

Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
CENAB-OPR-M (Weinstein, Eric) 2016-61282

PN 16-65

Comment Period: December 13, 2016 to January 10, 2017

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. 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 of 1899 and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:

APPLICANT: Eric Weinstein
11 Cliffholme Road
Stevenson, Maryland 21117

LOCATION: In Mill Cove at St. Michaels, Talbot County, Maryland.

WORK: The applicant proposes to create a marsh along 180 linear feet of shoreline by depositing approximately 378 cubic yards of clean select sand fill stabilized with approximately 6,300 square feet of *Spartina alterniflora* to extend no more than 24 feet channelward of the approximate MHW shoreline; and to construct a 11-foot wide by 180-foot long stone containment sill by emplacing 301 cubic yards of stone, with three 6-foot vents, all to extend no more than 35 feet channelward of the approximate MHW shoreline. The applicant proposes to impact approximately 1,955 square feet of existing marsh wetlands. If you have any questions concerning this matter, please contact Mrs. Laura Coleman of this office at (443) 853-2051 or via email at lamuelle.l.coleman@usace.army.mil.

The purpose of the project is to improve shoreline erosion control and to access the waterway through the wetlands.

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. Compensatory mitigation is not being proposed by the applicant for impacts to open water (inter-tidal and sub-tidal) habitat or to the wetlands.

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 Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for Juvenile and adult Red hake (*Urophycis chuss*) and Windowpane flounder (*Scopthalmus aquosus*); Adult Atlantic sea herring (*Clupea harengus*); Juvenile and adult Bluefish (*Pomatomus saltatrix*); Eggs, larvae, juvenile and adult Atlantic butterfish (*Peprilus triacanthus*); Larvae, juvenile and adult Summer flounder (*Paralichthys dentatus*); Juvenile and adult Scup (*Stenotomus chrysops*) and Red Drum (*Sciaenops ocellatus*); Eggs, larvae, juveniles and adult King mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), Cobia (*Rachycentron canadum*), Black sea bass (*Centropristus striata*) and all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on an approximate total of 6,500 square foot area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt substrate which does not support SAV. According to the Virginia Institute of Marine Science (VIMS) survey maps, there was some nearby SAV mapped outside the project footprint of the proposed activity for years 2008 through 2014. 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.

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 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, 10 S. Howard Street, Baltimore, Maryland, 21201 within the comment period specified above.

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 (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

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

A preliminary review of this application indicates that the proposed work would have no effect on Federal 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.

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 request permit.

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, 10 S. Howard Street, Baltimore, Maryland 21201, 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

LEGEND & ABBREVIATIONS

MLW MEAN LOW WATER (ELEVATION)
 MHW MEAN HIGH WATER (ELEVATION)
 MLWL MEAN LOW WATER LINE
 MHWL MEAN HIGH WATER LINE

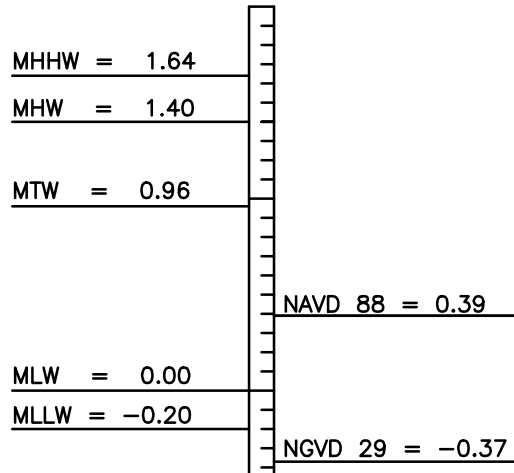
PROPERTY LINE 

CONTOUR LINE -24-

SPOT ELEVATION x^{-2.15}

NOTES:

1. TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
2. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
3. THERE ARE EXISTING PIERS ON THE ADJOINING PROPERTIES TO THE NORTH AND SOUTH.
4. MEAN TIDAL RANGE = 1.62'
5. LOT SIZE = 3.00 AC.±
6. LOT DEPTH = 370'±
7. LOT WIDTH AT SHORELINE = 419'±
8. DISTANCE TO CHANNEL CENTERLINE = 96'±
9. MAXIMUM CHANNELWARD ENCROACHMENT = 35'±
10. ZONING CLASSIFICATION = RR
11. 911 ADDRESS = 24687 YACHT CLUB ROAD ST. MICHAELS, MD 21663



VERTICAL DATUM COMPARISON CHART

SCALE: 1"=1'

NOTE: MEAN LOW WATER (MLW) AND RELATIVE TIDAL INFORMATION WAS OBTAINED FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND THE NATIONAL OCEANIC SERVICE (NOS) AND ARE BASED UPON TIDAL BENCH MARK ST. MICHAELS TIDAL EPOCH 1960-1978 AND ADJUSTED 0.22 HIGHER FOR THE EPOCH 1983-2001. USING PRIMARY BENCH MARK NO 4 1942 AND BENCH MARK 7 1969 MLW WAS DETERMINED -0.39 NAVD 1988 DATUM AS ESTABLISHED BY GPS METHODOLOGY TO CORS STATIONS HNPT (PID A13494) COMBINED FACTOR: 0.99996650 & LOYG (NGS CERTIFICATE PENDING).

SHORELINE AREAS SUBJECT TO THIS PERMIT APPLICATION WERE SURVEYED BY LANE ENGINEERING, LLC ON 7/8/16. AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN ON THIS PLAN, WITH LATERAL LINES AND SETBACKS ARE TAKEN FROM DEED, PLAT AND AERIAL PHOTO INTERPRETATION. A PROPERTY LINE SURVEY WAS NOT PERFORMED. THE INFORMATION SHOWN HEREON WAS TAKEN FROM 1972 1"=200' STATE OF MARYLAND WETLANDS MAPS, AERIAL PHOTOGRAPHS, TAX MAPS AND A SITE SKETCH. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING FEATURES INCLUDING PROPERTY LINES AND EXISTING STRUCTURES HAS NOT BEEN COMPLETED. LANE ENGINEERING 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.

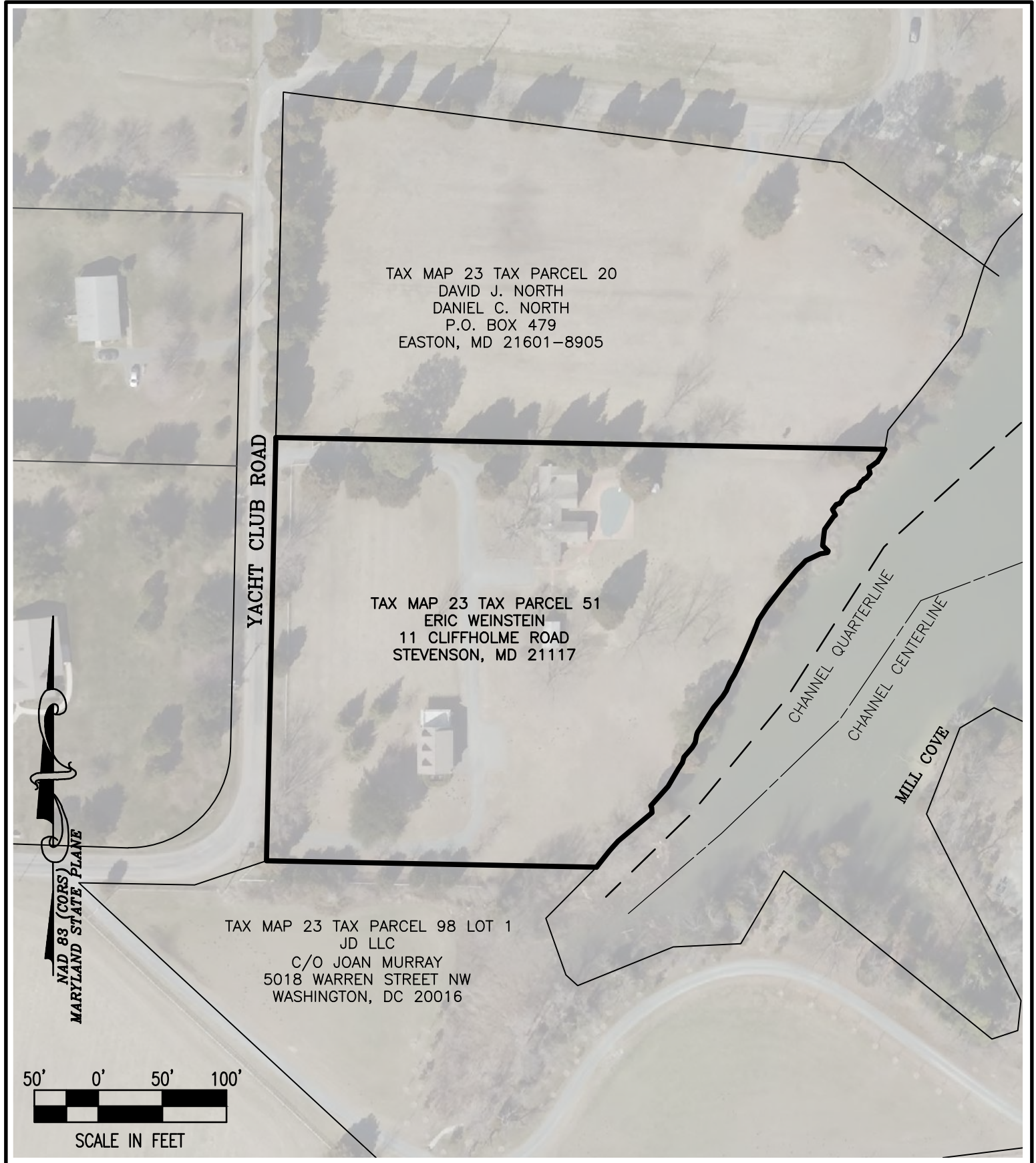
FILE No. 3935
 JOB No. 160178
 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No. 2 OF 7

SITE & PROJECT NOTES
 ON THE LANDS OF
ERIC WEINSTEIN
 ST. MICHAELS, MARYLAND
 TALBOT COUNTY
 TAX MAP 23 GRID 15 PARCEL 51

Lane Engineering, LLC
 Established 1986
 Civil Engineers • Land Planning • Land Surveyors



E-mail: general@leinc.com
 117 Bay St. Easton, MD 21601 (410) 822-8003
 15 Washington St. Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095



TAX MAP 23 TAX PARCEL 20
 DAVID J. NORTH
 DANIEL C. NORTH
 P.O. BOX 479
 EASTON, MD 21601-8905

YACHT CLUB ROAD

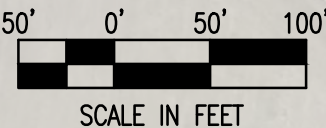
TAX MAP 23 TAX PARCEL 51
 ERIC WEINSTEIN
 11 CLIFFHOLME ROAD
 STEVENSON, MD 21117

CHANNEL QUARTERLINE
 CHANNEL CENTERLINE

MILL COVE

TAX MAP 23 TAX PARCEL 98 LOT 1
 JD LLC
 C/O JOAN MURRAY
 5018 WARREN STREET NW
 WASHINGTON, DC 20016

NAD 83 (CORS)
 MARYLAND STATE PLANE



SITE OVERVIEW

**ON THE LANDS OF
 ERIC WEINSTEIN
 ST. MICHAELS, MARYLAND**

TALBOT COUNTY
 TAX MAP 23 GRID 15 PARCEL 51

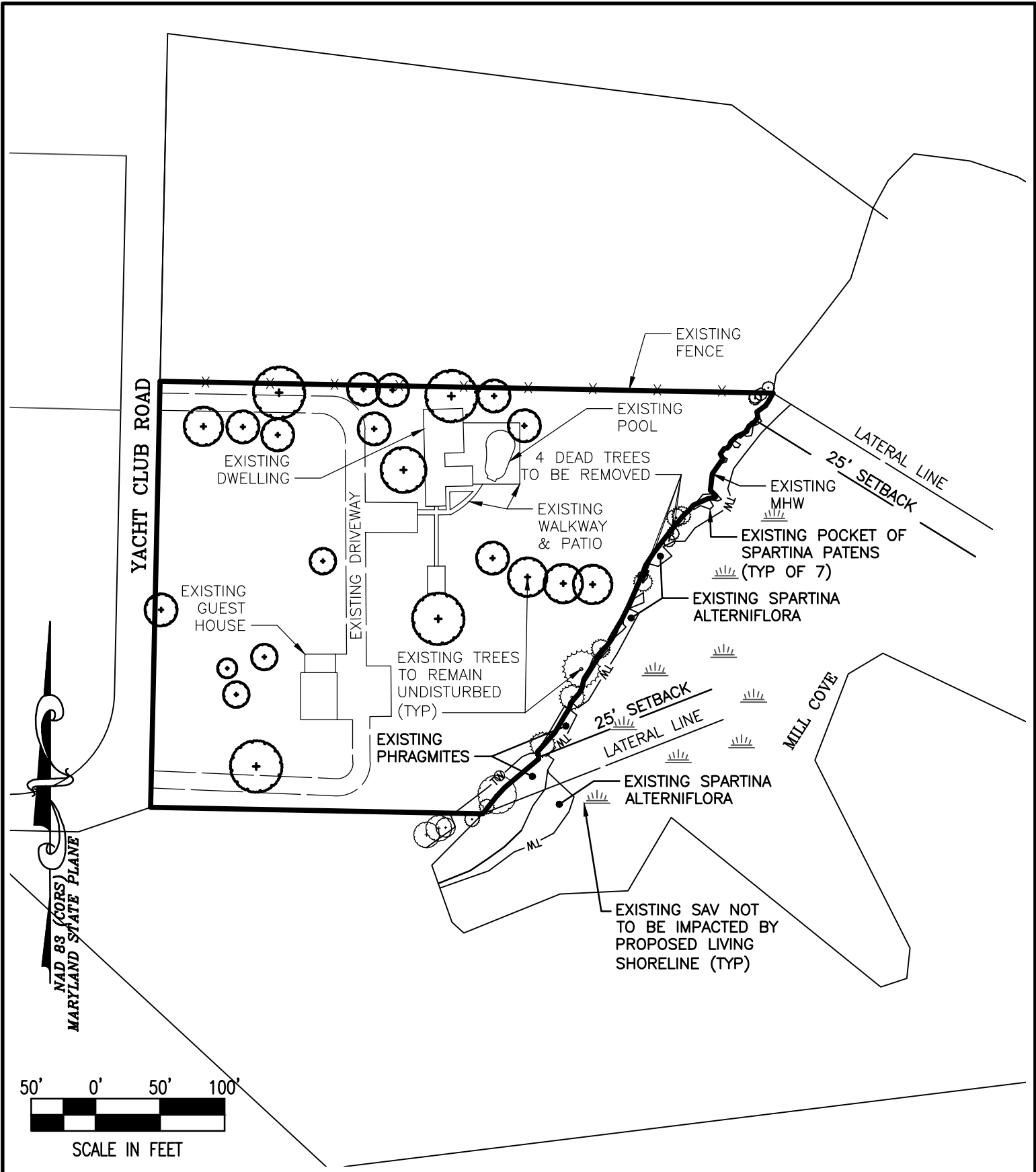
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 SHEET No. 3 OF 7



FILE No. 3935

JOB No. 160178

SCALE: AS NOTED

DATE: AS NOTED

SHEET No. 4 OF 7

EXISTING CONDITIONS

ON THE LANDS OF

ERIC WEINSTEIN

ST. MICHAELS, MARYLAND

TALBOT COUNTY

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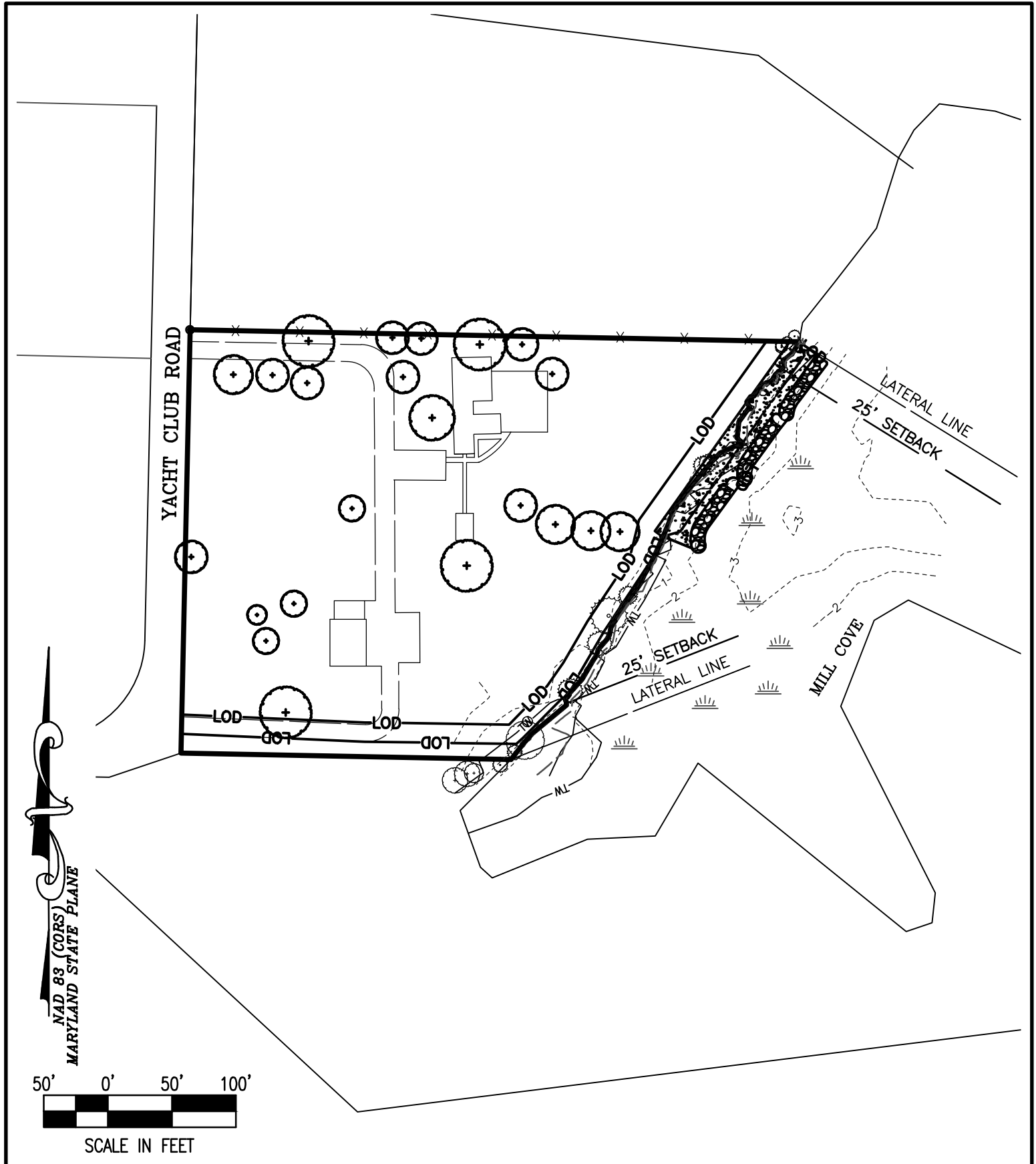


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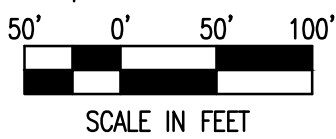
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NAD 83 (CORS)
 MARYLAND STATE PLANE

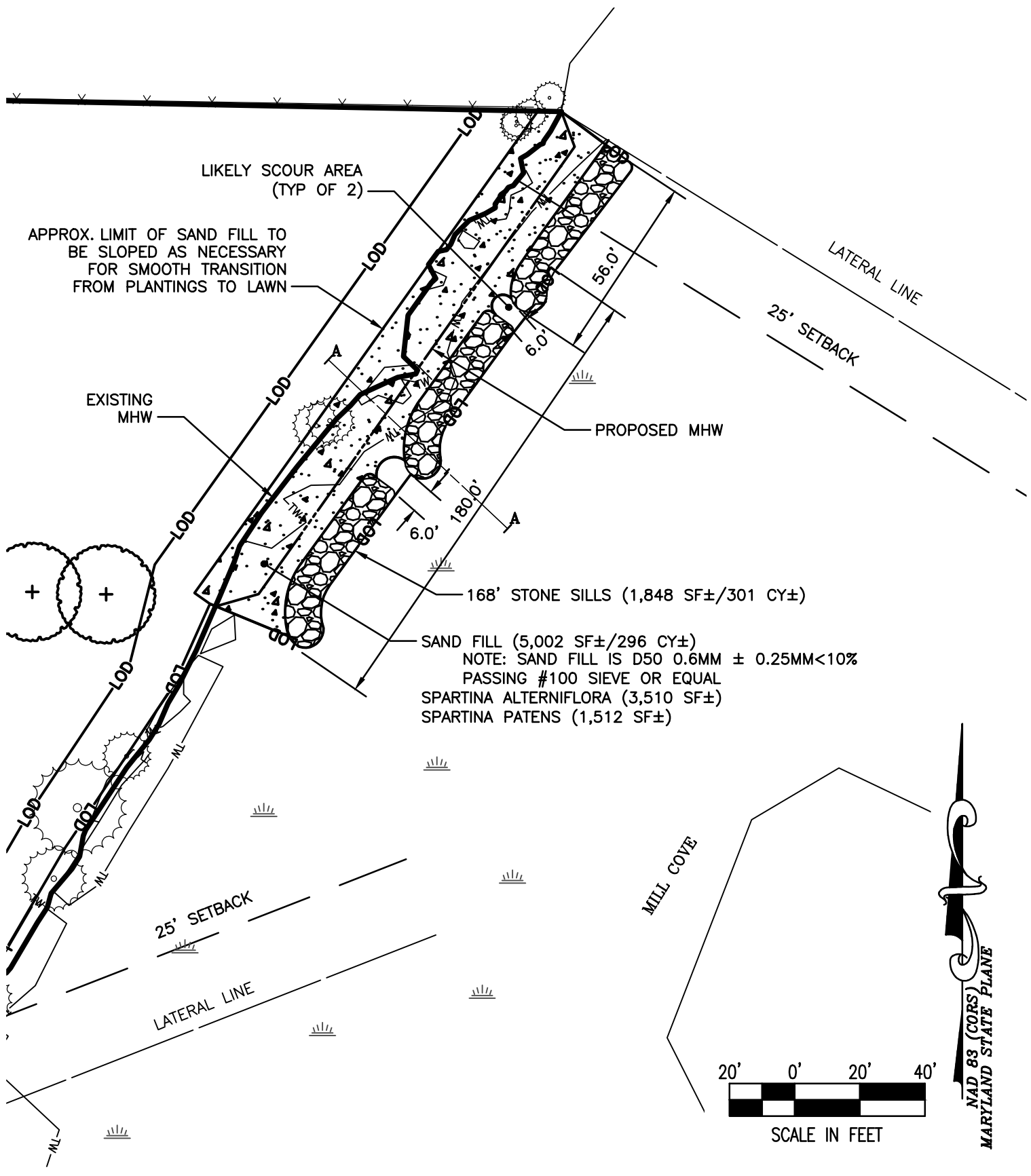


SHEET No. **5 OF 7**
 DATE: AS NOTED
 SCALE: AS NOTED
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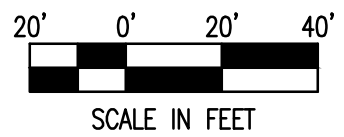
PROPOSED IMPROVEMENTS
ON THE LANDS OF
ERIC WEINSTEIN
ST. MICHAELS, MARYLAND
 TALBOT COUNTY
 TAX MAP 23 GRID 15 PARCEL 51

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SAND FILL (5,002 SF±/296 CY±)
 NOTE: SAND FILL IS D50 0.6MM ± 0.25MM<10%
 PASSING #100 SIEVE OR EQUAL
 SPARTINA ALTERNIFLORA (3,510 SF±)
 SPARTINA PATENS (1,512 SF±)



FILE No. 3935
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 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No. 6 of 7

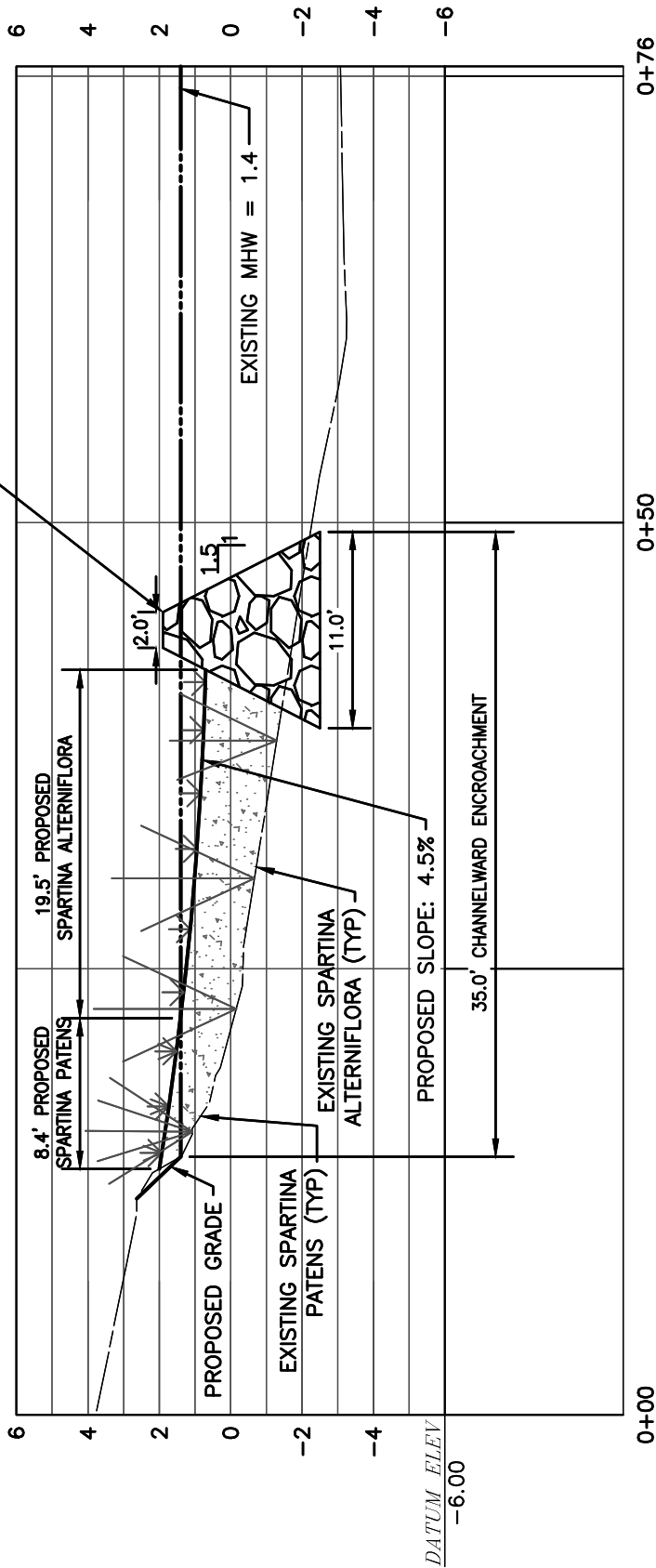
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PROPOSED TOP OF SILL
ELEVATION = 1.9



SECTION A-A
VERTICAL SCALE: 1" = 5'
HORIZONTAL SCALE: 1" = 10'

DETAILS

ON THE LANDS OF
ERIC WEINSTEIN
ST. MICHAELS, MARYLAND

TALBOT COUNTY
TAX MAP 23 GRID 15 PARCEL 51

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