

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-M (SO COMM-RHODES POINT) 2016-60123

PN 16-33

Comment Period: May 24, 2016 to June 24, 2016

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. Doug Taylor,
11916 Somerset Avenue, Suite 211
County Office Complex
Princess Anne, Maryland 21853

LOCATION: Along the Hog Neck shoreline, near Sheep Pen Gut, 9505 Blossom Point, along Nanjemoy Creek at Welcome, Charles County, Maryland.

WORK: To stabilize approximately 4,460 linear feet of an eroding shoreline by creating approximately 2.3 acres of low marsh and 3.5 acres of high marsh by depositing approximately 5,495 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *S. patens*; to construct 19 segmented breakwaters ranging in size from 180 to 400-foot long by 20 to 25-foot wide to extend no more than 70 feet channelward of the approximate mean high water shoreline.

Site layout for this project was based upon a comprehensive plan developed by Somerset County for stabilizing the coast of along Rhodes Point using a living shoreline approach. Based upon an understanding of coastal processes and long-term shoreline change, the plan incorporates headland control techniques to instill stability in the shoreline while allowing natural processes to continue. The plan has been developed to enhance and restore various ecological communities that currently exist along the eroding shoreline including marsh, dune and submerged aquatic vegetative communities. Efforts were made to avoid, to the extent possible, the long and short-term adverse impacts associated with the proposed project. The proposed impacts were reduced by proposing stone structures with marsh creation in lieu of revetments or bulkhead options.

The purpose of the project is to provide shoreline erosion protection and a living shoreline.

All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Mr. Steven Harman at (410) 962-6082 or steve.harman@usace.army.mil.

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 Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for *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 managed species under the MSFCMA.

The project has the potential to adversely affect EFH by alteration of spawning, nursery, forage and/or shelter habitat. This habitat consists of a mostly sandy and silty sub-tidal substrate that, according to VIMS surveys (quad map #99), has supported submerged aquatic vegetation (SAV) in or adjacent to the project site from 2009-2014 (except 2012). The proposed project would alter the substrate within the project footprint. 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 Standards and Certification Division 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, U.S. Army Corps of Engineers, Baltimore District, 10 S. Howard Street, Baltimore, Maryland 21201,

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.

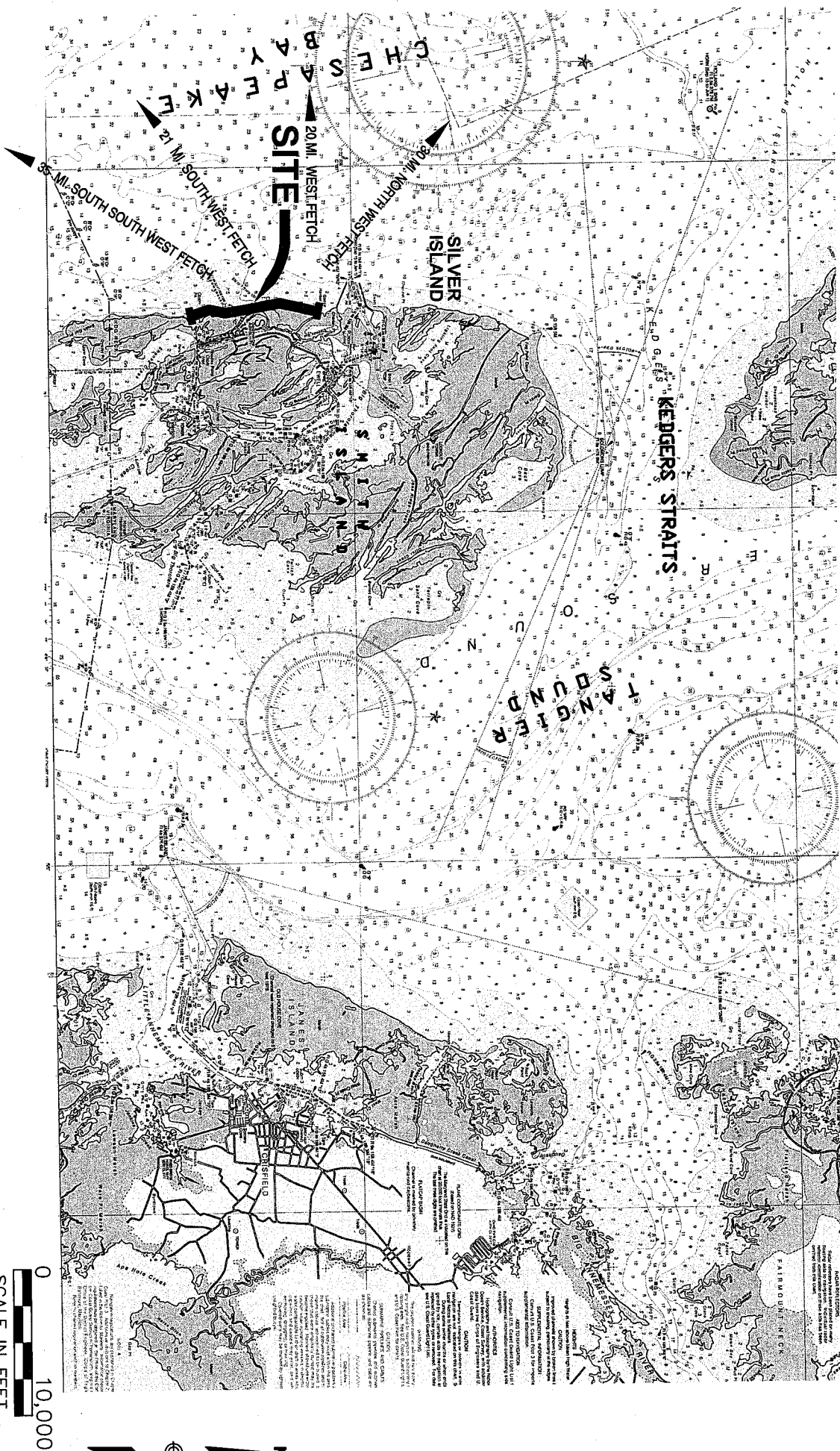
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or 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, U.S. Army Corps of Engineers, Baltimore District, 10 S. Howard Street, Baltimore, Maryland 21201, 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



COASTLINE DESIGN, P.C.

P.O. BOX 157
 ACHILLES, VIRGINIA 23001
 (804) 642-2158



DATUM: MEAN LOW WATER

RHODES POINT LIVING SHORELINE RESTORATION

LOCATION MAP

AT: RHODES POINT SMITH ISLAND
IN: SOMERSET COUNTY MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:
 SOMERSET COUNTY

DATE: JANUARY, 2016

SHEET 1 OF 13



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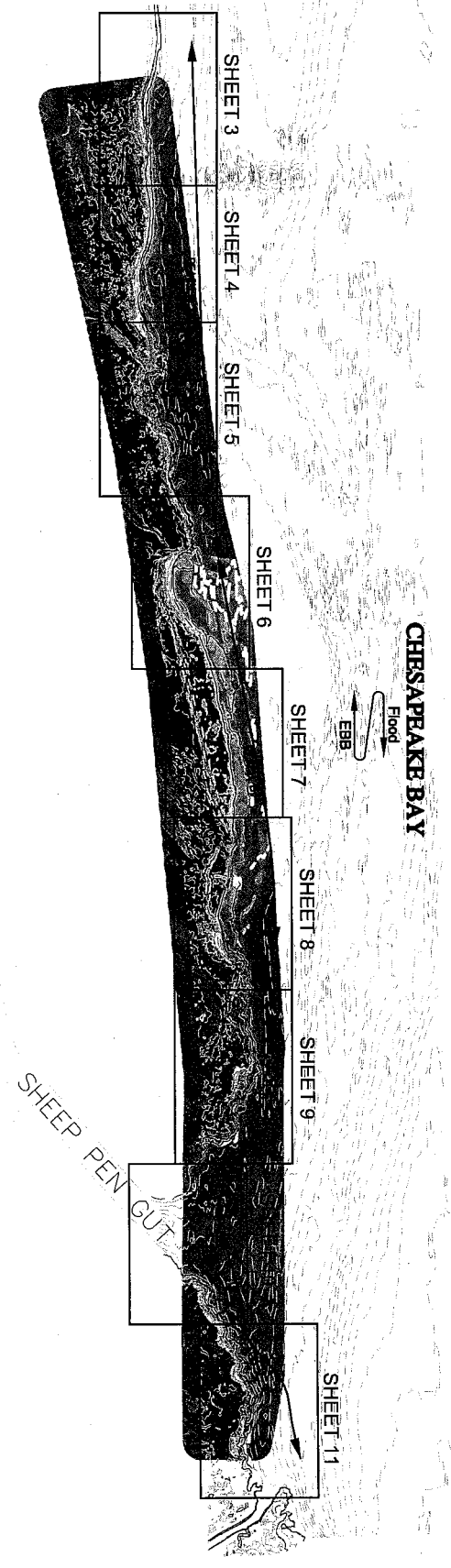








DATUM: MEAN LOW WATER

RHODES POINT LIVING SHORELINE RESTORATION
SHEET INDEX
 AT: RHODES POINT SMITH ISLAND
 IN: SOMERSET COUNTY MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:
 SOMERSET COUNTY
DATE: JANUARY, 2016
SHEET 2 OF 13



-  SPARTINA PATENS PLANTING AREA
-  SPARTINA PLANTING AREA
-  ALTERNIFLORA PLANTING AREA
-  LOW MARSH IMPACT AREAS
-  HIGH MARSH IMPACT AREAS
-  PHRAGMITES IMPACT AREAS

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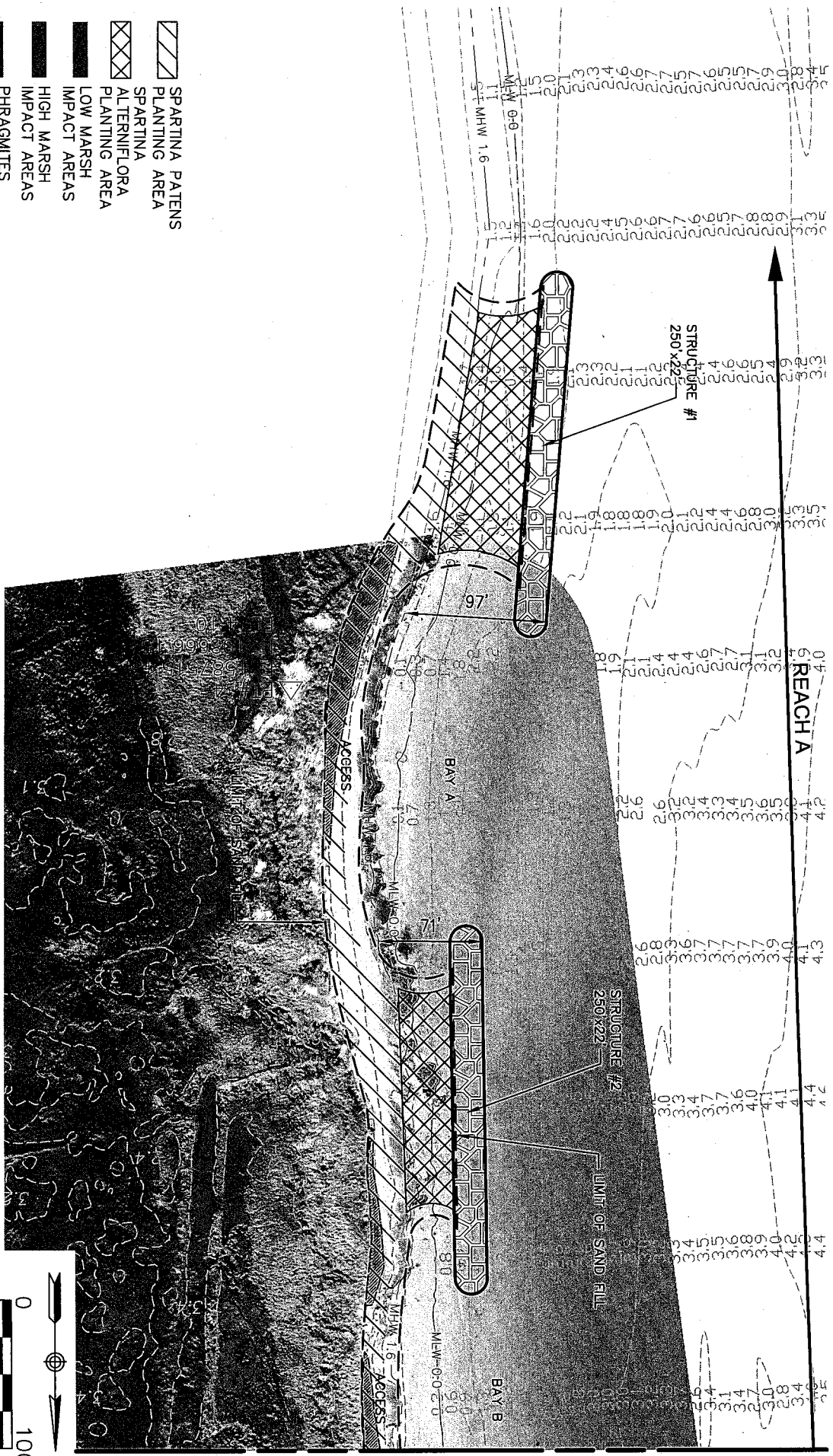
AT: RHODES POINT SMITH ISLAND
IN: SOMERSET COUNTY MARYLAND

**RHODES POINT LIVING SHORELINE RESTORATION
 PROPOSED SHORELINE LAYOUT**

PURPOSE: LIVING SHORELINE RESTORATION

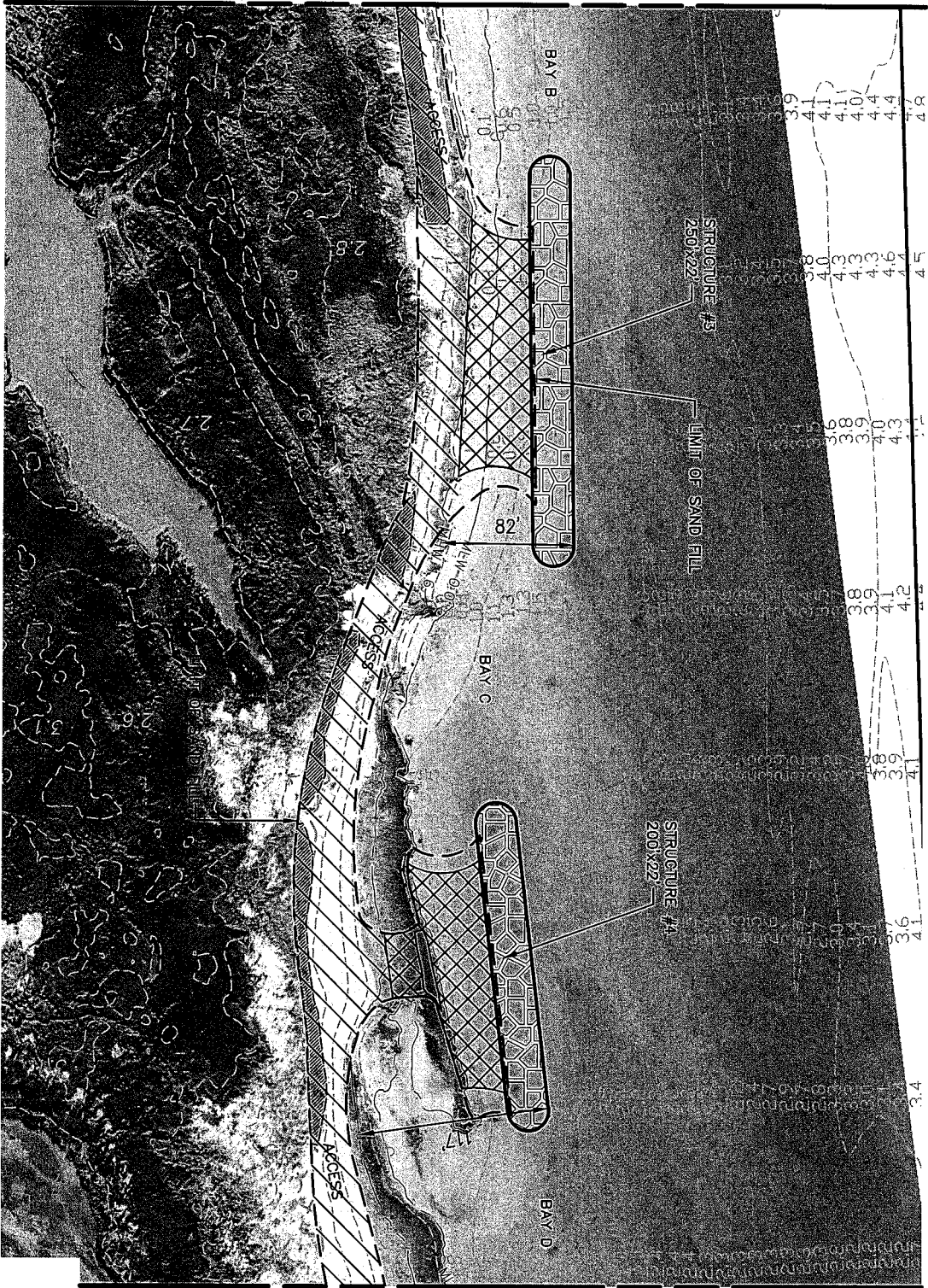
APPLICATION BY:
 SOMERSET COUNTY

DATE: JANUARY, 2016
SHEET 3 **OF** 13

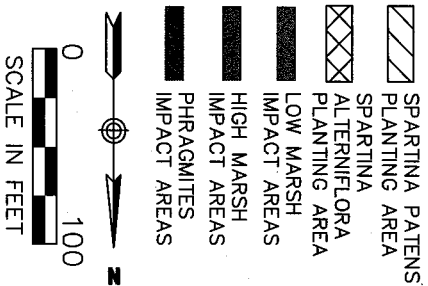


MATCH LINE SHEET 4

MATCH LINE SHEET 3



MATCH LINE SHEET 5



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DATUM: MEAN LOW WATER

RHODES POINT LIVING SHORELINE RESTORATION

PROPOSED SHORELINE LAYOUT

AT: RHODES POINT SMITH ISLAND

IN: SOMERSET COUNTY MARYLAND







PURPOSE: LIVING SHORELINE RESTORATION

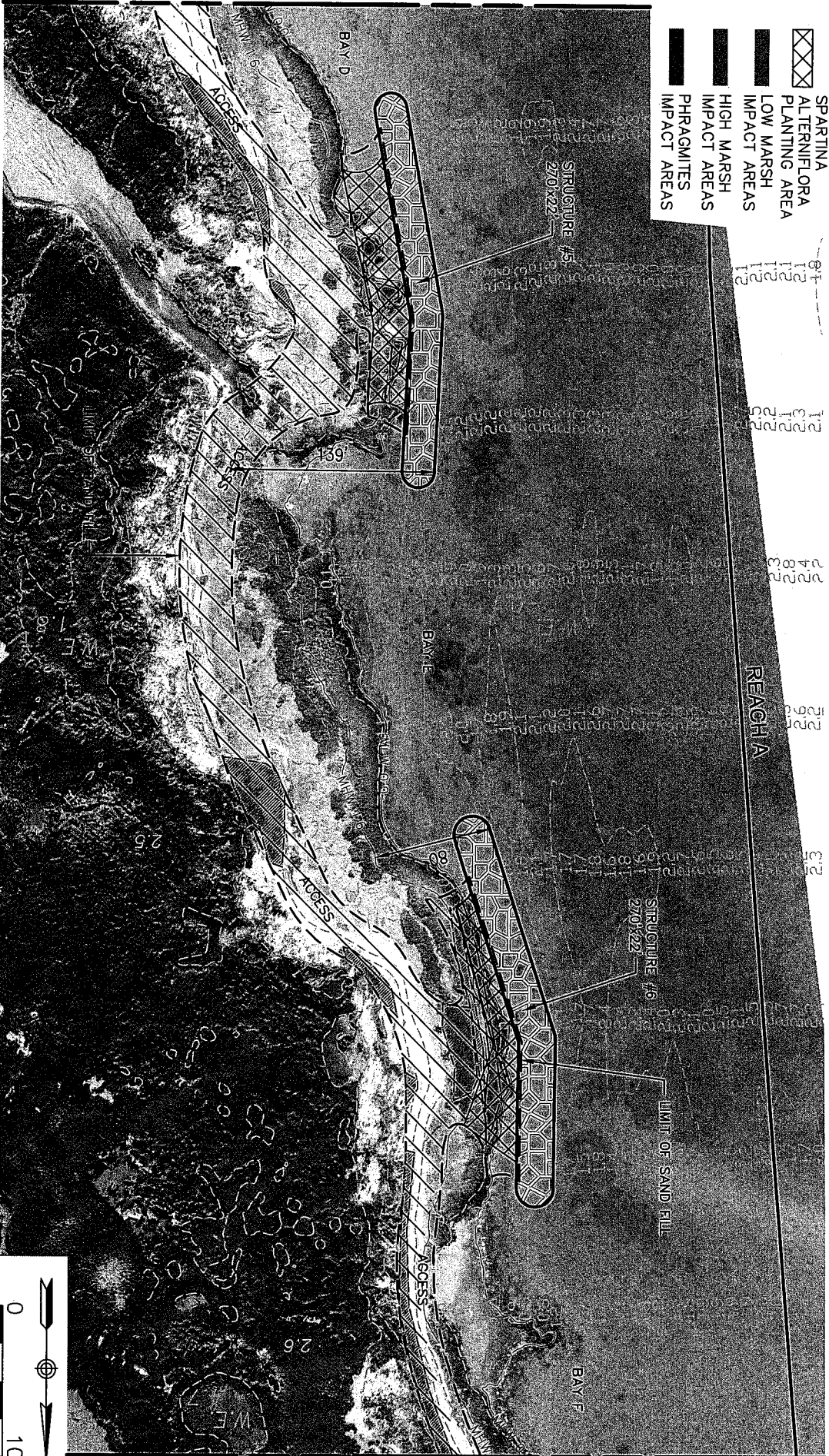
APPLICATION BY:

SOMERSET COUNTY

DATE: JANUARY, 2016

SHEET 4 OF 13

-  SPARTINA PATENS PLANTING AREA
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DATUM: MEAN LOW WATER

RHODES POINT LIVING SHORELINE RESTORATION

PROPOSED SHORELINE LAYOUT

AT: RHODES POINT SMITH ISLAND

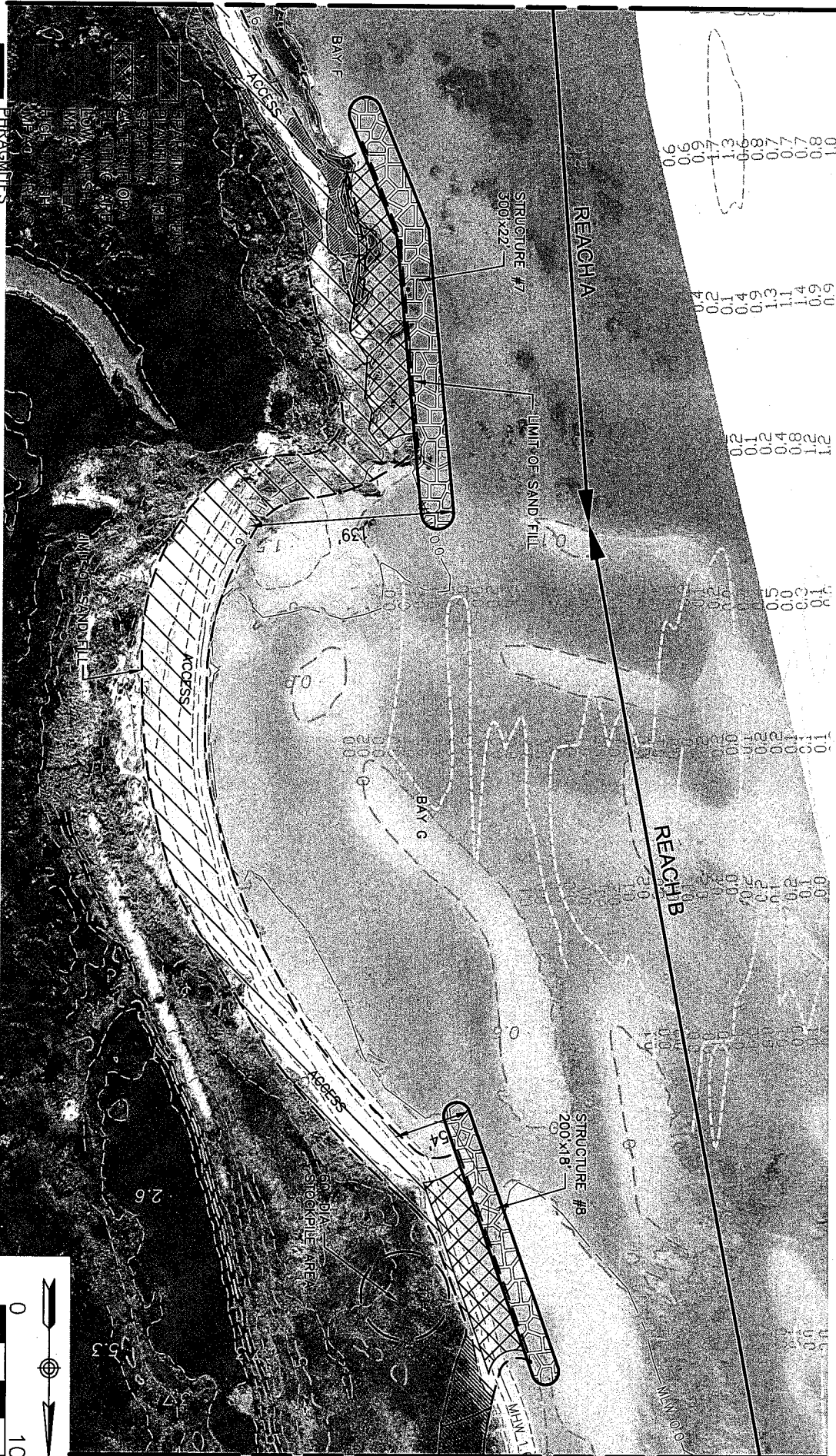
IN: SOMERSET COUNTY MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:
 SOMERSET COUNTY

DATE: JANUARY, 2016

SHEET 5 OF 13



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DATUM: MEAN LOW WATER

RHODES POINT LIVING SHORELINE RESTORATION

PROPOSED SHORELINE LAYOUT

AT: RHODES POINT SMITH ISLAND

IN: SOMERSET COUNTY MARYLAND

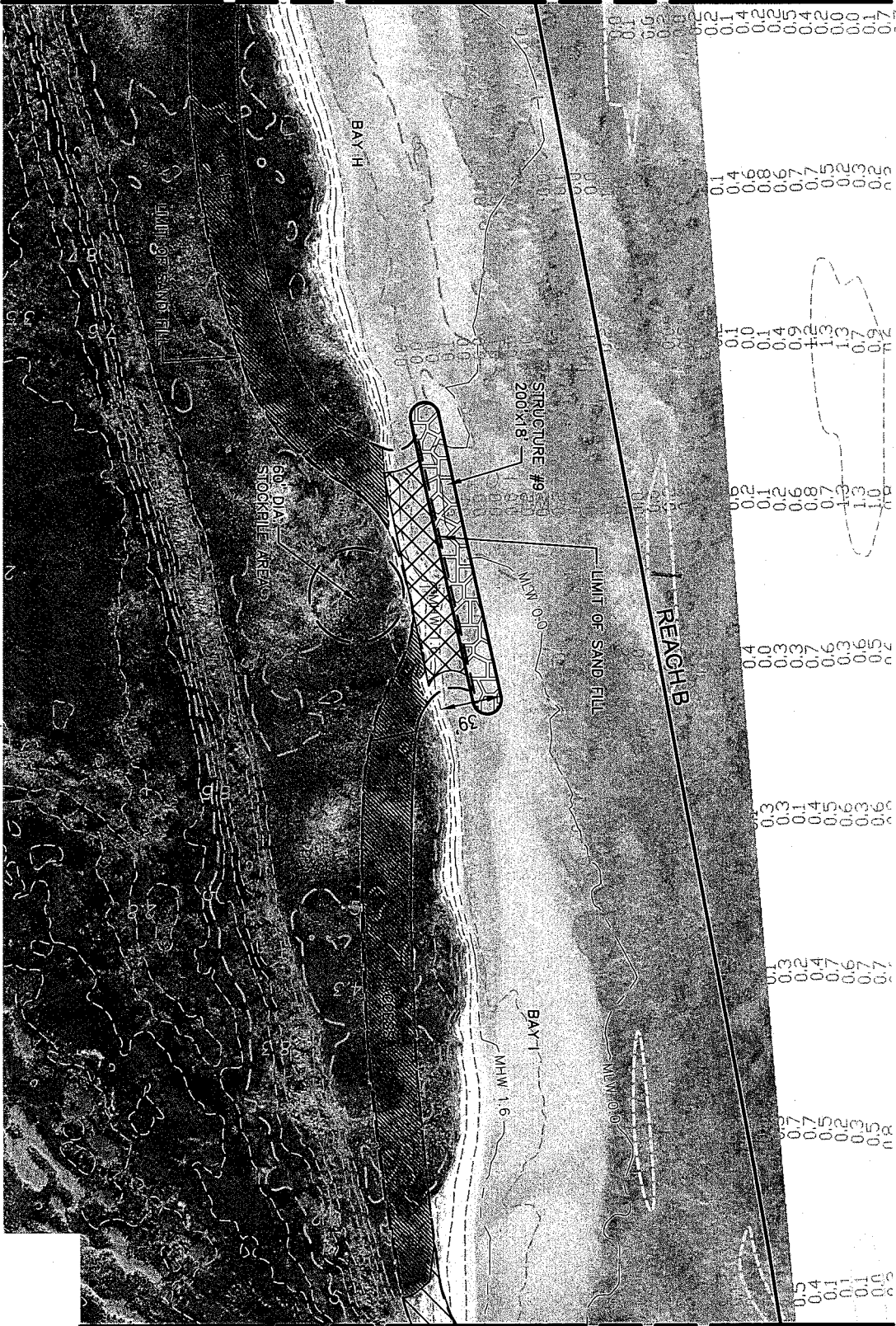
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SOMERSET COUNTY

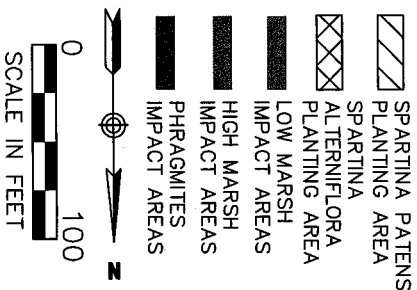
DATE: JANUARY, 2016

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MATCH LINE SHEET 6



MATCH LINE SHEET 8



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DATUM: MEAN LOW WATER

RHODES POINT LIVING SHORELINE RESTORATION

PROPOSED SHORELINE LAYOUT

AT: RHODES POINT SMITH ISLAND

IN: SOMERSET COUNTY MARYLAND







PURPOSE: LIVING SHORELINE RESTORATION

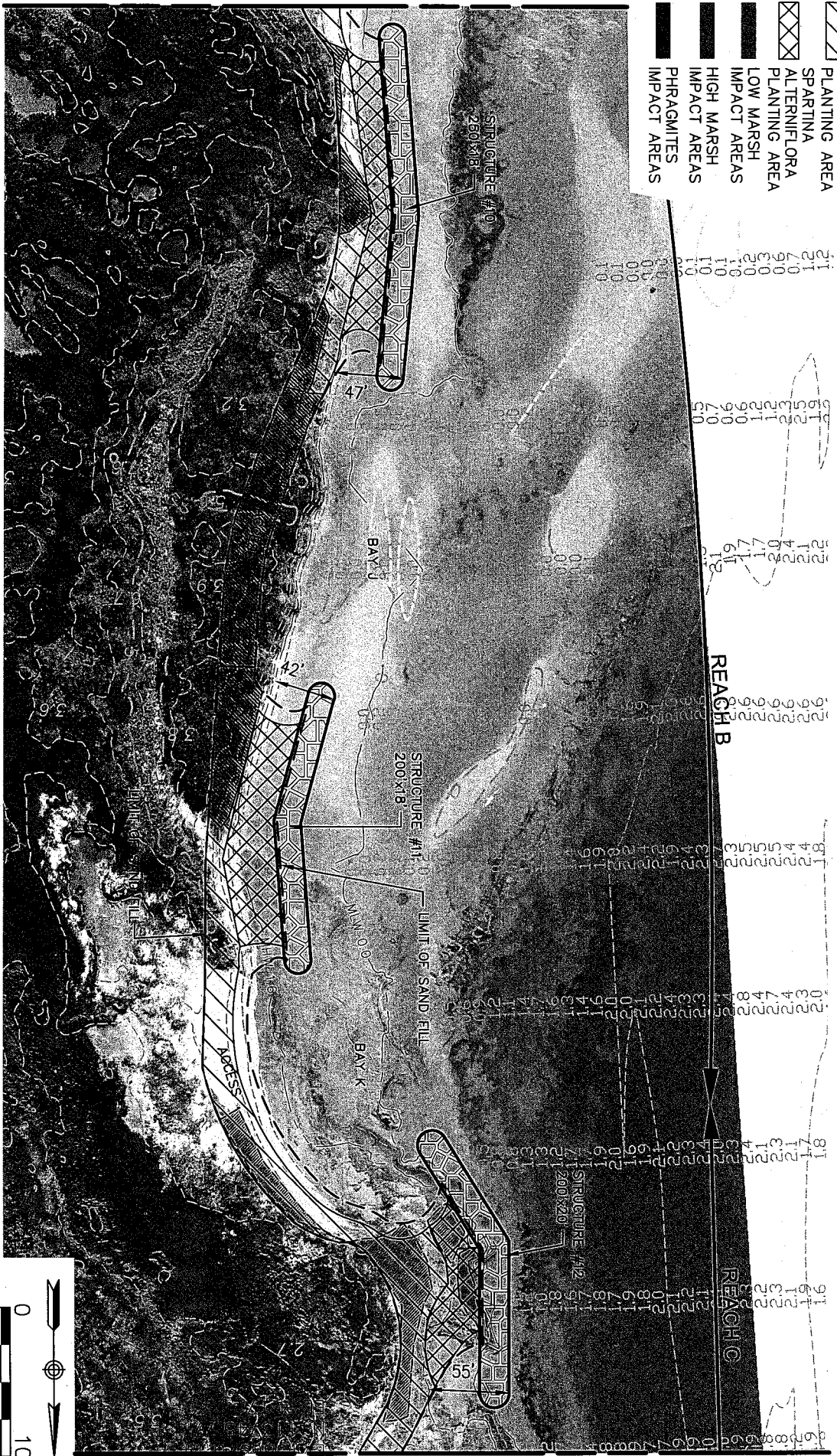
APPLICATION BY:
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SHEET 7 OF 13

MATCH LINE SHEET 7

-  SPARTINA PATENS PLANTING AREA
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MATCH LINE SHEET 9



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DATUM: MEAN LOW WATER

RHODES POINT LIVING SHORELINE RESTORATION

PROPOSED SHORELINE LAYOUT

AT: RHODES POINT SMITH ISLAND






IN: SOMERSET COUNTY MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

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SHEET 8 OF 13

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AT: RHODES POINT SMITH ISLAND






IN: SOMERSET COUNTY MARYLAND

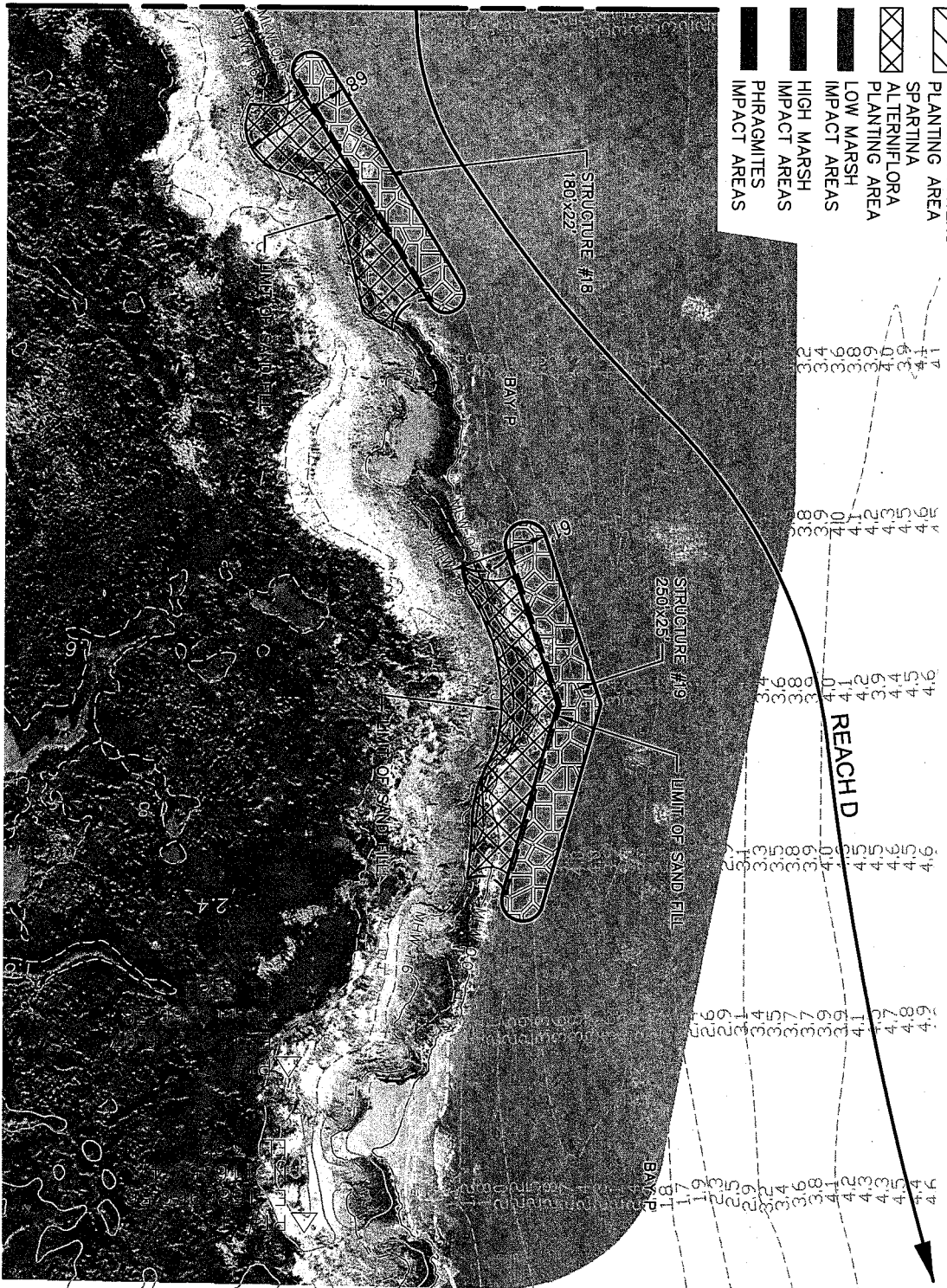
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APPLICATION BY:
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DATE: JANUARY, 2016

SHEET 9 OF 13

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AT: RHODES POINT SMITH ISLAND

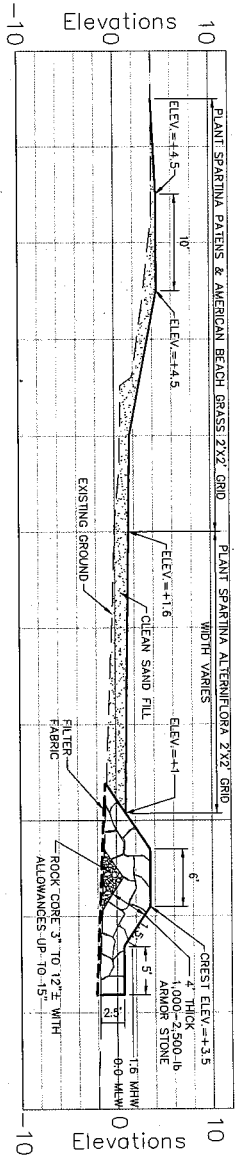
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PURPOSE: LIVING SHORELINE RESTORATION

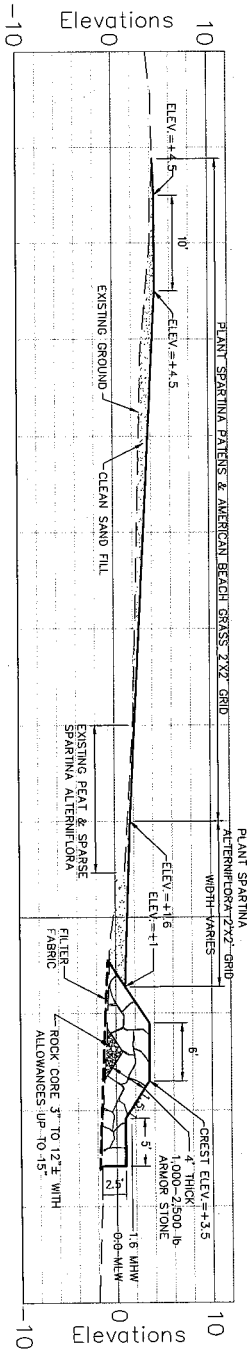
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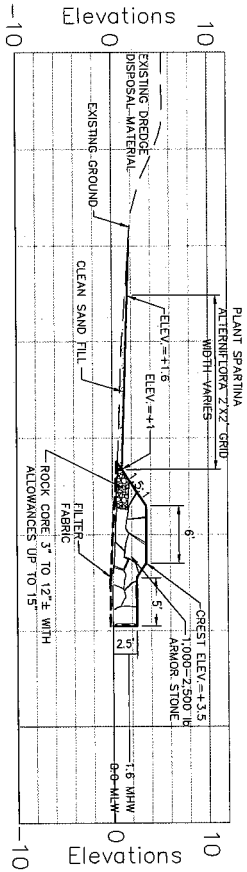
SHEET 11 OF 13



TYPICAL SECTION FOR BREAKWATERS #1, #2, #3, & #4



TYPICAL SECTION FOR BREAKWATERS #5, #6, & #7



TYPICAL SECTION FOR BREAKWATERS #8, #9, #10, & #11



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RHODES POINT LIVING SHORELINE RESTORATION

TYPICAL SECTIONS

AT: RHODES POINT SMITH ISLAND

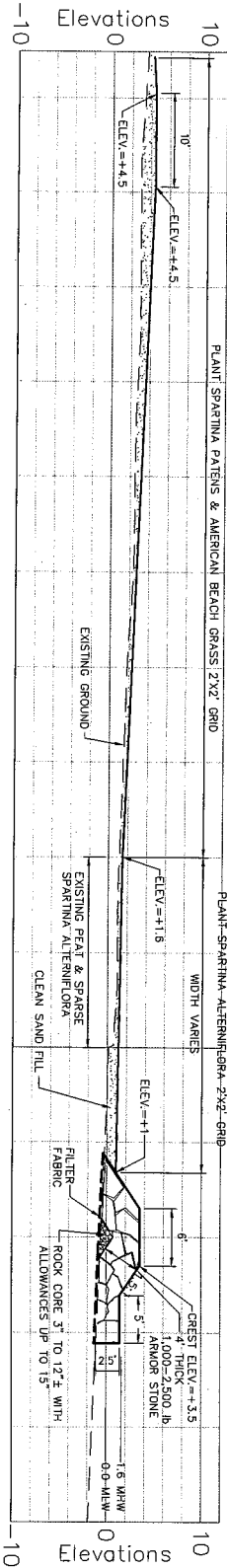
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PURPOSE: LIVING SHORELINE RESTORATION

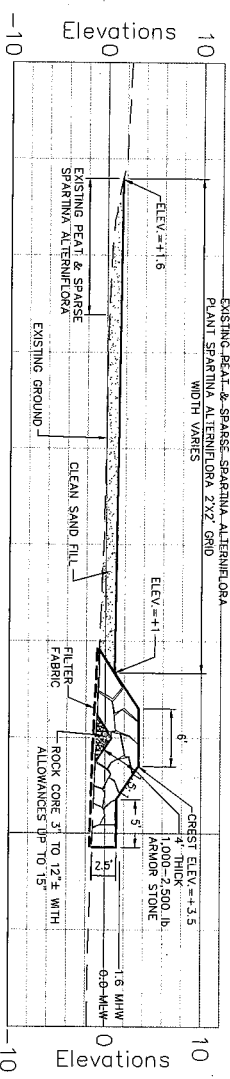
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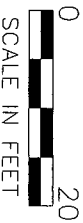
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TYPICAL SECTION FOR BREAKWATERS #12, #13, & #14



TYPICAL SECTION FOR BREAKWATERS #15, #16, #17, #18, & #19



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RHODES POINT LIVING SHORELINE RESTORATION
TYPICAL SECTIONS

AT: RHODES POINT SMITH ISLAND
IN: SOMERSET COUNTY MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:
SOMERSET COUNTY

DATE: JANUARY, 2016

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