

U.S. Army Corps
of Engineers
Baltimore District
PN 13-43

Public Notice

In Reply to Application Number
CENAB-OP-RMS(JAY ADDISON) 2013-60330

Comment Period: July 9, 2013 to July 30, 2013

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: Mr. Jay Addison
P.O. Box 309
Upper Marlboro, Maryland 20773

LOCATION: In Fishing Creek at 1722 Brannocks Neck Road in Cambridge, Dorchester County, Maryland.

PROPOSED WORK AND PURPOSE: To construct a 12-foot wide by 30-foot long articulated concrete block boat ramp with a gravel base to extend a maximum of 30 feet channelward of the approximate mean high water (MHW) shoreline; to repair four existing 6-foot wide by 35-foot long stone groins by increasing the height of each groin by an additional 1.5 feet to no more than 3.0 feet above MHW elevation extending a maximum of 35 feet channelward of the approximate MHW shoreline; to reconstruct two existing groins to create one 6-foot wide by 60 foot long by 3-foot high southern hook groin and one 6-foot wide by 75-foot long northern hook groin as containment structures to extend no more than 35 feet channelward of the approximate MHW shoreline; and to perform top of bank maintenance along approximately 75 linear feet of existing high profile riprap. The work also includes compensatory mitigation by creating approximately 907 square feet (0.02 acres) of tidal marsh by depositing approximately 33.6 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *Spartina Patens* and to supplement existing denuded marsh areas by creating a 108 square foot area (0.00247 acres) of tidal marsh by depositing approximately 4 cubic yards of clean select sand fill and creating a 103 square foot area (0.00236 acres) of tidal marsh by depositing approximately 3.8 cubic yards of clean select sand fill both stabilized with *Spartina alterniflora*. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Eugene Morgenthaler at (410) 820-8629 or eugene.j.morgenthaler@usace.army.mil.

The purpose of the proposed project is to provide recreational water access and shoreline erosion control to protect existing living shoreline.

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. The refurbishing of the four existing groins by adding stone to increase the height and reconstructing two existing groins would improve the stabilization of approximately 550 linear feet of existing living shoreline. The applicant has proposed compensatory mitigation to offset unavoidable losses to vegetated tidal wetlands impacts for the boat ramp by creating approximately 1,118 square feet of living shoreline.

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 the MSFCMA for the *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and eggs, larvae, juvenile and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA.

The project may have an adverse effect on Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. No mitigative measures are recommended at this time to minimize adverse effects on EFH. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the 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, P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period specified above.

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, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

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 will not affect 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.

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, P.O. Box 1715, Baltimore, Maryland 21203-1715, 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 know by you to be interested and not being known to this office, who did not receive a copy of this notice.

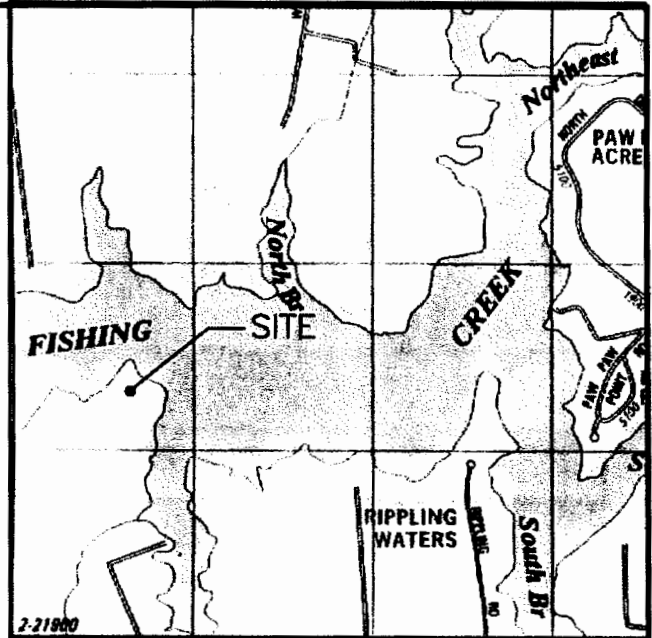
FOR THE DISTRICT ENGINEER:

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 



VICINITY MAP

SCALE: 1" = 2000'


Copyright of the ADC Map People
 Permitted Use No. 20992180

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. THERE ARE EXISTING PIERS ON THE ADJOINING PROPERTIES TO THE NORTH.
3. LOT SIZE = 16.44 AC.±
4. LOT DEPTH = 2091' ±
5. LOT WIDTH AT SHORELINE = 1795'±
6. DISTANCE TO CHANNEL CENTERLINE = 479'±
7. MAXIMUM CHANNELWARD ENCROACHMENT = BOAT RAMP 25'±
 GROINS 35' ±
 HIGH PROFILE RIP RAP 0' ±
 NON-STRUCTURAL 20' ±
8. 911 ADDRESS = 1722 BRANNOCKS NECK ROAD
 CAMBRIDGE, MARYLAND 21613

AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN ON THIS PLAN ARE TAKEN FROM A SUBDIVISION PLAT ENTITLED "MINOR SUBDMISION PLAT ON THE LANDS OF JOSEPH R. ALEXANDER AND DARLENE K. BREWER-ALEXANDER" FROM LANE ENGINEERING FROM PLAT 54/24. 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, SHORELINES, EXISTING PIERS, OTHER STRUCTURES, AND SOUNDINGS 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.

Revised 4/26/13

FILE No. B915	JOB No. 110513	DATE: 1-14-13	SCALE: AS NOTED	SHEET No. 1	<p>PERMIT DRAWINGS</p> <p>ON THE LANDS OF</p> <p>ADDISON'S CEDAR HILL, LLC</p> <p>IN THE NINTH ELECTION DISTRICT, DORCHESTER COUNTY, MARYLAND</p> <p>TAX MAP 40 GRID 20 PARCEL 26 LOT 1</p>	<p>Lane Engineering, LLC</p> <p>Established 1986</p> <p>Civil Engineers • Land Planning • Land Surveyors</p>  <p>E-mail: mail @ leinc.com 117 Bay St. Easton, MD 21831 (410) 822-8003 15 Washington St. Cambridge, MD 21813 (410) 221-0618 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2085</p>
---------------	----------------	---------------	-----------------	-------------	--	--

FISHING CREEK

LOT 1
ADDISONS CEDAR HILL LLC
PO BOX 309
UPPER MARLBORO, MD 20773


LOT 2
ADDISONS CEDAR HILL LLC
PO BOX 309
UPPER MARLBORO, MD 20773

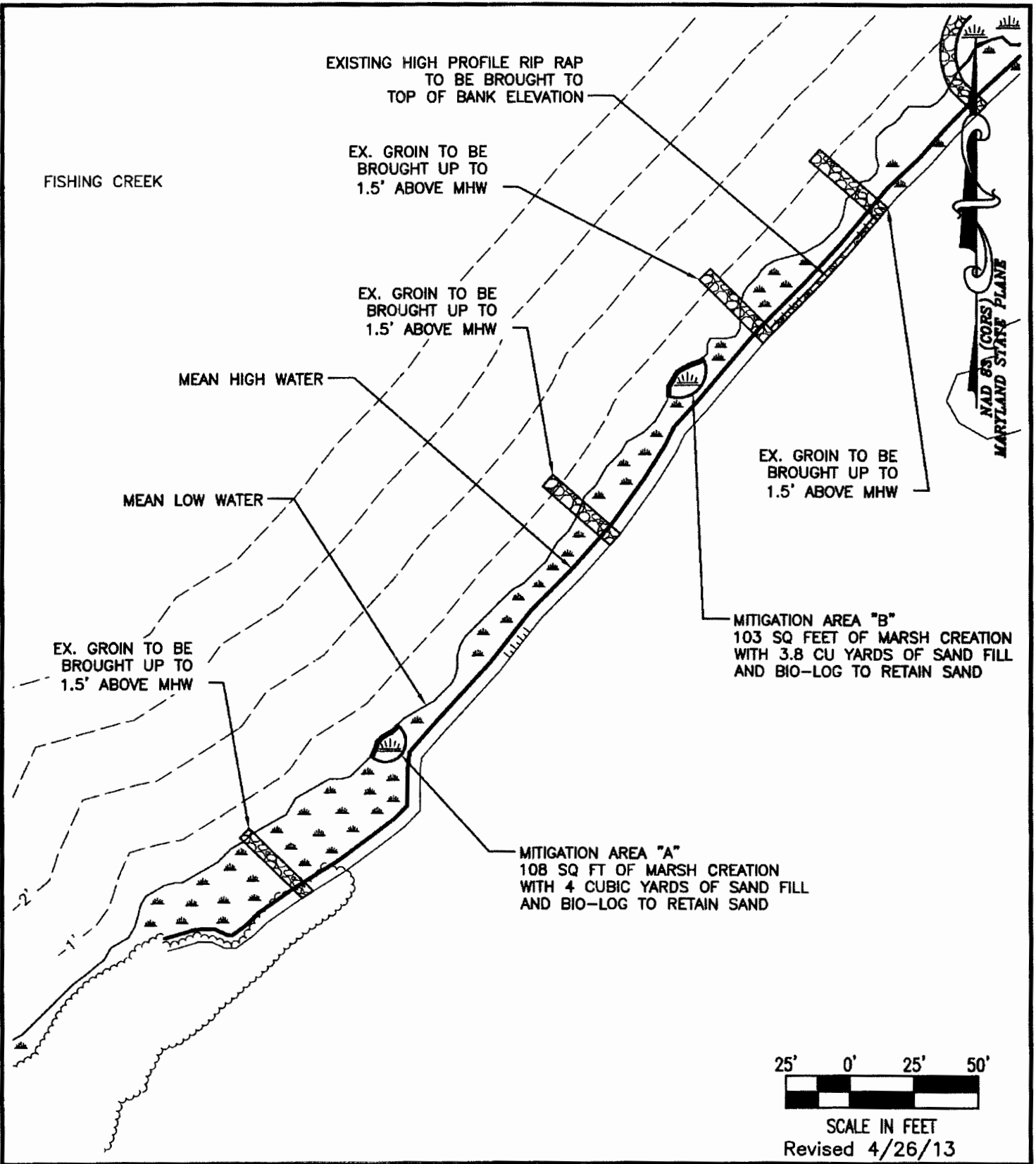
LOT 3
ADDISONS CEDAR HILL LLC
PO BOX 309
UPPER MARLBORO, MD 20773



100' 0' 100' 200'
SCALE IN FEET

Revised 4/26/13

FILE No. B915	JOB No. 110513	SCALE: AS NOTED	DATE: 1-14-13	SHEET No. 2	SITE OVERVIEW	Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyors
					ON THE LANDS OF ADDISON'S CEDAR HILL, LLC	
					IN THE NINTH ELECTION DISTRICT, DORCHESTER COUNTY, MARYLAND TAX MAP 40 GRID 20 PARCEL 26 LOT 1	 E-mail: mail@leine.com 117 Boy St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0618 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2085

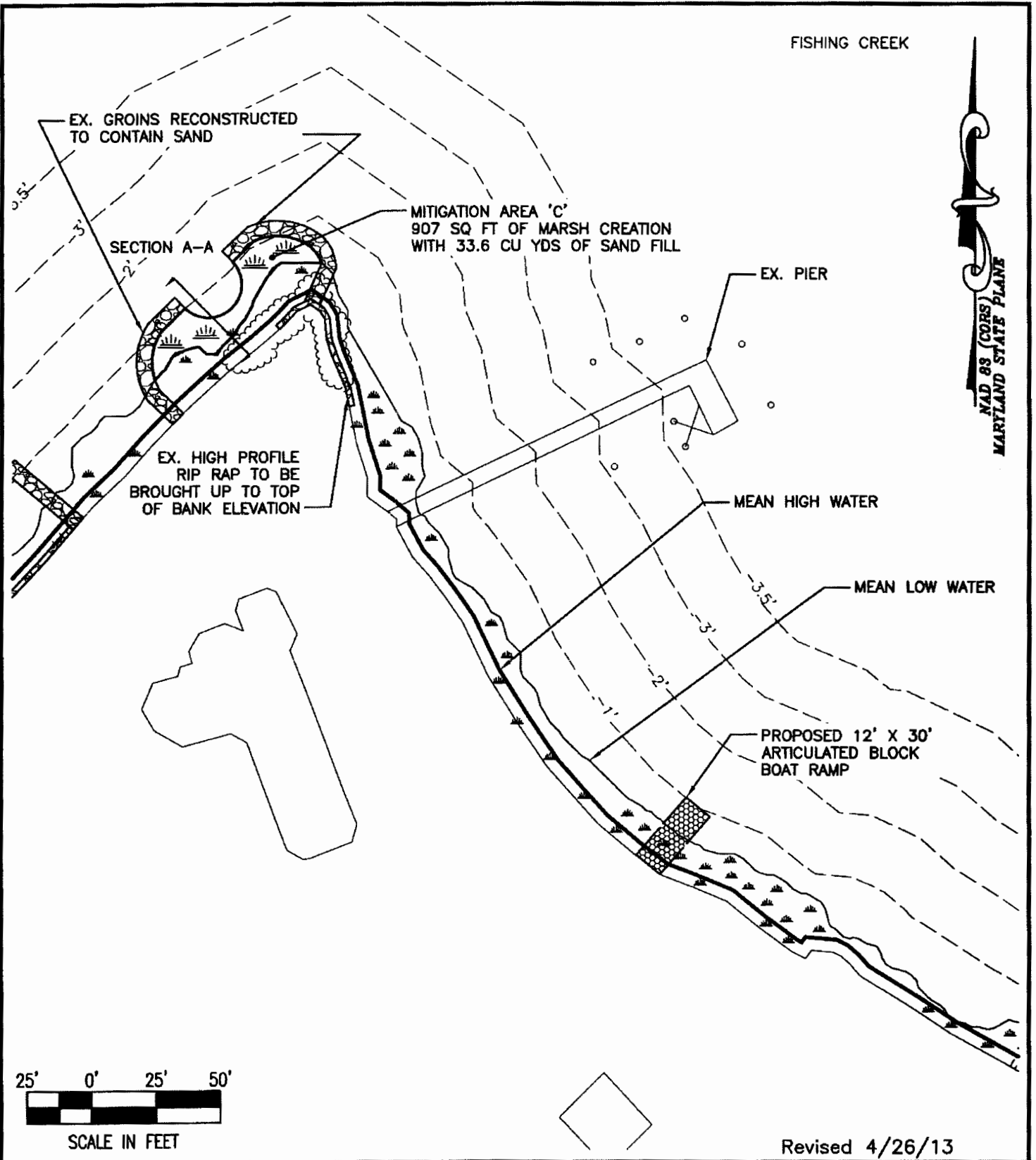


SHEET No. 4
 DATE: 1-14-13
 SCALE: AS NOTED
 JOB No. 110513
 FILE No. B915

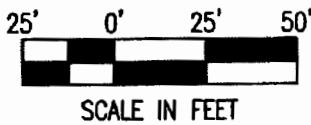
PROPOSED IMPROVEMENTS
ON THE LANDS OF
ADDISON'S CEDAR HILL, LLC
 IN THE NINTH ELECTION DISTRICT, DORCHESTER COUNTY, MARYLAND
 TAX MAP 40 GRID 20 PARCEL 26 LOT 1

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


 E-mail: mail@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



NAD 83 (CORS)
 MARYLAND STATE PLANE



Revised 4/26/13

SHEET No. 5
 DATE: 1-14-13
 SCALE: AS NOTED
 JOB No. 110513
 FILE No. B915

PROPOSED IMPROVEMENTS
ON THE LANDS OF
ADDISON'S CEDAR HILL, LLC

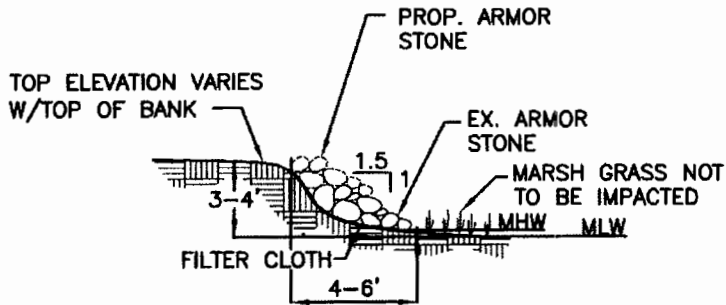
IN THE NINTH ELECTION DISTRICT, DORCHESTER COUNTY, MARYLAND
 TAX MAP 40 GRID 20 PARCEL 26 LOT 1

Lane Engineering, LLC

Established 1986
 Civil Engineers • Land Planning • Land Surveyors



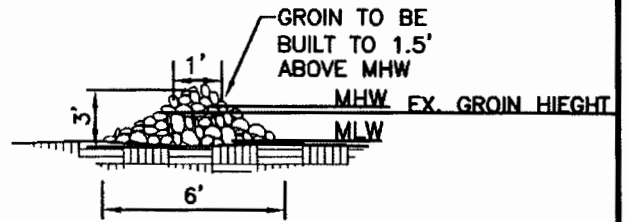
E-mail: mail@leinc.com
 117 Boy St. Easton, MD 21601 (410) 822-8003
 15 Washington St. Cambridge, MD 21813 (410) 221-0818
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2085



HIGH PROFILE RIPRAP MAINTENANCE

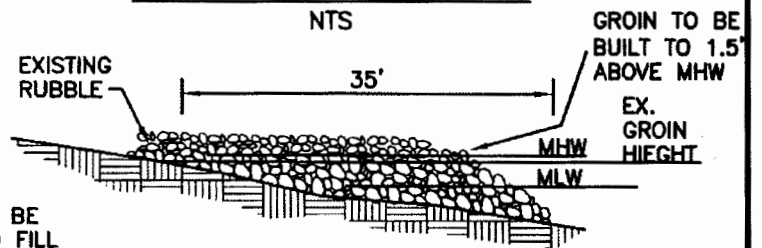
NTS

GROIN MAINTENANCE



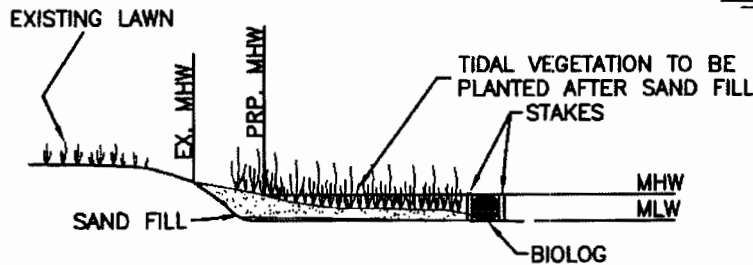
END VIEW OF GROIN

NTS



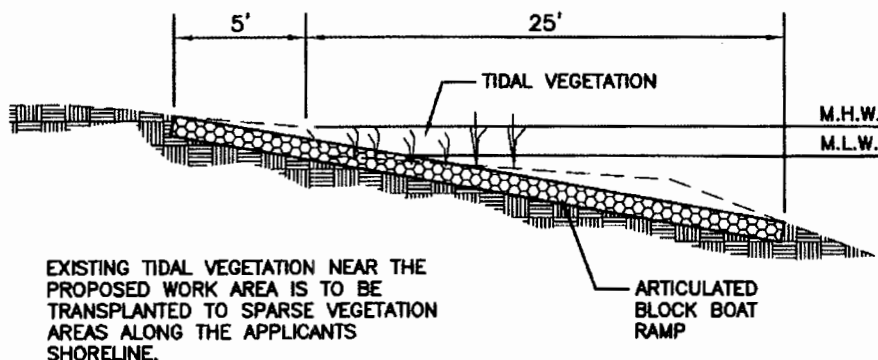
PROFILE OF GROIN

NTS



SHORELINE STABILIZATION WITH MARSH PLANTING DETAIL

NTS



EXISTING TIDAL VEGETATION NEAR THE PROPOSED WORK AREA IS TO BE TRANSPLANTED TO SPARSE VEGETATION AREAS ALONG THE APPLICANTS SHORELINE.

BOAT RAMP PROFILE

NTS

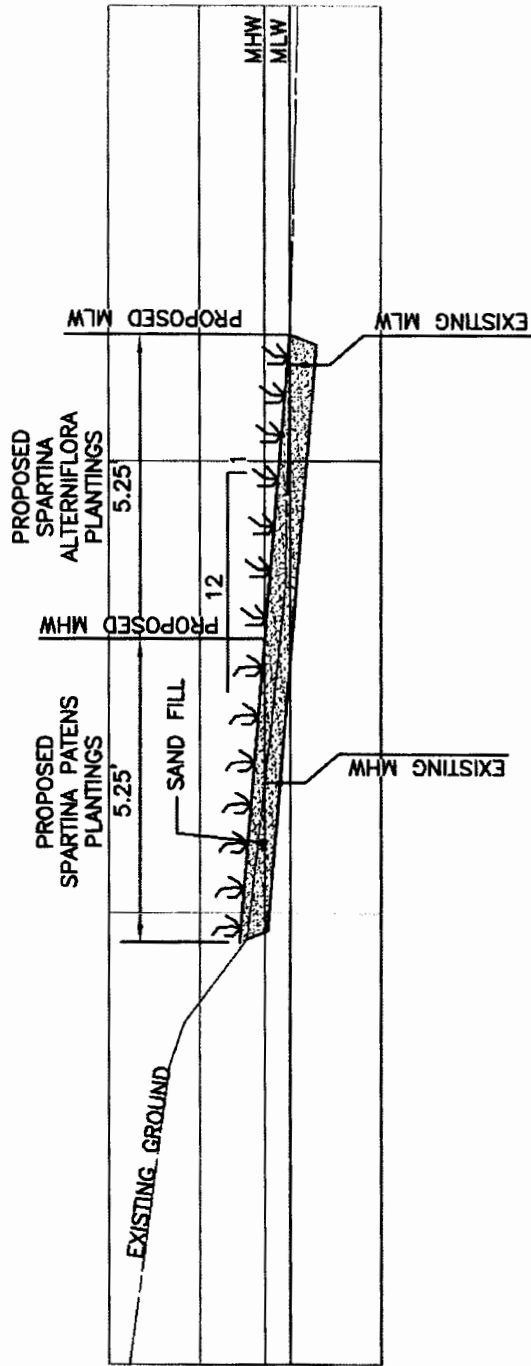
Revised 4/26/13

DATE: 1-14-13
 SCALE: AS NOTED
 JOB No. 110513
 FILE No. B915

DETAILS
ON THE LANDS OF
ADDISON'S CEDAR HILL, LLC
 IN THE NINTH ELECTION DISTRICT, DORCHESTER COUNTY, MARYLAND
 TAX MAP 40 GRID 20 PARCEL 26 LOT 1

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

E-mail: mail@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) 758-2085



SECTION A-A
NTS

Revised 4/26/13

FILE No. B915
JOB No. 110513
SCALE: AS NOTED
DATE: 1-14-13

SHEET No.
7

DETAILS
ON THE LANDS OF
ADDISON'S CEDAR HILL, LLC
IN THE NINTH ELECTION DISTRICT, DORCHESTER COUNTY, MARYLAND
TAX MAP 40 GRID 20 PARCEL 26 LOT 1

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



E-mail: mail@leinc.com
117 Boy St. Easton, MD 21601 (410) 822-8003
15 Washington St. Cambridge, MD 21613 (410) 221-0618
354 Pennsylvania Ave. Centreville, MD 21617 (410) 788-2095