



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

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Applicant:  
Beau Breeden  
Cape St. Claire Improvement Assoc

Published: June 5, 2025  
Expires: July 5, 2025

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**Baltimore District**

**Permit Application No. NAB-2025-60520-TREC (Cape St. Claire  
Improvement Assoc./Beneficial Use Dredge Material**

**TO WHOM IT MAY CONCERN:** The NAB District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Beau Breeden  
Cape St. Claire Improvement Assoc  
1223 River Bay Road  
Annapolis, Maryland 21409

**AGENT:** Jim Cooper  
Biohabitats, Inc  
2081 Clipper Park Road  
Baltimore, Maryland 21211

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with Deep Creek. The project/review area is located west of 1072 C River Bay Road; Cape St. Claire in Anne Arundel County, Maryland Latitude 39.0511 and Longitude -76.4487.

**EXISTING CONDITIONS:** Previous project work in the vicinity includes the installation of a cobble (shingle) beach, stone breakwaters, and beach nourishment above the mean high-water line at the Main Beach, and installation of oyster reef, inverted root wads, and a vinyl groin to intercept down-beach migration of material at Lake Claire, where additional work is proposed. The applicant believes that this proposed feature will help to augment previously installed habitat features and provide additional protection to the Lake Claire mouth, which is unimpeded in its existing condition from the receiving Deep Creek/Little Magothy River.

**PROJECT PURPOSE:** Shoreline Protection

**Basic:** Shoreline Protection

**Overall:** The protection of the mouth of tidally influenced pond by the placement of beneficial reuse dredge material.

**PROPOSED WORK:** The applicant requests authorization to place 0.92 acre of reuse dredge material at the mouth of a tidally influenced pond. The area will be a fully vegetated features that will help protect the Lake Claire inlet from continuing erosion.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated the designs are limited for the project considering the primary project goals of providing ecological lift via partial reestablishment of historic these shoreline areas and associated revegetation. The Corps will work with the applicant to achieve the least environmentally damaging practicable alternative.

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required: "We believe that this project should be considered self-mitigating. All placed dredge material will be vegetated with a suite of native species suited to proposed conditions, including a tidal fringe consisting of smooth cordgrass (*Sporobolus alterniflorus*) and other associated herbaceous species as well as a scrub-shrub community in higher elevations of the feature. Additionally, Biohabitats proposes significant submerged aquatic vegetation (SAV) plantings along existing bathymetry adjacent to the proposed dredge placement feature. We believe this project will significantly augment ecological function and enhance both aquatic and terrestrial biodiversity."

**CULTURAL RESOURCES:** The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, 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.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) and National Marine Fisheries Service (NMFS) Section 7 Mapper to determine if

any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project.

ESA-listed species and/or critical habitat potentially present in the action area.

<b>Species Common Name and/or Critical Habitat Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Endangered
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered
Green Sea Turtle	<i>Chelonia mydas</i>	Threatened
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Threatened

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action may adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 0.92 acres of marine habitat. The effects of the project are determined to be minimal and permanent. These habitat(s) are utilized by the following species and their various life stages:

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Atlantic Butterfish	Adult, Eggs, Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Atlantic Herring	Adult, Juvenile	New England	Amendment 3 to the Atlantic Herring FMP
		Black Sea Bass	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Bluefish	Adult, Juvenile	Mid-Atlantic	Bluefish
		Clearnose Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Red Hake	Adult, Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Scup	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Summer Flounder	Adult, Juvenile, Larvae	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Windowpane Flounder	Adult, Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the Maryland Department of the Environment.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

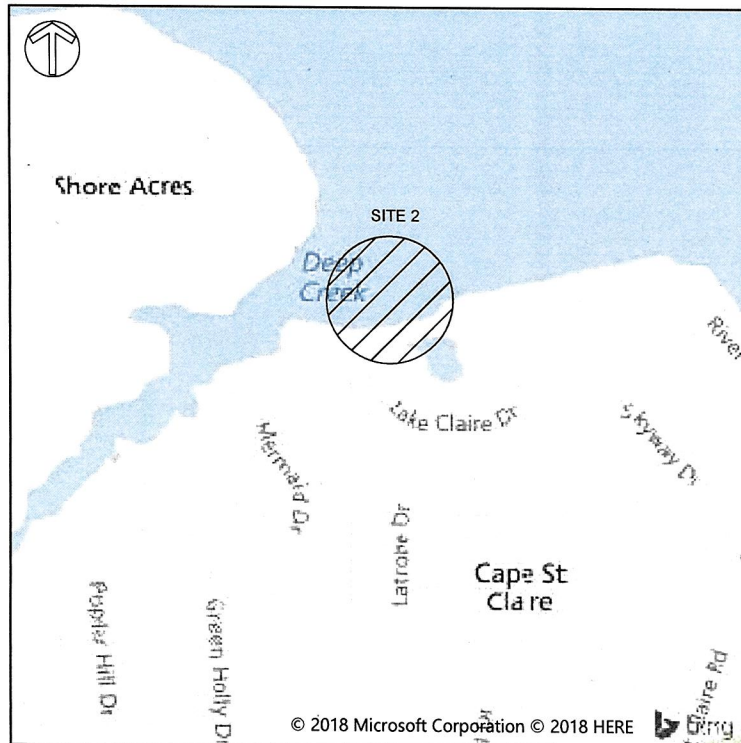
The NAB District will receive written comments on the proposed work, as outlined above, until July 5, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Kristin Andrade at [Kristin.B.Andrade@usace.army.mil](mailto:Kristin.B.Andrade@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, NAB District, Attention: Kristin Andrade, 2 Hopkins Plaza, Baltimore, Maryland 21201. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

# CARE ST CLAIRE BENEFICIAL REUSE - SITE 2

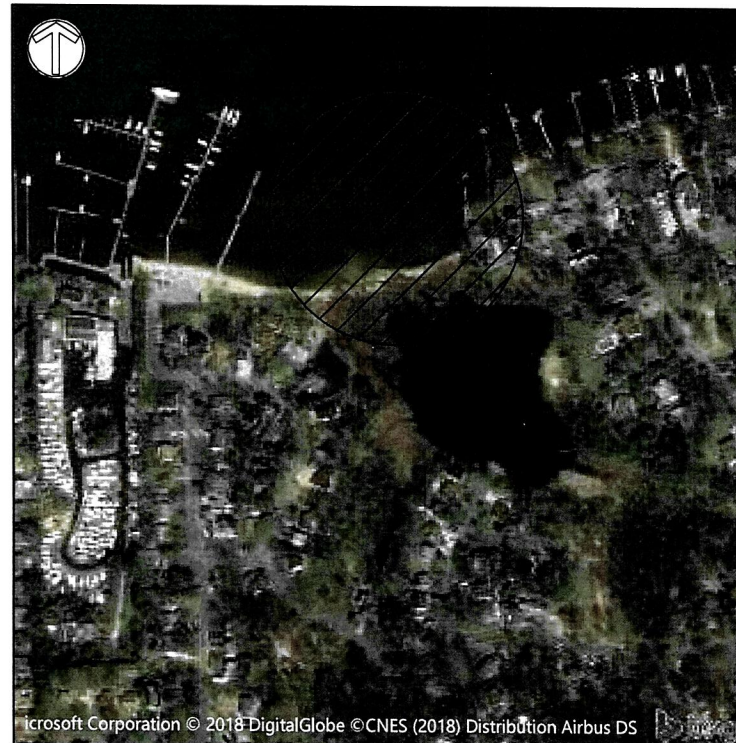
ANNE ARUNDEL COUNTY, MD

VICINITY MAP



SCALE: 1" = 2000'

SITE MAP



SCALE: 1" = 500'

SHEET LIST TABLE

Sheet Number	Sheet Title
1	VICINITY MAP AND AERIAL PHOTO
2	SITE INDEX
4	EXISTING CONDITIONS
6	PROPOSED CONDITIONS
8	IMPACT PLATES
12	CROSS SECTION

PERMANENT IMPACTS:	
TIDAL OPEN WATER (LIVING SHORELINE)	= ? SF
TOTAL OPEN WATER (PERMANENT)	= 40,056 SF

CAPE ST CLAIRE COMMUNITY  
IMPROVEMENT ASSOCIATION  
1223 RIVER BAY ROAD  
ANNAPOLIS, MD 21409

DATE ISSUES / REVISIONS



The Stables Building 2081 Clipper Park Road  
Baltimore, MD 21211 / ph: 410.554.0156  
fx: 410.554.0168 / www.biohabitats.com  
*Restore the Earth • Inspire Ecological Stewardship*



410 South Second St. Denton, MD 21629  
ph: 410.924.4316  
http://www.sustainablescience.com

## CARE ST CLAIRE BENEFICIAL REUSE - SITE 2

TITLE: VICINITY MAP AND  
AERIAL PHOTO

PROJECT NO.: 24017.01

SCALE: AS SHOWN

BY: TB, JC CHECK: BA

DWG. NO.: 1 OF 6



# LAKE CLAIRE

MAGOTHY RIVER

SHEET 3, 4, & 5

N: 505500.0  
E: 1467500.0

N: 505500.0  
E: 1469300.0


DEEP CREEK

N: 503950.0  
E: 1467500.0



CAPE ST CLAIRE COMMUNITY  
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Baltimore, MD 21211 / ph: 410.554.0156  
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**CARE ST CLAIRE  
BENEFICIAL  
REUSE - SITE 2**

TITLE: **SITE INDEX**

PROJECT NO.: **24017.01**

SCALE: **1" = 300'**

BY: **TB,JC** CHECK: **BA**

DWG. NO.: **2 OF 6**

# LEGEND

- LIMIT OF SURVEY
- MAJOR CONTOUR
- MINOR CONTOUR
- GIS CONTOUR
- CA — CA — CRITICAL AREA BOUNDARY
- MHW — MHW — MEAN HIGH WATER (1.12')
- MLW — MLW — MEAN LOW WATER (0.15')
- — — — — PROPERTY LINE
- — — — — FENCE
- — — — — LIMIT OF VEGETATION

## DEEP CREEK

N: 504900.0

E: 1468700.0

N: 504900.0

E: 1469000.0

N: 504700.0

E: 1469000.0

MAXIMUM FETCH = 32.92 MILES

FLOW

EBB

EXISTING WARNING SIGNAGE

EXISTING INVERTED ROOT WAD CLUSTER

EXISTING OYSTER REEF STRUCTURES

EXISTING WARNING SIGNAGE

EXISTING INVERTED ROOT WAD CLUSTER

DIANNE FELDMAN TRUSTEE  
LIBER 21603 FOLIO 324  
MAP 33 GRID 24 PARCEL 59

CAPE ST CLAIRE IMP ASSOC INC  
LIBER 1547 FOLIO 383  
MAP 40 GRID 5 PARCEL 32



HORIZONTAL SCALE

0 30 60

### NOTES:

1. MHW DELINEATED USING BIOLOGICAL BENCHMARKS OBTAINED FROM SUSTAINABLE SCIENCES, LLC.
2. MLW ESTABLISHED FROM LOCAL TIDE RANGE, AS MEASURED AT NOAA ANNAPOLIS, MD STATION 8575512.
3. MHW AND MLW ARE REFERRED TO NAVD88
4. ALL TOPOGRAPHIC SURVEY DATA SHOWN WAS OBTAINED FROM SUSTAINABLE SCIENCES, LLC. COORDINATES AND ELEVATIONS ARE REFERRED TO THE MARYLAND STATE PLANE COORDINATE SYSTEM AND NORTH ATLANTIC VERTICAL DATUM OF 1988 (NAD 83/2011 & NAVD88)

CAPE ST CLAIRE COMMUNITY  
IMPROVEMENT ASSOCIATION  
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## CARE ST CLAIRE BENEFICIAL REUSE - SITE 2

TITLE: EXISTING  
CONDITIONS

PROJECT NO.: 24017.01

SCALE: 1" = 60'




BY: TB,JC

CHECK: BA

DWG. NO.: 3 OF 6



# LEGEND

— LOD —	LOD	LIMIT OF DISTURBANCE
— LOP —	LOP	LIMIT OF PLANTING
— BOF —	BOF	BLAZE ORANGE FENCE
— 1 —		CONTOUR
— CA —	CA	CRITICAL AREA BOUNDARY
		SUB AQUATIC VEGETATION
		LOW MARSH
		SCRUB SHRUB

DEEP CREEK

N: 504900.0

E: 1468700.0

N: 504900.0

E: 1469000.0

DIANNE FELDMAN TRUSTEE  
LIBER 27603 FOLIO 324  
MAP 33 GRID 24 PARCEL 69

N: 504700.0

E: 1469000.0

EXISTING  
WARNING  
SIGNAGE

EXISTING  
INVERTED ROOT  
WAD CLUSTER

EXISTING OYSTER  
REEF STRUCTURES

EXISTING  
WARNING  
SIGNAGE

EXISTING  
INVERTED ROOT  
WAD CLUSTER

CAPE ST CLAIRE IMP ASSOC INC  
LIBER 1547 FOLIO 383  
MAP 40 GRID 5 PARCEL 32

## NOTES:


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5. INCLUDE QUANTITIES FOR IMPORTANT RIPRAP, COBBLES, SAND, ETC FOR STRUCTURES
6. 950 FT OF SHORELINE WILL BE IMPACTED DURING CONSTRUCTION.
5. 0.05 ACRES OF HIGH MARSH WITH 2 FT SPACING (TOTAL)
6. 0.05 ACRES OF LOW MARCH WITH 2 FT SPACING (TOTAL)
7. 0.02 ACRES OF DUNE HABITAT WITH 2 FT SPACING (TOTAL)



HORIZONTAL SCALE  
0 30 60

CAPE ST CLAIRE COMMUNITY  
IMPROVEMENT ASSOCIATION  
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**CARE ST CLAIRE  
BENEFICIAL  
REUSE - SITE 2**

**TITLE: PROPOSED  
CONDITIONS**

PROJECT NO. :  
**24017.01**

SCALE:  
**1" = 60'**

BY: TB,JC CHECK: BA

DWG. NO. :  
**4 OF 6**



# LEGEND

PERMANENT OPEN WATER IMPACTS

## NOTES:

1. MHW DELINEATED USING BIOLOGICAL BENCHMARKS OBTAINED FROM SUSTAINABLE SCIENCES, LLC.
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DEEP CREEK

N: 504900.0

E: 1468700.0

N: 504900.0

E: 1469000.0

N: 504700.0

E: 1469000.0

CAPE ST CLAIRE IMP ASSOC INC  
LIBER 1547 FOLIO 323  
MAP 40 GRID 5 PARCEL 32

PERMANENT IMPACTS:  
TIDAL OPEN WATER (LIVING SHORELINE) = ? SF  
TOTAL OPEN WATER (PERMANENT) = 40,056 SF

CAPE ST CLAIRE COMMUNITY  
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**CARE ST CLAIRE  
BENEFICIAL  
REUSE - SITE 2**

TITLE:  
**IMPACT PLATES**

PROJECT NO.: **24017.01**


SCALE:  
**1" = 60'**

BY: **TB,JC** CHECK: **BA**

DWG. NO.: **5 OF 6**

CAPE ST CLAIRE COMMUNITY  
IMPROVEMENT ASSOCIATION  
1223 RIVER BAY ROAD  
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DATE ISSUES / REVISIONS

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**CARE ST CLAIRE  
BENEFICIAL  
REUSE - SITE 2**

TITLE:  
CROSS SECTION

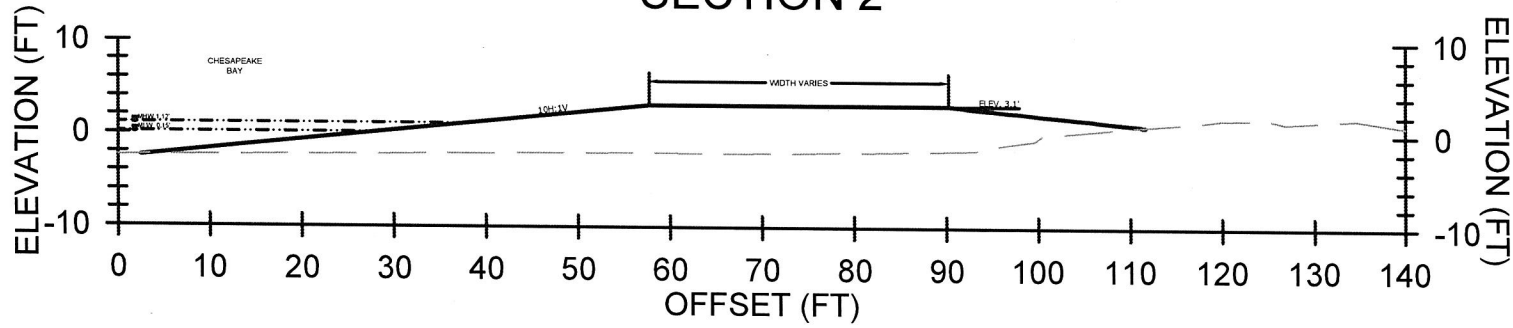
PROJECT NO.:  
24017.01

SCALE:  
AS SHOWN

BY: TB,JC CHECK: BA

DWG. NO.:  
6 OF 6

## SECTION 2



## SECTION 1

