

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

# Public Notice

In Reply to Application Number  
**CENAB-OP-RMS (LIEBE, JOHN & TRISH) 2015-60839**

**PN 15-48**

**Comment Period: August 10, 2015 to September 10, 2015**

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**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:** Mr. & Mrs. John Liebe  
7012 Crain Highway  
Upper Marlboro, Maryland 20772

**LOCATION:** In St. Clements Bay, located at 39600 Buck Briscoe Road, in Compton, St. Mary's County, Maryland.

**WORK:** To create a living shoreline along approximately 300 linear of estuarine shoreline by emplacing a total of 230 linear feet of stone armoring (2,200 square feet); depositing sand nourishment (11,465 square feet); and creating 8,769 square feet of low marsh and transitional high marsh habitat. The total shoreline stabilization and habitat creation project is within an approximately 0.31-acre permanent impact area and includes to construct two (2) stone spur groins, 12-foot wide by 110- to 120 foot long along (2,200 square feet) with one 140-foot wide tidal vent; to construct a wetland planting terrace by emplacing 430 cubic yards of sloped, clean select sand fill (11,465 square feet) stabilized with approximately 3,584 square feet *Spartina alterniflora* (Smooth Cordgrass), 5,185 square feet of *S. patens* (Saltmeadow cordgrass) wetland plantings, and to emplace 5 log/tree trunk sand containment groins tightly secured and anchored to the substrate and backfilled, all to extend no more than 58 feet channelward of the approximate mean high water (MHW) shoreline.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jason R. Peters of this office at 410-962-5676 or by email [Jason.Peters@usace.army.mil](mailto:Jason.Peters@usace.army.mil).

**PURPOSE:** To provide shoreline erosion control and establish estuarine marsh habitat.

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 within the comment period specified above. The purpose of this project is to reduce shoreline erosion and habitat creation at the installation.

**MITIGATION STATEMENT:** As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to all waters of the United States to the maximum extent practicable. The applicant has stated the project as currently designed seeks to avoid and minimize impacts to regulated resources onsite. The combined shoreline erosion control and habitat creation project would maintain the natural functions of the aquatic ecosystem; add estuarine wetland and pocket beach habitat; and eliminate the erosion occurring along 300 linear feet of shoreline. Upon completion, the project would provide for 8,769 square feet of tidal marsh habitat added to the approximately 150 square feet of eroding marsh fringe habitat. The project is gapped and provides for 140 linear feet of tidal openings (60 percent) and would incorporate existing on-site large woody debris to reduce permanent losses to shallow-water habitats resulting from stone armoring.

The applicant has not proposed compensatory mitigation to offset the unavoidable losses to waters of the U.S. for the permanent loss of an approximately 1,370 square foot area of submerged aquatic vegetation (SAV) and 10,769 square foot area of permanent impacts to tidal estuarine resources. The proposed proposes a total of 2,090 square feet of temporary impacts. The applicant has advised that the existing large woody debris and tidal fringe marsh occurring along the shoreline would be retained as necessary and/or transplanted into suitable project areas as part of the combined shoreline stabilization project. The initial project design was modified to reduce the channelward encroachment of the western most stone spur whereby reducing SAV fill impacts by 670 square feet.

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 Potomac River [*Scophthalmus 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)]; all federally 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 an approximate 0.31 acre area by emplacing 300 linear feet of living shoreline by constructing two

stone groins, grading and sand backfill, and establishing a tidal wetland habitat within an approximately 0.31-acre area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of intertidal and tidal nearshore shallow water habitat which does support SAV within an approximately 1,370 square foot area of proposed permanent loss.

Historical SAV data Quad ID #69 from 2013 depicts SAV at the project site. 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. The proposed work will alter the existing bottom substrate, by filling, shading or disturbances from other construction related activities. 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 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 using the U.S. Fish and Wildlife Service IPaC online screening tool 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. The project location and vicinity is not mapped as critical habitat for any known Federally-listed threatened or endangered species. A list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project include *Myotis septentrionalis* (Northern Long-eared Bat), however this species is known to or is believed to occur throughout the State of Maryland. Also, the larger Chesapeake Bay and the local waterway is known to be utilized by transient individuals of the following species: *Caretta caretta* (Loggerhead sea turtles); *Lepidochelys kempii* (Kemp's Ridley sea turtles); *Dermochelys coriacea* (Leatherback sea turtles); *Chelonia mydas* (Green sea turtles); *Acipenser brevirostrum* (*Shortnose sturgeon*); and *Acipenser oxyrinchus* (Atlantic sturgeon). Although a few transient threatened and endangered species are known to occur in the Potomac River, no impacts are expected under the proposed action. The proposed action would protect valuable tidal, intertidal and pocket beach habitat utilized by 10 known migratory birds protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. If the proposed action is not conducted, the shoreline would continue to erode, losing valuable wetland and beach habitats for Chesapeake Bay species. 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 known registered properties listed as eligible for inclusion, therein, located at the site of the

proposed work or within the vicinity. 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, 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 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

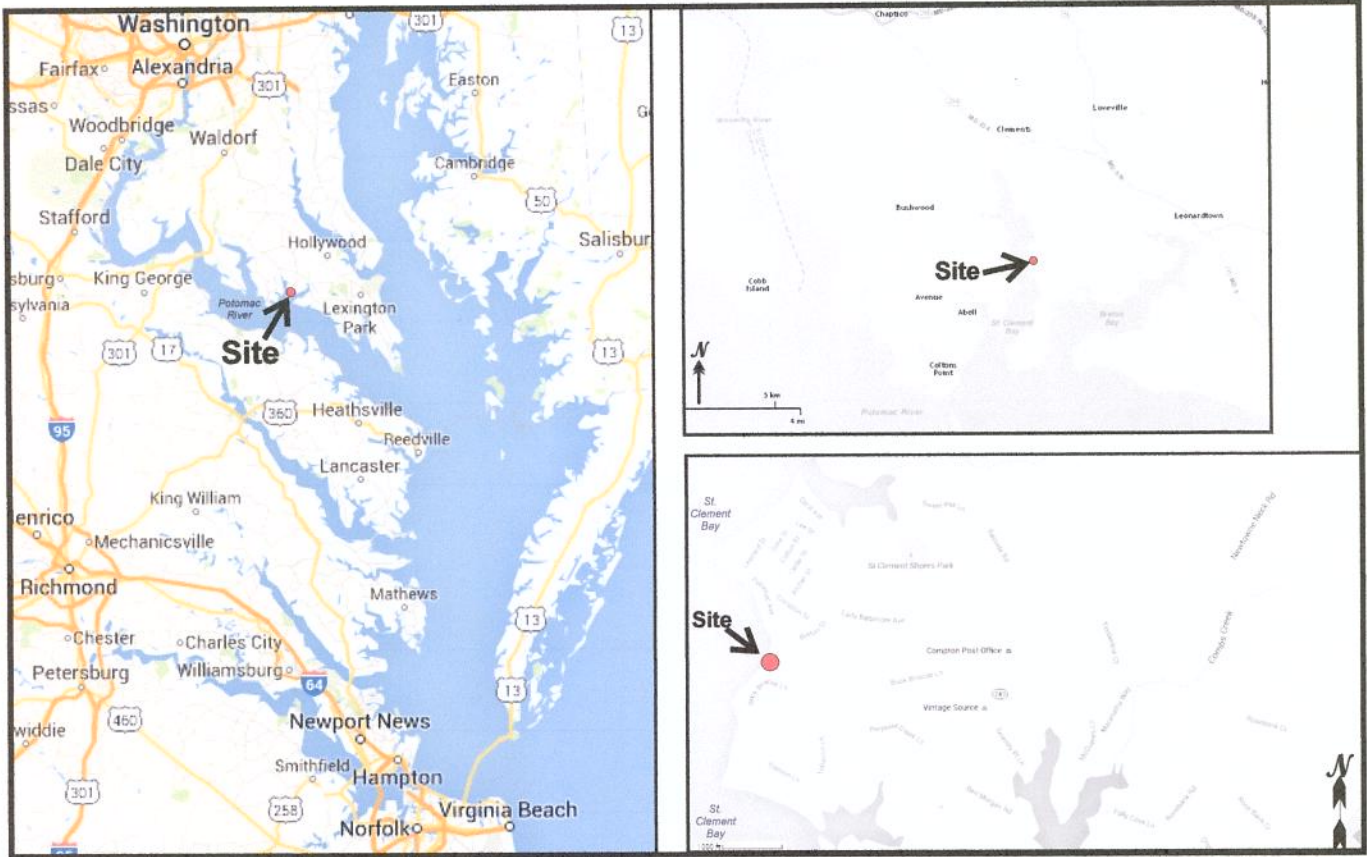


Figure 1. Location of Liebe Living Shoreline Project.

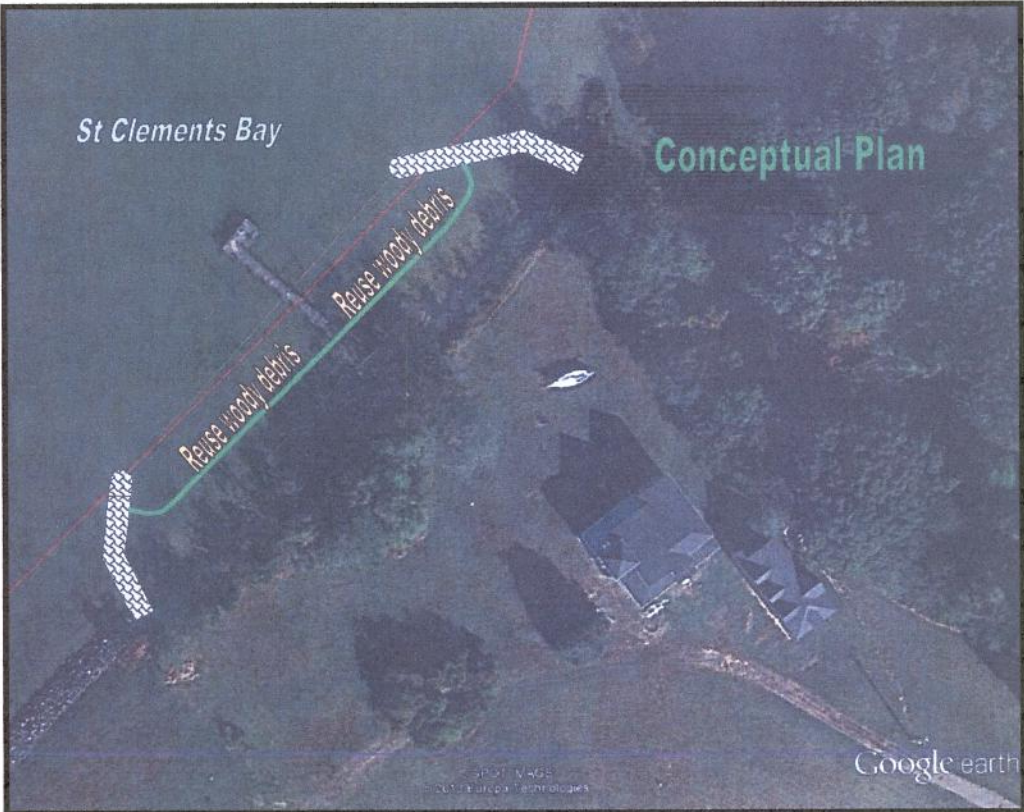
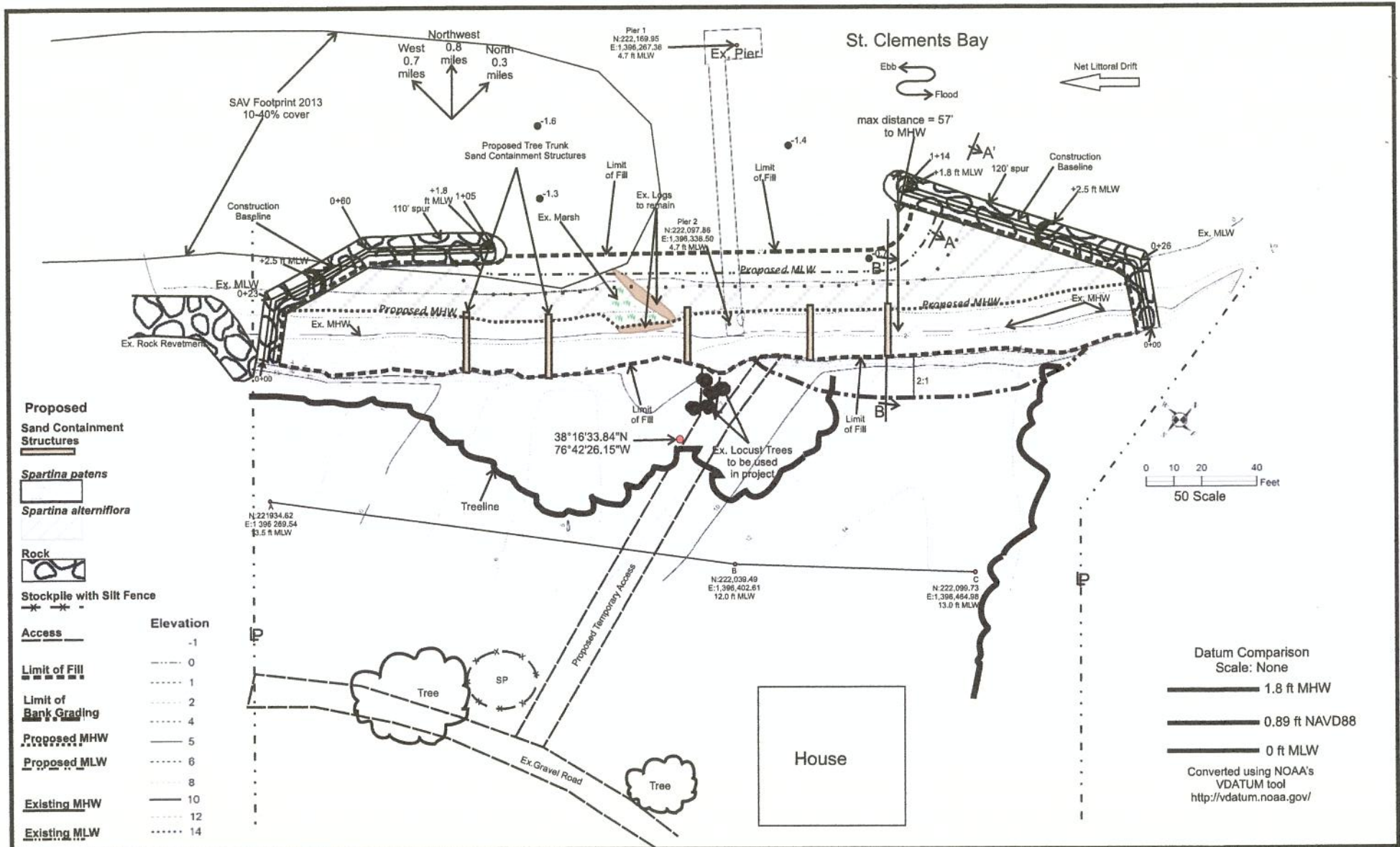


Figure 2. Liebe conceptual plan.





COASTLINE DESIGN, P.C.



ADJACENT PROPERTY OWNERS:  
1. St. Clement Shores  
2. Kenneth and Edna Wentworth

DATUM: MLW

Liebe Living Shoreline Project  
Planview

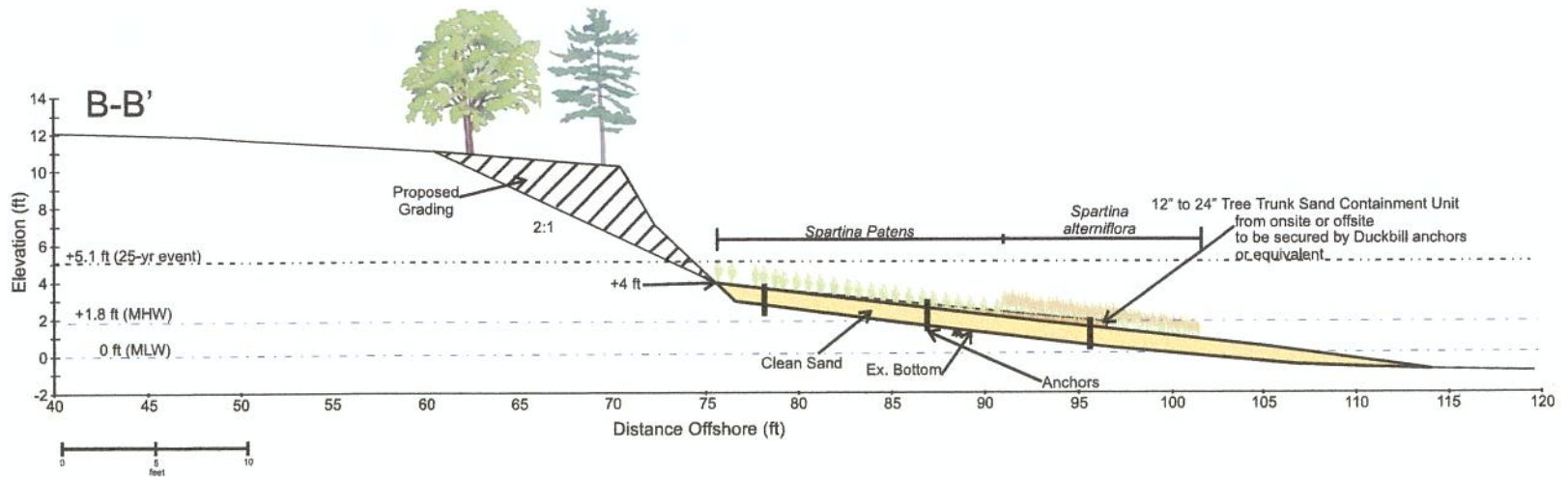
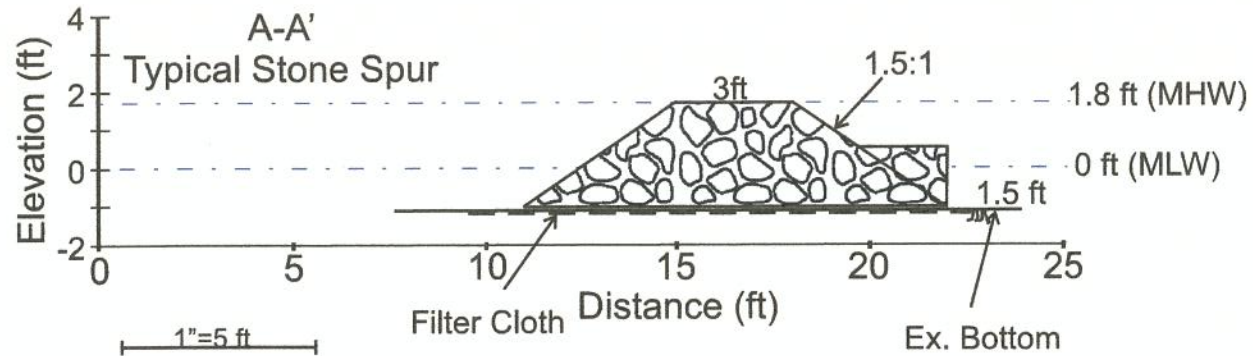
AT:  
IN:

PURPOSE: Erosion Control

APPLICATION BY:  
Liebe

DATE: May 28, 2015

SHEET 2 of 4



COASTLINE DESIGN, P.C.



ADJACENT PROPERTY OWNERS:  
1. St. Clement Shores  
2. Kenneth and Edna Wentworth

DATUM: MLW

Liebe Living Shoreline Project  
Typical Cross-Section

AT:  
IN:

PURPOSE: Erosion Control

APPLICATION BY:

Liebe

DATE: May 28, 2015

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Figure 3. Photos at Liebe A) looking upriver; B) looking downriver; C) showing erosion of the bank in front of the house; and D) downed locust tree.