

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-M (Tuck, Patricia and Melvin) 2015-61276

PN 16-11

Comment Period: February 10, 2016 to March 1, 2016

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: Patricia and Melvin Tuck
11190 Mears Cove Road
Lusby, Maryland 20657

LOCATION: In Mears Cove, at 11190 Mears Cove Road, Lusby, in Calvert County, Maryland.

WORK: To create a marsh along 80 linear feet of a shoreline protected by a seawall by depositing approximately 60 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *Spartina patens* to extend no more than 29 feet channelward of the approximate mean high water (MHW) shoreline; to emplace 80 linear feet of stone containment sill, 8-feet wide at the base and 3-feet wide at the top with a 5-foot wide vent, to extend no more than 35 feet channelward of the existing seawall; to emplace 60 linear feet of stone revetment with approximately 56 cubic yards of stone fill to extend no more than 7 feet channelward of the existing seawall; to replenish an existing 4-foot high timber and stone groin by emplacing stone, 6-feet wide on both sides, creating a 12-foot wide by 45-foot long stone groin to extend no more than 45 feet channelward of the existing seawall; to install 4 pilings attached to the existing pier; and to dredge by mechanical method an approximate 204 square foot area to -0 feet mean low water (MLW), which is 18-inches below the approximate MHW level, resulting in approximately 30 cubic yards of silt and sand to be deposited at an existing upland (non-wetland) disposal site at 5360 Browns Way Shady Side, Maryland. A ten-year maintenance dredging clause is requested. The existing tidal marsh vegetation is not proposed to be filled by the proposed marsh creation project. The existing waterway depths at the proposed dredge area are approximately -2 feet MLW. The existing activities were present prior to the applicant purchasing the subject property. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Laura Coleman of this office at (443) 853-2051 or via email at lamuelle.l.coleman@usace.army.mil.

The purpose of the project is to improve navigable access and shoreline erosion control.

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. Compensatory mitigation is not being proposed by the applicant for impacts to open water (inter-tidal and sub-tidal) 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 affect Essential Fish Habitat (EFH). The project site lies in or adjacent to EFH as described under Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) larvae, juvenile and adult, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), *Rachycentron canadum* (cobia) and *Scianops ocellatus* (Red drum); *Scopthalmus aquosus* (Windowpane flounder) larvae and juvenile; *Carcharhinus* all managed species under the MSFCMA. The project has the potential to adversely affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on an approximate total of 600 square foot area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt substrate which does not support SAV. According to the Virginia Institute of Marine Science (VIMS) survey maps, there was some nearby SAV mapped outside the project footprint of the proposed activity for years 2006 through 2015. 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. 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 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 within the comment period specified above.

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 would have no effect on 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.

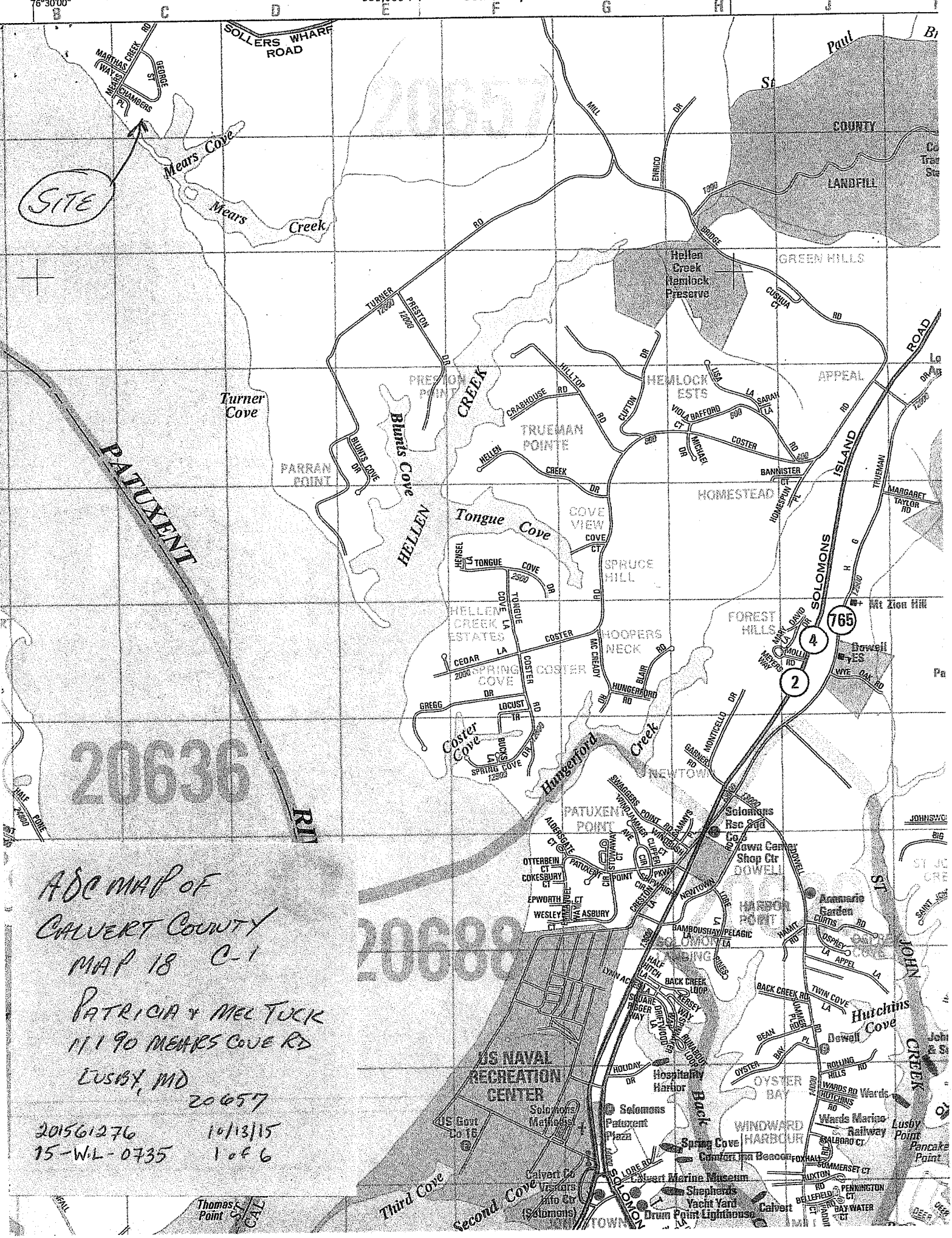
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost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

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.

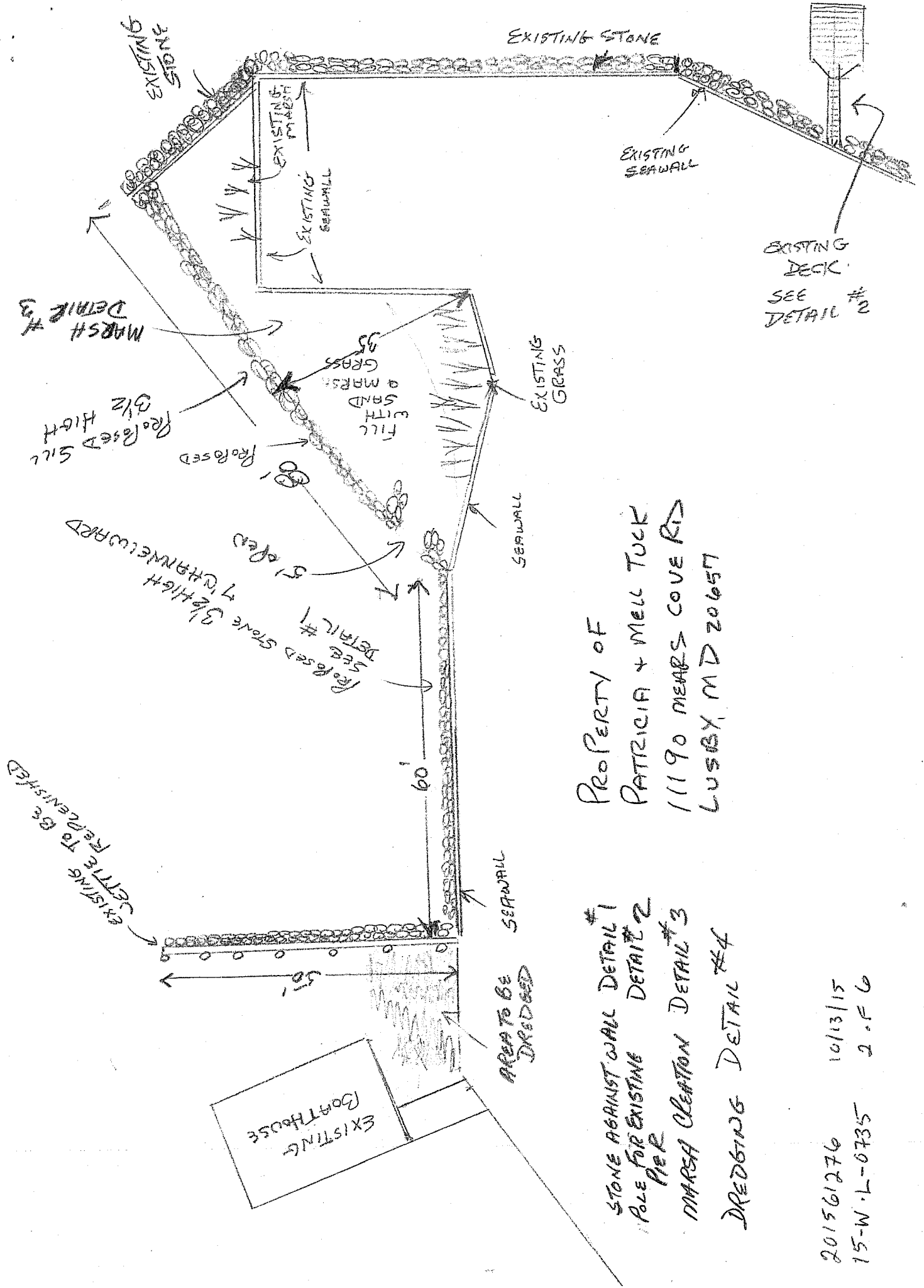
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern



ADC MAP OF
 CALVERT COUNTY
 MAP 18 C-1
 PATRICIA + MEL TUCK
 11190 MEARS COVE RD
 EUSBY, MD 20657
 201561276 10/13/15
 15-WL-0735 1 of 6

02.01



PROPERTY OF
 PATRICIA + MELL TUCK
 11190 MEARS COVE RD
 LUSBY, MD 20657

STONE AGAINST WALL DETAIL #1
 POLE FOR EXISTING DETAIL #2
 MARSA CLEATION DETAIL #3
 DREDGING DETAIL #4

201561276 10/13/15
 15-W.L-0735 2.F.6

EXISTING DECK
 SEE DETAIL #2

MARSH #3
 DETAIL #3

PROPOSED SILT
 RISE HIGH

FILL SAND &
 MARSH WITH
 GRASS

PROPOSED

PROPOSED 5' HIGH
 SEE DETAIL #1

PROPOSED STONE 3 1/2' HIGH
 SEE DETAIL #1

EXISTING SETTLE TO BE
 REINVESTED

AREA TO BE
 DREDGED

EXISTING
 BOATHOUSE

SEAWALL

SEAWALL

EXISTING
 GRASS

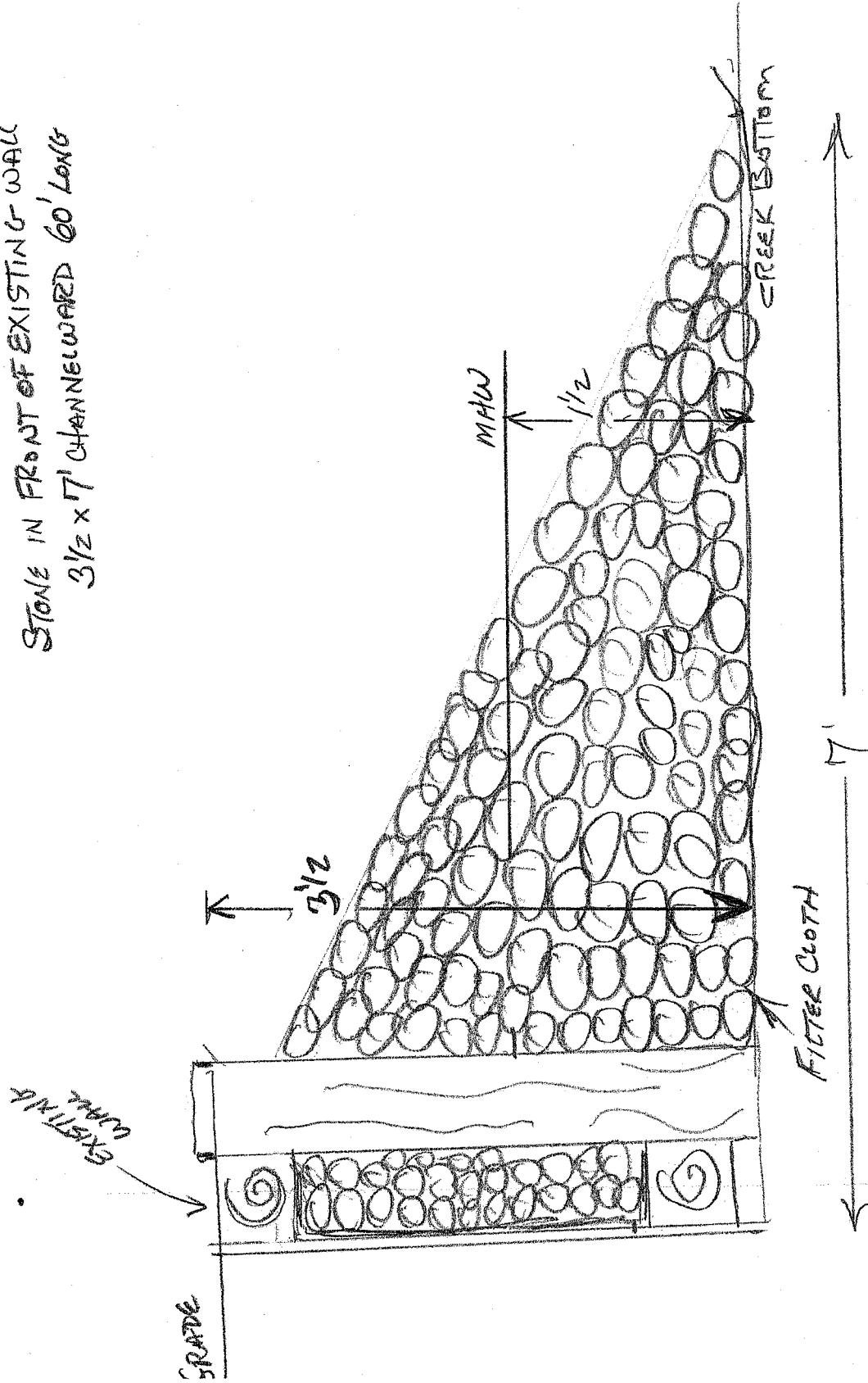
EXISTING MARSH
 EXISTING SEAWALL

EXISTING SEAWALL

EXISTING STONE

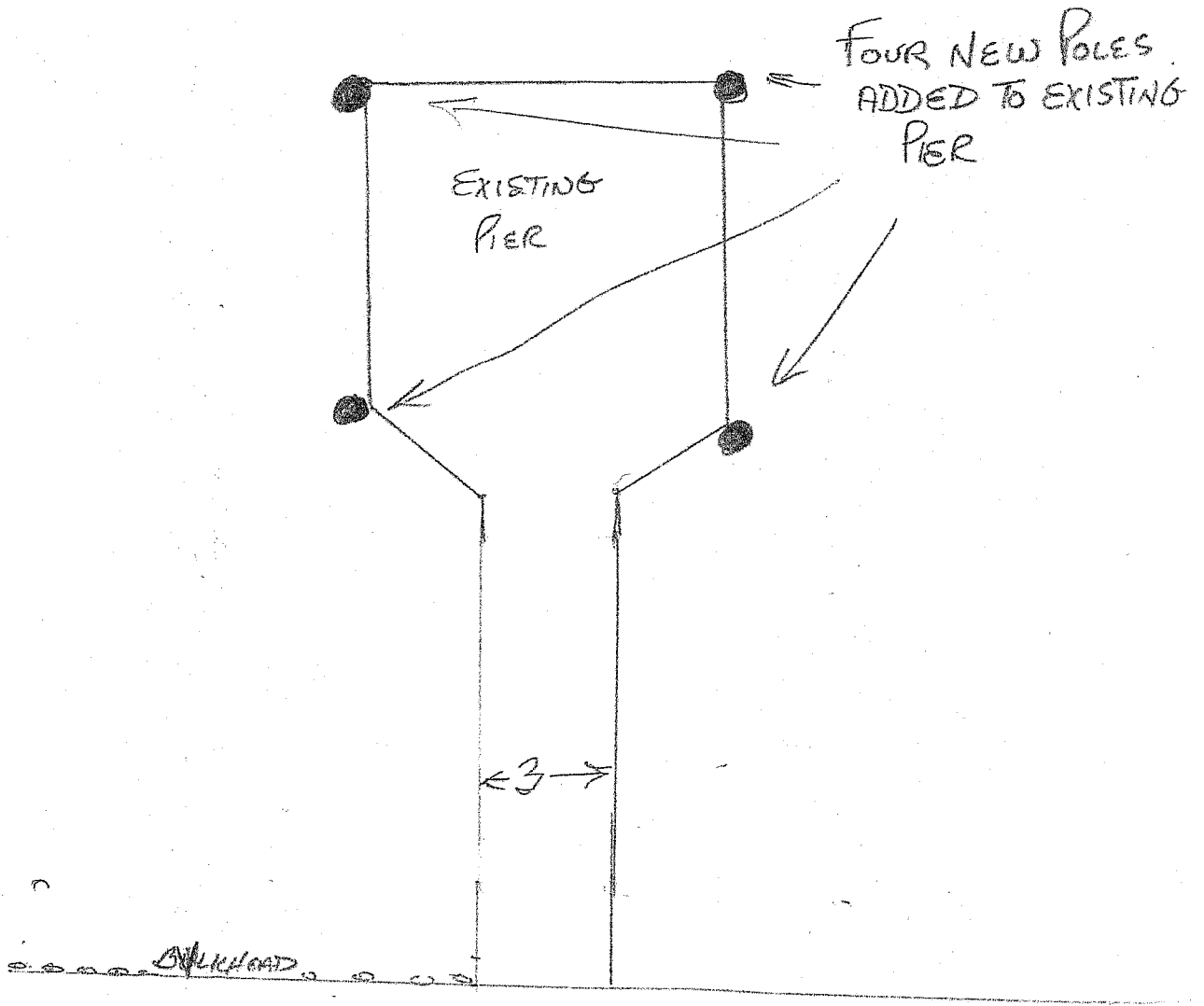
3' MARSH
 3' MARSH

DETAIL # 1
 STONE IN FRONT OF EXISTING WALL
 3/2 x 17' CHANNELWARD 60' LONG



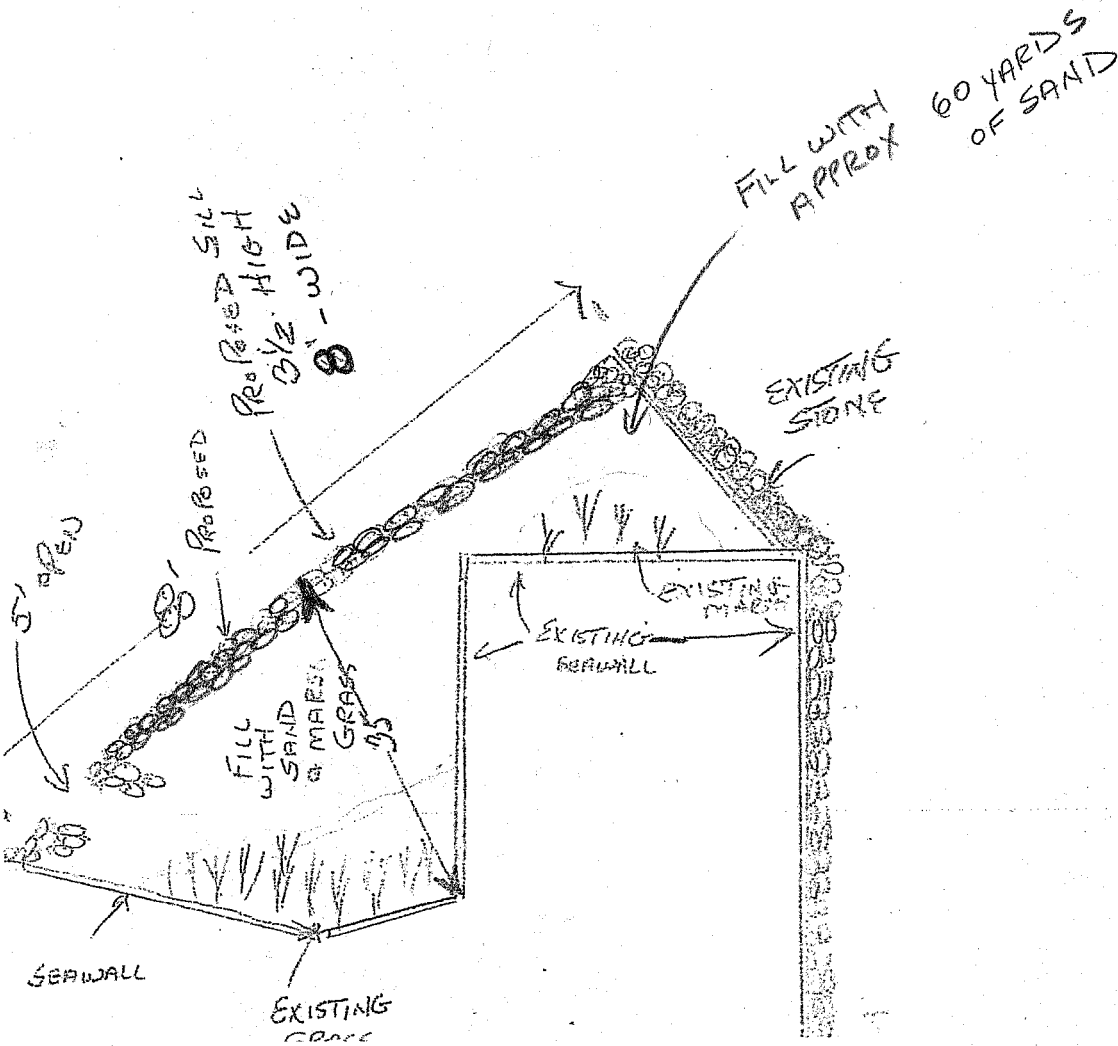
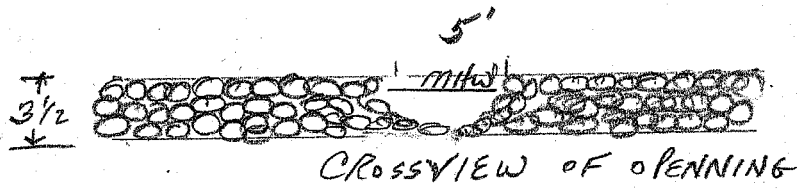
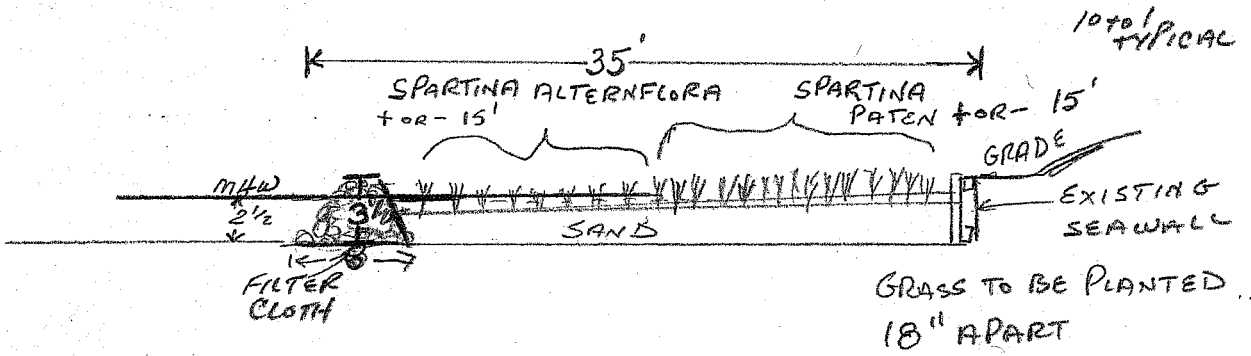
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DETAIL #2



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DETAIL #3



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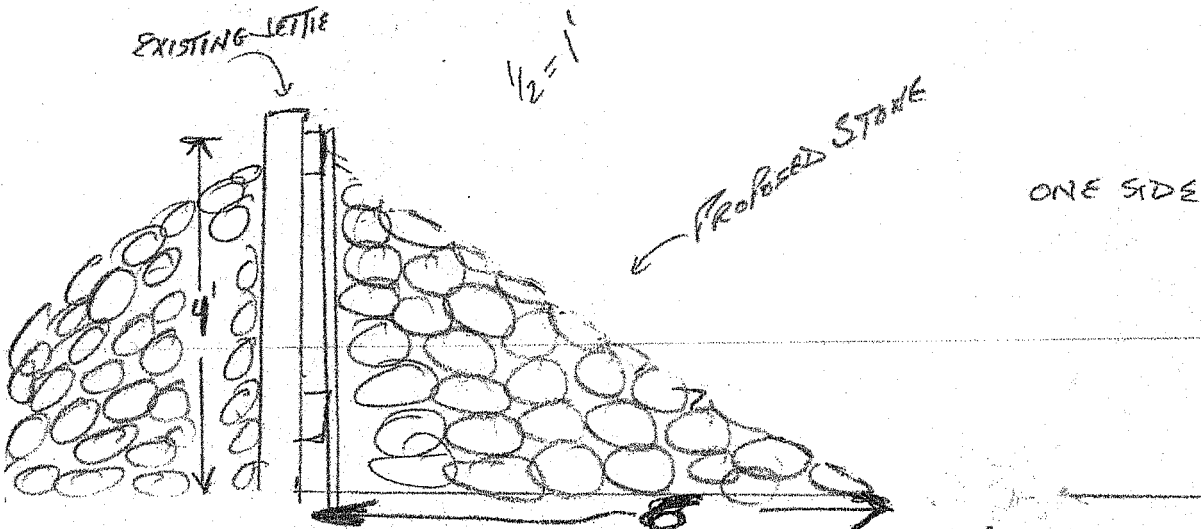
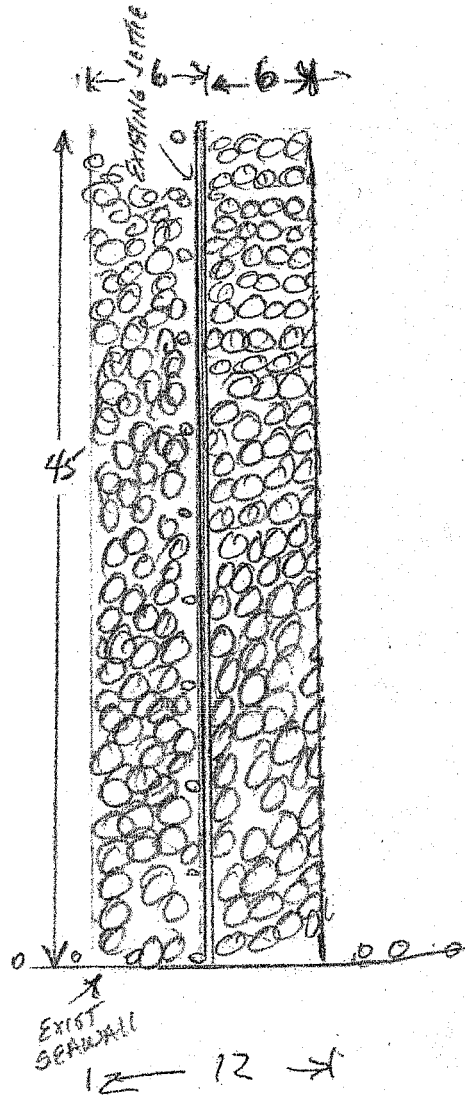
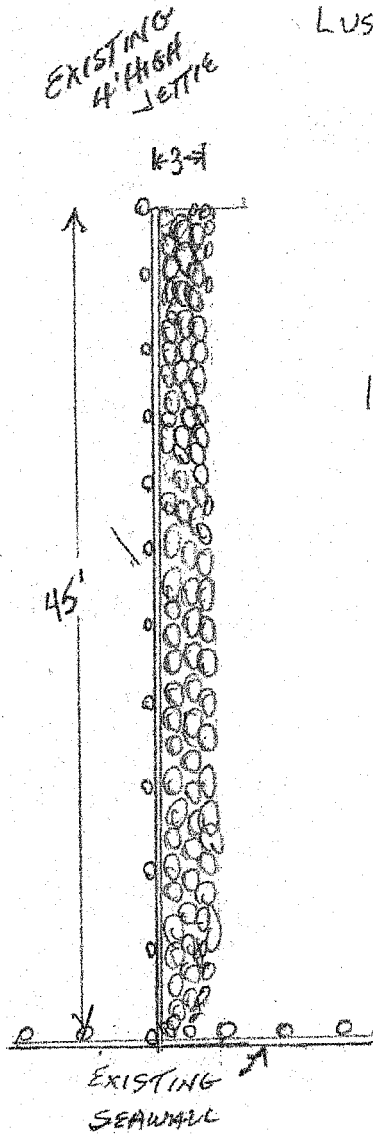
JETTIE TO HAVE STONE ADDED

AT PATRICIA & MEL TUCK

11190 MEARS COVE RD

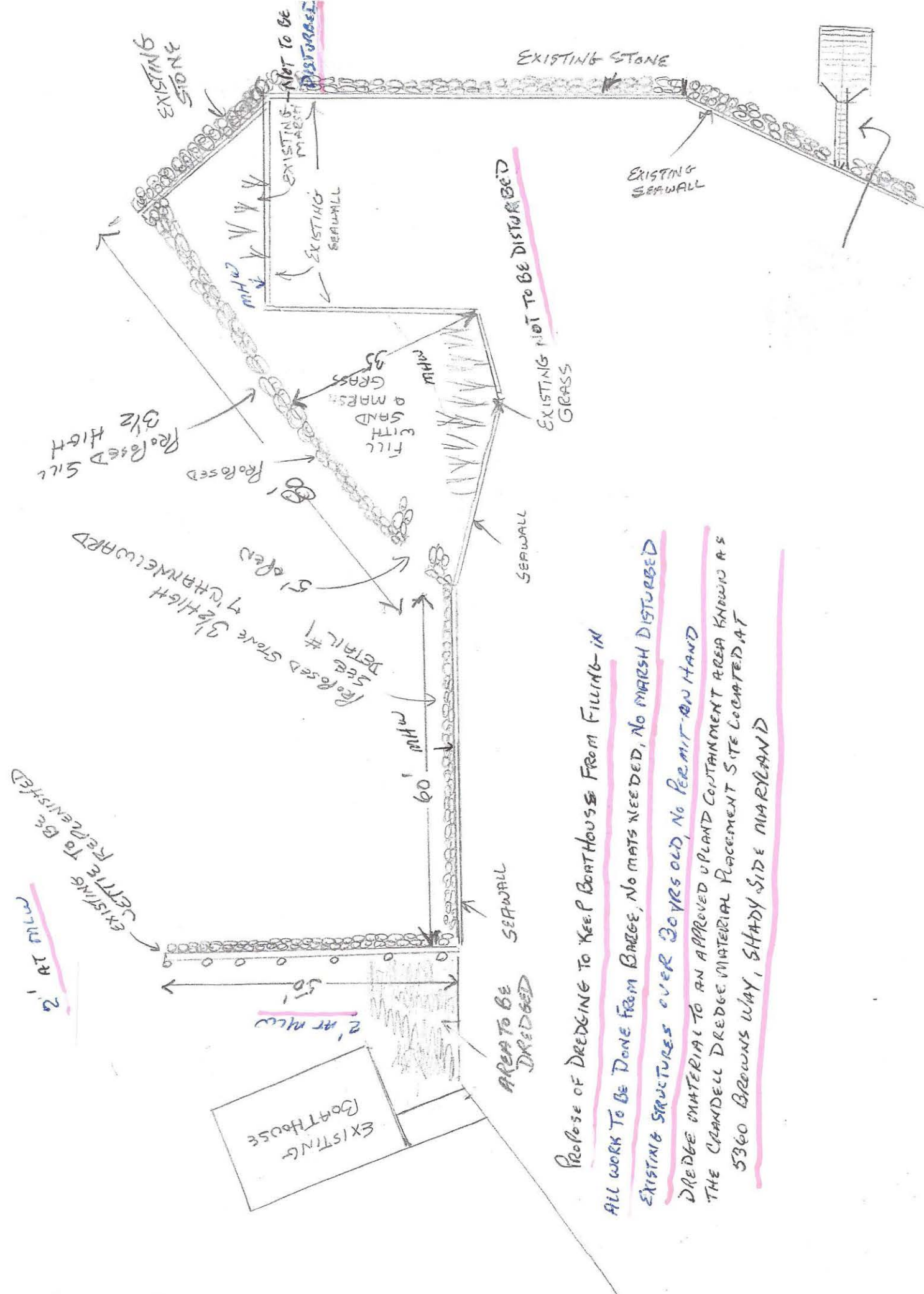
LUSBY, MD 20657

PROPOSED



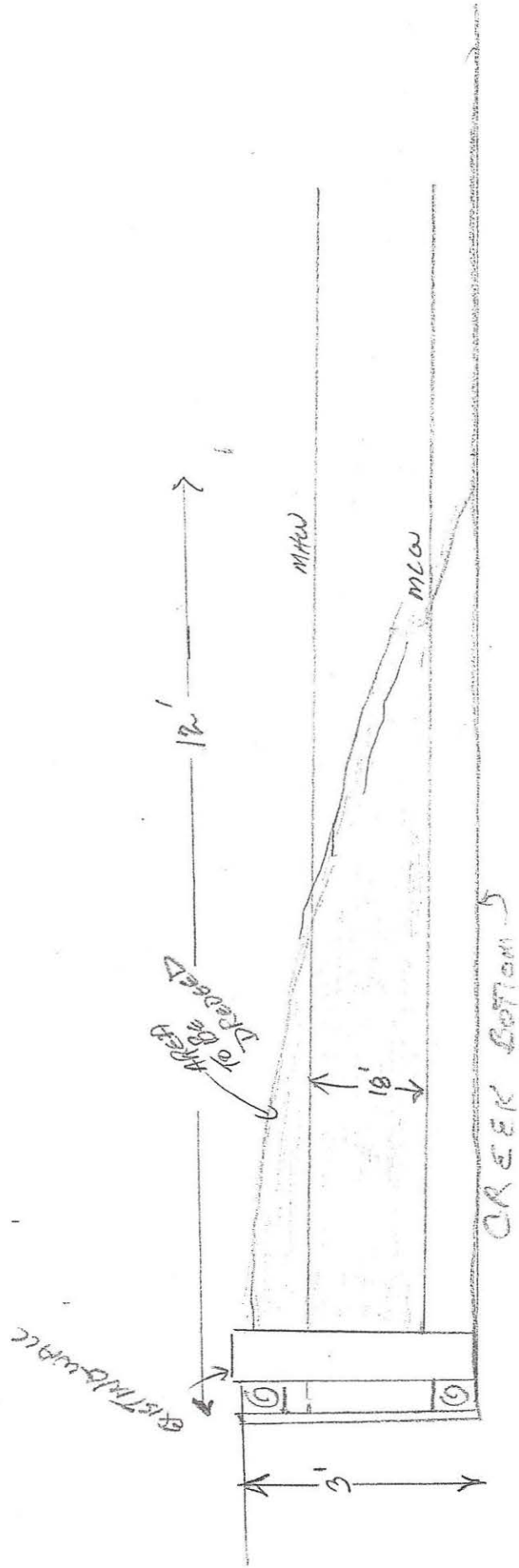
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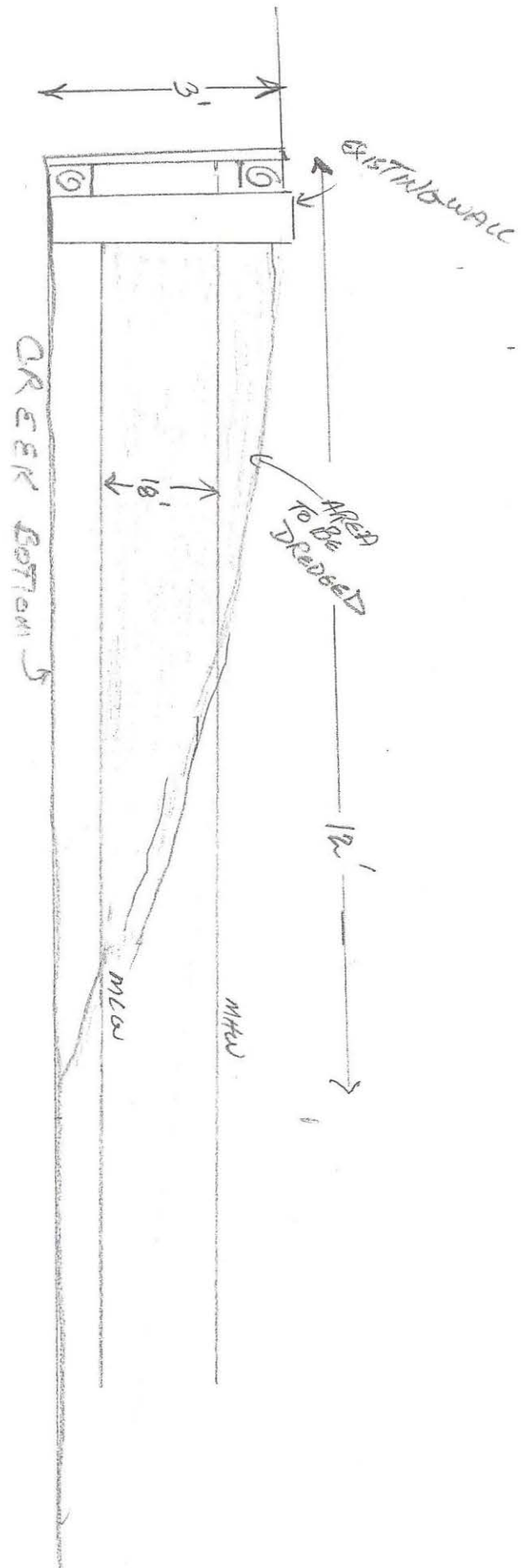


Propose of DREDGING TO KEEP BOATHOUSE FROM FILLING IN
 ALL WORK TO BE DONE FROM BARGE, NO MATS NEEDED, NO MARSH DISTURBED
 EXISTING STRUCTURES OVER 20 YRS OLD, NO PERMIT ON HAND
 DREDGE MATERIAL TO AN APPROVED UPLAND CONTAINMENT AREA KNOWN AS
 THE CHANDELL DREDGE MATERIAL PLACEMENT SITE LOCATED AT
 5360 BROWNS WAY, SHADY SIDE MARYLAND

AREA TO BE MECHANICALLY DREDGED
APPROX 12 TO 15 CUBIC YARDS TO BE REMOVED





AREA TO BE MECHANICALLY DREDGED
APPROX 12 TO 15 CUBIC YARDS TO BE REMOVED



Upland Disposal Site

5360 Browns Way Shady Side, Maryland

Legend

-  5360 Browns Way
-  Feature 1



Google earth

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Image © 2015 TerraMetrics



4000 ft