

Public Notice

**U.S. Army Corps
of Engineers**
Baltimore District
PN 14-66

In Reply to Application Number
CENAB-OP-RMS (Miller, Patrice) 2014-61479

Comment Period: December 1, 2014 to December 30, 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: Ms. Patrice Miller
9677 Myrtle Grove Lane
Easton, Maryland 21601

WATERWAY AND LOCATION OF THE PROPOSED WORK: In Goldsborough Creek off the Miles River at 9677 Myrtle Grove Lane, Easton, Talbot County, Maryland

PROPOSED WORK AND PURPOSE: To stabilize approximately 1,600 linear feet of eroded shoreline by creating approximately 38,400 square feet of emergent intertidal marsh by depositing approximately 6,018 cubic yards of clean upland select sand fill, to be stabilized with *Spartina alterniflora* and *Sp. patens*; to construct approximately 1,170 linear feet of low profile stone sill with a 14-foot wide base, including 21 flushing vents which would be 10-foot wide at mean low water, to extend no more than 35 feet channelward of the approximate mean high water shoreline. All work will be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Mr. Rod Schwarm, P.O. Box 1715, Baltimore, Maryland 21203-1715 or at 410-820-8550.

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 not adversely impact EFH habitat and/or Habitat Areas of Particular Concern. 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.

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 applicant has not proposed additional compensatory mitigation under the Mitigation Rule to offset unavoidable losses to aquatic resources since the proposed project would create 38,400 square feet of intertidal 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, P.O. Box 1715, Baltimore, Maryland 21303-1715 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.

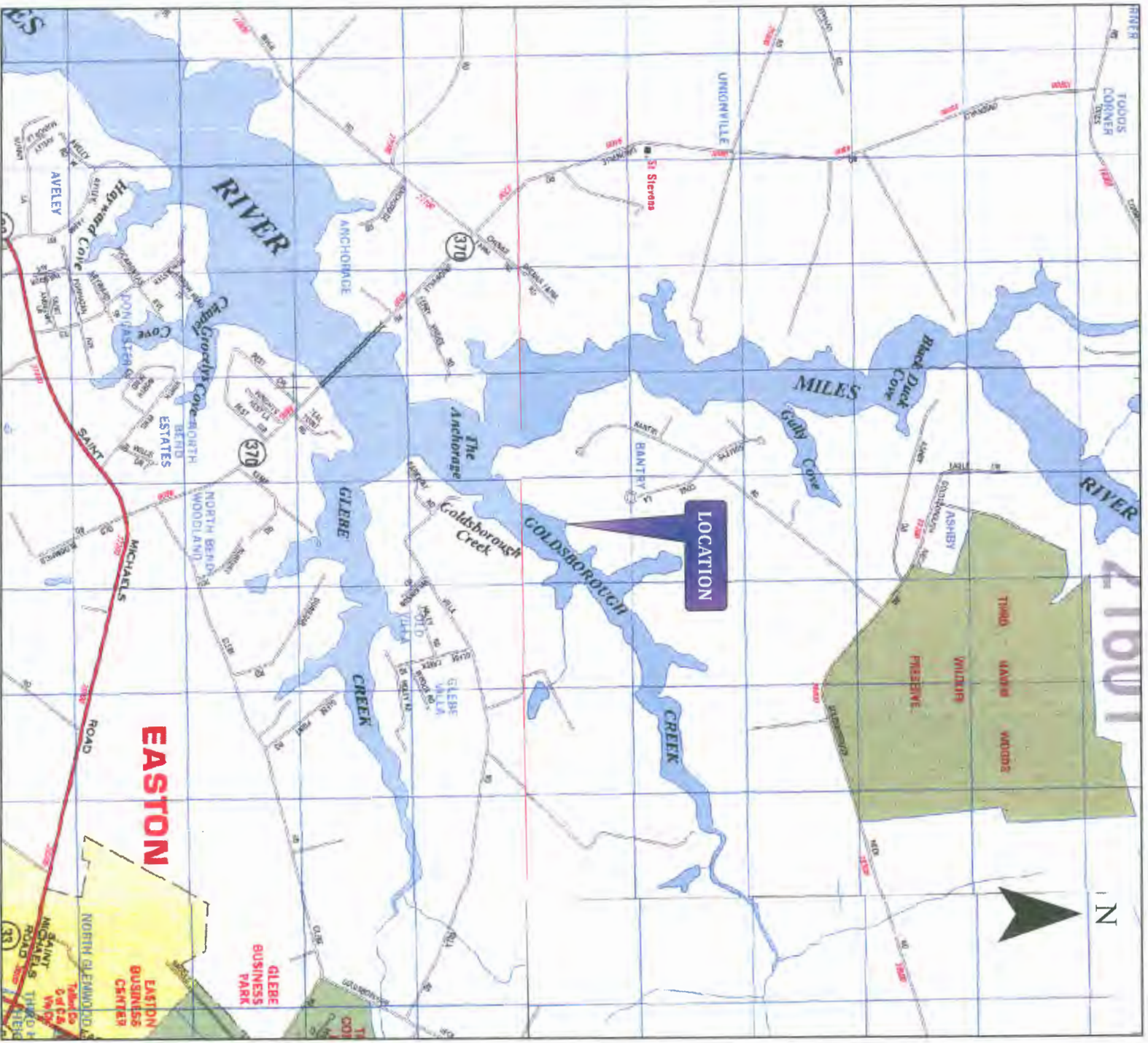
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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



Sources: ADC: "Talbot County, MD: 8th Edition, MD State Plane 83 Meters", ADC The Map People and GIS Integrated Solutions, 2004.

PLATE P-100

Myrtle Grove Property

Location - ADC (Coord: 6G13)

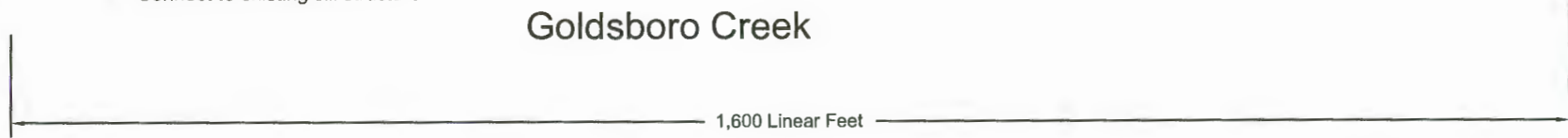
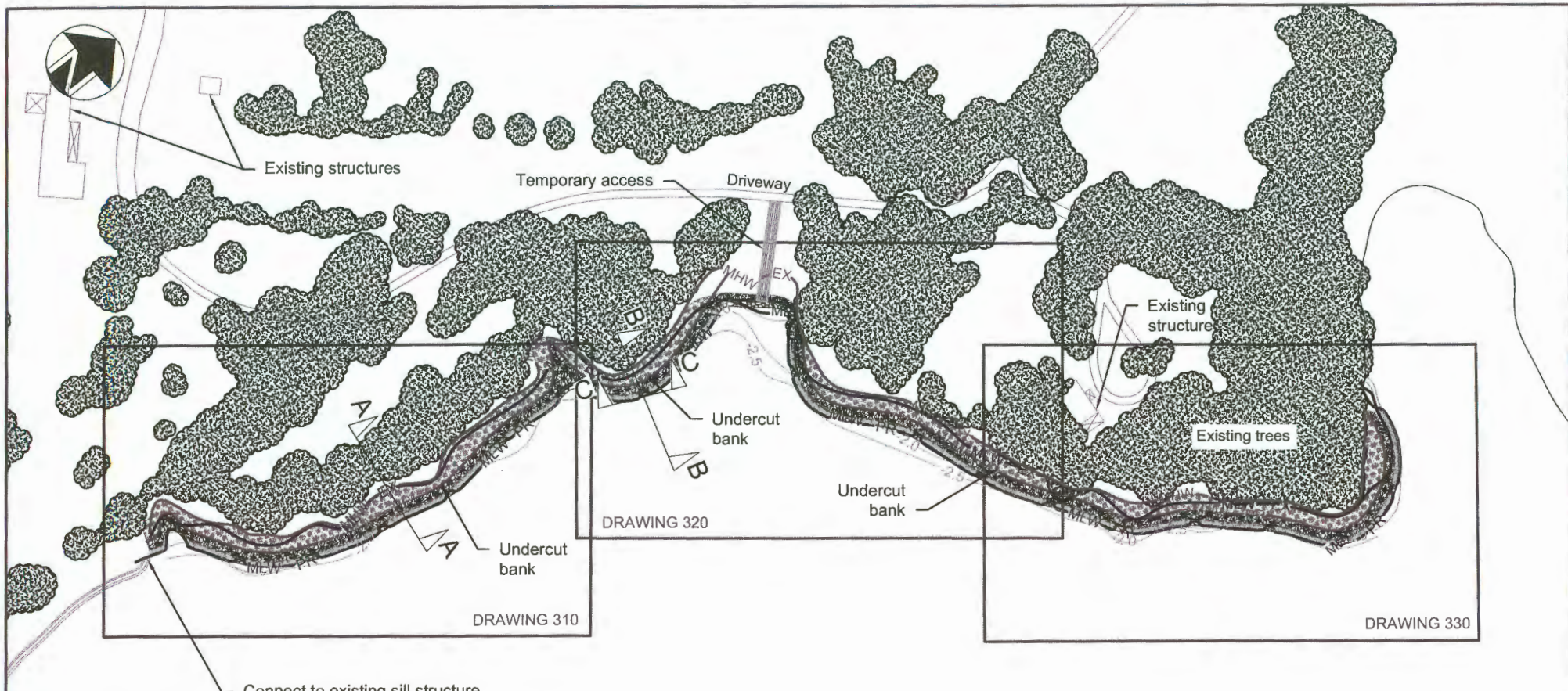


Environmental Concern Inc.
 P.O. Box P
 St. Michaels, MD 21663

Talbot County
 Maryland

August 2014

Sheet 1 of 4



Key/Notes	
	Spartina alterniflora (high marsh) — MLW EX — Mean Low Water Existing
	Spartina patens (low marsh) — MHW PR — Mean high Water Proposed
	Existing canopy — MHW PR — Mean Low Water Proposed
	— MHW EX — Mean High Water Existing
	— -1.0 — Bathymetry
	— BUFFER — 100 ft. Buffer

Drawing Name

**Living Shoreline
Overview
Proposed**

Project

**Myrtle Grove
Living Shoreline**

Talbot County, MD

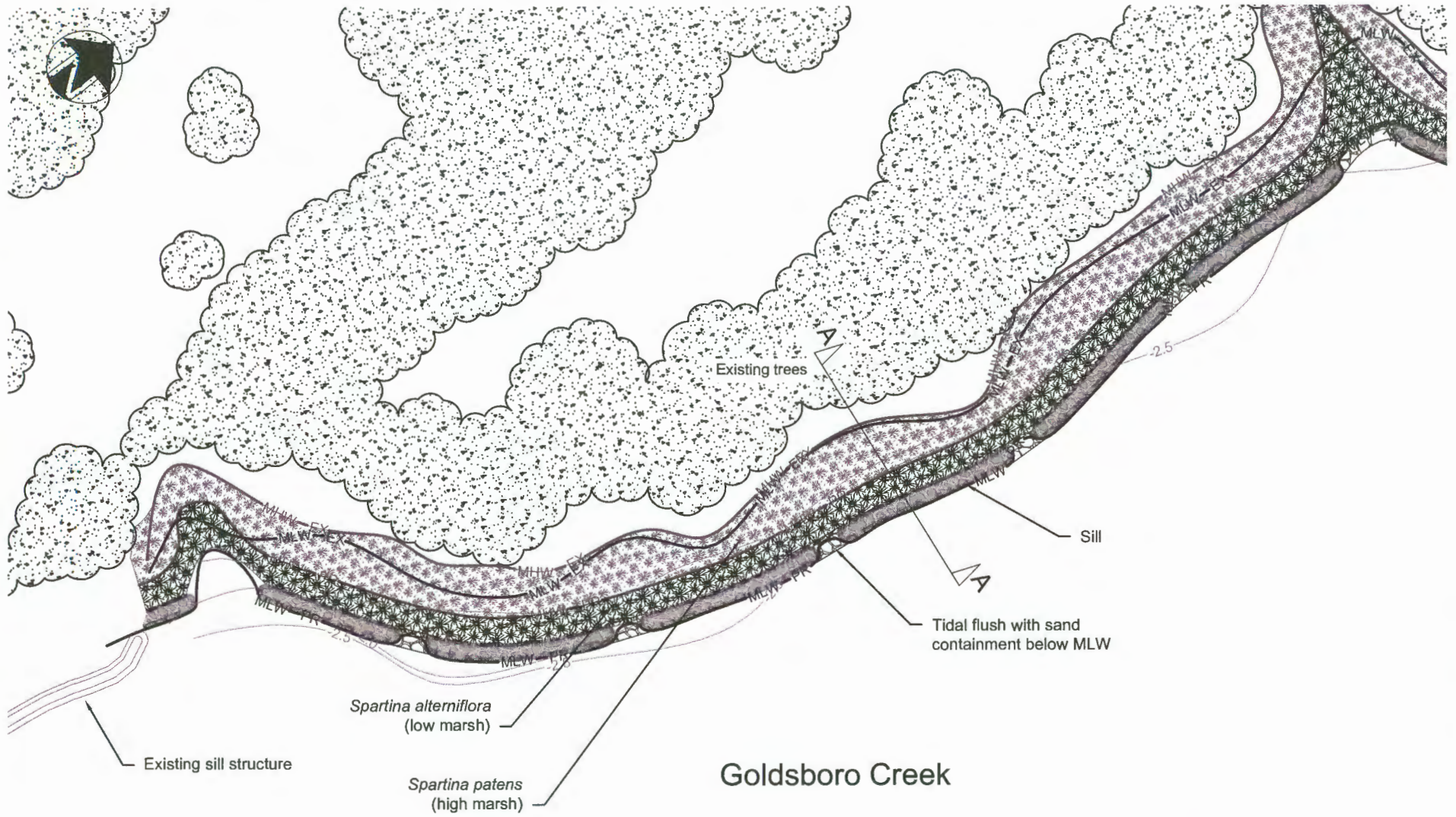
Drawing No.
MYRG/P/300

Environmental Concern Inc.
P.O. Box P
St. Michaels, MD 21663
Phone: 410-745-9620 Fax: 410-745-3517
www.wetland.org

Restoring the bay...
one wetland at a time

Rev. 0	Scale 1" = 150'	Date AUG 2014
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Sheet 2 of 6



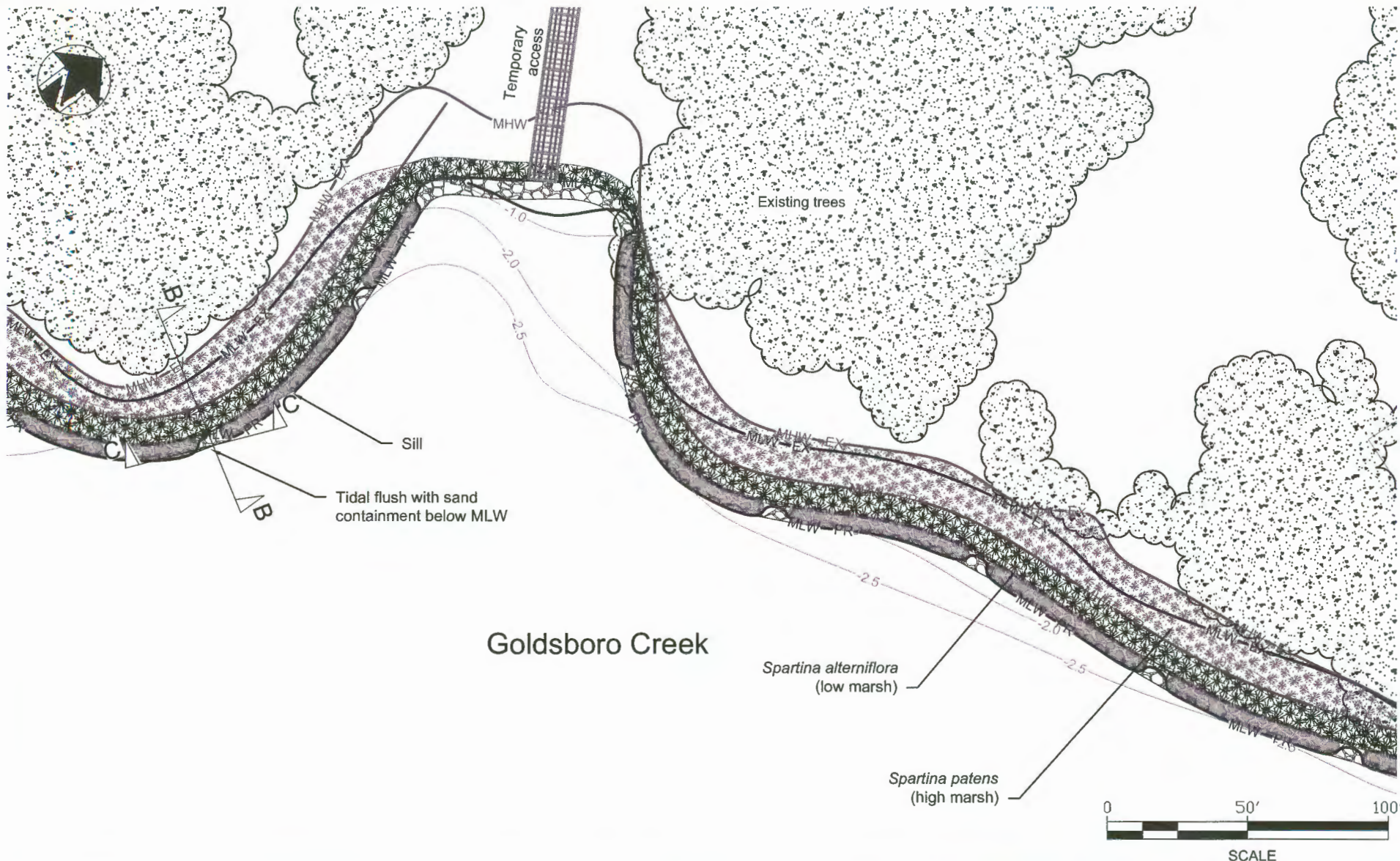
Key/Notes	
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	Spartina patens (low marsh) — MLW PR — Mean high Water Proposed
	Existing canopy — MLW PR — Mean Low Water Proposed
	— MLW EX — Mean High Water Existing
	— -1.0 — Bathymetry
	— BUFFER — 100 ft. Buffer

Drawing Name
**Living Shoreline
 Proposed
 Drawing 310**

Project
**Myrtle Grove
 Living Shoreline**
 Talbot County, MD
 Drawing No.
MYRG/P/310

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	0	1" = 50'	AUG 2014

Sheet 3 of 6



Goldsboro Creek

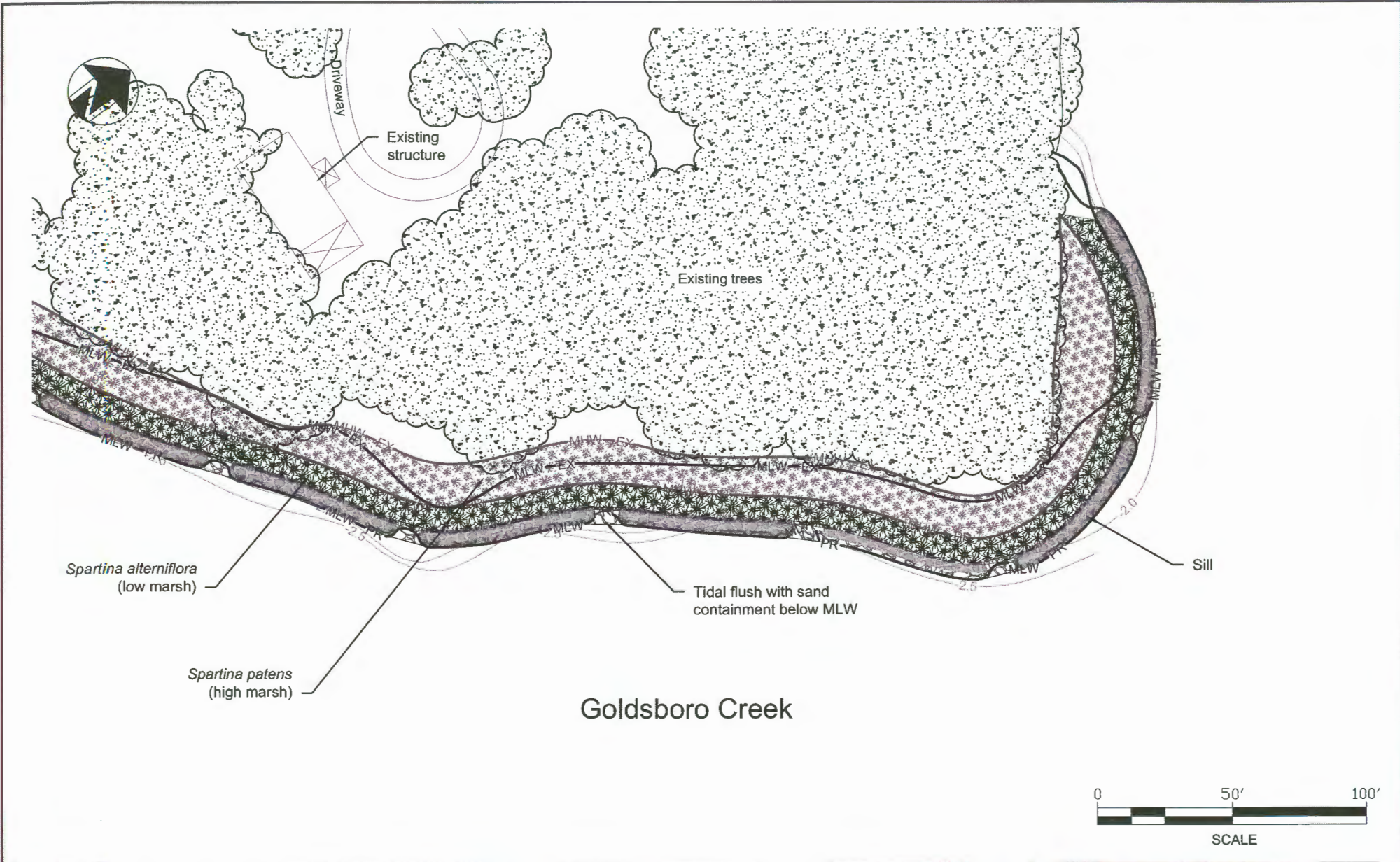
Key/Notes	
	Spartina alterniflora (high marsh)
	Spartina patens (low marsh)
	Existing canopy
	Mean High Water Existing
	Mean Low Water Existing
	Mean high Water Proposed
	Mean Low Water Proposed
	Bathymetry
	100 ft. Buffer

Drawing Name
**Living Shoreline
 Proposed
 Drawing 320**

Project
**Myrtle Grove
 Living Shoreline**
 Talbot County, MD
 Drawing No.
MYRG/P/320

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	Rev. 0	Scale 1" = 50'

Sheet 4 of 6



Key/Notes	
	Spartina alterniflora (high marsh) — MLW EX — Mean Low Water Existing
	Spartina patens (low marsh) — MHW PR — Mean high Water Proposed
	Existing canopy — MHW PR — Mean Low Water Proposed
	— MHW EX — Mean High Water Existing
	— -1.0 — Bathymetry
	— BUFFER — 100 ft. Buffer

Drawing Name

Living Shoreline Proposed Drawing 330

Project

Myrtle Grove
Living Shoreline

Talbot County, MD

Drawing No.
MYRG/P/330

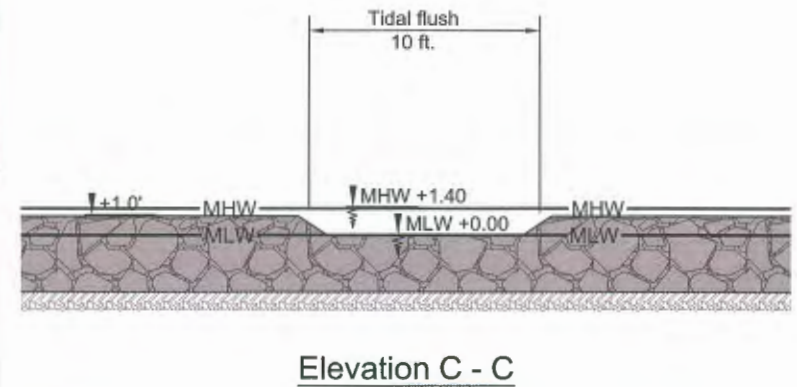
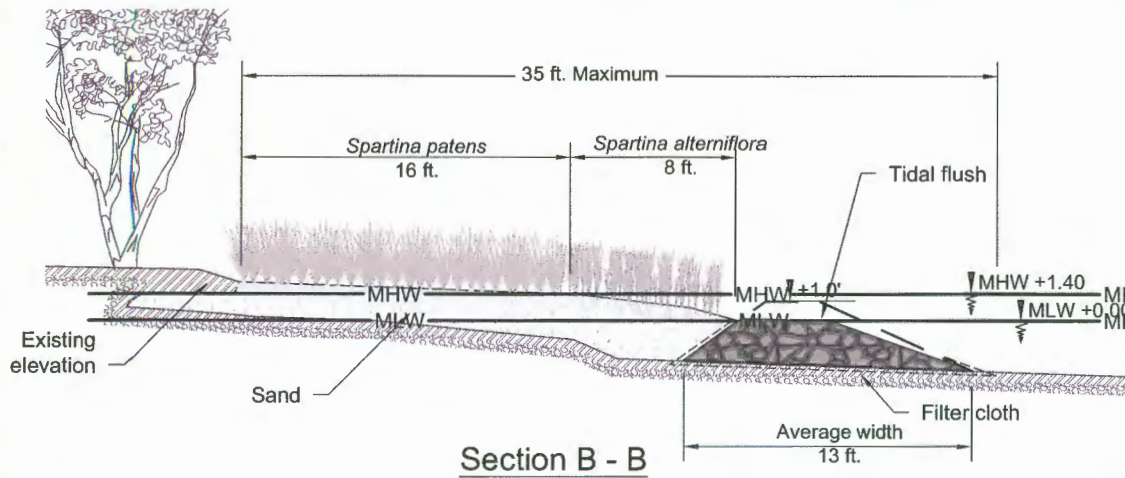
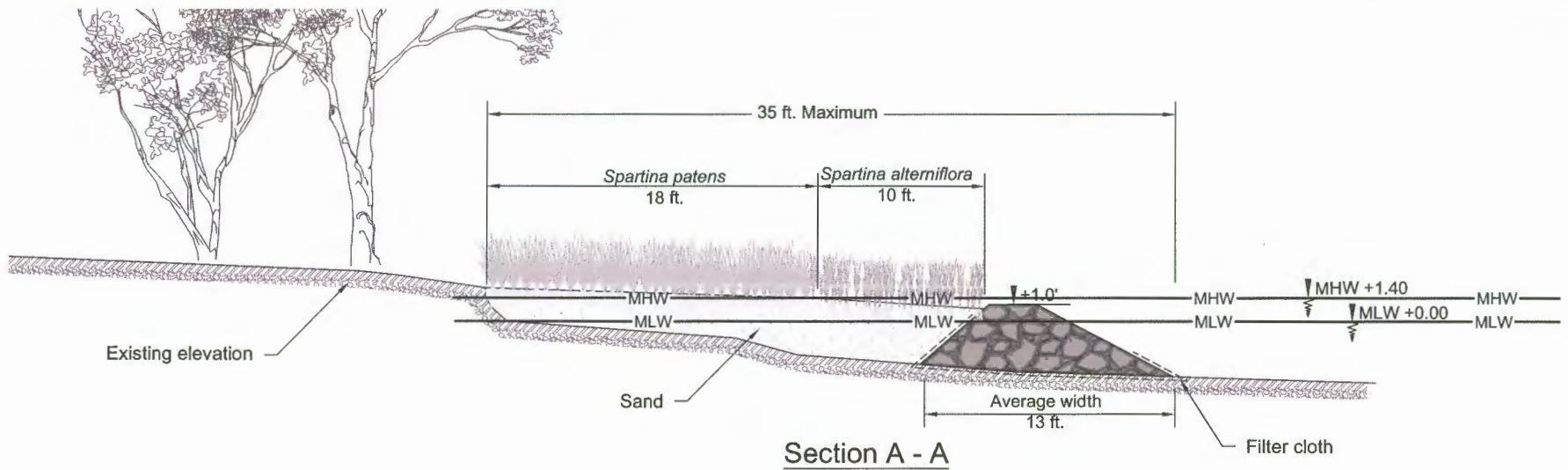
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Rev.	Scale	Date
0	1" = 50'	AUG 2014

sheet 5 of 6



Key/Notes

Drawing Name

Living Shoreline
Cross Sections

Project

Myrtle Grove
Living Shoreline
Talbot County, MD



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Rev.

0

Scale

1" = 10'

Date

AUG 2014

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