

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

Public Notice

In Reply to Application Number
CENAB-OP-RMS (MONTFORT, BARBARA) 2014-60734

PN 14-40

Comment Period: July 14, 2014 to August 14, 2014

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 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: Ms. Barbara Montfort
15207 Jarrettsville Pike
Monkton, Maryland 21111

LOCATION: In the Wicomico River at 22390 and 22394 Chickahominy Road, Bushwood, St. Mary's County, Maryland.

WORK: To construct a 10-foot wide by 1,213-foot long stone revetment to extend no more than 3 feet channelward of the approximate mean high water (MHW) shoreline and to create approximately 0.35 acres of tidal marsh along 1,025 linear feet of shoreline by depositing approximately 1,400 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *S. patens* and emplacing approximately 945 linear feet of low profile stone containment sill with 8 vents with a width of 5 feet to extend no more than 25 feet channelward of the approximate MHW shoreline. All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or Erica.Schmidt@usace.army.mil.

Site layout for this project was based upon ongoing erosion, location of existing filing concrete bulkhead, and continuation of existing stone revetment that would most practicably avoid and minimize impacts to jurisdictional waters. Efforts were made to avoid, to the extent possible, the long and short-term adverse impacts associated with the proposed project. The applicant proposes to barge the stone in for the construction of the groin.

Compensatory mitigation is not being proposed by the applicant for permanent impacts to open water.

The purpose of the project is primarily to provide shoreline stabilization to protect existing tidal 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 effect essential fish habitat (EFH). The project site lies in or adjacent to EFH as described under MSFCMA for *Gadus morhua* (Atlantic Cod) adult, *Pleuronectes americanus* (winter flounder) juvenile, and adult, *Scopthalmus aquosus* (windowpane flounder) eggs, larvae, juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile

and adult; (Lophius americanus) (Monkfish) eggs and larvae, Stenotomus chrysops (scup) juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Urophycis chuss (red hake) eggs, larvae, juvenile; (Peprilus triacanthus) (Atlantic butterfish) eggs, juvenile, adult; Clupea harengus (Atlantic sea herring) juvenile and adult; Odontaspis taurus (sand tiger shark) larvae and adult; Squatina dumerili (Atlantic angel shark) larvae, juvenile, and adult; Charcharinus obscurus (dusky shark) larvae; Charcharinus plumbeus (sandbar shark) larvae, juvenile, and adult; Odontaspis taurus sand tiger shark, larvae and juvenile, Sphyrna lewini (scalloped hammerhead shark) juvenile; Rhizopriondon terraenovae (Atlantic sharpnose shark) adult, Prionance glauca (blue shark) adult 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), Spisula solidissima (surf clam) juvenile, 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 4,725 square feet of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy and silty sub-tidal substrate that does not support submerged aquatic vegetation (SAV). The proposed project would alter the existing elevations and substrate within the project footprint and the areas filled are not expected to support the current benthos and fishery due to the project. 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. No mitigative measures are recommended to minimize adverse effects on EFH at this time. 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 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 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, 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.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which 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 listed 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.

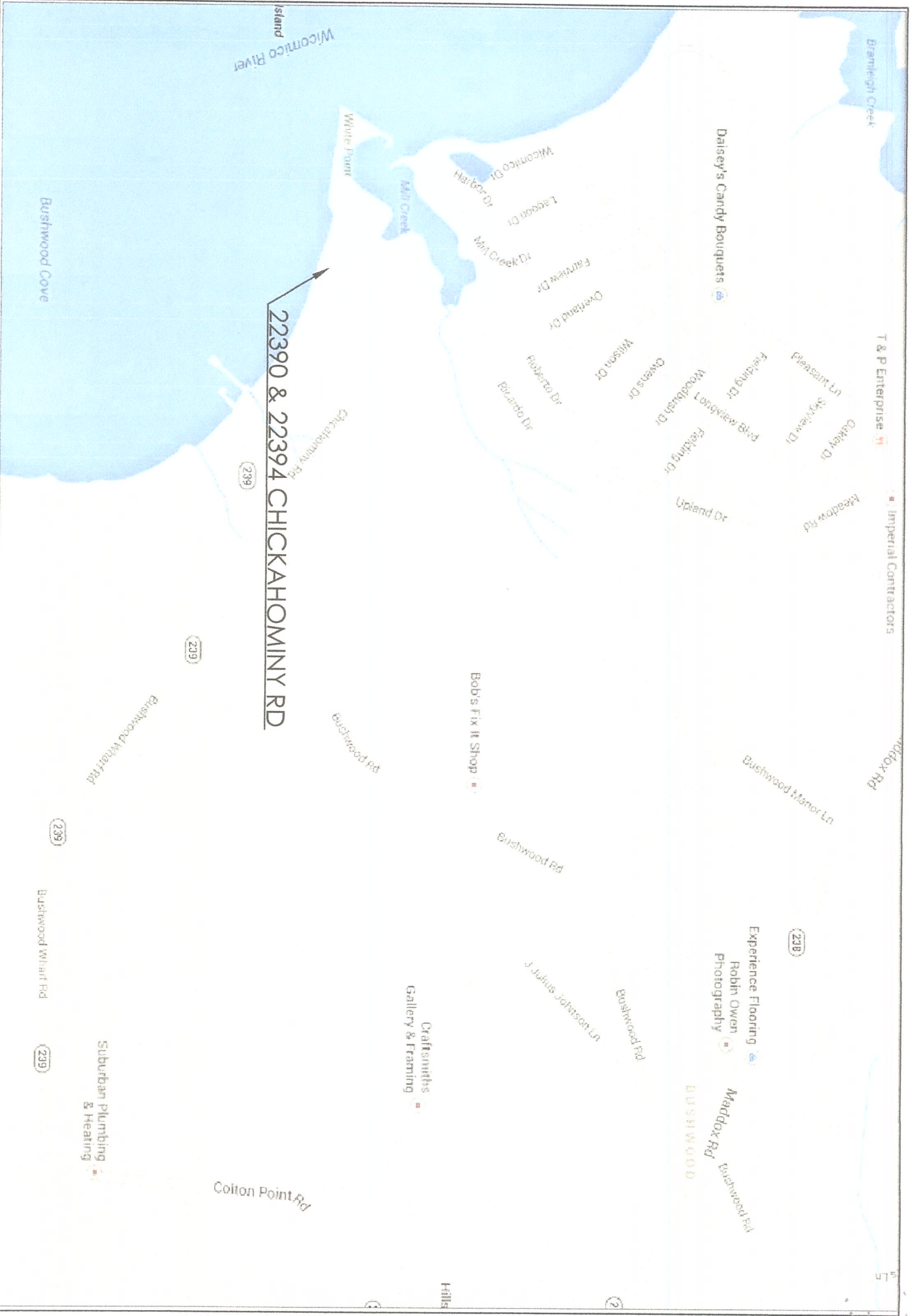
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above 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 District Engineer must receive the request, which must be in writing, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing 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



22390 & 22394 CHICKAHOMINY RD

PROPOSED: REVENUEMENTS AND LIVING SHORELINE	STATE:	MARYLAND	DATE:	4/8/2014	PARCEL:	0001 & 0141	
	COUNTY:	ST MARYS	TAX MAP:	0038	DEED:	01475/00523	
APPLICATION BY:	BARBARA MONTFORT, ET AL	WATERWAY:	BUSHWOOD COVE	LOT:		SHEET:	MAP

PROPOSED: REVEGETATIONS AND LIVING SHORELINE
 APPLICATION BY: BARBARA MONTFORT, ET AL
 STATE: MARYLAND
 COUNTY: ST MARYS
 WATERWAY: BUSHWOOD COVE
 DATE: 4/8/2014
 TAX MAP: 0038
 LOT:
 PARCEL: 0001 & 0141
 DEED: 01475/00523
 00646/00366

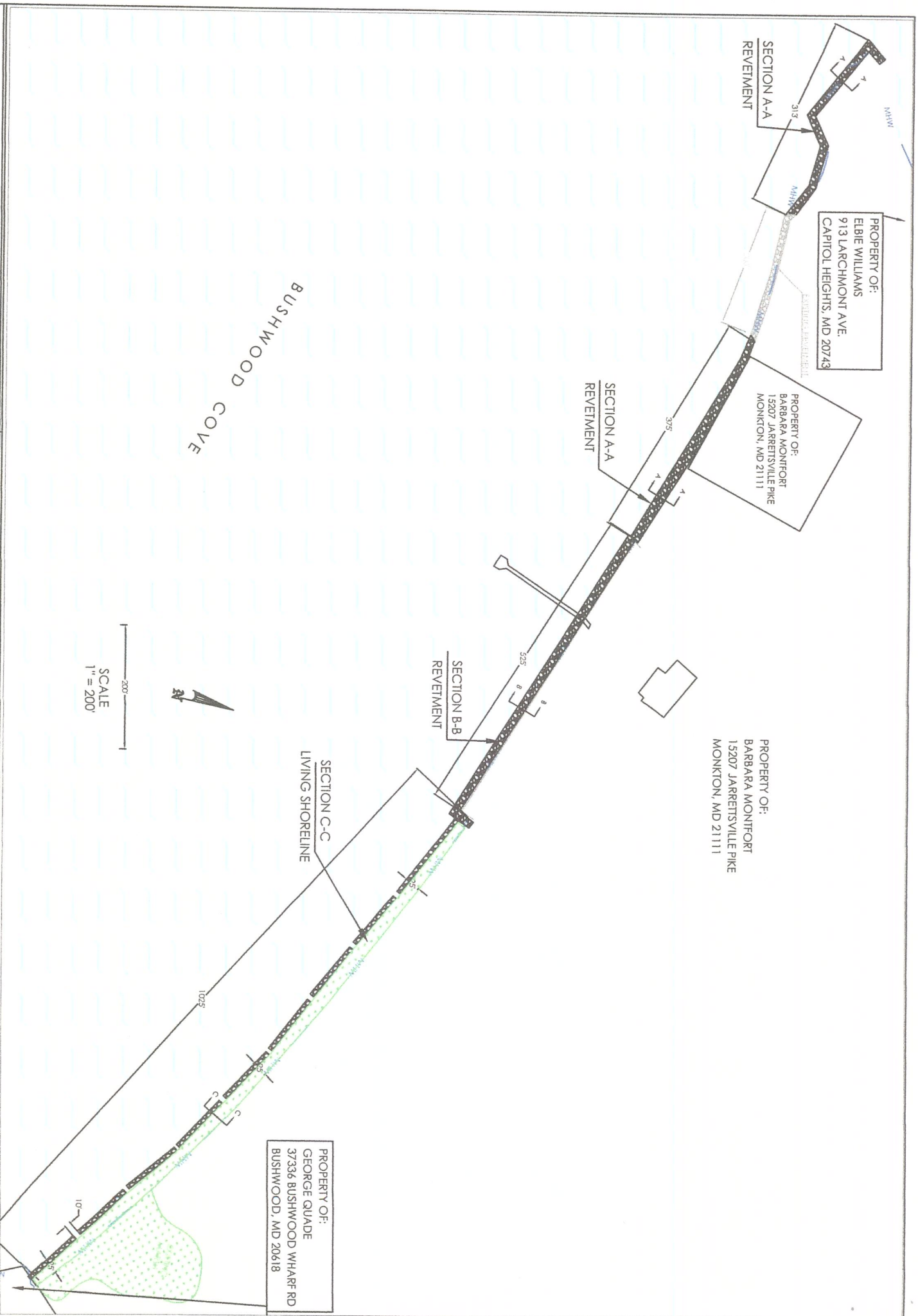


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TAX MAP: 0038
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PARCEL: 0001 & 0141
DEED: 01475/00523
SHEET: 2 OF 5



PROPOSED:
 APPLICATION BY: BARBARA MONTFORT, ET AL

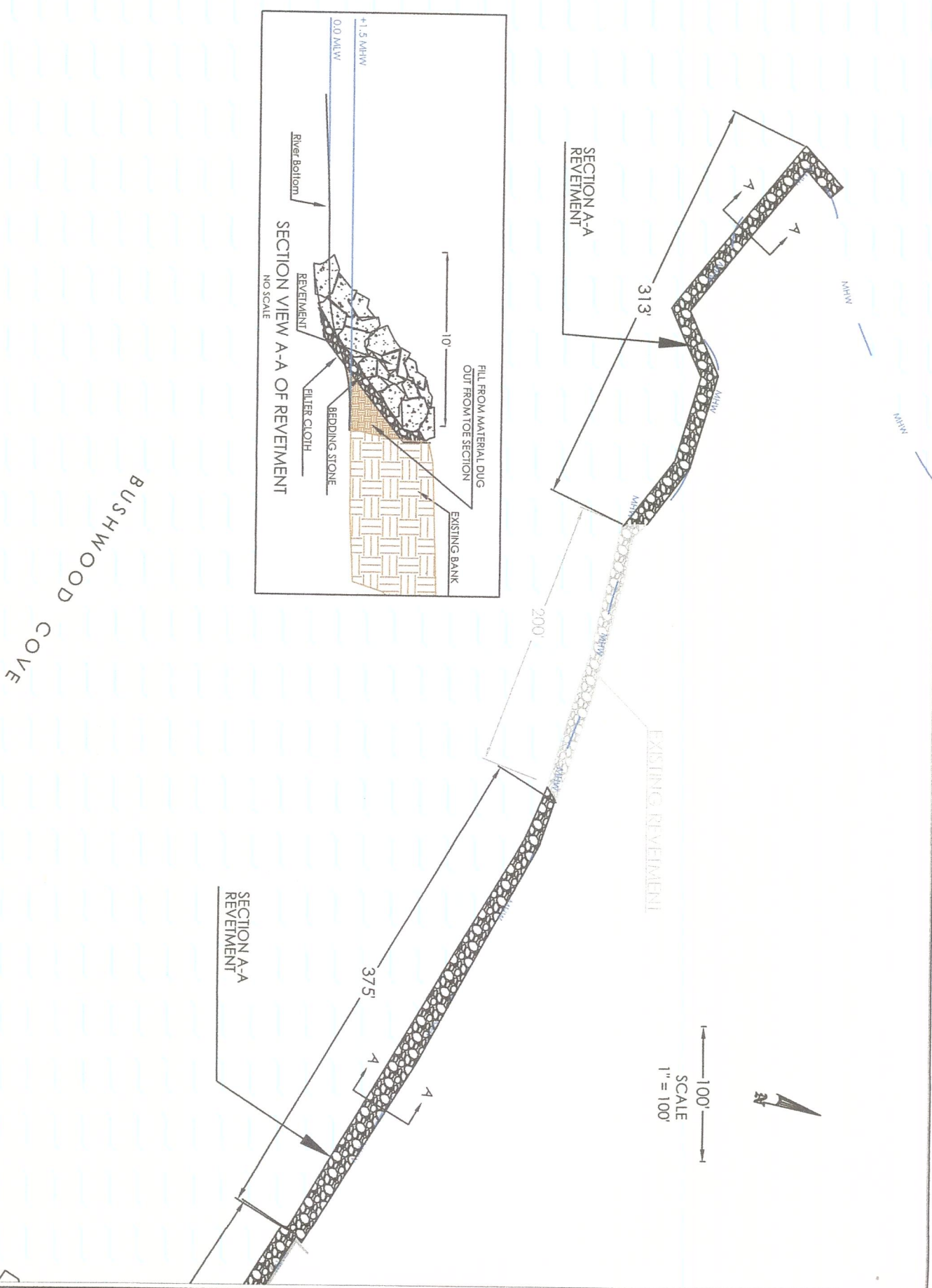
REVETMENTS AND
 LIVING SHORELINE

STATE: MARYLAND
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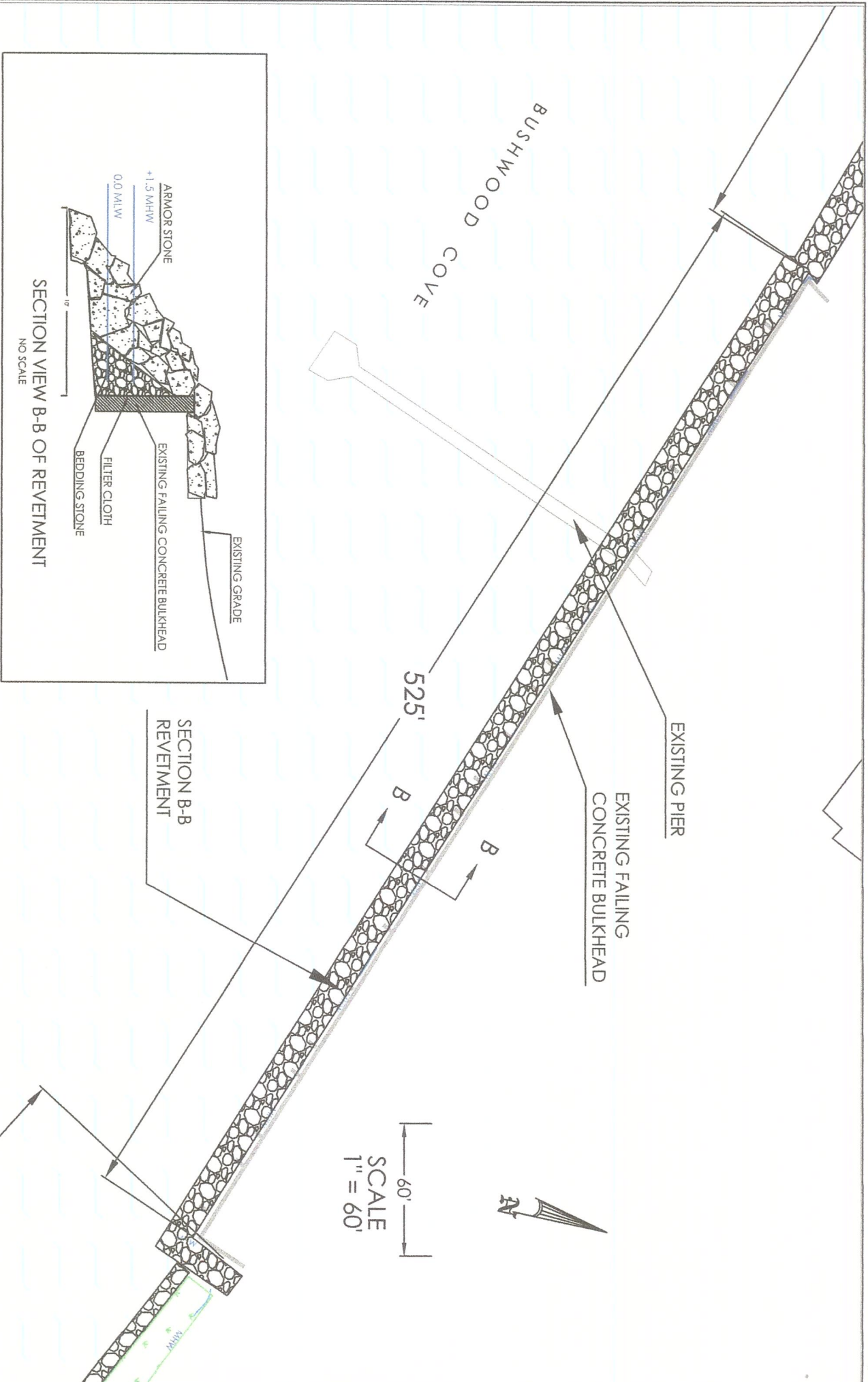
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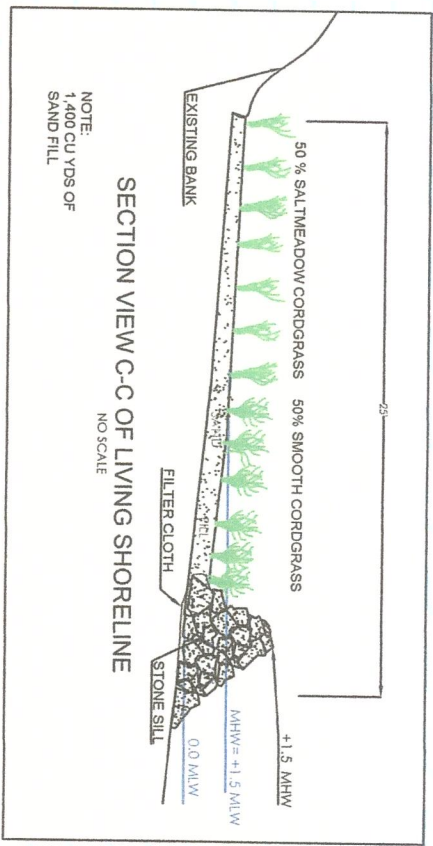


BUSHWOOD COVE



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SECTION C-C
LIVING SHORELINE



BUSHWOOD COVE

SCALE
1" = 100'



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APPLICATION BY:	BARBARA MONIFORT, ET AL	WATERWAY: BUSHWOOD COVE	LOT:	SHEET: 6 OF 6