

Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN 14-56

In Reply to Application Number
CENAB-OP-RMS (Narrows Pointe Council of Unit Owners/Living
Shoreline) 2014-00645
Comment Period: November 3, 2014 to December 5, 2014

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: Narrows Pointe Council of Unit Owners
512 Narrows Pointe Drive
Grasonville, Maryland 21638

WATERWAY AND LOCATION OF THE PROPOSED WORK: In the Chester River, at Narrows Pointe, Grasonville, Queen Anne's County, Maryland.

PROPOSED WORK AND PURPOSE: to stabilize approximately 1,945 linear feet of eroding shoreline by creating approximately 34,256 square feet of emergent intertidal wetlands by depositing approximately 800 cubic yards of sloped, clean select sand fill, stabilized with *Spartina alterniflora* and *S. patens*; to construct approximately 2,000 linear feet of high profile stone sill, varying from 18-feet to 30feet wide at the base, with 11 tapering tidal vents with varied widths ranging from 6-foot to 20-foot wide at mean low water; and to construct 13 parallel and perpendicular low profile stone sills ranging from 7-foot to 23-foot long with varied widths ranging from 4-foot to 8-foot wide at mean low water elevation in between and landward of each vent. The proposed work would extend an average of approximately 15 feet channelward of the approximate mean high water (MHW) shoreline to extend no more than 35 feet channelward of the approximate MHW shoreline. The project would impact an approximate total of 1,742 square feet of existing tidal marsh in 3 distinct areas, which would be replaced by the proposed marsh creation. The work would be done from the shore via barge access. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Rod Schwarm at U.S. Corps of Engineers, Baltimore District, Baltimore, Maryland 21203-1715 or at 410-820-8550.

As part of the planning process for the proposed project, steps were taken to avoid and minimize the impacts to waters of the United States to the maximum extent by locating the proposed stone sill and marsh creation as close to the eroded shoreline as possible while still allowing for marsh creation. The project would minimize the potential impact to submerged aquatic vegetation (SAV) habitat and deeper water depths. The applicant has not proposed compensatory mitigation under the Mitigation Rule to offset unavoidable losses to aquatic resources since the proposed work would result in the creation of tidal wetlands.

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, Mr. Rod Schwarm at U. S. Corps of Engineers, Baltimore District, Baltimore, Maryland 21203-1715 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 effect Essential Fish Habitat (EFH). The portion of the project located in the Bishopville Prong of the St. Martins River lies in or adjacent to EFH as described under the MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the 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 has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The proposed project would potentially impact a total of 67,324 square feet (33,068 square feet for the proposed stone sills and 34,256 square feet for the proposed sand fill for the marsh creation) of EFH habitat and/or Habitat Areas of Particular Concern as the entire proposed project area has been mapped by

VIMS as documented SAV habitat. 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. This determination may be modified if additional information indicates otherwise and would change the preliminary determination. The Baltimore District has determined that the adverse effects of this project would be more than minimal, although not substantial, and an abbreviated consultation will be conducted with NMFS. No mitigation 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.

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, 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.

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 (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.

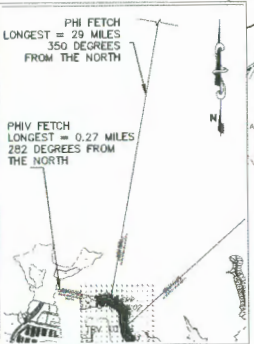
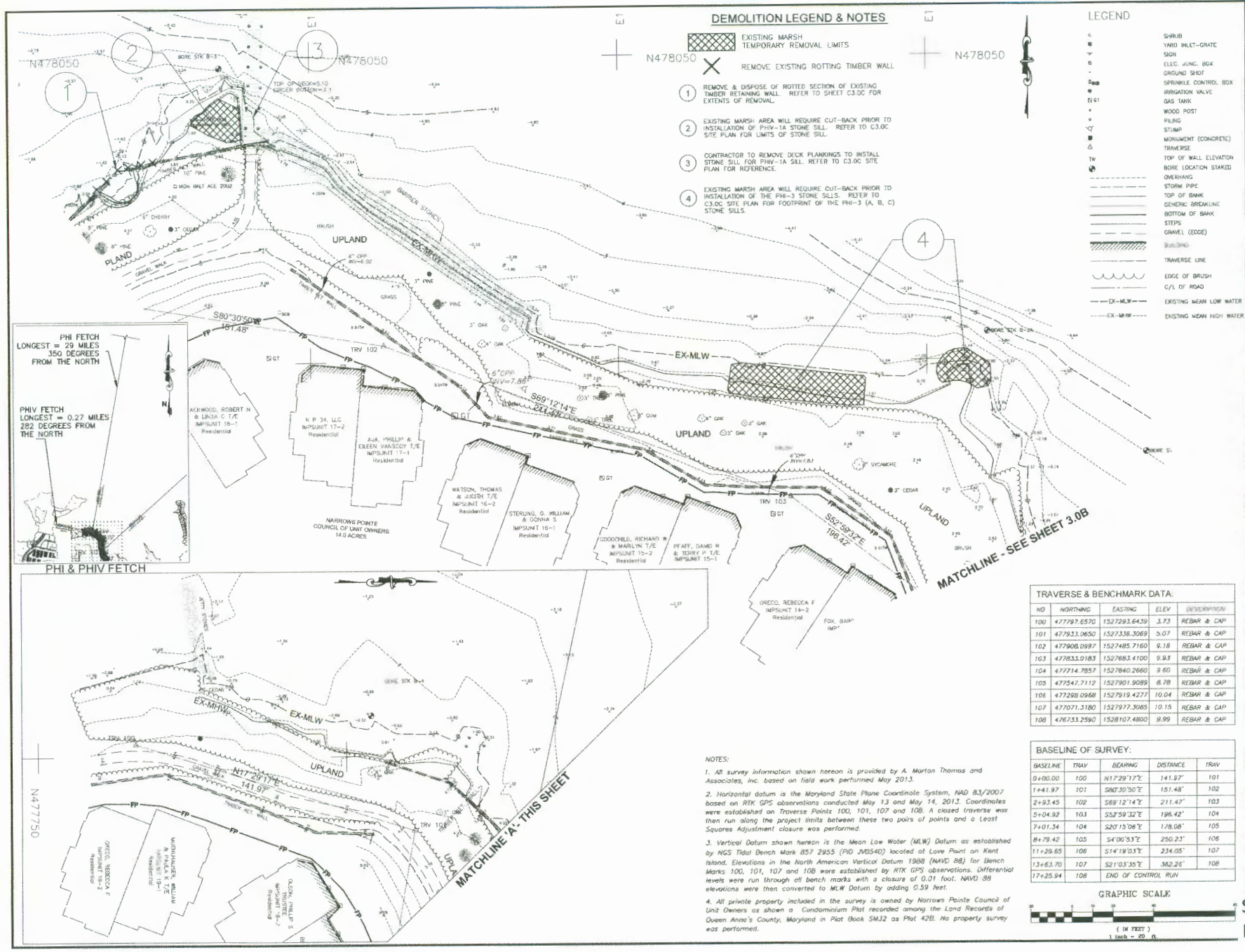
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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, Mr. Rod Schwarm at U.S. Corps of Engineers, Baltimore District, Baltimore, Maryland 21203-1715 or at 410-820-8550, 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



DEMOLITION LEGEND & NOTES

- EXISTING MARSH
- TEMPORARY REMOVAL LIMITS
- REMOVE EXISTING ROTTING TIMBER WALL
- REMOVE & DISPOSE OF ROTTED SECTION OF EXISTING TIMBER RETAINING WALL REFER TO SHEET C3.0C FOR EXTENTS OF REMOVAL
- EXISTING MARSH AREA WILL REQUIRE CUT-BACK PRIOR TO INSTALLATION OF PHIV-1A STONE SILL. REFER TO C3.0C SITE PLAN FOR LIMITS OF STONE SILL.
- CONTRACTOR TO REMOVE DECK PLANKINGS TO INSTALL STONE SILL FOR PHIV-1A SILL. REFER TO C3.0C SITE PLAN FOR REFERENCE.
- EXISTING MARSH AREA WILL REQUIRE CUT-BACK PRIOR TO INSTALLATION OF THE PHV-3 STONE SILLS. REFER TO C3.0C SITE PLAN FOR FOOTPRINT OF THE PHV-3 (A, B, C) STONE SILLS.

LEGEND

- SHRUB
- YARD INLET-GRATE
- SDH
- ELEC. JUNG. BOX
- GROUND SHOT
- SPRINKLE CONTROL BOX
- IRRIGATION VALVE
- GAS TANK
- WOOD POST
- FILING
- STUMP
- MONUMENT (CONCRETE)
- TRANSVERSE
- TOP OF WALL ELEVATION
- BORE LOCATION STAKED
- OVERHANG
- STORM PIPE
- TOP OF BANK
- GENERIC BREAKLINE
- BOTTOM OF BANK
- STEPS
- GRAVEL (EDGE)
- BUILDING
- TRANSVERSE LINE
- EDGE OF BRUSH
- C/L OF ROAD
- EXISTING MEAN LOW WATER
- EXISTING MEAN HIGH WATER

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100 KING FARM BOULEVARD
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REGISTRATION STAMP

OWNER
Narrows Pointe Council of Unit Owners (NPCUO)
Narrows Pointe Drive
Grasonville, MD 21638-1287
410.591.2334

PROJECT TITLE
NARROWS POINTE LIVING SHORELINE
SECO 05-10
Maryland Department of Natural Resources
Shoreline Conservation Service

REVIEWS

MARK	DATE	DESCRIPTION

AMT FILE NO: 113-045.001
DATE: DECEMBER 2013
SCALE: 1"=20'
DESIGNED BY: LTP/CZJ/JF
DRAWN BY: LAL
CHECKED BY: SJR

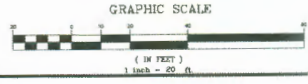
SHEET TITLE
EXISTING CONDITIONS AND DEMO PLAN III

TRAVERSE & BENCHMARK DATA:

NO	NORTHING	EASTING	ELEV.	DESCRIPTION
100	47797.6570	152793.6439	3.73	REBAR & CAP
101	47793.0650	152735.3069	5.07	REBAR & CAP
102	477908.0997	1527485.7160	9.78	REBAR & CAP
103	477833.0183	1527683.4100	9.93	REBAR & CAP
104	477714.7857	1527840.2660	9.60	REBAR & CAP
105	477547.7112	1527901.9089	8.78	REBAR & CAP
106	477288.0968	1527919.4277	10.04	REBAR & CAP
107	477071.3180	1527977.3085	10.15	REBAR & CAP
108	476733.2590	1528107.4800	9.99	REBAR & CAP

BASELINE OF SURVEY:

BASELINE	TRAV	BEARING	DISTANCE	TRAV
0+00.00	100	N17°29'17"E	141.97'	101
1+41.97	101	S80°30'50"E	151.48'	102
2+93.45	102	S69°12'14"E	211.47'	103
5+04.92	103	S52°59'32"E	196.42'	104
7+01.34	104	S20°13'08"E	178.08'	105
8+79.42	105	S4°00'53"E	250.23'	106
11+26.65	106	S1°4'19.03"E	234.05'	107
13+63.70	107	S21°03'35"E	362.26'	108
17+25.94	108	END OF CONTROL RUN		



NOTES:

- All survey information shown herein is provided by A. Morton Thomas and Associates, Inc. based on field work performed May 2013.
- Horizontal datum is the Maryland State Plane Coordinate System, NAD 83/2007 based on RTK GPS observations conducted May 13 and May 14, 2013. Coordinates were established on Traverse Points 100, 101, 107 and 108. A closed traverse was then run along the project limits between these two pairs of points and a Least Squares Adjustment closure was performed.
- Vertical Datum shown herein is the Mean Low Water (MLW) Datum as established by NGS Tidal Bench Mark 857 2955 (PID J0540) located at Love Point on Kent Island. Elevations in the North American Vertical Datum 1988 (NAVD 88) for Bench Marks 100, 101, 107 and 108 were established by RTK GPS observations. Differential levels were run through off bench marks with a closure of 0.01 foot. NAVD 88 elevations were then converted to MLW Datum by adding 0.59 feet.
- All private property included in the survey is owned by Narrows Pointe Council of Unit Owners as shown a Condominium Plot recorded among the Land Records of Queen Anne's County, Maryland in Plot Book SMJ2 as Plot 42B. No property survey was performed.



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REGISTRATION STAMP

OWNER
Narrows Pointe Council of Unit Owners
(NPCUO)
Narrows Pointe Drive
Grasonville, MD 21638-1287
410.991.2334

PROJECT TITLE
**NARROWS POINTE
LIVING SHORELINE**
SECD 06-10
Maryland Department of Natural Resources
Shoreline Conservation Service

REVISION		
MARK	DATE	DESCRIPTION

AMT FILE NO: 113-245-001
DATE: DECEMBER 2013
SCALE: 1"=20'
DESIGNED BY: LTP/CZJ/F
DRAWN BY: LAL
CHECKED BY: SJR

SHEET TITLE

**SITE PLAN
II**

Sheet 4 of 9
Revised 9/18/2014

