



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-OPR-M (Town of Ocean City-Purnell's Reef)
2017-61888

PN 18-21

Comment Period: April 25, 2018 to May 25, 2018

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: Town of Ocean City
C/o Ms. Gail P. Blazer
P.O. Box 158
Ocean City, Maryland 21842

WATERWAY AND LOCATION OF THE PROPOSED WORK: In the Atlantic Ocean, approximately 0.6 nautical miles (nm) offshore Ocean City and approximately 2.5 nm northeast of the Ocean City Inlet, in Worcester County, Maryland. The project area coordinates are identified below in decimal, minute, and seconds (DMS) format:

Corner	Latitude DMS	Longitude DMS
1	38° 21.5" N	-75° 03.8" W
2	38° 21.5" N	-75° 03.2" W
3	38° 20.5" N	-75° 03.8" W
4	38° 20.5" N	-75° 03.2" W

PROPOSED WORK AND PURPOSE: To continue the construction and build out of an approximately 2,930-foot wide by 6,275-foot long (413-acre) artificial reef site, all within the previously approved boundary, by deploying additional suitable reef materials at a total of 4 existing placement sites, including a 150-foot buffer area offset from the outside edge of existing reef deployments or those sites previously surveyed as depicted on the project plans. The purpose of the project is to improve and maintain aquatic fish habitat within the Atlantic Ocean near Ocean City, Maryland.

The project was previously approved under DA permit NAB-1997-60198 (MD DNR / PURNELLS REEF) issued on January 14, 1997 and modified on December 5, 2007. Work at the reef project has been ongoing since its original authorization and approximately 7-acres of artificial reef deployments have occurred to date. The Corps prior approval expired on December 31, 2017.

MITIGATION STATEMENT: The project would include the placement of a variety of materials including vessels cleaned to meet Clean Water Act and Toxic Substance Control Act

standards; Reef-EX combat vehicles; steel, concrete, in various forms, designed fabricated reef structures, rock, and other suitable material consistent with the "Guidelines for Marine Artificial Reef Materials" Second Edition, January 2004

(<http://myfwc.com/media/131591/ArtificialReefMaterialsGuidelines.pdf>) and the "Artificial Reef Management Plan for Maryland," June 2007

(http://dnr2.maryland.gov/fisheries/Documents/Maryland_Artificial_Reef_Plan62607.pdf).

Placed material would extend varying heights above the bottom substrate depending on the size of the material and the placement location. A minimum vertical clearance of -18 feet at mean low water level would be maintained throughout the project area. 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 by inspecting abandoned vessels or vehicles utilized in reef construction to ensure all materials comply with Clean Water Act requirements. The Project has been and would continue to be constructed in accordance with the National Artificial Reef Plan developed pursuant to Section 204 of the National Fishery Enhancement Act of 1984 and would result in a net increase of artificial reef habitat in the Atlantic Ocean. Upon development and build-out of the reef sites, it is expected that the proposed undertakings would provide for enhance fisheries and fish habitat. The proposed projects would result in the deposition of various materials within the Atlantic Ocean in depths ranging from -17 to -33 feet at MLW. These deeper waters do not support SAV. Compensatory mitigation is not being proposed by the applicant for permanent impacts to open tidal waters as the project is proposed to enhance the existing aquatic environment.

All work is proposed to be completed in accordance with the attached plan(s) and work description. If you have any questions concerning this matter, or would like to submit written comments, please contact: Mr. Jason R. Peters, Baltimore District, Corps of Engineers, Regulatory Branch, Easton Field Office, Talbottown Shopping Center 218 N. Washington Street, Suite 51, (410) 820-8550, Jason.R.Peters@usace.army.mil.

The decision whether to authorize this project will be based on an evaluation of 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 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 the cumulative effects thereof; among those are conservation, economics, 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, 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, Regulatory Branch, Easton Field Office, Talbottown Shopping Center
218 N. Washington Street, Suite 51, Easton, Maryland, 21601, within the comment period specified above.

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 (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), *Scopthalmus 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 butterfish) 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 has the potential to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 413-acres of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy substrate that does not support submerged aquatic vegetation (SAV) or hard clams (*Mercenari mercenari*) due to the depth of the ocean at the project location. The proposed project will alter the existing elevations within the project footprint. 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.

WATER QUALITY CERTIFICATION: 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.

COASTAL ZONE MANAGEMENT PROGRAMS: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the State's federally-approved Coastal Zone Management Program (CZMP). By this public notice, we are requesting the State's concurrence or objection to the applicant's consistency certification statement. Public comments relating to consistency must be received by the

Coastal Zone Division, MDE, Montgomery Park Business Center, 1800 Washington Blvd., Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that Maryland's CZMP has a statutory limit of six (6) months from the date of this public notice in which to make its consistency determination.

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

ENDANGERED SPECIES ACT: A preliminary review of this application using the U.S. Fish and Wildlife Service IPaC online screening tool indicates that the proposed work will not affect any Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act (ESA), as amended. The project location and vicinity is not mapped as critical habitat for any known Federally-listed threatened or endangered species under USFWS' jurisdiction.

A preliminary review of this application also indicates that the proposed work may affect, but is not likely to adversely affect the following Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the ESA, as amended: Loggerhead turtle (*Caretta caretta*), Kemp's Ridley turtle (*Lepidochelys kempii*), Leatherback turtle (*Dermochelys coriacea*), Green turtle (*Chelonia mydas*), Blue whale (*Balaenoptera musculus*), Fin Whale (*Balaenoptera physalus*), North Atlantic Right Whale (*Eubalaena glacialis*), Sei Whale (*Balaenoptera borealis*), and Sperm whale (*Physeter catadon*). All effects of the proposed action(s) will be insignificant and/or discountable, and we have determined that the entire project for 413-acres, "may affect, but is not likely to adversely affect" any listed species or critical habitat under NMFS' jurisdiction. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

NATIONAL HISTORIC PRESERVATION ACT: 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 requested permit. The applicant as agreed to comply with the stipulations of the Programmatic Agreement (PA) between the U.S. Army Corps of Engineers, Baltimore District (Corps), the Maryland State Historic Preservation Officer (MHT), and the Town of Ocean City for all new artificial reef deployment projects, the Corps, the MHT, and the permittee signed on June 28, 2017, June 21, 2017, and June 30, 2017. As the evaluation of this proposal continues, additional information may become available which could modify this preliminary determination.

The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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, District Engineer, U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch, Easton Field Office, Talbottown Shopping Center, 218 N. Washington Street, Suite 51, Easton, Maryland, 21601, 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:

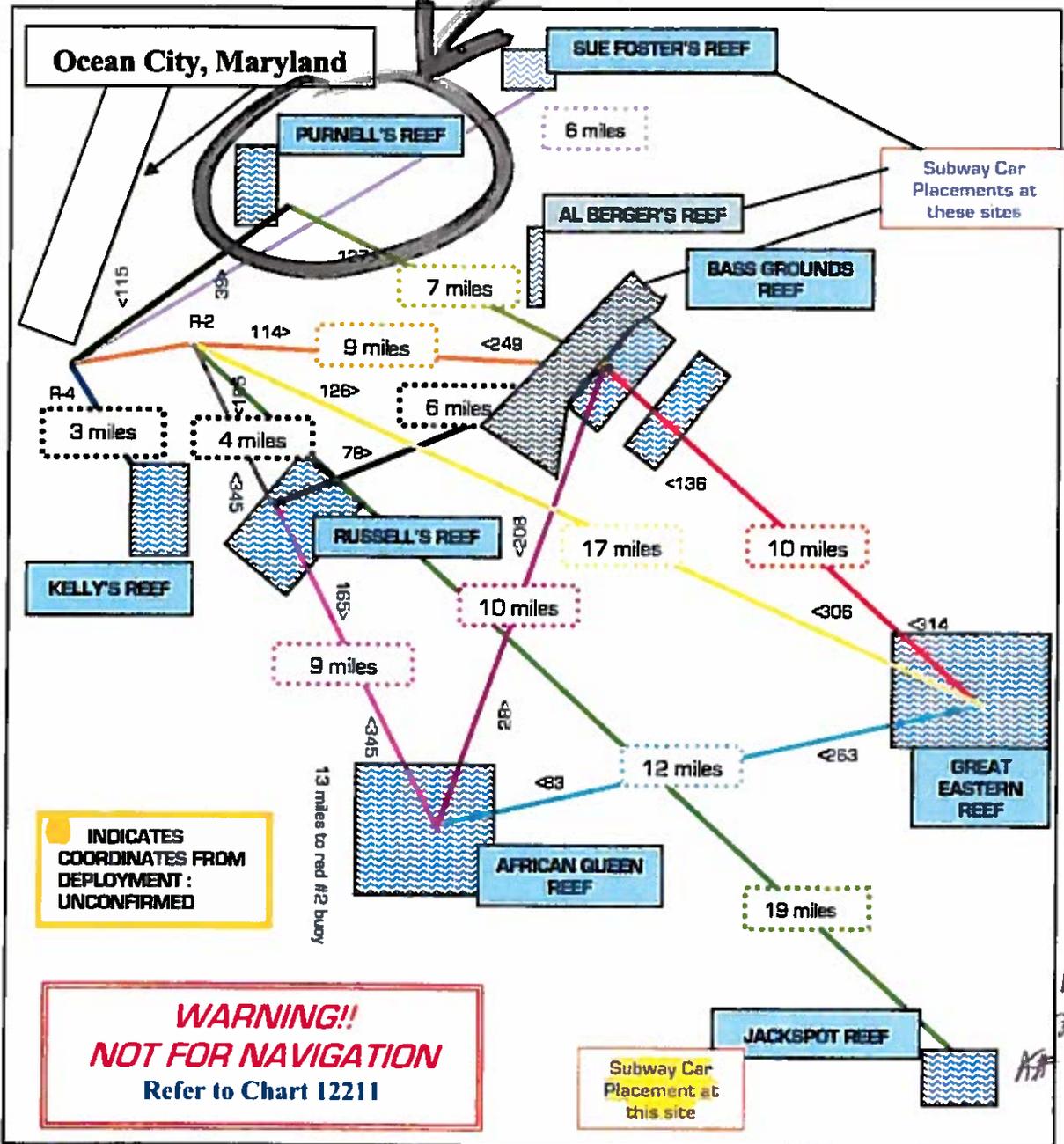
KATHY B. ANDERSON
Chief, Maryland Section Southern

2017-458



OCEAN CITY REEF FOUNDATION

2017 REEF NETWORK

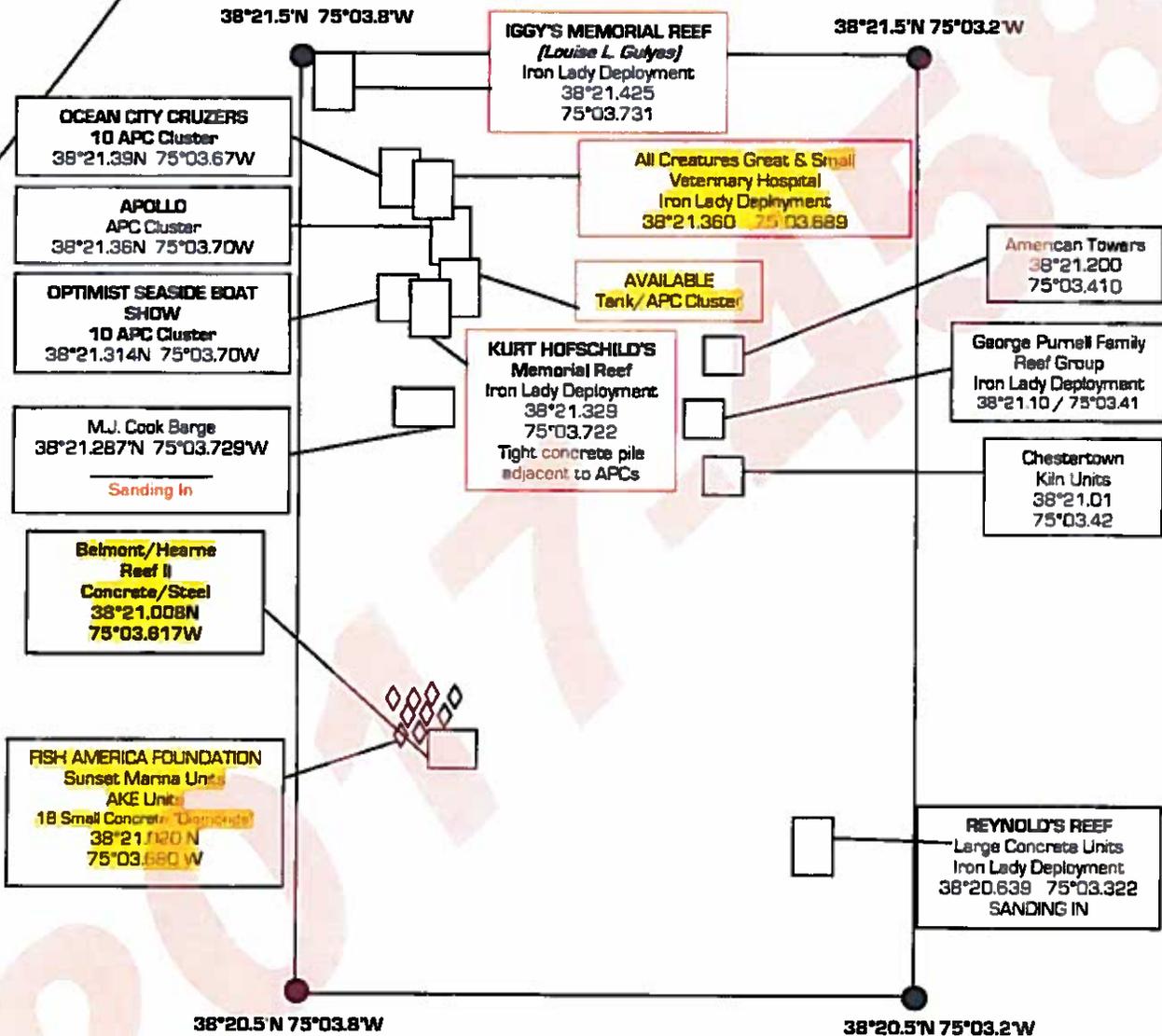


Ocean City Reef Foundation
 P.O. Box 1072 - Ocean City, MD 21843 - Email: info@ocreefs.org - www.OCREEFS.org

Oct 10, 2017
1 of 3

Purnell's Reef January, 2017

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Ocean City Reef Foundation
P.O. Box 1072 - Ocean City, MD 21843
Phone: 410-208-0064 E-Mail: ocrcef@msn.com

17-WL-1039
2017 61 888
AF# 112169
Oct. 10, 2017
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Proposed Purnell's Reef

IN: ATLANTIC OCEAN

AT: NEAR OCEAN CITY MARYLAND

WORCESTER COUNTY

APPL. By Ocean City Reef Foundation

CENAB-OP-RS 97-60198-4

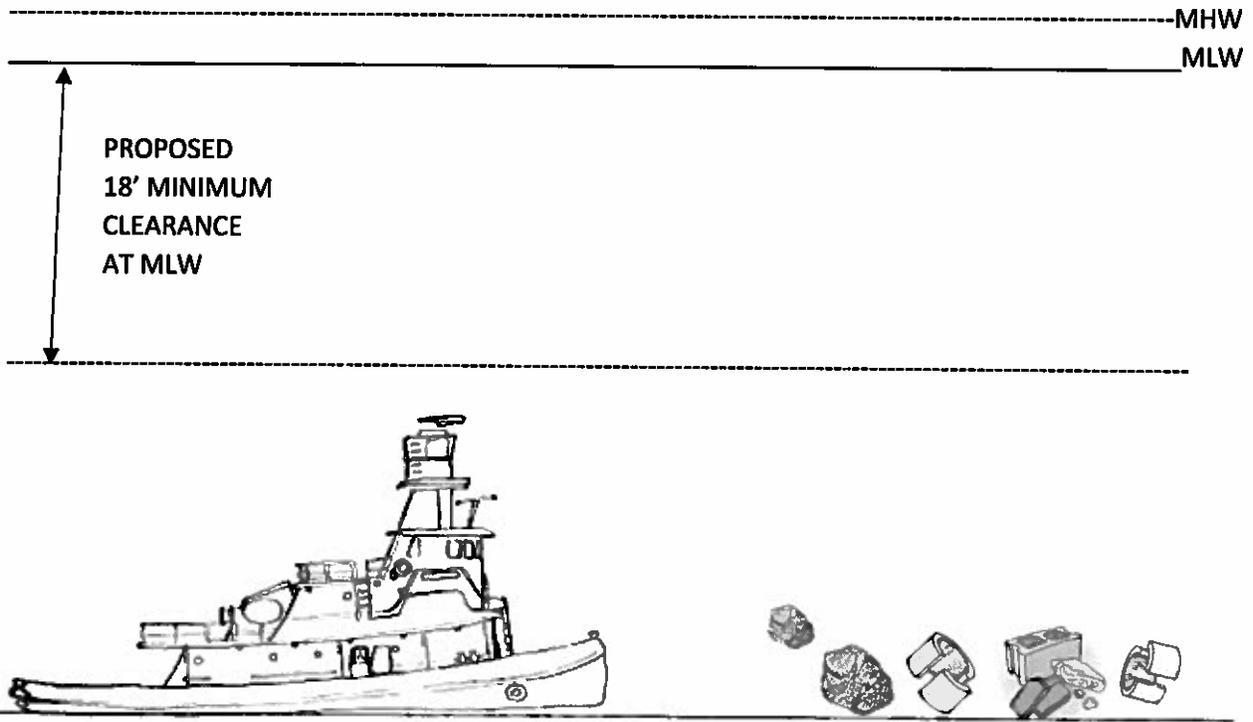
WL- 08-0361

NOTES:

Propose Reef Material include:

Designed steel, concrete habitat modules, concrete rubble riprap concrete, steel vessels or other suitable material of opportunity that are neutral or negative buoyancy.

PROPOSED 18' MINIMUM CLEARANCE AT MLW



SECTION VIEW

17-WL-1039

2017 61878

AF# 112169

Oct 10, 2017

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