

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

Baltimore District
PN-23-13

Public Notice

**In Reply to Application Number
NAB-2022-61119-M49 (MD DNR/Elk Neck State Park -
Rogues Harbor/Breakwater)**

Comment Period: March 16, 2023 to April 15, 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 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT:

Maryland Department of Natural Resources
c/o Mr. Lester Wright
580 Taylor Ave, D-3
Annapolis, Maryland 21401

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The breakwater structures are proposed in the Elk River at the Rogues Harbor Boat Launch Facility at 209 Rogues Harbor Rd in North East, Cecil County, Maryland (39.46459, -75.98562).

OVERALL PROJECT PURPOSE:

The purpose of the project is to protect the Rogues Harbor boat launch infrastructure at 209 Rogues Harbor Road, North East, Maryland, from floating debris and ice, to improve safety for boaters during launching and loading activities from frequent wakes created by passing freight vessels, and to provide safe harbor refuge for boaters during sudden storm events.

PROJECT DESCRIPTION:

Maryland DNR proposes to construct timber wavescreen breakwater structures in the Elk River on either side of the Rogues Harbor boat ramp, as shown on the attached plans. The proposed work includes construction of a 295 linear foot long timber wavescreen on the north side of the boat ramp and a 302 linear foot timber wavescreen on the south side, with a 60-foot-wide opening to the main channel of the Elk River

between the two structures. The wavescreeen structures will be approximately 4 feet wide and will consist of a central layer of timber sheeting supported by timber wales and 12" diameter timber pilings. The pilings will be affixed with batter blocks and 12" timber batter piles angled outward a 4:1 slope. Stone protection with an average bottom width of 15 ft will be placed along the outside edge of the northern wavescreeen to help deflect detritus and wave energy. Warning signs will be attached to timber piles to alert boaters of the structures. The project will be constructed by barge with a turbidity curtain used where operationally feasible. The structures will extend a maximum distance of 283 feet channelward of the approximate mean high-water shoreline of the Elk River at an existing bulkhead. The structures are proposed in a section of the Elk River containing submerged aquatic vegetation (SAV).

The wavescreeen structures and stone protection will permanently impact 4,386 square feet of the Elk River and SAV.

EFFECTS ON AQUATIC RESOURCES:

Activity	Tidal waters Impact (lf)	Tidal waters Impact (Sq. Ft.)	SAV impact (Sq. ft)	Authority (Section 10/404/408)
Permanent impacts associated with wavescreeens and stone protection	N/A	4,386	4,386	Section 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:

Avoidance and minimization:

As part of the planning process for the Rogues Harbor breakwater project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the

maximum extent practicable based on the existing site conditions. In order to improve safety for boaters, the project is seeking to minimize hazards from both up- and downriver. Large quantities of debris and ice flow down the Elk River from the north, creating a safety hazard for boaters and preventing use of the boat ramp until the debris can be removed. Additionally, large freight vessels traveling up the Elk River from the south to the Chesapeake & Delaware Canal generate a significant wave-wake.

The applicant initially evaluated the feasibility of constructing stone breakwater structures on either side of the boat ramp. Breakwaters were determined to meet project goals, but the amount of stone required would result in substantial SAV impacts and higher construction costs. A combination of timber wavescreens and stone reinforcement was selected as the preferred alternative as the reduced structure footprint will minimize SAV impacts. Additionally, stone protection is only proposed along the northern wavescreen structure due to increased wave energy generated by the longer 5-mile fetch as well as the predominately downstream flow of floating debris and ice. A standalone timber wavescreen to the south of the boat ramp was determined to be sufficient to reduce wave-wake from vessels traveling upstream on the Elk River. The project will be constructed outside of the SAV growing season. Additionally, the project will utilize a turbidity curtain during construction to minimize suspended sediments generated from pile driving and stone placement.

Compensatory Mitigation:

Compensatory mitigation for unavoidable impacts to SAV associated with this project is proposed to be satisfied through out-of-kind permittee responsible mitigation. The project proposes to provide mitigation for 4,386 square feet of SAV impacts at an approximately 6:1 ratio by enhancing 26,500 feet of tidal wetlands located approximately 0.3 miles from boat ramp area. The mitigation project proposes to eradicate dense stands of *Phragmites* from the wetland and plant a native marsh grasses and shrubs.

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 rare, 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, 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 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 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 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 USACE. 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/section408/>.

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-2021-61204-M49.

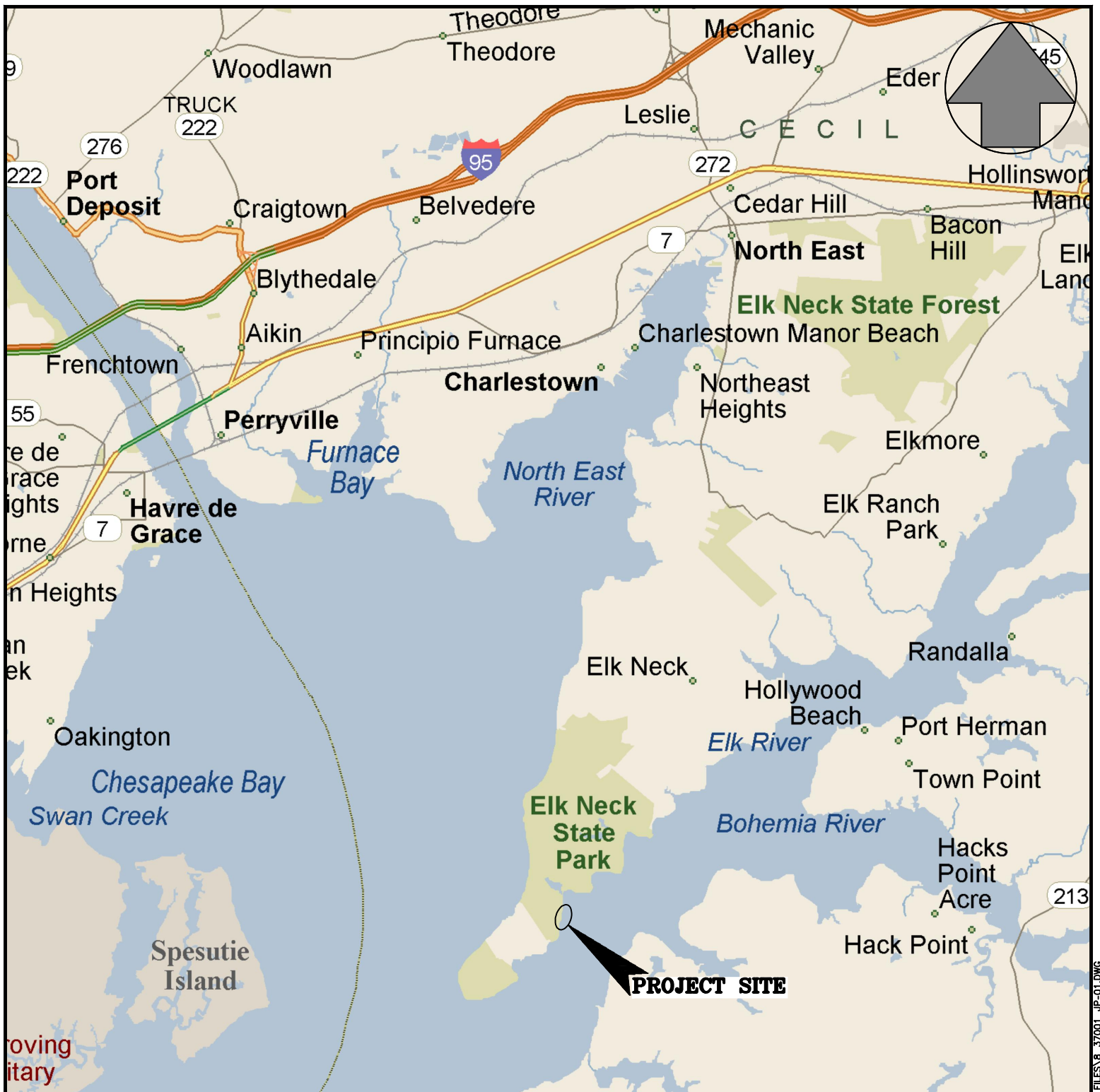
PUBLIC HEARING REQUESTS:

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:

Matt Hynson
Matthew.Hynson@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201

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 Matt Hynson at Matthew.Hynson@usace.army.mil or (410) 689-9532. This public notice is issued by the Chief, Regulatory Branch.



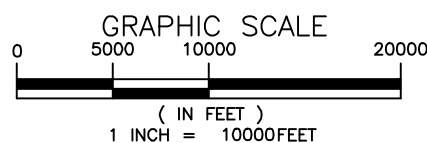
**BREAKWATERS
AT
ROQUES HARBOR BOAT LAUNCH FACILITY**

CECIL COUNTY, MD

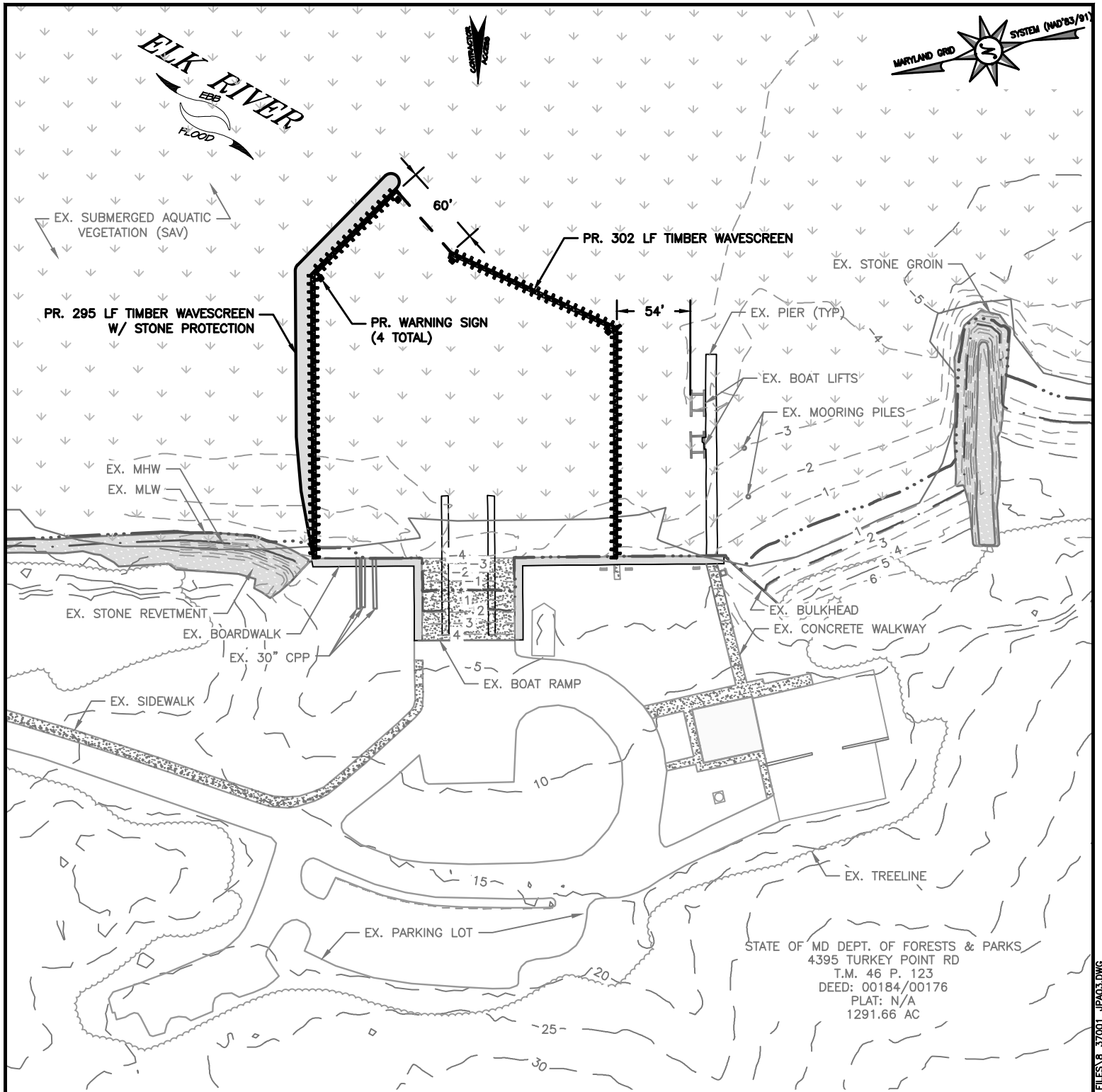
APPL. BY: DEPARTMENT OF GENERAL SERVICES

VICINITY MAP

DATE: MARCH 2022 SHEET 1 OF 5



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



STATE OF MD DEPT. OF FORESTS & PARKS
 4395 TURKEY POINT RD
 T.M. 46 P. 123
 DEED: 00184/00176
 PLAT: N/A
 1291.66 AC

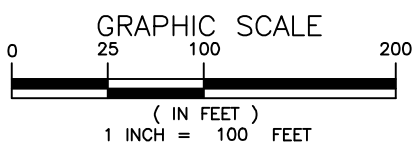
BREAKWATERS AT ROGUES HARBOR BOAT LAUNCH FACILITY

CECIL COUNTY, MD

APPL. BY: DEPARTMENT OF GENERAL SERVICES

SITE PLAN

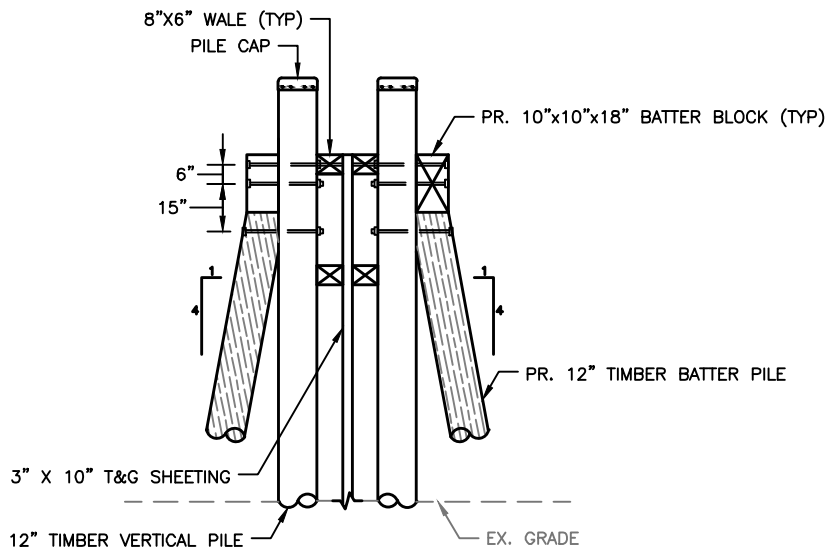
DATE: MARCH 2022 SHEET 2 OF 5



NOTE:
 BASEMAP TAKEN FROM CECIL COUNTY
 2018 PLANIMETRICS AND 2013 IMAGERY.

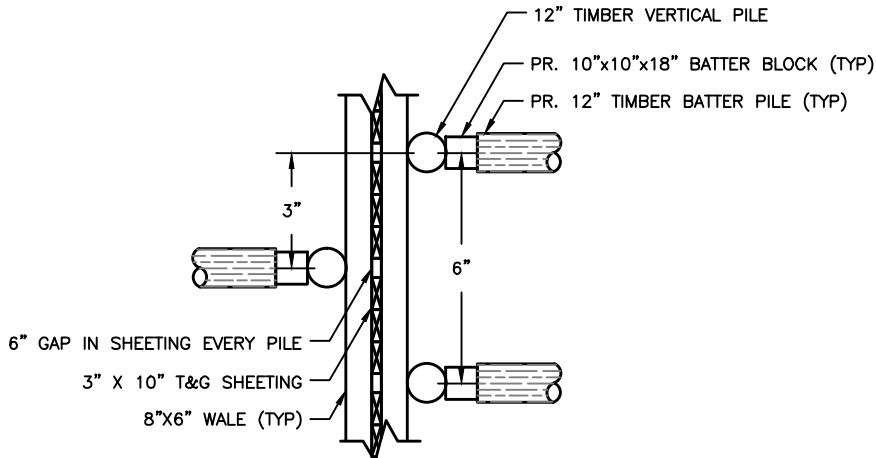
Bayland
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Z:\8_37001 ROGUES HARBOR BREAKWATER DESIGN\CAD FILES\SHEET FILES\B_37001_1_P03.DWG



TYPICAL TIMBER WAVESCREEN SECTION

SCALE: NTS



TYPICAL TIMBER WAVESCREEN PROFILE

SCALE: NTS

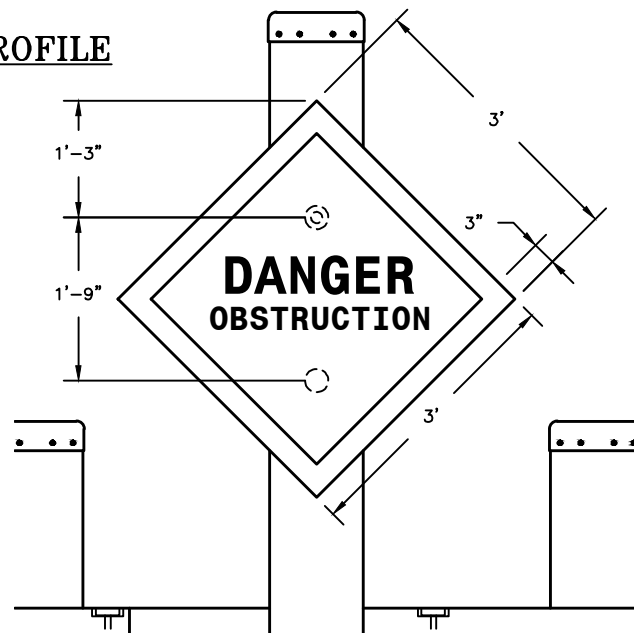
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CECIL COUNTY, MD

APPL. BY: DEPARTMENT OF GENERAL SERVICES

DETAILS

DATE: MARCH 2022 SHEET 3 OF 5



TYPICAL WARNING SIGN ON WAVESCREEN PILE

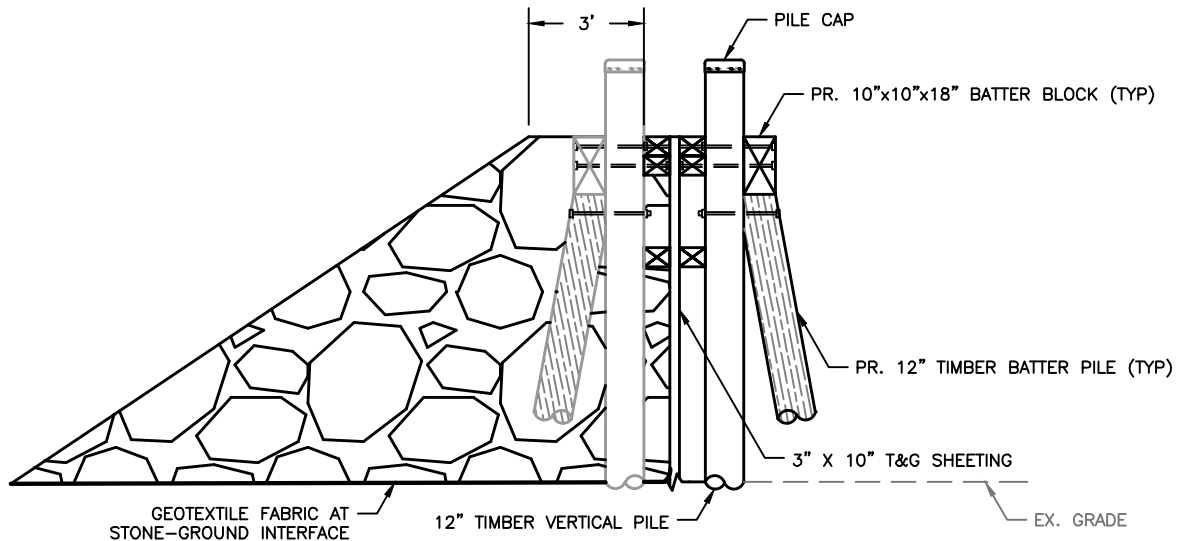
SCALE: NTS



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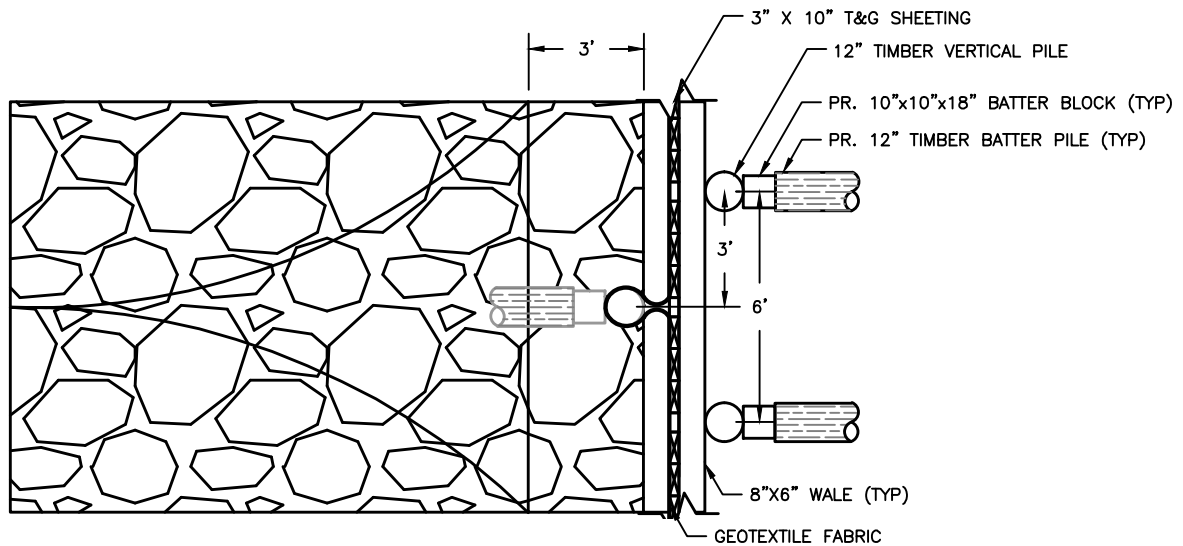
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TIMBER WAVE SCREEN WITH STONE PROTECTION SECTION

SCALE: NTS



TIMBER WAVE SCREEN WITH STONE PROTECTION PROFILE

SCALE: NTS

BREAKWATERS AT ROQUES HARBOR BOAT LAUNCH FACILITY

CECIL COUNTY, MD

APPL. BY: DEPARTMENT OF GENERAL SERVICES

DETAILS

DATE: MARCH 2022 SHEET 4 OF 5

PROJECT SUMMARY

PROPOSED STRUCTURES:

TIMBER WAVESCREEN W/ STONE PROTECTION
TOTAL LENGTH — 295 LF
AVERAGE WIDTH — 15 FT
MAX. CHANNELWARD ENCROACHMENT — 283 FT

TIMBER WAVECREEN

TOTAL LENGTH — 302 LF
AVERAGE WIDTH — 4 FT
MAX. CHANNELWARD ENCROACHMENT — 264 FT

IMPACT SUMMARY

TOTAL AREA OF IMPACT FROM MHW INTO TIDAL WATERS = 4,386 SF (0.10 ACRES)
TOTAL AREA OF IMPACT TO PRIVATE TIDAL WETLANDS = 0 SF (0.00 SF)
TOTAL AREA OF IMPACT TO SAV = 4,386 SF (0.10 ACRES)

NOTES

1. BASEMAP COMPILED FROM CECIL COUNTY 2018 PLANIMETRICS AND 2013 IMAGERY.
2. SOUNDINGS AND CONTOURS ARE IN FEET AND REFER TO MLW.
3. TIDAL RANGE 1.85 FEET.
4. BATHYMETRIC & TOPOGRAPHIC SURVEY PERFORMED BY PRECISION MEASUREMENTS, INC. ON MAY 21, 2020 AND BY BAYLAND CONSULTANTS & DESIGNERS, INC. MARCH 11, 2021.
5. THESE ARE PERMIT DRAWINGS ONLY AND SUBJECT TO CHANGE DURING THE PERMIT PROCESS. DESIGN DRAWINGS ARE TO BE PREPARED SEPARATELY.

BREAKWATERS AT ROQUES HARBOR BOAT LAUNCH FACILITY

CECIL COUNTY, MD

APPL. BY: DEPARTMENT OF GENERAL SERVICES

SITE NOTES

DATE: MARCH 2022 SHEET 5 OF 5

Project Overview Narrative for: Breakwaters at Rogues Harbor Boat Launch Facility

Background

Rogues Harbor Boat Launch Facility is located in Elk Neck State Park (ENSP) in central Cecil County. ENSP was first established in 1936 with a small gift of land from a private individual. Over the years, various recreational facilities were added and built by the Civilian Conservation Corps (CCC) throughout the park.

Rogues Harbor Boat Launch Facility was constructed in 1979 and is comprised of 15-foot wide concrete boat ramps for launching boats into Elk River and is enclosed by concrete retaining walls. In addition, there are three timber piers and two boardwalks on either side of the launch for fishing and crabbing, 120 parking spots for access to the launch, a concession building, a gas pump and sewage dumping station, a sandy beach area for launching of non-motorized vessels, and hiking trails throughout the park.

Proposed Improvements

The boat launch area is directly west of Elk River Main Channel where the safety of boaters is threatened by large debris and floating ice from the river flow. Furthermore, freights traveling between the Chesapeake Bay and the Chesapeake & Delaware (C&D) Canal must pass in close proximity to the launch facility, resulting in frequent large wakes that cause difficult and unsafe launching for boaters. The site is also exposed to large waves produced by Nor'easters and hurricane winds.

The following proposed work is intended to protect the launch infrastructure from floating debris and floating ice, protect boaters during launching and loading activities from the frequent wakes created by passing freights, and provide safe harbor refuge for boaters during sudden storm events that move up the Bay.

A combination of timber wavescreen and stone protection will be constructed at the northern end of the boardwalk and will extend approximately 283 feet seaward of the boat launch facility shoreline to deflect detritus and floating ice from entering the harbor refuge area. The stone reinforcement on the outer side will provide protection to the wavescreen from floating debris and ice. The wavescreen will shield the boat launch from wakes generated by vessels traveling down the Elk River main channel and the 5-mile fetch to the northeast of the boat launch facility.

A stand-alone timber wavescreen that extends approximately 264 feet from the existing shoreline will be installed on the southern side of the boat ramp. This will act primarily as protection from waves and wakes as to dissipate wave energy generated by vessels traveling upriver to the C&D Canal and the wind waves from the 2-mile fetch to the southeast of the boat launch facility. Additionally, this will also allow any ice or debris deflected by the northern structure to bypass the entrance to the harbor refuge.



Washed out debris on the boat ramp



Elk River channel from boat ramp



STATE OF MARYLAND
DEPT OF FORESTS AND PARKS
4395 TURKEY POINT RD
NORTH EAST MD 21901-6201
DEED: /00184/00176
PLAT: N/A
ACRE:1291 AC



N: 658,800
E: 1,598,500

N: 658,800
E: 1,599,400

LOCATION OF 26,500 SF
OF TIDAL WETLAND TO
BE MITIGATED

HIGHEST ASTRONOMICAL
TIDE (HAT) = 3.53' MLW

MHW = 2.80' MLW

MLW = 0'

E: 1,598,500
N: 658,400

EX. REVETMENT



SCIENTIFIC NAME	COMMON NAME
SPARTINA PATENS	SALT MEADOW CORDGRASS
SPARTINA ALTERNIFLORA	SMOOTH CORDGRASS
BACCHARIS HALIMIFOLIA	GROUNDSEL BUSH
IVA FRUTESCENS	MARSH ELDER

NOTES:

1. PROPERTY LINES SHOWN ARE BASED ON CECIL COUNTY CADASTRAL DATA.
2. CONTOURS ARE BASED ON CECIL COUNTY LIDAR DATA.
3. PHRAGMITES WILL BE REMOVED DURING THE FIRST YEAR AND SECOND YEAR OF MITIGATION AS NEEDED.
4. VEGETATION WILL BE PLANTED AFTER SUFFICIENT REMOVAL OF PHRAGMITES.



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ROGUES HARBOR MITIGATION AREA

MD DNR

CECIL COUNTY

DRAWN BY: MCJ

DATE: 2/14/23

SCALE: 1" = 100'