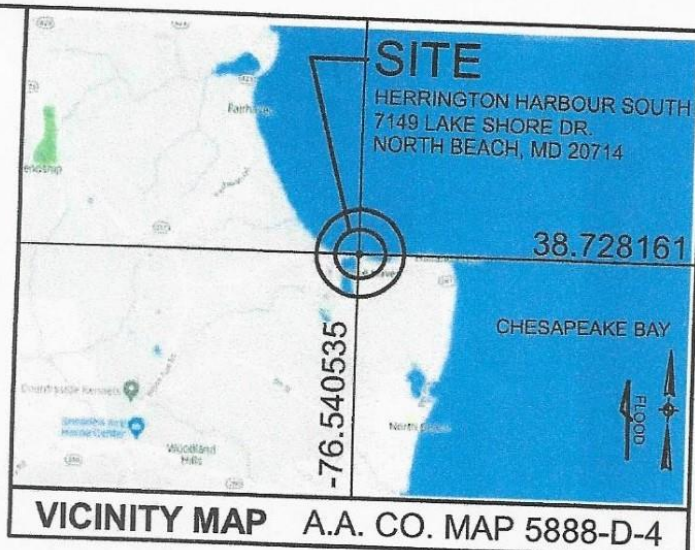
Marion Gall
marion.gall@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
1631 South Atherton Street, Suite 101
State College, Pennsylvania 16801

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 Marion Gall at marion.gall@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.

Disclaimer:

The information shown hereon was taken from several sources including Google Earth aerial photos, Maryland Maps, photographs, tax maps, county web sites and a site sketch. These sources are the best available information for marine permitting purposes. This is not a detailed on-site property survey. The owner 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.

**HERRINGTON HARBOUR SOUTH**

PROPOSED BEACH REPLENISHMENT, BREAKWATER REPAIRS, NEW WAVE SCREENS AND PLANTINGS

OWNER : HERRINGTON HARBOUR INC.
MAILING ADDRESS: 7149 LAKE SHORE DR.
NORTH BEACH, MD 20714

SITE ADDRESS: 7149 LAKE SHORE DR.
NORTH BEACH, MD 20714

MAP: 82 GRID: 20 PARCEL: 17 12.87 AC
SUBDIVISION : 692
DEED REFERENCE: 03062 / 00239
DISTRICT - 08 ACCOUNT NUMBER - 01435000
ZONING: MB CRITICAL AREA -IDA

VICINITY MAPS

**Doldon W. Moore &
Associates, LLC**
Cell: 443-771-2374

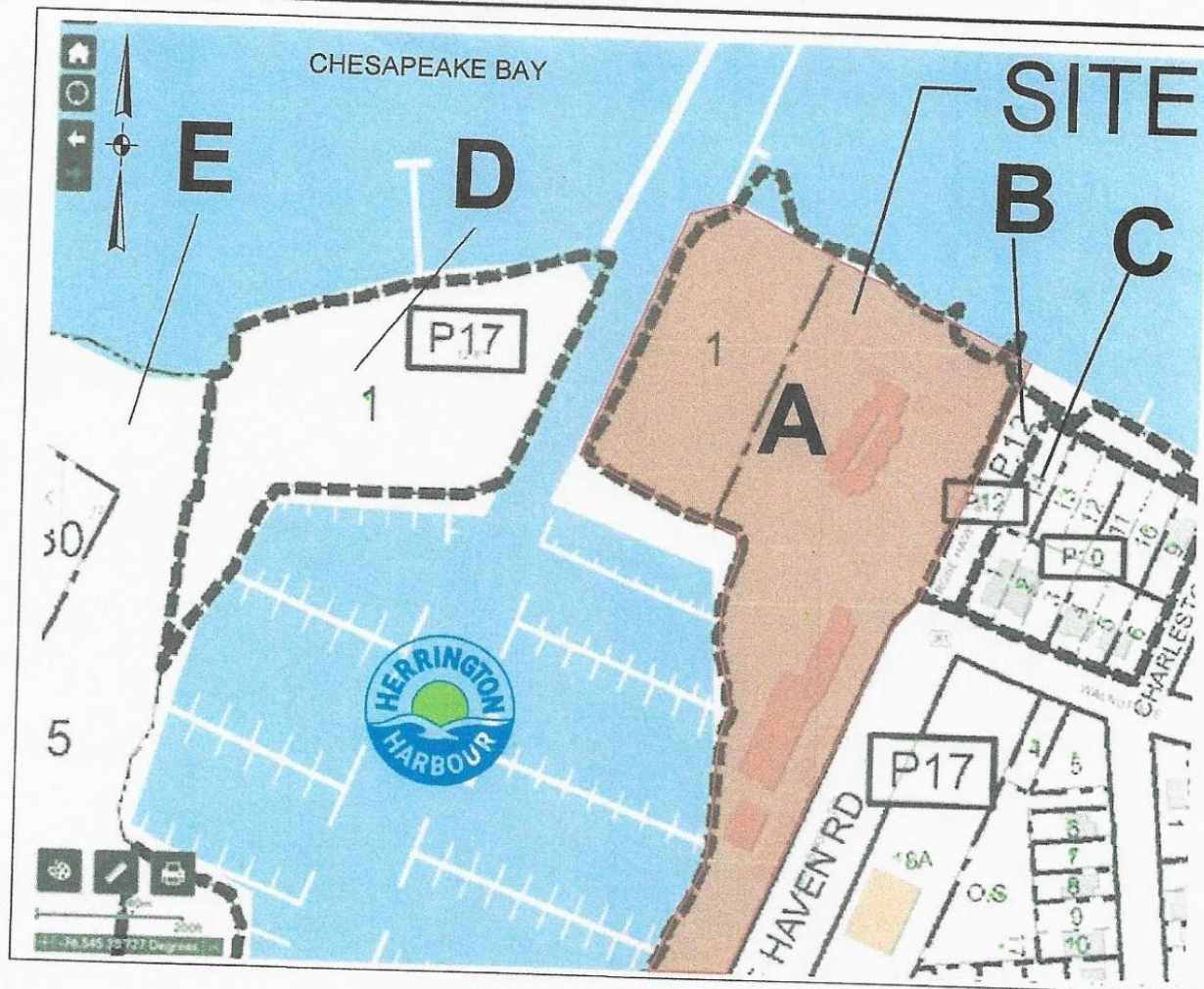
Tidal Wetlands Consultant
and Facilitator
P.O. Box 1
Owings, MD 20736

Email: dwmooorej@verizon.net
Consulting Services, Permit Facilitation,
Project Management, Aquaculture,
Habitat Restoration, Expert Testimony

NOTES:

1. TIDAL WATERS, TIDE RANGE IS +1.0', MAX. DIST. FROM MHW IS 140'
2. ELEVATIONS BASED ON 0 MLW MEASURED FROM A DNR TIDE BOARD LOCATED AT THE NORTH BEACH BOAT RAMP AND A TOPO SURVEY BY BAY ENGINEERING INC.
3. PROPOSED WORK: FOR A FULL WORK DESCRIPTION SEE SHEET 3.
4. ALL ACCESS IS BY LAND AND WATER.
5. THIS DRAWING IS FOR OUTLINE PURPOSES ONLY.
6. DRAWN BY: FRED BEDELL

IN: CHESAPEAKE BAY
TOWN: ROSE HAVEN
COUNTY: ANNE ARUNDEL
STATE: MARYLAND
APPL. BY: HERRINGTON
HARBOUR INC
7149 LAKE SHORE DR.
NORTH BEACH, MD 20714
DATE: REV. 5/15/23
DRAWING 1



A APPLICANT :
HERRINGTON HARBOUR INC.
7149 LAKE SHORE DR.
NORTH BEACH, MD 20714

D HERRINGTON HARBOUR INC.
7149 LAKE SHORE DR.
NORTH BEACH, MD 20714

B ANNE ARUNDEL COUNTY ROAD
C/O ARUNDEL CENTER
PO BOX 2700
ANNAPOLIS, MD 21404

E HERRINGTON HARBOUR INC.
7149 LAKE SHORE DR.
NORTH BEACH, MD 20714

C CHARLES AND CYNTHIA SCLATER
604 WALNUT AVE.
ROSE HAVEN, MD 20714

OWNER : HERRINGTON HARBOUR INC.
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TAX MAP

**Doldon W. Moore &
Associates, LLC**
Cell: 443-771-2374

Tidal Wetlands Consultant
and Facilitator
P.O. Box 1
Owings, MD 20736

Email: dwmooresjr@verizon.net
Consulting Services, Permit Facilitation,
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DRAWING 2

PROPOSED BEACH REPLENISHMENT, BREAKWATER REPAIRS, NEW WAVE SCREENS AND PLANTINGS

1. WEST BEACH: TO EMPLACE APPROX. 215 CY OF CLEAN SAND AS BEACH REPLENISHMENT (AVULSION) AND GRADE AS REQUIRED AT THE LANDWARD OF THE MHWL (CURRENT AND PROPOSED) TO THE HISTORIC MHWL (2014 PER MDE) TO EMPLACE APPROXIMATELY 65 CY OF CLEAN SAND AS BEACH REPLENISHMENT AND GRADE AS REQUIRED LANDWARD OF THE HISTORIC MHWL (2014 PER MDE).

EAST BEACH: TO EMPLACE APPROX. 272 CY OF CLEAN SAND AS BEACH REPLENISHMENT (AVULSION) AND GRADE AS REQUIRED TO A MAXIMUM OF 25 FT. CHANNELWARD OF THE MHWL (CURRENT) AND LANDWARD OF THE HISTORIC MHWL (2014 PER MDE). TO EMPLACE APPROXIMATELY 690 CY OF CLEAN SAND AS BEACH REPLENISHMENT (AVULSION) AND GRADE AS REQUIRED LANDWARD OF THE MHWL (CURRENT) TO THE UPLAND/BEACH INTERFACE.

2. INSTALL STONE RIP-RAP ON 5 ENDS OF EXISTING BREAKWATERS TO REDUCE THE OPENING WIDTHS.

3. TO REPAIR 3 EXISTING STONE BREAKWATERS THAT HAVE SUBSIDED VARYING FROM 6" TO 12". ADD ADDITIONAL STONE TO BRING THEM TO THE ORIGINAL ELEVATION OF +4' MLW MATCHING THE OTHER STRUCTURES.

4. INSTALL 2 STONE WAVE SCREENS OUTSIDE OF THE EXISTING BREAKWATER OPENINGS. THE PROPOSED WAVE SCREENS WILL BE +4' MLW IN ELEVATION, 16' WIDE AND BOTH WILL BE 50' LONG. THE SITE HAS A 17 MILE FETCH TO THE NORTHEAST WHEN STRONG WINDS AND HIGH TIDES COME FROM THAT DIRECTION THE WAVES COME DIRECTLY INTO THE BEACH AND CAUSES BEACH EROSION.

5. INSTALL ON THE SOUTH EDGE OF THE PROPERTY ON THE EX. STONE RIP RAP ADDITIONAL STONE 2' HIGH WITH AN INTERNAL LAYER OF FILTER CLOTH TO ACT AS A BARRIER TO PREVENT SAND FROM MIGRATING TO THE NEIGHBOR'S PROPERTY. IN ADDITION, INSTALL A 5' WIDE BY 125' LONG STRIP OF AMERICAN BEACH GRASS. IT IS A DUNE GRASS TO FILTER SAND.

6. TO INSTALL A SAND TOMBOLO BEHIND THE SMALL BREAKWATER IT SHALL BE +3' MLW X 53.5' WIDE X 82' LONG. THIS WILL BE A CONTROLLED PLACEMENT OF 330 CY OF CLEAN SAND TO BE USED AS ACCESS TO CONSTRUCT THE OFFSHORE WAVE SCREENS AND WHEN THAT WORK IS COMPLETED THE TOMBOLO WILL REMAIN IN PLACE.

7. MAINTAIN FOUR (4) EXISTING WARNING SIGNS ON 4X4 POSTS SAYING "KEEP OFF ROCKS"

LEGEND

----- -1----- EX. BOTTOM CONTOURS

----- (2) ----- EXISTING CONTOURS

 EXISTING STONE BREAKWATERS

 EXISTING SAND BEACH

----- - - - - - EXISTING MHWL (MEAN HIGH WATER LINE)

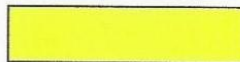
----- - - - - - EXISTING 0 MLW (0 MEAN LOW WATER)

 PROPOSED BEACH CONTOURS

----- - - - - - HISTORIC MHWL 2014



ADDITIONAL STONE TO REDUCE THE WINDOW



ADDITIONAL STONE TO RAISE THE ELEV. TO +4



PROPOSED STONE WAVE SCREEN



PROPOSED AMERICAN BEACH GRASS PLANTINGS



PROPOSED TOMBOLO

OWNER: HERRINGTON HARBOUR INC.
MAILING ADDRESS: 7149 LAKE SHORE DR.
NORTH BEACH, MD 20714
SITE ADDRESS: 7149 LAKE SHORE DR.
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Doldon W. Moore & Associates, LLC
Cell: 443-771-2374
Tidal Wetlands Consultant and Facilitator
P.O. Box 1
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Email: dwmoorej@verizon.net
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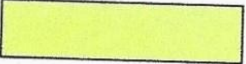
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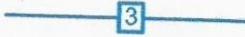


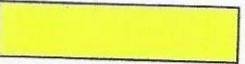



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- - - - - EXISTING 0 MLW (0 MEAN LOW WATER)

-  PROPOSED BEACH CONTOURS
-  HISTORIC MHWL 2014
-  ADDITIONAL STONE TO REDUCE THE WINDOW
-  ADDITIONAL STONE TO RAISE THE ELEV. TO +4
-  PROPOSED STONE WAVE SCREEN
-  PROPOSED AMERICAN BEACH GRASS PLANTINGS
-  PROPOSED TOMBOLO

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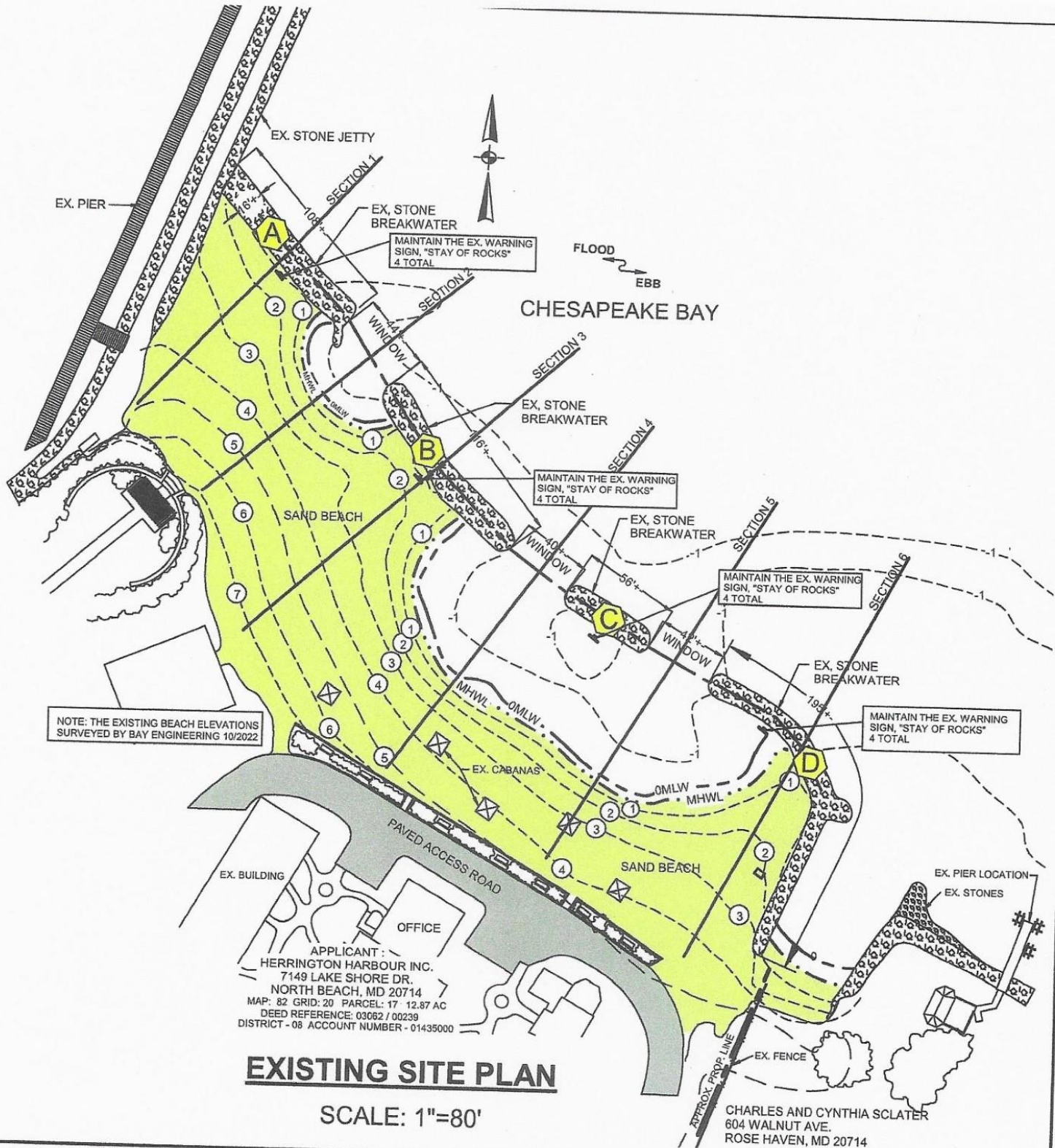
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EXISTING SITE PLAN

Doldon W. Moore & Associates, LLC
Cell: 443-771-2374

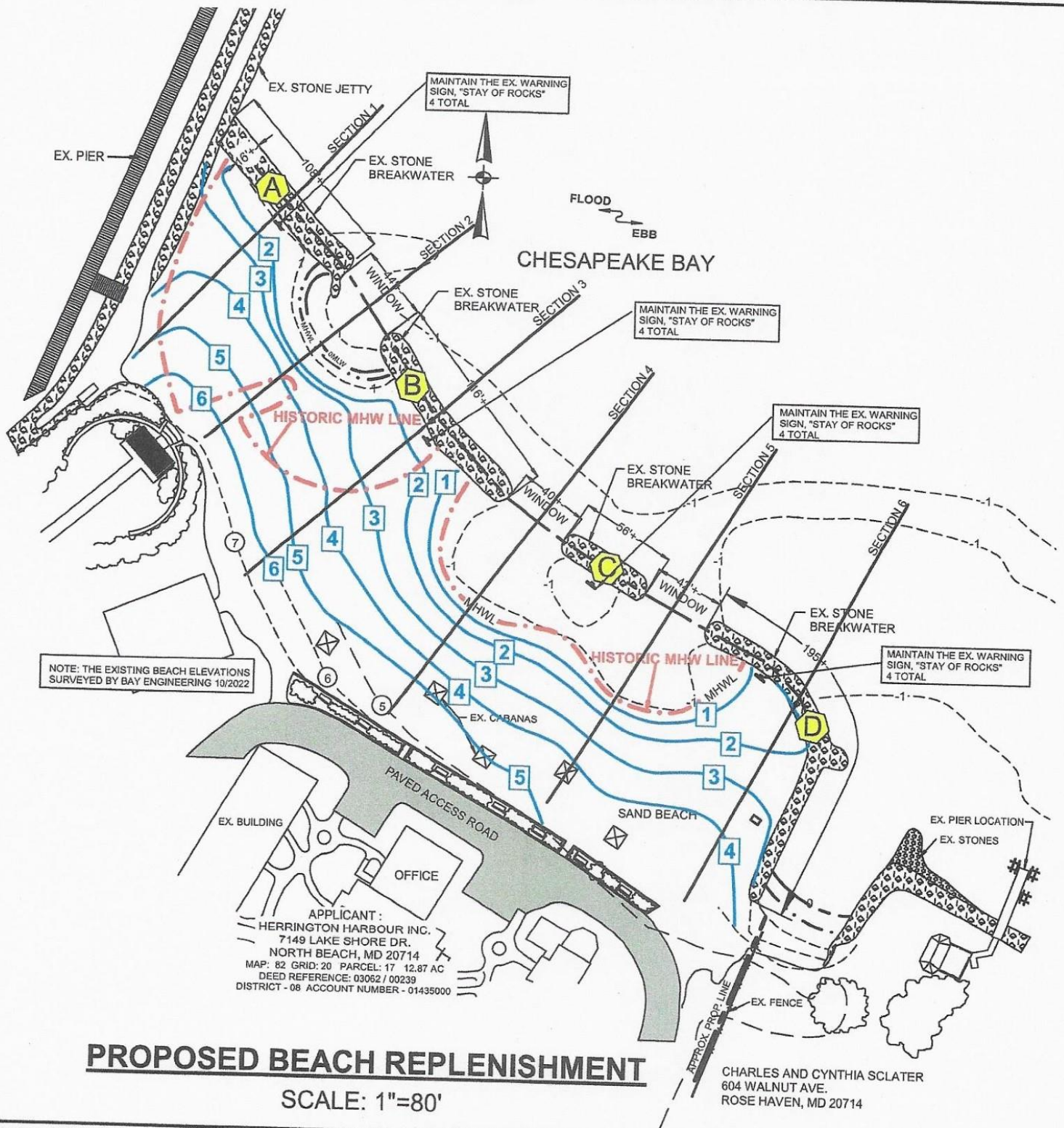
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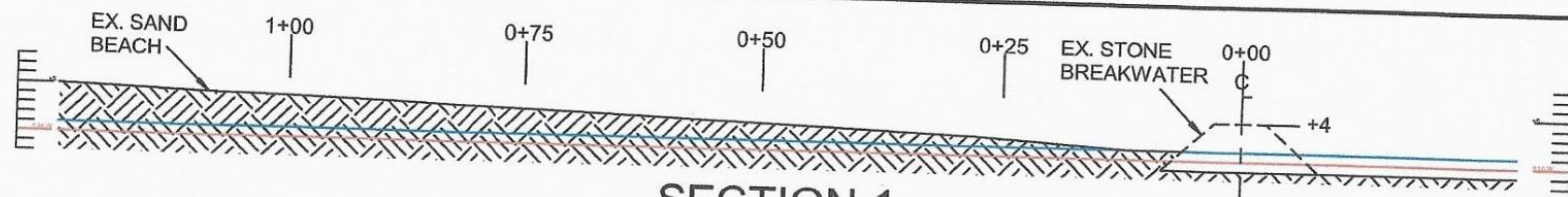
PROPOSED BEACH REPLENISHMENT

**Doldon W. Moore &
Associates, LLC**
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and Facilitator
P.O. Box 1
Owings, MD 20736
Email: dwmoorej@verizon.net
Consulting Services, Permit Facilitation,
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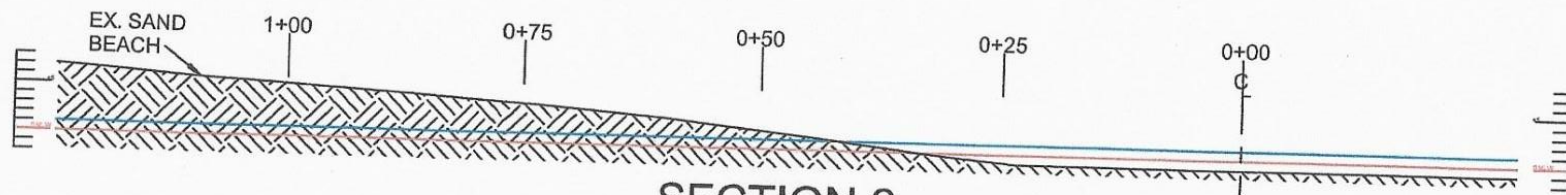
NOTES:

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2. ELEVATIONS BASED ON 0 MLW MEASURED FROM A DNR TIDE BOARD LOCATED AT THE NORTH BEACH BOAT RAMP AND A TOPO SURVEY BY BAY ENGINEERING INC.
3. PROPOSED WORK: FOR A FULL WORK DESCRIPTION SEE SHEET 3.
4. ALL ACCESS IS BY LAND AND WATER.
5. THIS DRAWING IS FOR OUTLINE PURPOSES ONLY.
6. DRAWN BY: FRED BEDELL

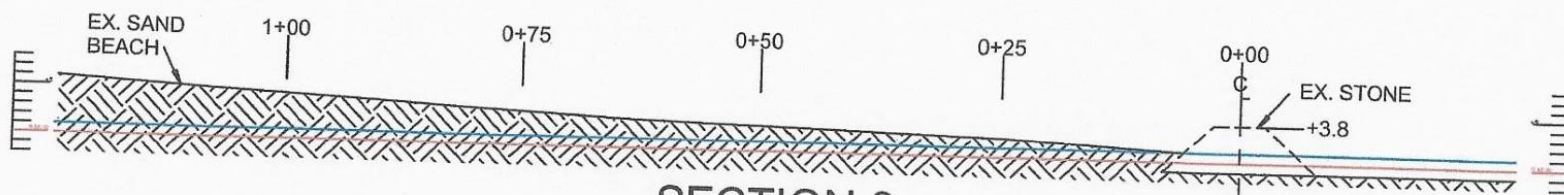
IN: CHESAPEAKE BAY
TOWN: ROSE HAVEN
COUNTY: ANNE ARUNDEL
STATE: MARYLAND
APPL. BY: HERRINGTON
HARBOUR INC
7149 LAKE SHORE DR.
NORTH BEACH, MD 20714
DATE: REV. 5/15/23
DRAWING 5



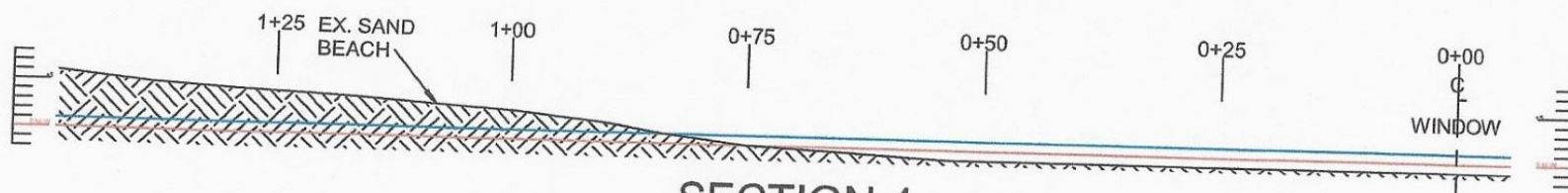
SECTION 1



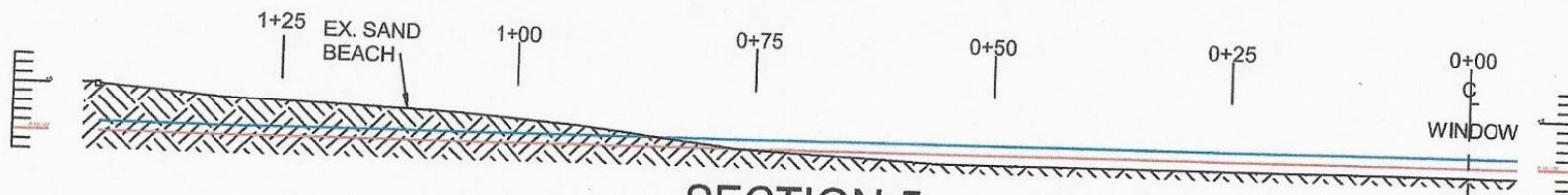
SECTION 2



SECTION 3



SECTION 4



SECTION 5

SCALE: 1"=20'

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MAILING ADDRESS: 7149 LAKE SHORE DR.
NORTH BEACH, MD 20714

SITE ADDRESS: 7149 LAKE SHORE DR.
NORTH BEACH, MD 20714

MAP: 82 GRID: 20 PARCEL: 17 12.87 AC
SUBDIVISION: 692

DEED REFERENCE: 03062 / 00239
DISTRICT - 08 ACCOUNT NUMBER - 01435000

ZONING: MB CRITICAL AREA -IDA

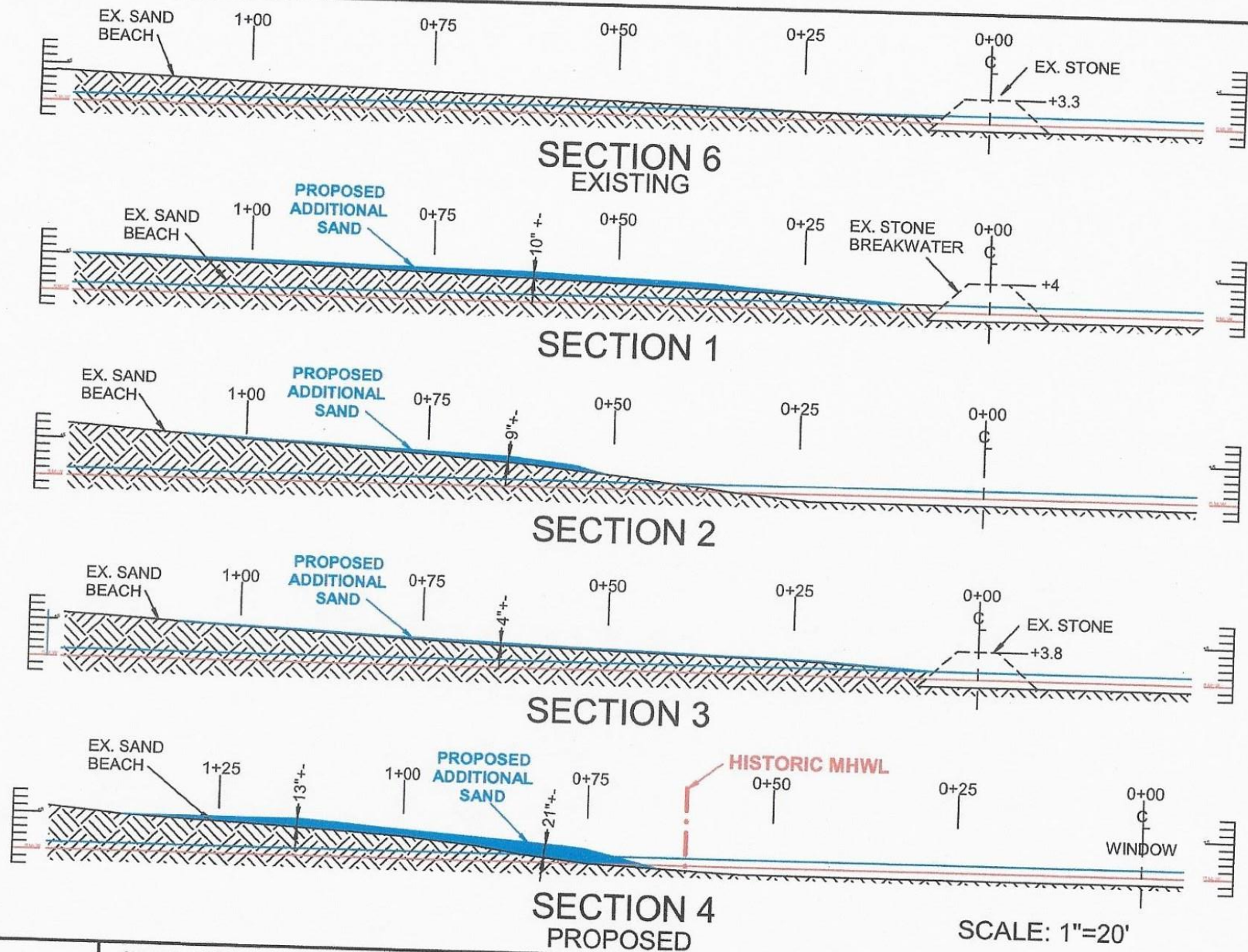
EXISTING BEACH SECTIONS 1 TO 5

NOTE: THE EXISTING BEACH ELEVATIONS
SURVEYED BY BAY ENGINEERING 10/2022

IN: CHESAPEAKE BAY
TOWN: ROSE HAVEN
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DRAWING 6



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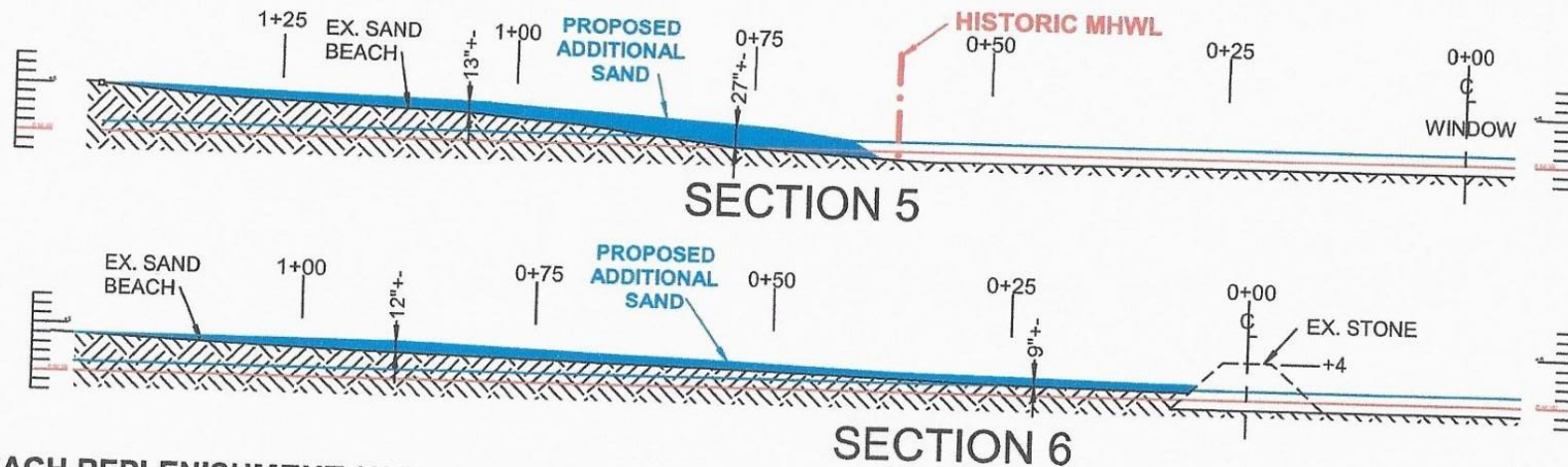
EXISTING BEACH SECTIONS 6 AND PROPOSED SECTIONS 1 TO 4

NOTE: THE EXISTING AND PROPOSED BEACH
 ELEVATIONS SURVEYED BY BAY ENGINEERING
 10/2022

IN: CHESAPEAKE BAY
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DATE: REV. 5/15/23

DRAWING 7



TOTAL BEACH REPLENISHMENT (AVULSION)

WEST BEACH: EMPLACE 215 CY OF CLEAN SAND AS BEACH REPLENISHMENT (AVULSION) LANDWARD OF THE HISTORIC MHWL AND TO EMPLACE 65 CY OF CLEAN SAND AS BEACH REPLENISHMENT. TOTAL = 280 CY

EAST BEACH: EMPLACE 272 CY OF CLEAN SAND AS BEACH REPLENISHMENT (AVULSION) GRADE CHANNELWARD 25' MAX. OF THE HISTORIC MHWL AND TO EMPLACE APPROX. 690 CY OF CLEAN SAND BEACH REPLENISHMENT LANDWARD OF THE MHWL. TOTAL = 962 CY

INSTALL 330 CY OF CLEAN SAND TO CREATE A TOMBOLO FOR CONSTRUCTION ACCESS.

GRAND TOTAL = 1,572 CY CLEAN SAND

PROPOSED BEACH REPLENISHMENT SECTIONS

SCALE: 1"=20'

NOTE: THE PROPOSED BEACH ELEVATIONS
SURVEYED BY BAY ENGINEERING 10/2022

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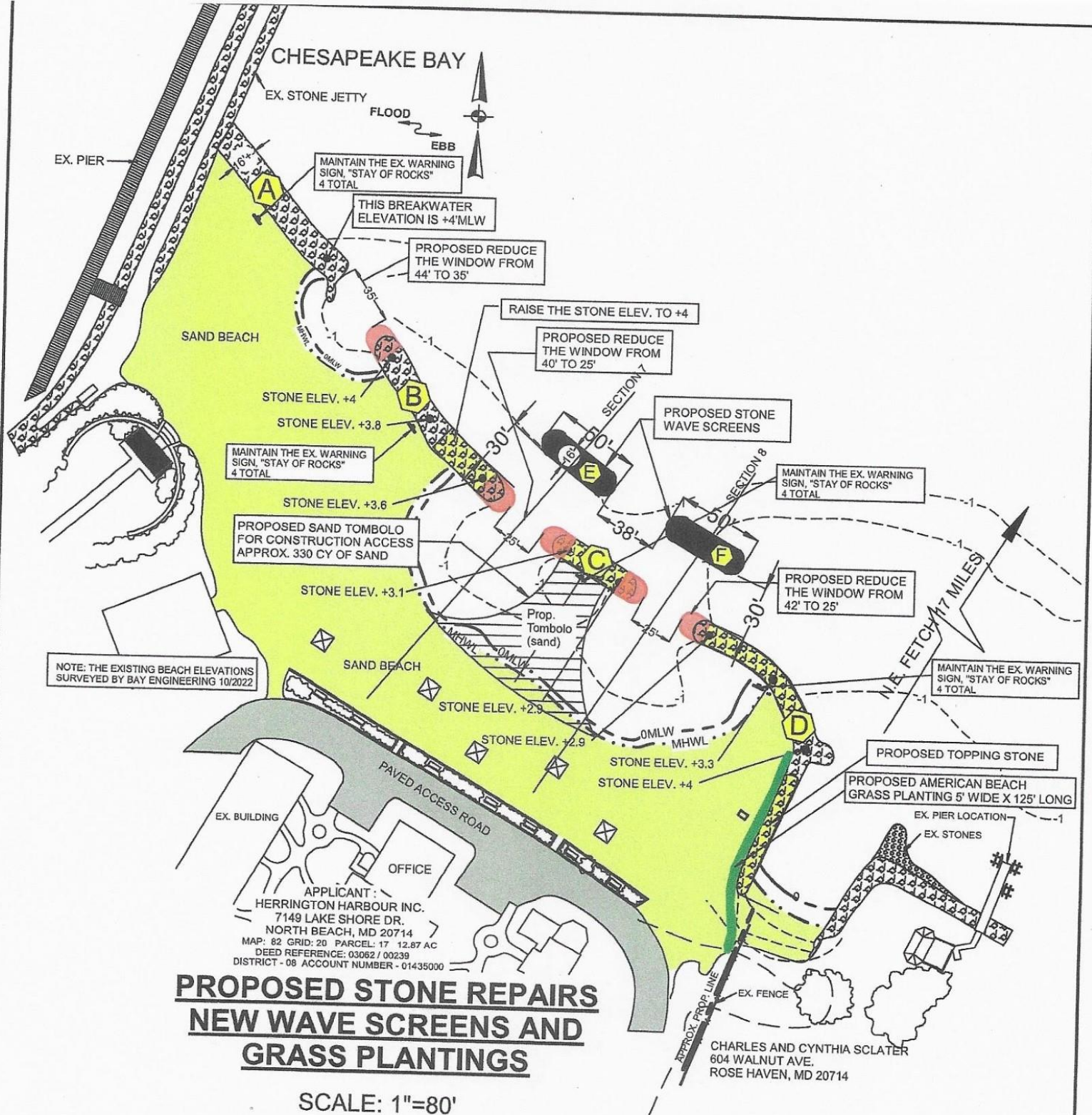
PROPOSED SECTIONS 5 & 6

NOTE: THE EXISTING AND PROPOSED BEACH
ELEVATIONS SURVEYED BY BAY ENGINEERING
10/2022

IN: CHESAPEAKE BAY
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DRAWING 7A



OWNER: HERRINGTON HARBOUR INC.
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PROPOSED STONE REPAIRS AND WAVE SCREENS

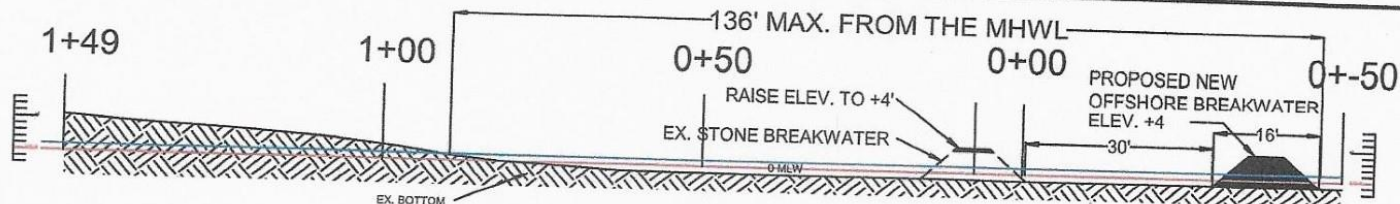
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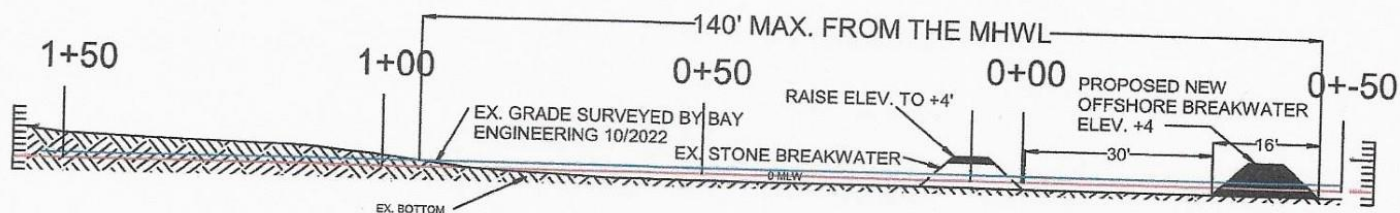
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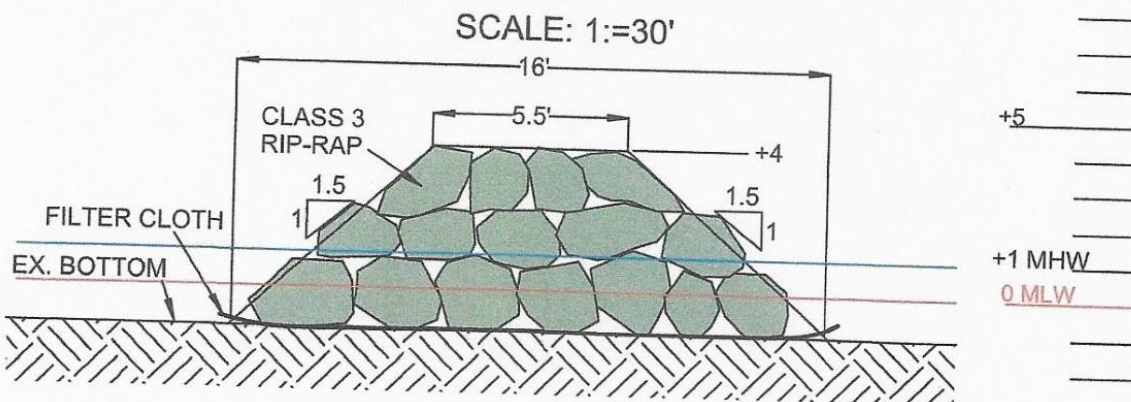
IN: CHESAPEAKE BAY
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DRAWING 8



CROSS SECTION 7

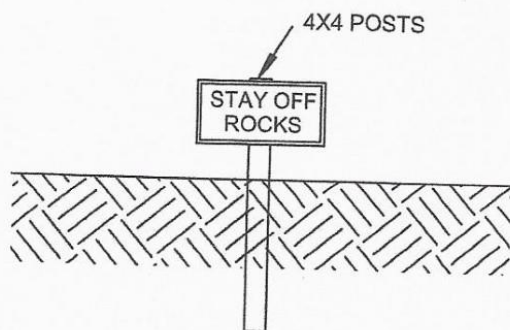


CROSS SECTION 8



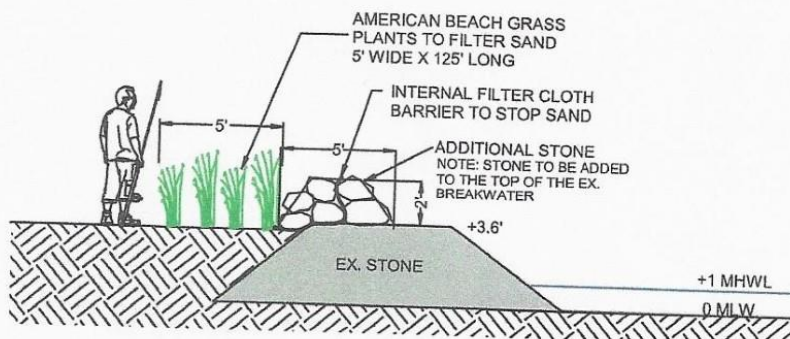
PROPOSED WAVE SCREEN SECTION

SCALE: 3/16"=1'



EXISTING WARNING SIGNS

NOT TO SCALE



AMERICAN BEACH GRASS PLANTING AND STONE BARRIER

SCALE: 1/8"=1'

OWNER : HERRINGTON HARBOUR INC.
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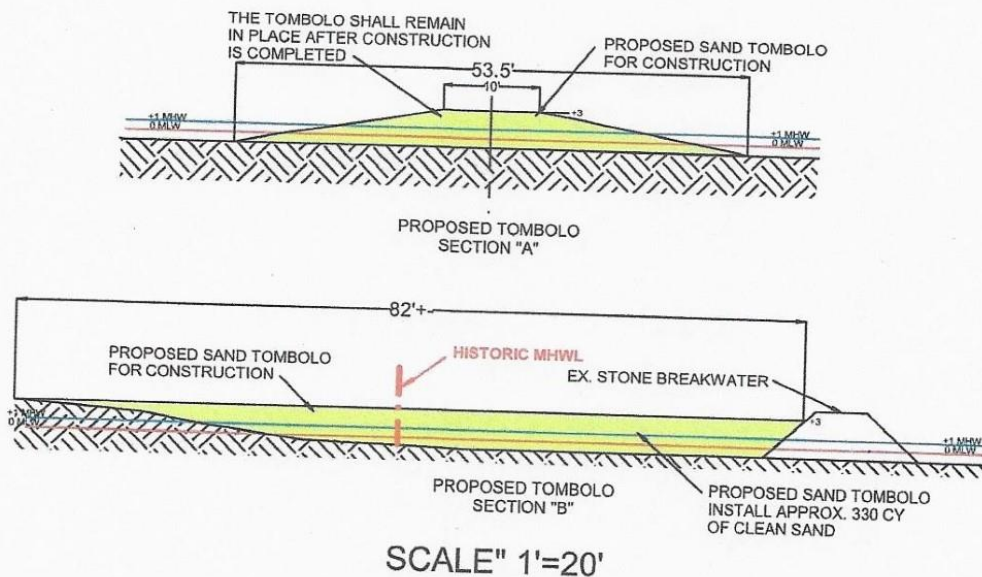
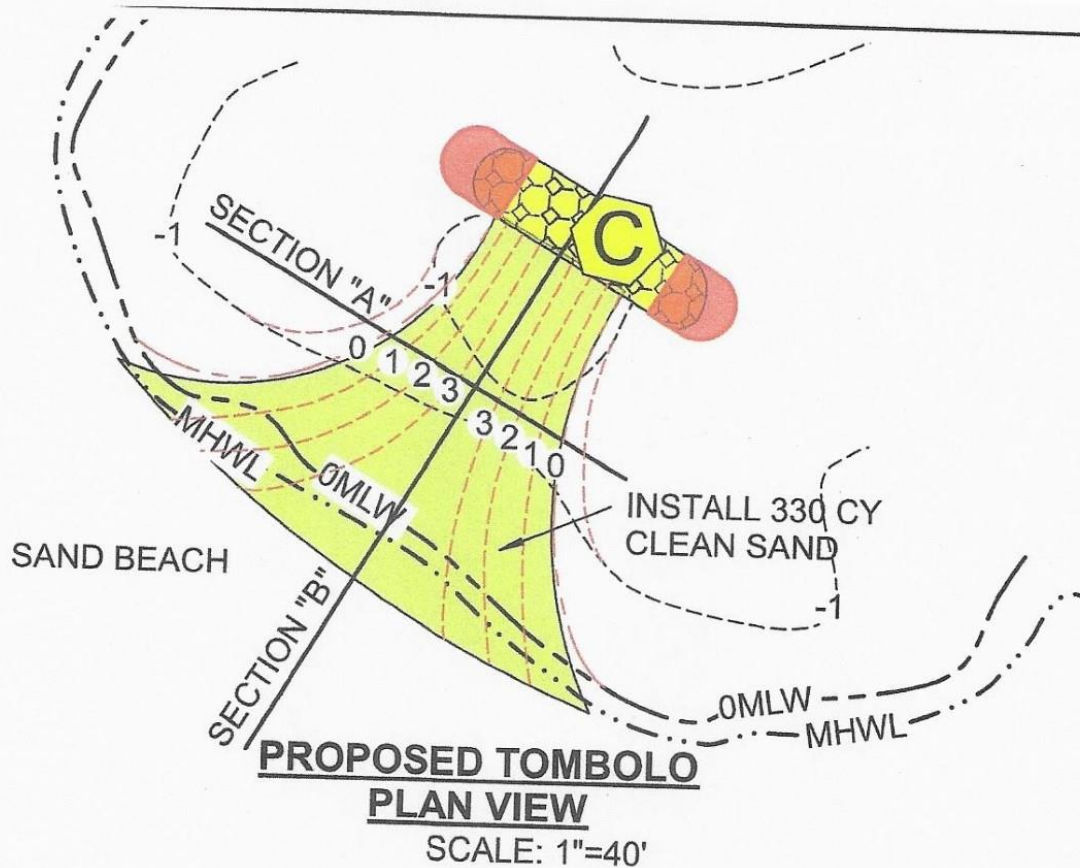
SECTION 7 & 8 WAVE SCREEN SECTION PLANTING SECTION

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6. DRAWN BY: FRED BEDELL

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COUNTY: ANNE ARUNDEL
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APPL. BY: HERRINGTON HARBOUR INC
7149 LAKE SHORE DR.
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DRAWING 9



OWNER : HERRINGTON HARBOUR INC.
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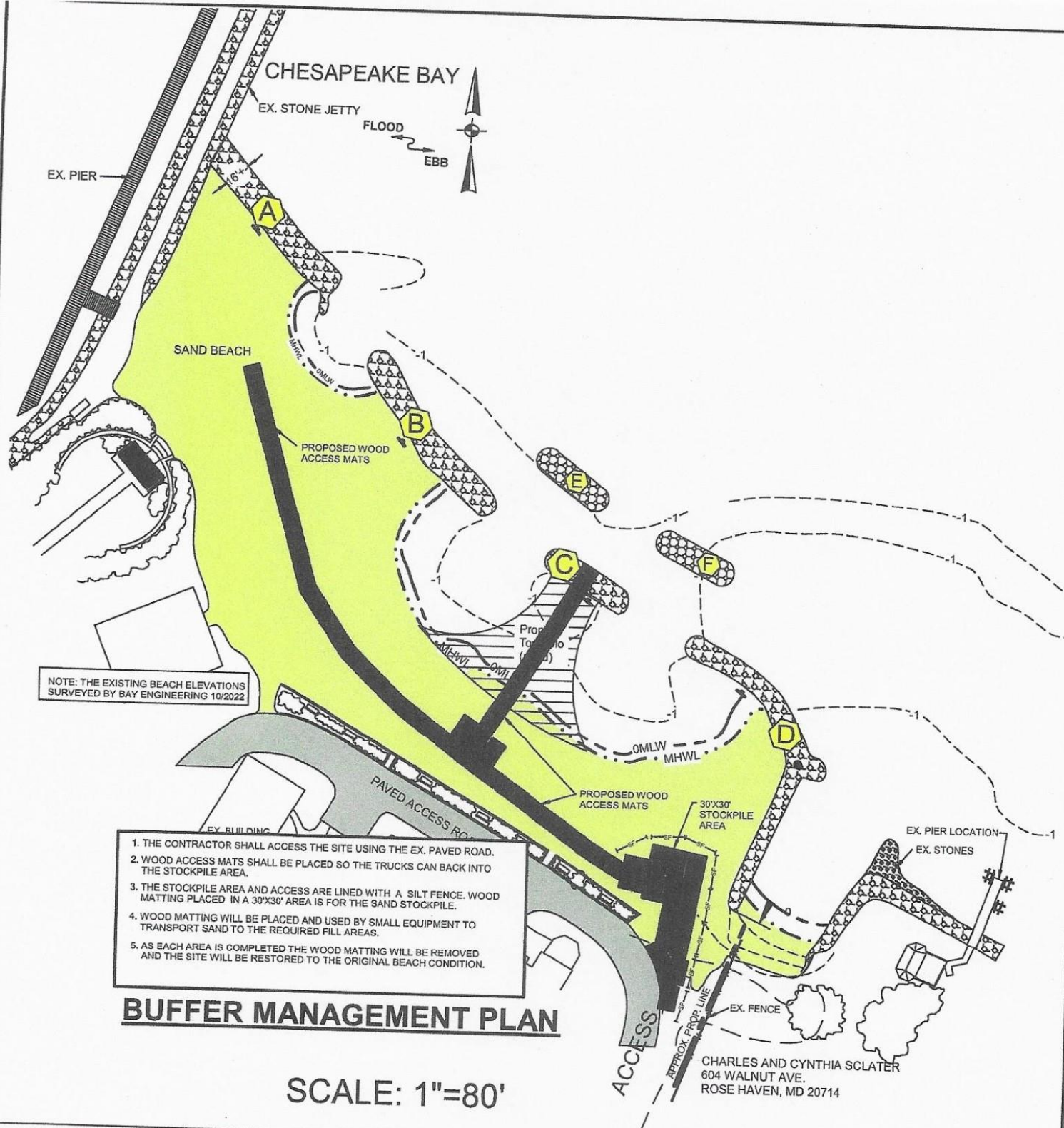
TOMBOLO DETAILS AND SECTIONS

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DRAWING 10



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BUFFER MANAGEMENT PLAN

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DRAWING 11