

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-M (Dunstan, Edmund)
2015-61421

PN 16-46

Comment Period: August 10, 2016 to August 30, 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: Edmund Dunstan
7952 Church Neck Road
St. Michaels, Maryland 21663

LOCATION: In San Domingo Creek, at 7952 Church Neck Road, St. Michaels, Talbot County, Maryland.

WORK: The applicant proposes to stabilize 610 linear feet of partially vegetated shoreline by depositing approximately 385 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *S. patens* to extend no more than 30 feet channelward of the approximate mean high water (MHW) shoreline; and to construct a 10-foot by 550-foot stone containment sill, 10-feet wide at the base and 2-feet wide at the top with three 5-foot wide vents, to extend no more than 10 feet to 55 feet channelward of the approximate MHW shoreline. 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 to improve 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. 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 Juvenile and adult *Scophthalmus aquosus* (*windowpane flounder*); Juvenile *Pomatomus saltatrix* (*bluefish*); Juvenile and adult *Paralichthys dentatus* (*summer flounder*); Egg, larvae, juvenile and adult *Scomberomorus cavalla* (*King mackerel*), *Scomberomorus maculatus* (*Spanish mackerel*), *Rachycentron canadum* (*Cobia*) and *Sciaenops ocellatus* (*Red Drum*) 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 48,550 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 2007 through 2014. 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, Department of the Army, Baltimore District Corps of Engineers, Attn: Regulatory Branch, 10 S. Howard Street, Baltimore, Maryland 21201, 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 affect on Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. The water depths at the project site are less than -3.0 feet mean low water. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

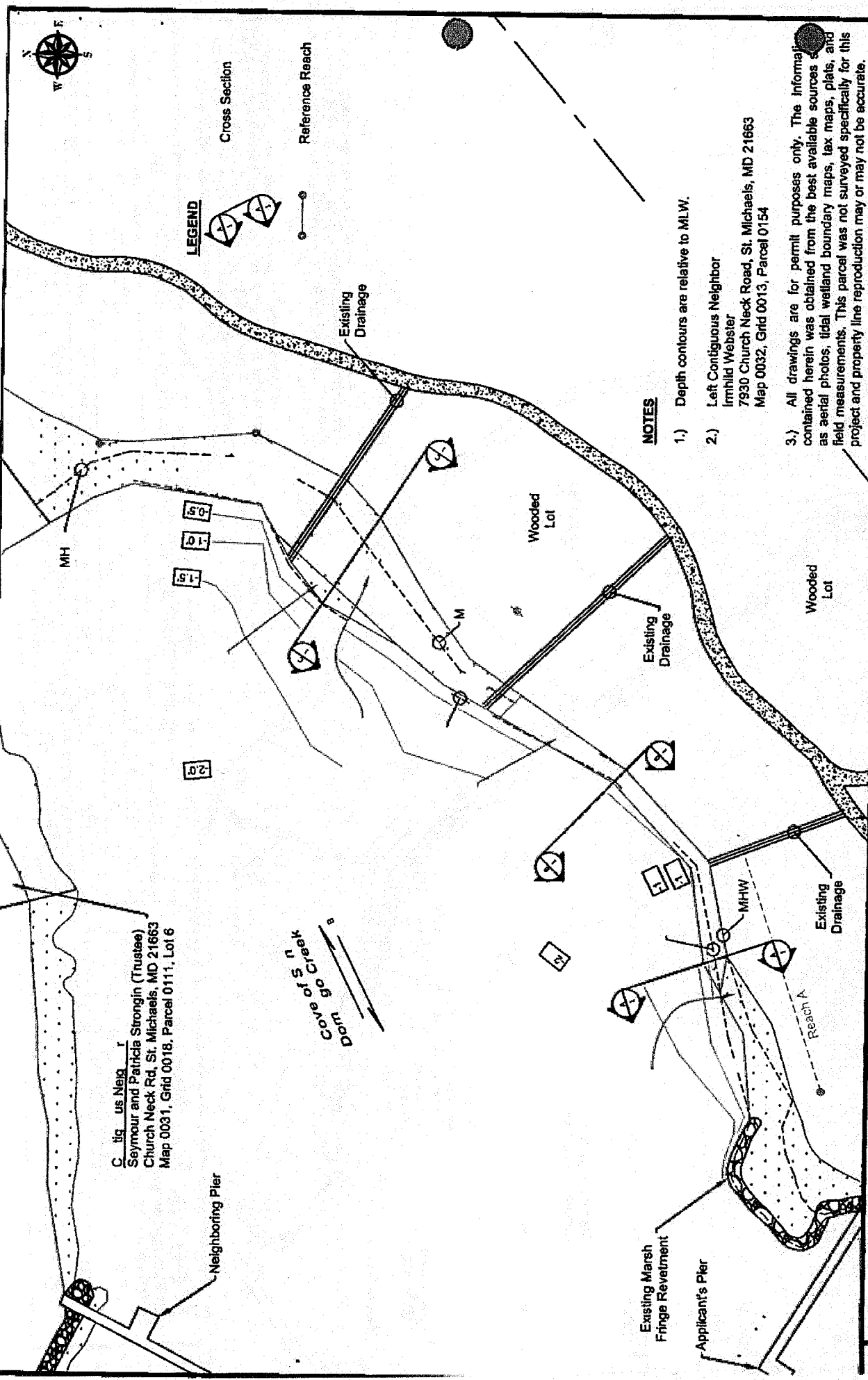
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost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

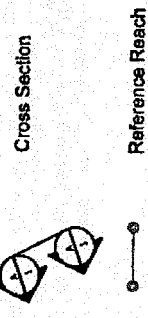
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern



Clig us Neig I
 Seymour and Patricia Strongin (Trustee)
 Church Neck Rd, St. Michaels, MD 21663
 Map 0031, Grid 001B, Parcel 0111, Lot 6

LEGEND



NOTES

- 1.) Depth contours are relative to MLW.
- 2.) Left Contiguous Neighbor
 Imhild Webster
 7930 Church Neck Road, St. Michaels, MD 21663
 Map 0032, Grid 0013, Parcel 0154
- 3.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

Weems Brothers, Inc.
Land & Marine Construction

- DESIGN
- PERMITTING
- CONSTRUCTION

3526 Brooks Drive, Unit 703
 Easton, Maryland 21601
 Office: 410-822-0510
 Fax: 410-822-4669
 www.weemsbrothers.com

Shoreline Stabilization Project - Existing Conditions Plan View

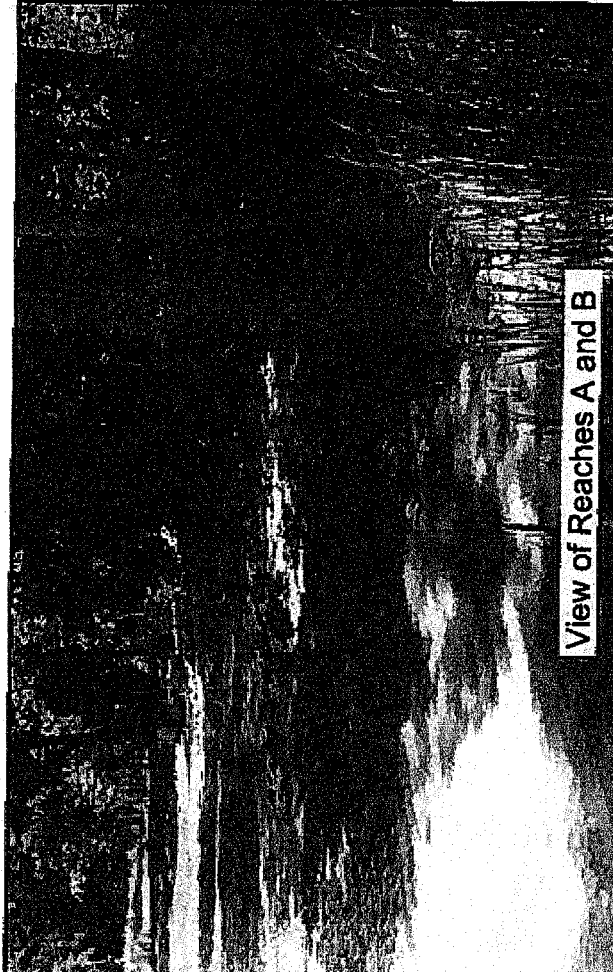
Project Owner : Edmund Dunstan
 Location : 7952 Church Neck Road, St. Michaels, Maryland
 County : Talbot Map : 32 Parcel : 154 Lot :
 Waterway : San Domingo Creek

Drawing Date : January 30, 2015
 Scale : 1" = 80'
 Job No. :
 Drawn By : Chris Moore
 Revision Dates :

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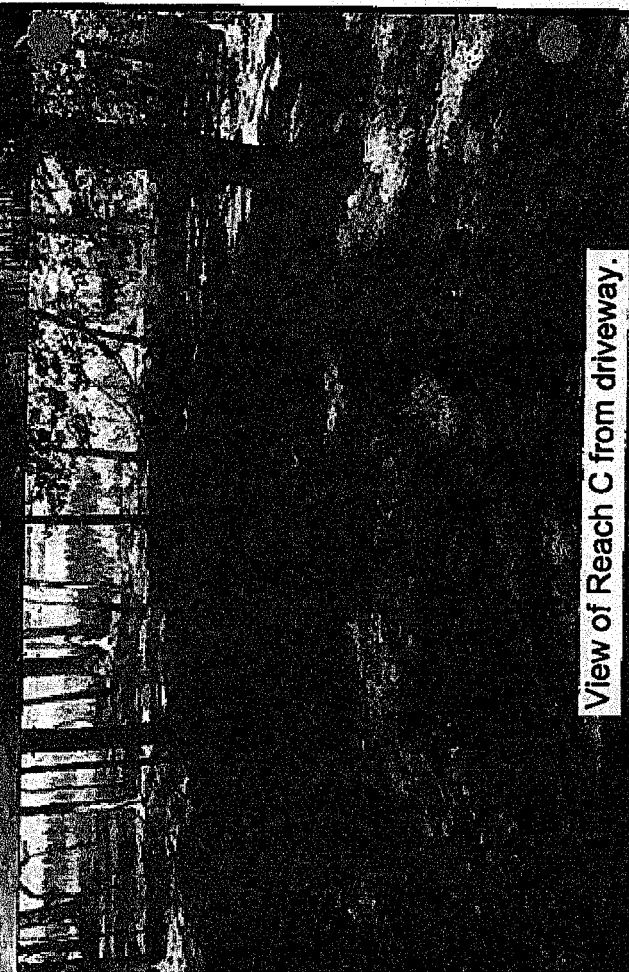
View of Reaches A and B



View of Reaches A and B



View of Reaches C and D



View of Reach C from driveway.

Weems Brothers, Inc.

Land & Marine Construction

- DESIGN
- PERMITTING
- CONSTRUCTION

4826 Brooks Drive, Unit 103
Easton, Maryland 21601

Office: 410-922-0810
Fax: 410-922-4669
www.weemsbrothers.com

Shoreline Stabilization Project - Site Photos

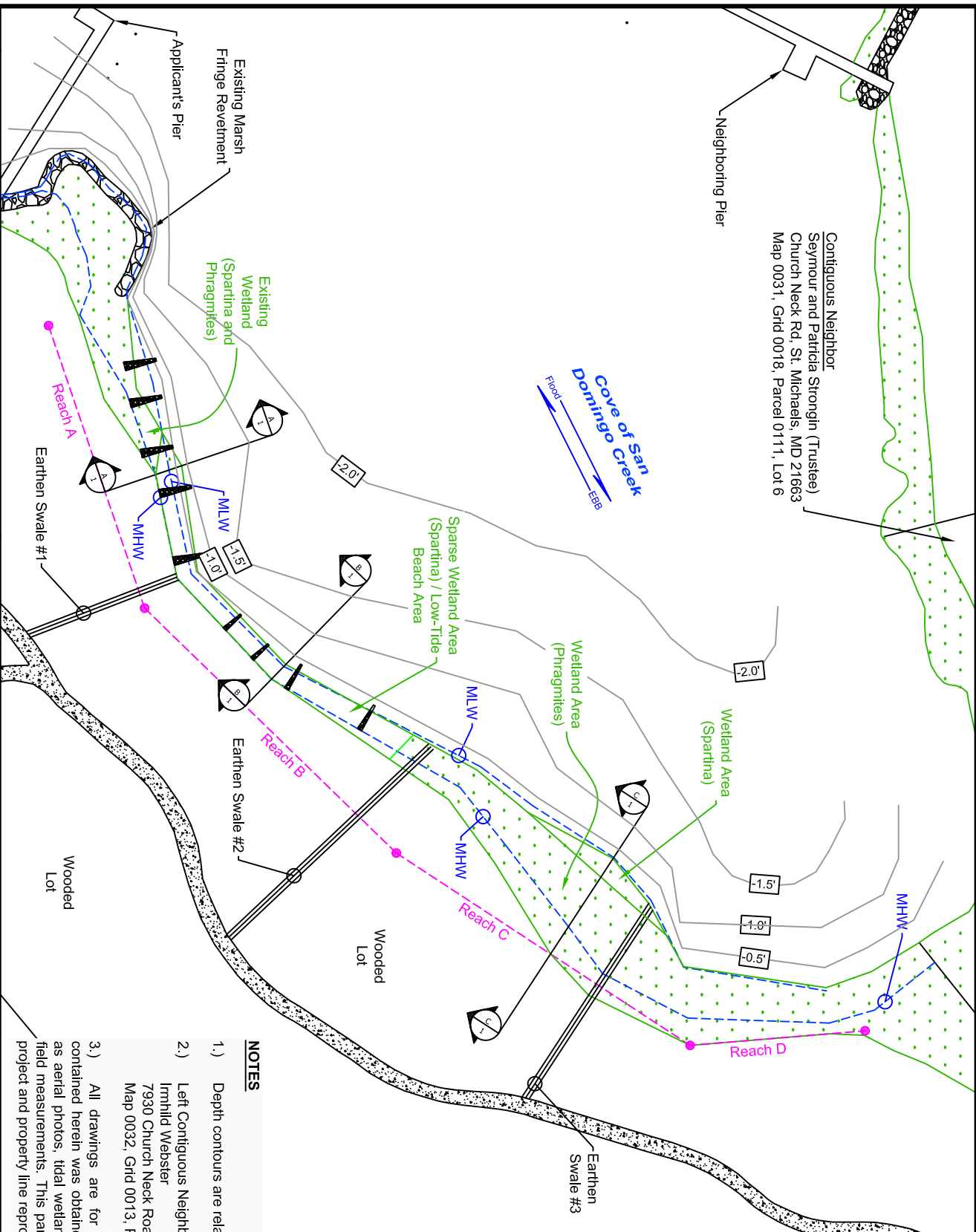
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Location : 7952 Church Neck Road, St. Michaels, Maryland 21663			
County : Talbot	Map : 32	Parcel : 154	Lot :
Waterway : San Domingo Creek		Job No. :	
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Drawing Date : July 28, 2015		Scale : Not To Scale	
Drawn By : Chris Moore		Draw. Use: Fed/State Permit	
Revision Dates			



Contiguous Neighbor
 Seymour and Patricia Strongin (Trustee)
 Church Neck Rd, St. Michaels, MD 21663
 Map 0031, Grid 0018, Parcel 0111, Lot 6

Neighboring Pier

Cove of San Domingo Creek
 Flood



LEGEND

Cross Section

Reference Reach

NOTES

- 1.) Depth contours are relative to MLW.
- 2.) Left Contiguous Neighbor
 Irmhild Webster
 7930 Church Neck Road, St. Michaels, MD 21663
 Map 0032, Grid 0013, Parcel 0154
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Shoreline Stabilization Project - Existing Conditions Plan View

Weems Brothers, Inc.
Land & Marine Construction

- DESIGN
- PERMITTING
- CONSTRUCTION

8626 Brooks Drive, Unit 103
 Easton, Maryland 21601

Office: 410-822-0510
 Fax: 410-822-4669
 www.weemsbrothers.com

Project Owner : Edmund Dunstan		Drawing Date : January 30, 2015	
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County : Talbot	Map : 32	Parcel : 154	Lot :
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		Draw. User: Fed/State Permit	
Revision Dates		11/11/15	

Reach ID	Reach Data				Sand Volume (yd ³)
	Sill Length (ft)	Rock Area (ft ²)	Rock Volume (yd ³)	Sand / Planting Area (ft ²)	
A	160	1,600	130	2,150	140
B	145	1,475	100	3,200	210
C	135	1,380	70	N/A	400
D	110	1,055	60	800	15
Total	550	5,510	360	6,550	385

Neighboring Pier

Cove of San Domingo Creek
Flood
EBB

Proposed: Stabilize approx. 6,110 LF of partially-vegetated shoreline; emplace approx. 550 LF of stone sill with associated vents, backfill, where applicable with clean fill sand; and plant fill area, approx. 6,550 sq. ft. with a mixture of high marsh and low marsh *Spartina* wetland grass plugs.

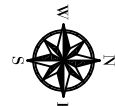
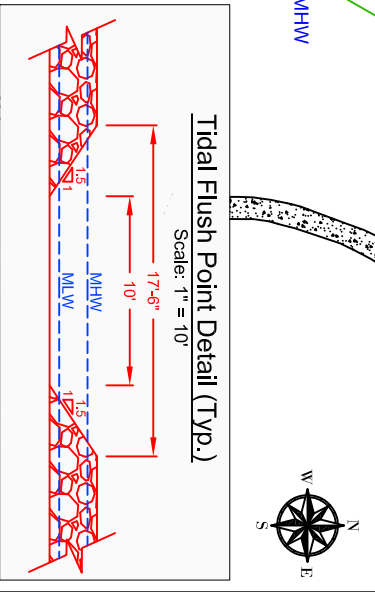
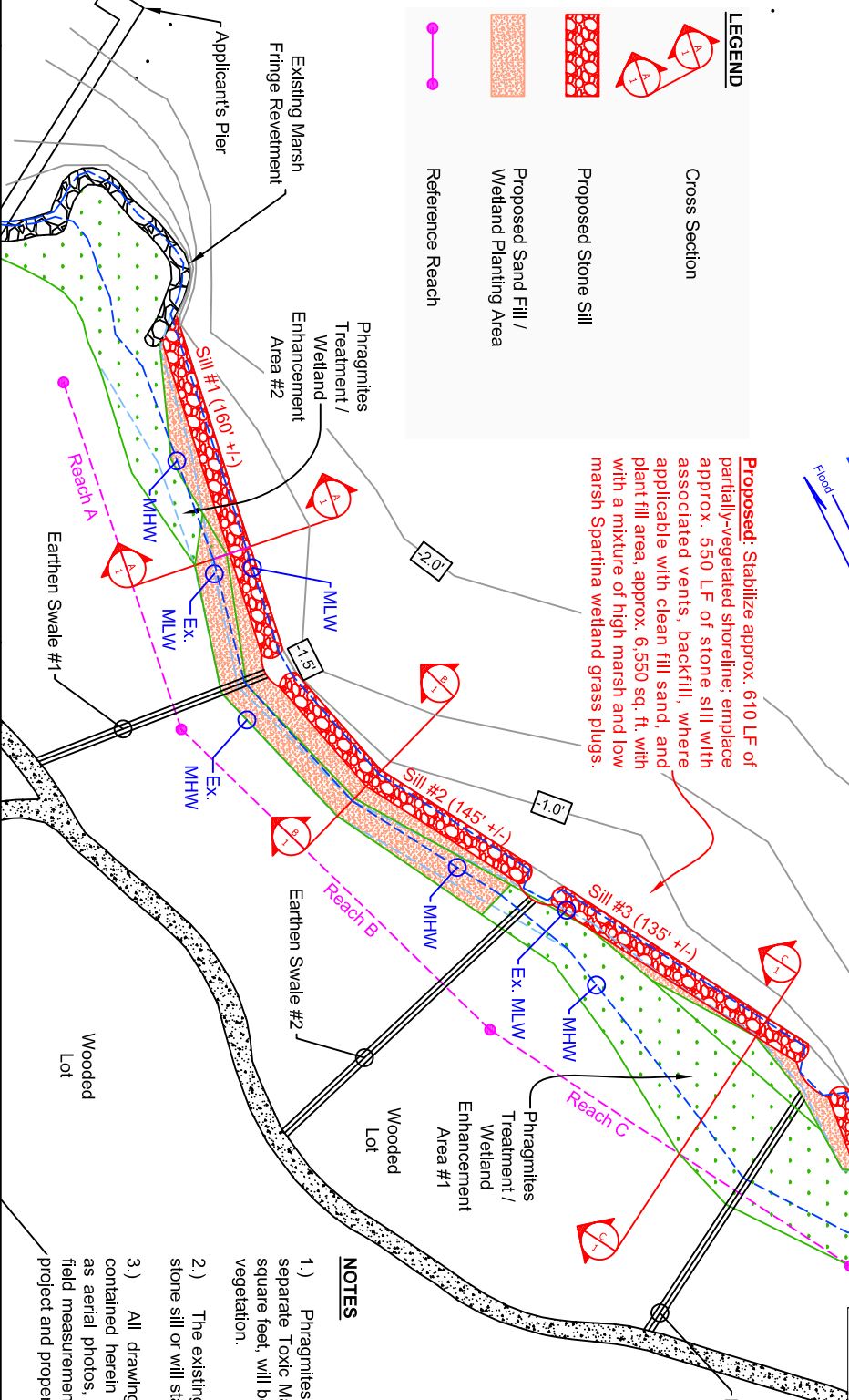
LEGEND

Cross Section

Proposed Stone Sill

Proposed Sand Fill / Wetland Planting Area

Reference Reach



NOTES

- 1.) Phragmites Treatment Areas 1 & 2 will be covered under a separate Toxic Materials Permit. Those areas, totaling approx. 10,000 square feet, will be enhanced by the planting of shade-tolerant wetland vegetation.
- 2.) The existing stone groins will be utilized as base material for the stone sill or will stay in place and be covered by the sand fill.
- 3.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

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