

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-M (SMITH, EUGENE) 2017-61777

PN 18-12

Comment Period: March 2, 2018 – March 22, 2018

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: Eugene Smith
7848 Follys Cove Road
St. Michael's, Maryland 21601

WATERWAY AND LOCATION: In the San Domingo Creek at St. Michael's, Talbot County, Maryland.

PROPOSED WORK: The applicant proposes to remove 125 linear feet of existing bulkhead and to emplace a 10-foot wide by 125-foot long revetment by depositing approximately 106 cubic yards of stone to extend no more than 4 feet channelward of the previous bulkhead alignment; to construct a living shoreline all within an approximately 5,400 square foot (0.12 acre) area that includes tidal wetlands as follows: to create a marsh along 312 linear feet of shoreline by depositing approximately 307 cubic yards of sloped, clean sand fill stabilized with approximately 3,700 square feet of *Spartina patens* and 1,700 square feet of *Spartina alterniflora* to extend no more than 23 feet channelward of the approximate mean high water (MHW) shoreline; to emplace 312 linear feet of stone sill, 8-feet wide at the base and 2-feet wide at the top, and 2-feet high (relative to MLW), with three 5-foot wide (at base) vents to extend no more than 31 feet channelward of the approximate MHW shoreline; to remove an existing 4-foot by 180-foot pier and an 8-foot by 30-foot platform; to construct a 6-foot by 10-foot walkway to cross the proposed revetment to a 6-foot by 180-foot pier with an 8-foot by 30-foot platform, to install 2 PWC lifts and install 2 pilings for a boat lift, all attached to the proposed pier; and to install 4 mooring pilings, all to extend no more than 201 feet channelward of the approximate MHW shoreline. All work would be completed in accordance with the enclosed plans dated September 28, 2017 and amended February 2, 2018. If you have any questions concerning this matter, please contact Mr. Robert Fewster at 410-962-6144 or robert.j.fewster@usace.army.mil.

The proposed planting terrace would encompass two areas of existing wetland vegetation: Area 1 of 400 square feet to be filled, and Area 2 of 1,000 square feet not to be filled. The proposed work would also encroach on approximately 1,068 square feet of mapped submerged aquatic vegetation. (SAV) The proposed revetment would encroach on approximately 100 square feet of sparse wetland vegetation.

Project Purpose: To stabilize the property shoreline, create marsh, and improve navigation access.

Avoidance/Minimization of Impacts: 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. Mapped SAV is present in the area. While the project intersects with

the mapped 2015 SAV, the existing SAV is farther offshore than the mapping layer and the project was designed to avoid any current SAV impacts. The project was designed to avoid existing SAV confirmed in August 2017. The proposed work would result in filling approximately 500 square feet of wetland vegetation, but would create approximately 5,400 square feet of wetland vegetation. Compensatory mitigation is not being proposed by the applicant for impacts as the proposed project is creating more wetlands than it would affect.

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 evaluation of the impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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, [Attn: Mr. Robert Fewster, CENAB-OPR-M], 2 Hopkins Place, Baltimore, Maryland, 21201 or Robert.j.fewster@usace.army.mil within the comment period specified above.

ESSENTIAL FISH 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 effect Essential Fish Habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for blue fish (*Pomatomus saltatrix*) all life stages; and summer flounder (*Paralichthys dentatus*) all life stages, all 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 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.

WATER QUALITY CERTIFICATION: 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.

COASTAL ZONE MANAGEMENT PROGRAMS: 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 may 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.

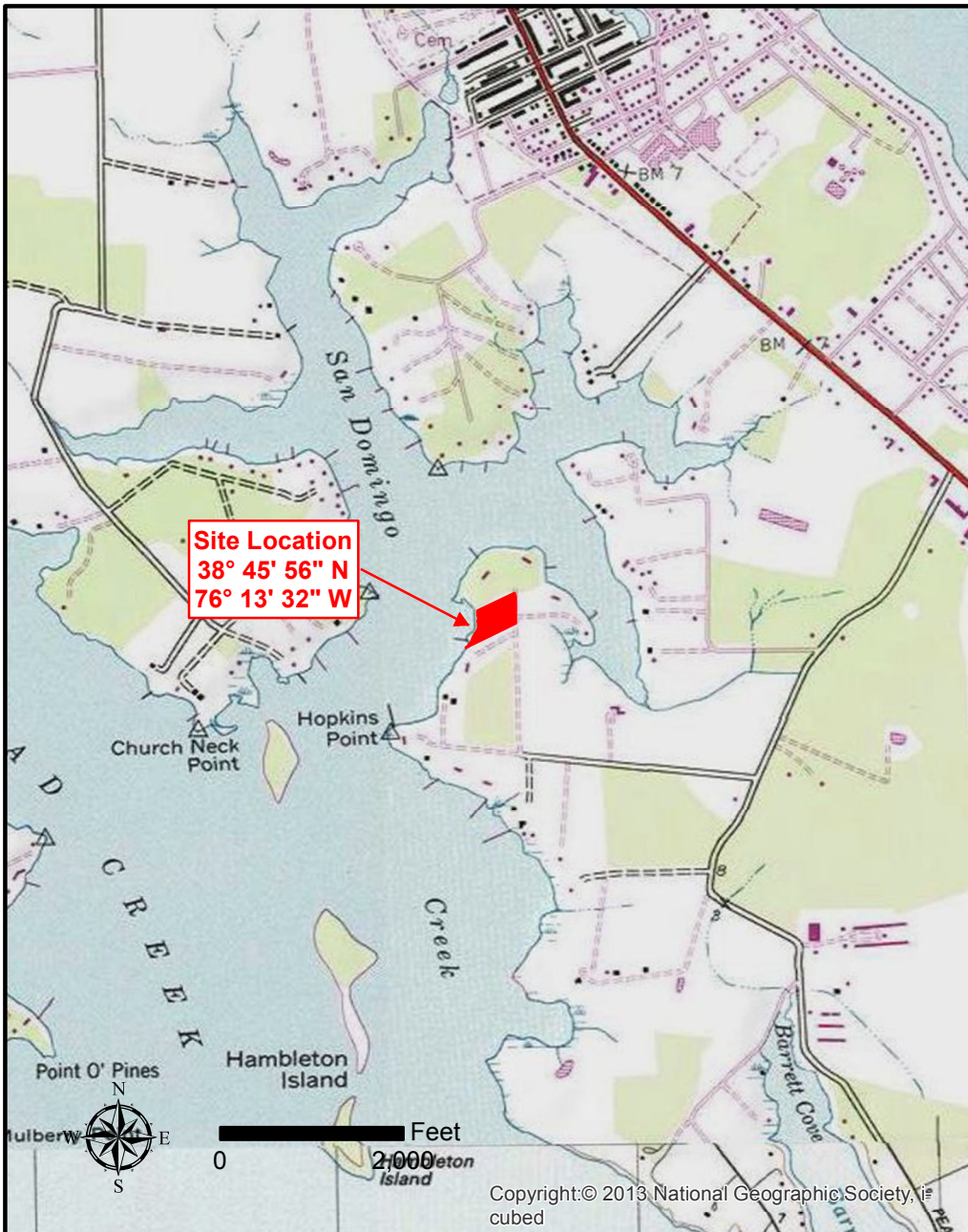
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost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

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, [Attn: Mr. Robert Fewster, CENAB-OPR-M], 2 Hopkins Place, 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



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8626 Brooks Drive, Unit 103
 Easton, Maryland 21601

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

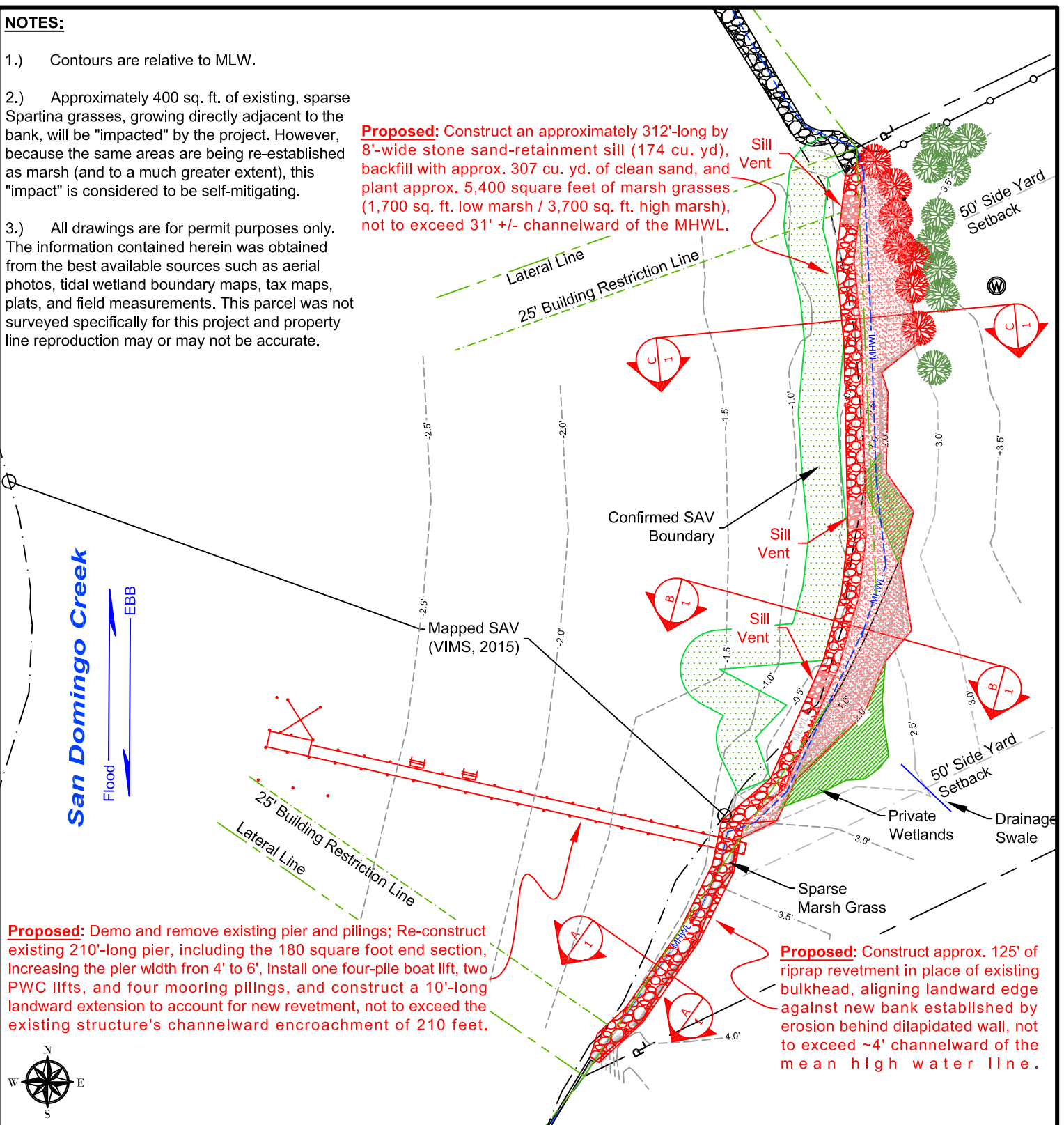
Shoreline Stabilization and Pier Reconstruction Project - Map View							
Project Owner : Eugene Smith				Drawing Date : Aug. 31, 2017			
Location : 7848 Folly's Cove Road, St. Michaels, MD 21663							
County: Talbot		Map : 32	Parcel: 94	Lot :	Waterway : San Domingo Crk		Job No. :
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Drawn By : Chris Moore		Draw Use : Fed/State Permit		Revision Dates			

Sheet 1 of 10

NOTES:

- Contours are relative to MLW.
- Approximately 400 sq. ft. of existing, sparse Spartina grasses, growing directly adjacent to the bank, will be "impacted" by the project. However, because the same areas are being re-established as marsh (and to a much greater extent), this "impact" is considered to be self-mitigating.
- 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.

Proposed: Construct an approximately 312'-long by 8'-wide stone sand-retention sill (174 cu. yd), backfill with approx. 307 cu. yd. of clean sand, and plant approx. 5,400 square feet of marsh grasses (1,700 sq. ft. low marsh / 3,700 sq. ft. high marsh), not to exceed 31' +/- channelward of the MHWL.



Proposed: Demo and remove existing pier and pilings; Re-construct existing 210'-long pier, including the 180 square foot end section, increasing the pier width from 4' to 6', install one four-pile boat lift, two PWC lifts, and four mooring pilings, and construct a 10'-long landward extension to account for new revetment, not to exceed the existing structure's channelward encroachment of 210 feet.

Proposed: Construct approx. 125' of riprap revetment in place of existing bulkhead, aligning landward edge against new bank established by erosion behind dilapidated wall, not to exceed ~4' channelward of the mean high water line.

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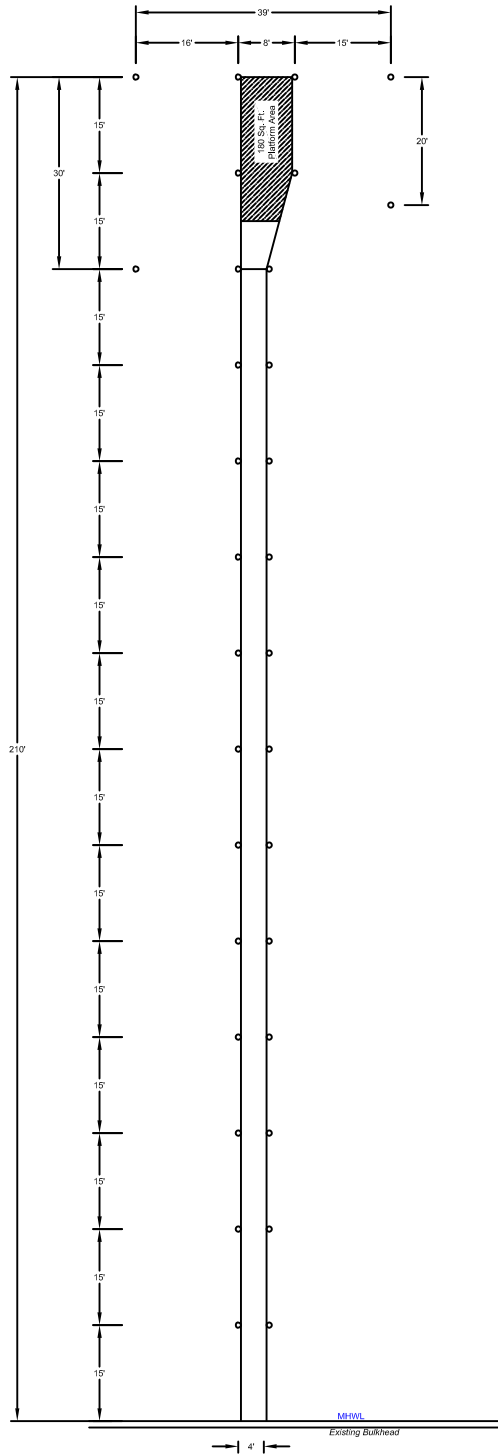
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Shoreline Stab. / Pier Recon. Project - Prop. Plan View

Project Owner : Eugene Smith			Drawing Date : Aug. 31, 2017		
Location : 7848 Follys Cove Road, St. Michaels, MD 21663					
County : Talbot		Map : 32	Parcel : 94	Lot :	
Waterway : San Domingo Crk.			Draw. Use: Fed/State Permit		Drawn By : Chris Moore
Revision Dates		10/18/17			Sheet 2 of 10

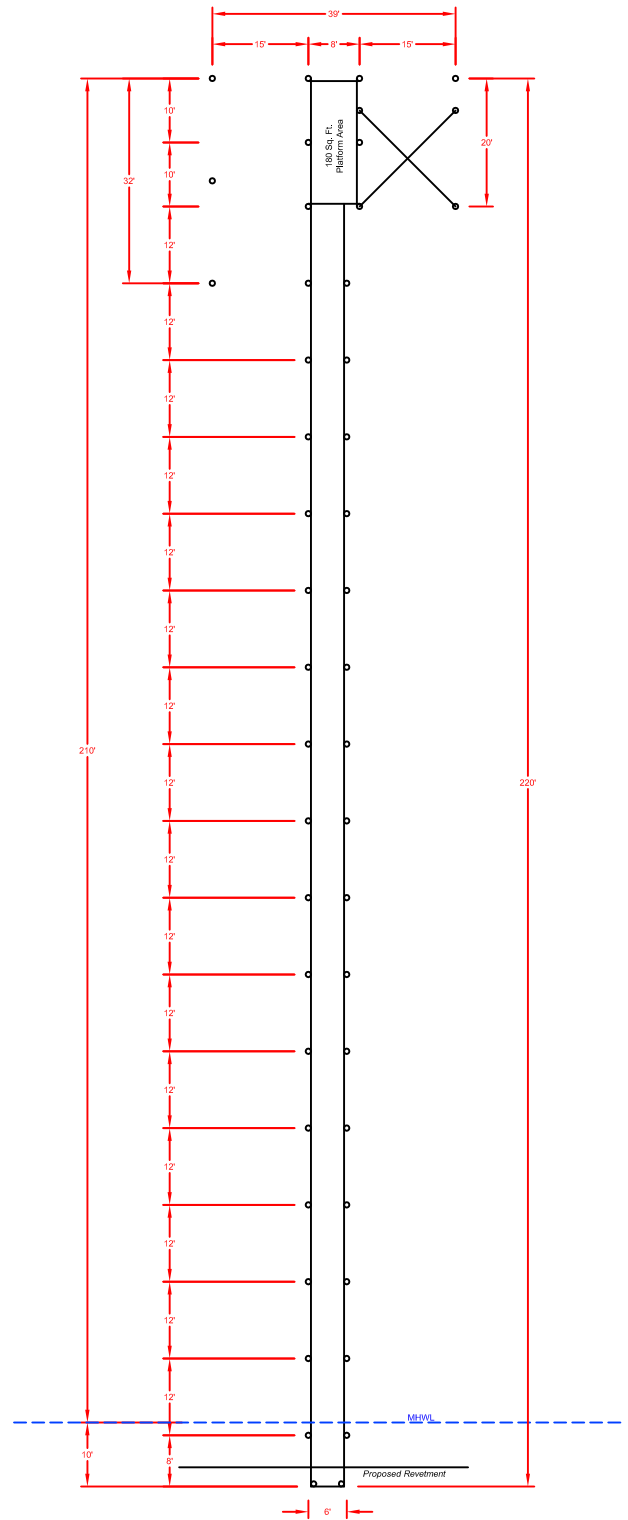
Existing Pier Layout

Scale: 1" = 30'



Proposed Pier Layout

Scale: 1" = 30'



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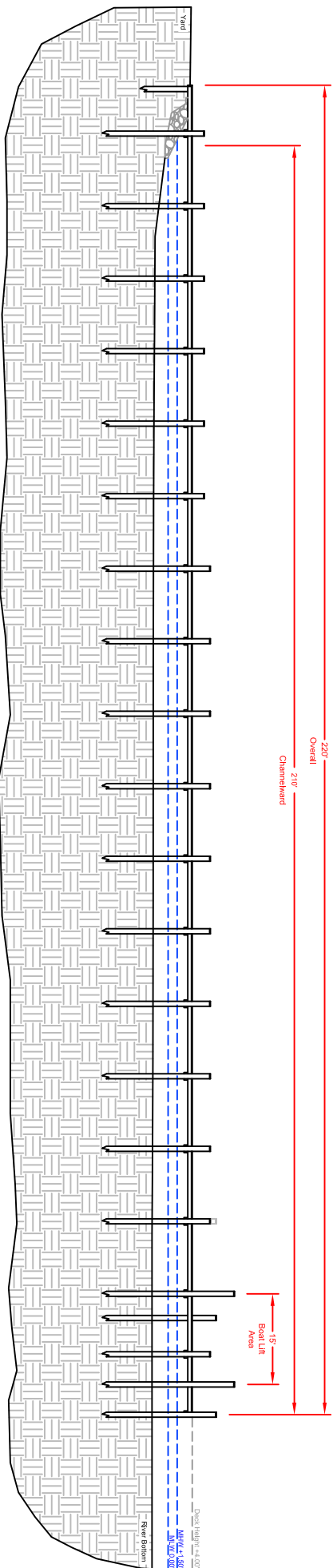
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Shoreline Stabilization / Pier Recon. Project - Pier Layouts

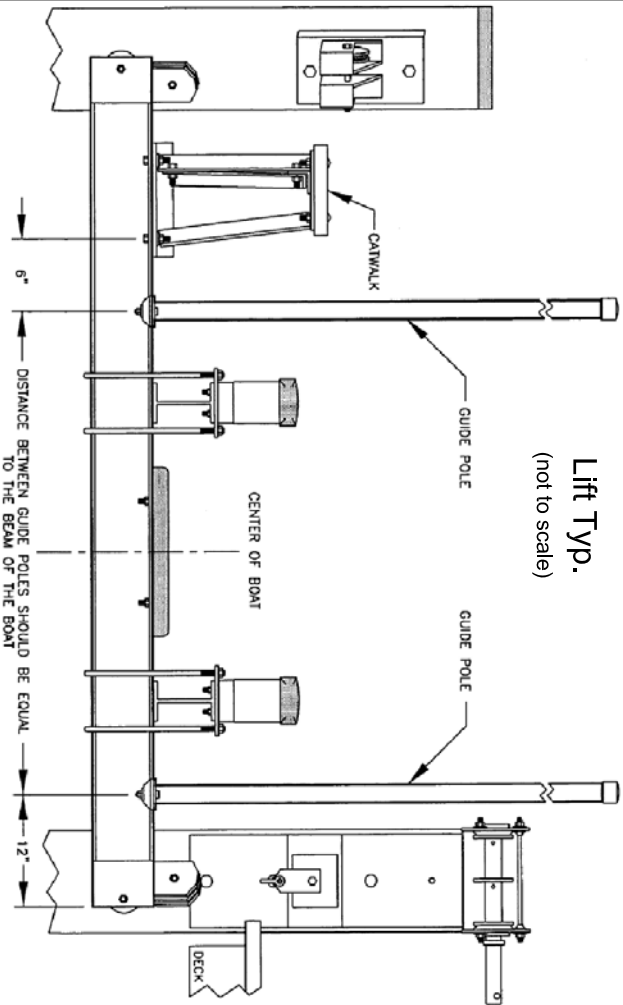
Project Owner : Eugene Smith				Drawing Date : Aug. 31, 2017	
Location : 7848 Folly's Cove Road, St. Michaels, MD 21663					
County : Talbot	Map : 32	Parcel : 94	Lot :	Job No. :	
Waterway : San Domingo Crk			Draw. Use: Fed/State Permit		Drawn By : Chris Moore
Revision Dates					Sheet 4 of 10

Pier Cross Section

Scale: 1" = 25'



Lift Typ.
(not to scale)



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Shoreline Stabilization / Pier Reconstruction Project - Pier Cross Sections and Photo

Project Owner : Eugene Smith

Location : 7848 Folly's Cove Road, St. Michaels, MD 21663

County : Talbot

Map : 32

Parcel : 94

Lot :

Waterway : San Domingo Ck

Drawing Date : Aug. 31, 2017

Scale : See Above

Job No. :

Draw. Use: Fed/State Permit

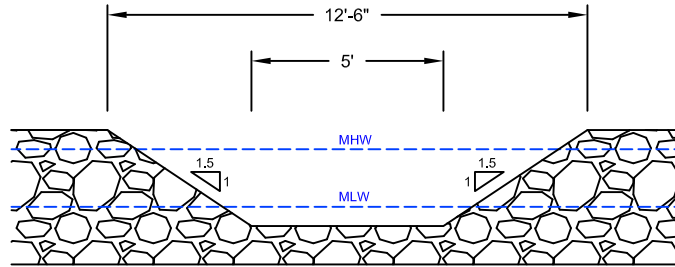
Drawn By : Chris Moore

Revision Dates

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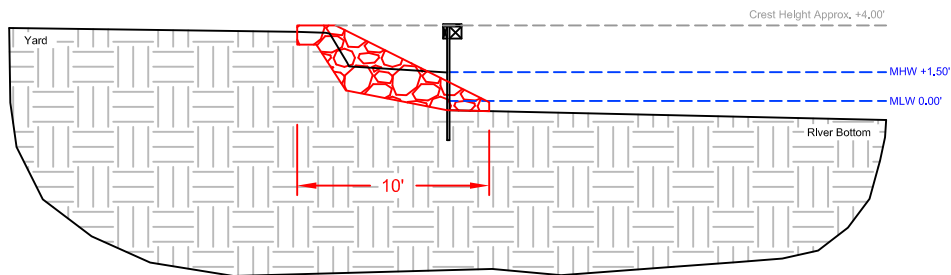
Sill Vent Detail Typ.

Scale: 1" = 5'



**A1 Shoreline Cross Section
Proposed Conditions**

Scale: 1" = 10'



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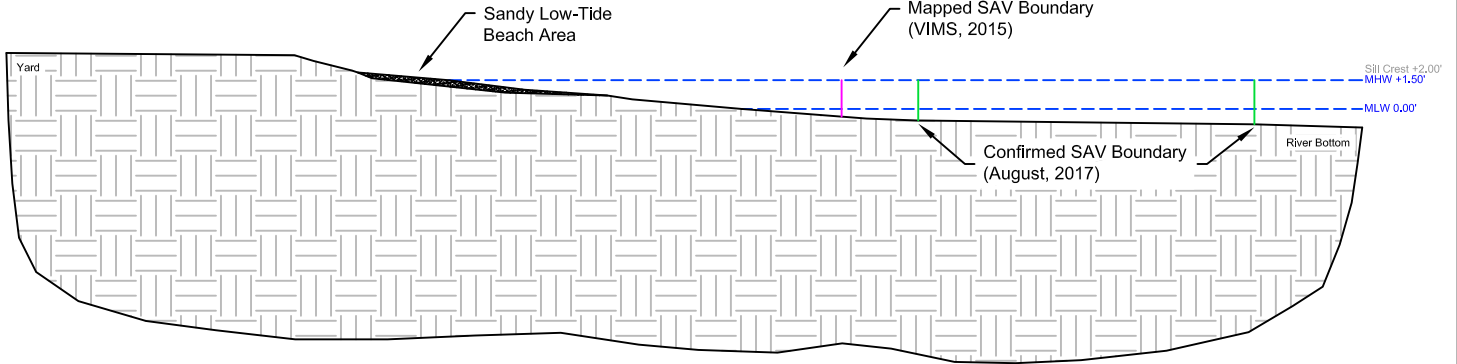
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Shoreline Stabilization / Pier Recon. Project - XSECs

Project Owner : Eugene Smith				Drawing Date : Aug 31, 2017	
Location : 7848 Folly's Cove Road, St. Michaels, MD 21663					
County : Talbot		Map : 32	Parcel : 94	Lot :	Job No. :
Waterway : San Domingo Crk.		Draw. Use: Fed/State Permit		Drawn By : Chris Moore	
Revision Dates					Sheet 6 of 10

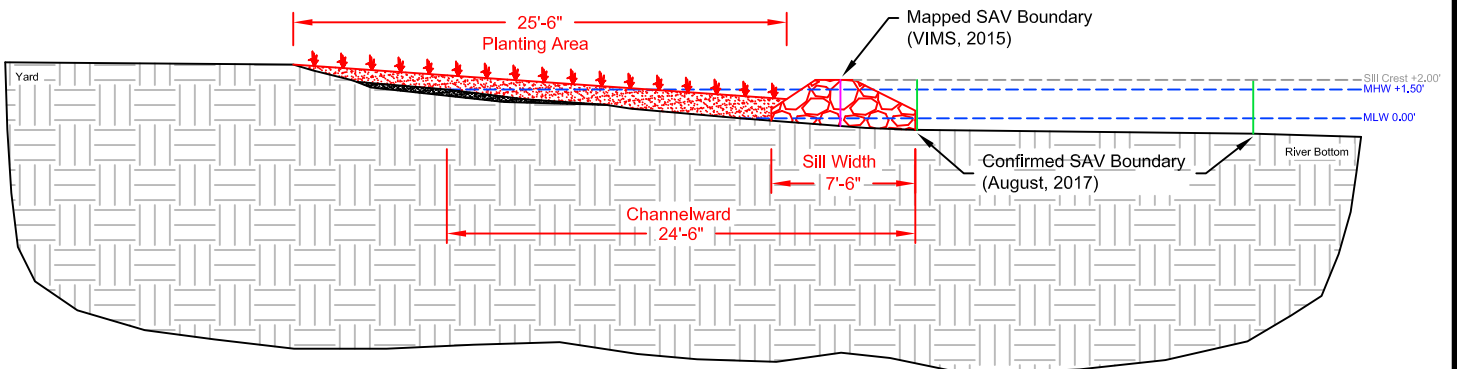
**B1 Shoreline Cross Section
Existing Conditions**

Scale: 1" = 10'



**B1 Shoreline Cross Section
Proposed Conditions**

Scale: 1" = 10'



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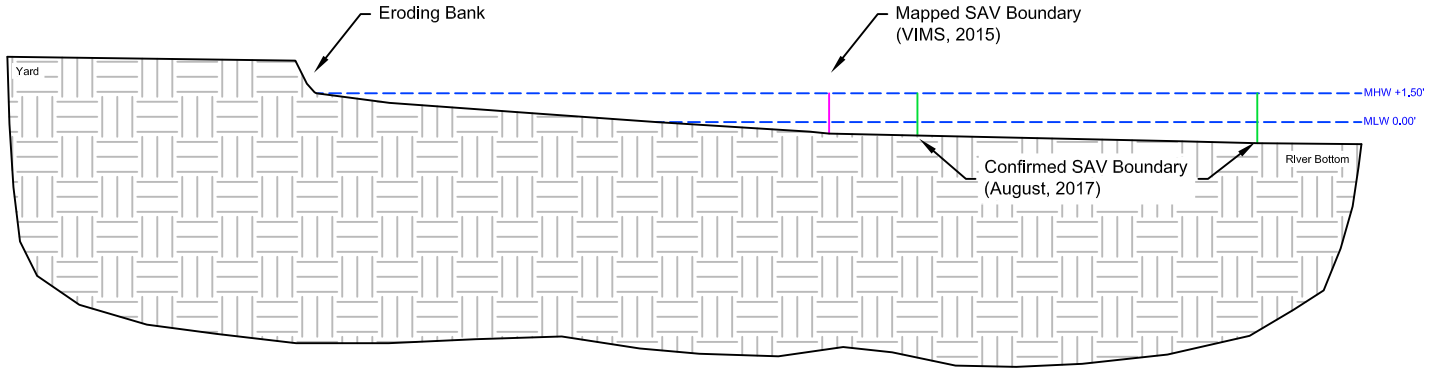
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Shoreline Stabilization / Pier Recon. Project - XSECs

Project Owner : Eugene Smith				Drawing Date : Aug 31, 2017	
Location : 7848 Folly's Cove Road, St. Michaels, MD 21663					
County : Talbot	Map : 32	Parcel : 94	Lot :	Job No. :	
Waterway : San Domingo Crk.			Draw. Use: Fed/State Permit		Drawn By : Chris Moore
Revision Dates					Sheet 7 of 10

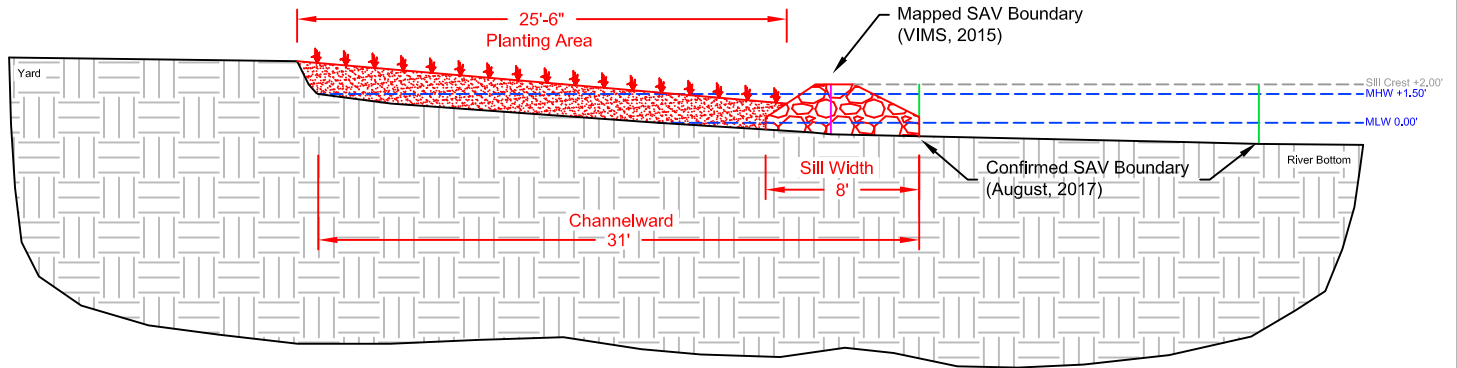
C1 Shoreline Cross Section
Existing Conditions

Scale: 1" = 10'



C1 Shoreline Cross Section
Proposed Conditions

Scale: 1" = 10'



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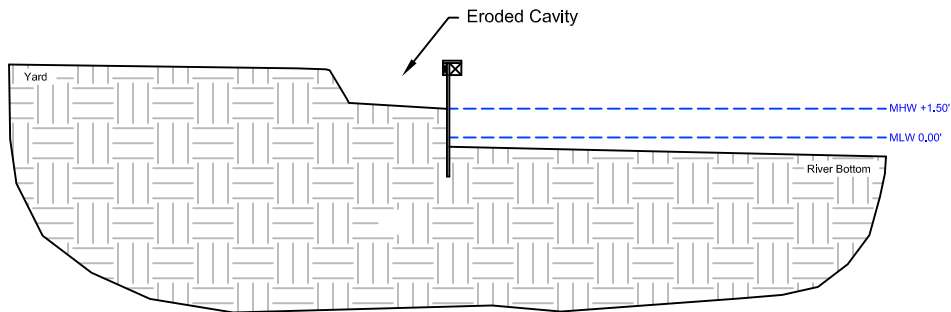
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Shoreline Stabilization / Pier Recon. Project - XSECs

Project Owner : Eugene Smith				Drawing Date : Aug 31, 2017	
Location : 7848 Folly's Cove Road, St. Michaels, MD 21663					
County : Talbot		Map : 32	Parcel : 94	Lot :	
Waterway : San Domingo Crk.		Draw. Use: Fed/State Permit		Drawn By : Chris Moore	
Revision Dates				Sheet 8 of 10	

A1 Shoreline Cross Section
Existing Conditions

Scale: 1" = 10'



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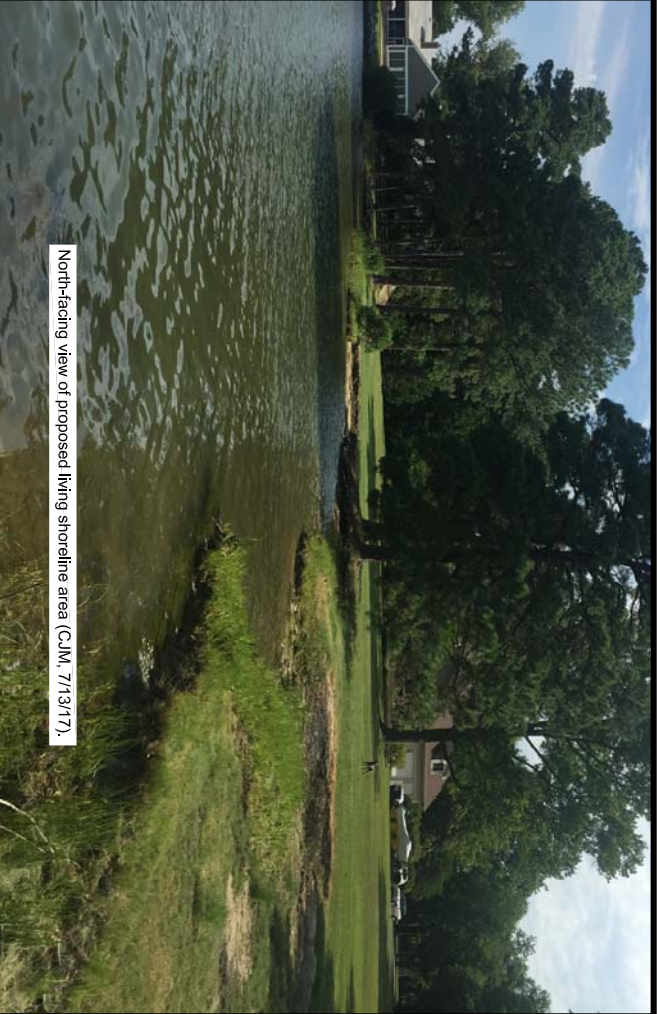
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Shoreline Stabilization / Pier Recon. Project - Addendum

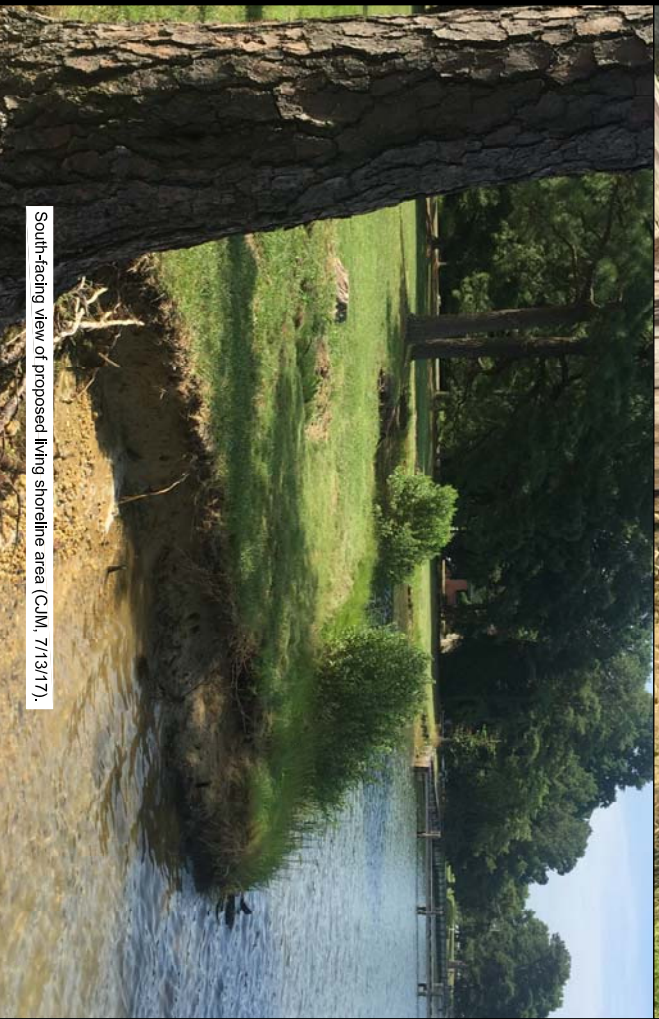
Project Owner : Eugene Smith				Drawing Date : Feb. 7, 2018	
Location : 7848 Folly's Cove Road, St. Michaels, MD 21663					
County : Talbot		Map : 32	Parcel : 94	Lot :	Job No. :
Waterway : San Domingo Crk.		Draw. Use: Fed/State Permit		Drawn By : Chris Moore	
Revision Dates					Sheet A1 of A1



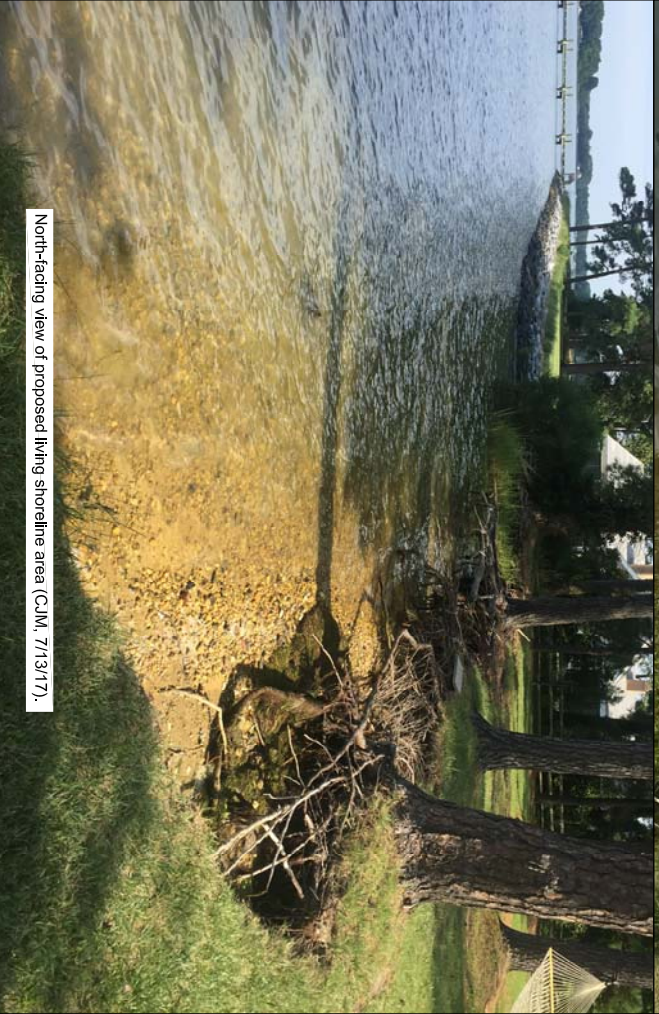
View of bulkhead / proposed revetment area #1 (CJM, 7/13/17).



North-facing view of proposed living shoreline area (CJM, 7/13/17).



South-facing view of proposed living shoreline area (CJM, 7/13/17).



North-facing view of proposed living shoreline area (CJM, 7/13/17).

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Shoreline Stabilization / Pier Reconstruction Project - Site Photos

Project Owner : Eugene Smith

Location : 7848 Follys Cove Road, St. Michaels, MD 21663

County : Talbot

Map : 32

Parcel : 94

Lot :

Waterway : San Domingo Crk.

Drawing Date : Aug. 29, 2017

Scale : Not to Scale

Job No. :

Draw. Use: Fed/State Permit

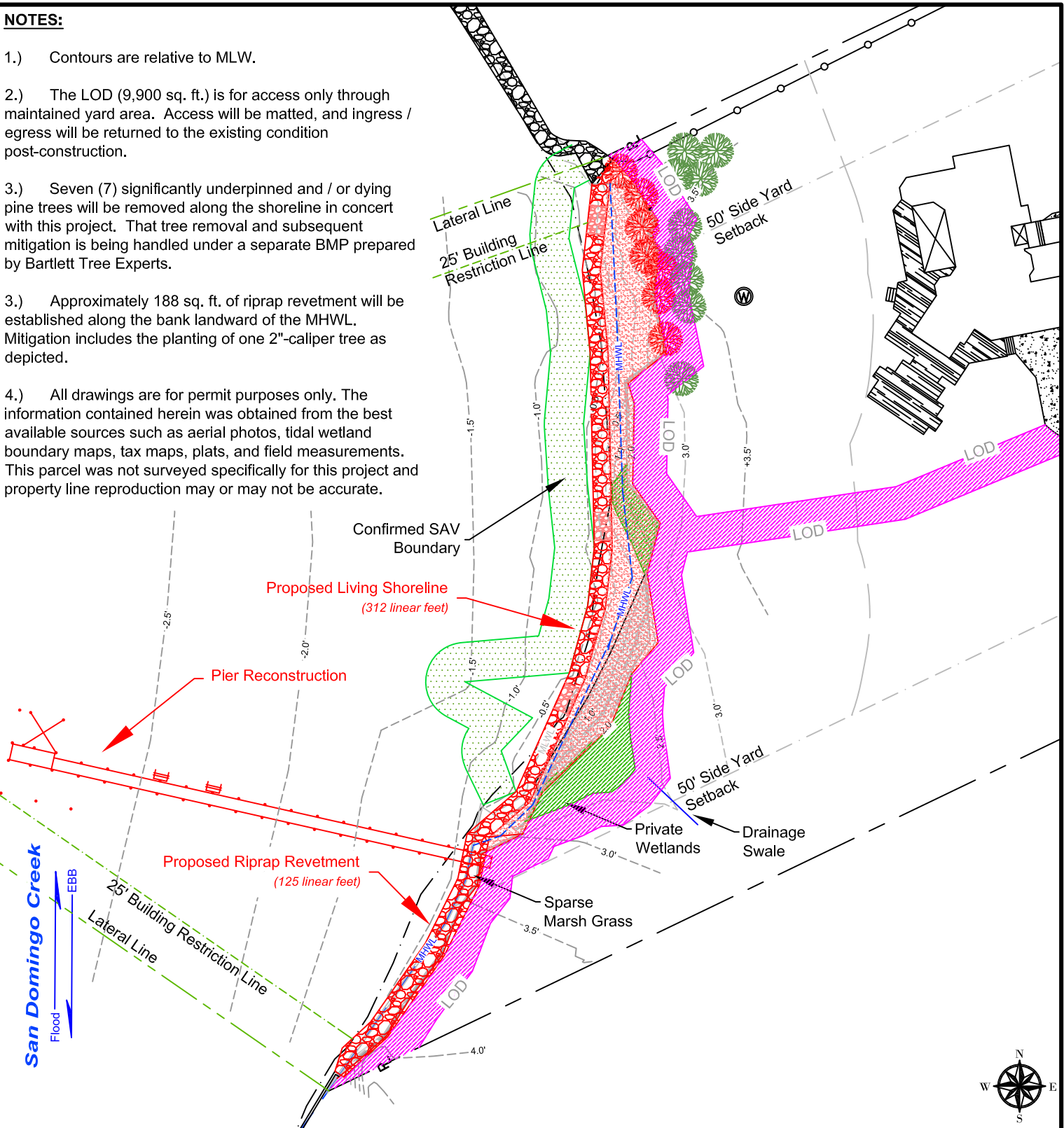
Drawn By : Chris Moore

Revision Dates

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NOTES:

- 1.) Contours are relative to MLW.
- 2.) The LOD (9,900 sq. ft.) is for access only through maintained yard area. Access will be matted, and ingress / egress will be returned to the existing condition post-construction.
- 3.) Seven (7) significantly underpinned and / or dying pine trees will be removed along the shoreline in concert with this project. That tree removal and subsequent mitigation is being handled under a separate BMP prepared by Bartlett Tree Experts.
- 3.) Approximately 188 sq. ft. of riprap revetment will be established along the bank landward of the MHWL. Mitigation includes the planting of one 2"-caliper tree as depicted.
- 4.) 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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Shoreline Stabilization / Pier Recon. Project - DRAFT BMP

Project Owner : Eugene Smith				Drawing Date : Aug. 31, 2017	
Location : 7848 Follys Cove Road, St. Michaels, MD 21663					
County : Talbot		Map : 32	Parcel : 94	Lot :	Job No. :
Waterway : San Domingo Crk.			Draw. Use: Fed/State Permit		Scale : 1" = 60'
Revision Dates		10/18/17			Drawn By : Chris Moore
					Sheet 10 of 10