

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-MN (EXCELBERT, STEPHEN & ELLEN)
2017-61398

PN 18-13

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: Stephen and Ellen Exelbert
6868 Thorneton Road
Easton, Maryland 21601

WATERWAY AND LOCATION: In the Solitude Creek, Easton, Talbot County, Maryland.

PROPOSED WORK: To construct a living shoreline all within an approximately 3,620 square foot (.075 acre) area that includes tidal wetlands as follows: to create a marsh along 180 linear feet of shoreline by depositing approximately 133 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *Spartina patens* to extend no more than 16.5 feet channelward of the approximate mean high water (MHW) shoreline and to emplace 180 linear feet of stone sill, 9-foot wide at the base and 2-foot wide at the top and 2-foot high (relative to MLW), with one 5-foot wide (at base) vent to extend no more than 24 feet channelward of the approximate MHW shoreline. All work would be completed in accordance with the enclosed plans dated August 1, 2017. 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 three areas of existing wetland vegetation: Area 1 of 265 square feet to be filled; Area 2 of 465 square feet to remain in-tact; and Area 3 of 70 square feet to be filled. The proposed work would also encroach on approximately 1,500 square feet of mapped submerged aquatic vegetation (SAV), but has been designed to avoid any SAV currently present.

Project Purpose: To stabilize the property shoreline and create marsh.

Avoidance/Minimization of Impacts: 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.

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 proposed work will result in filling approximately 800 square feet of wetland vegetation, but will create approximately 2,000 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 is affecting.

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.

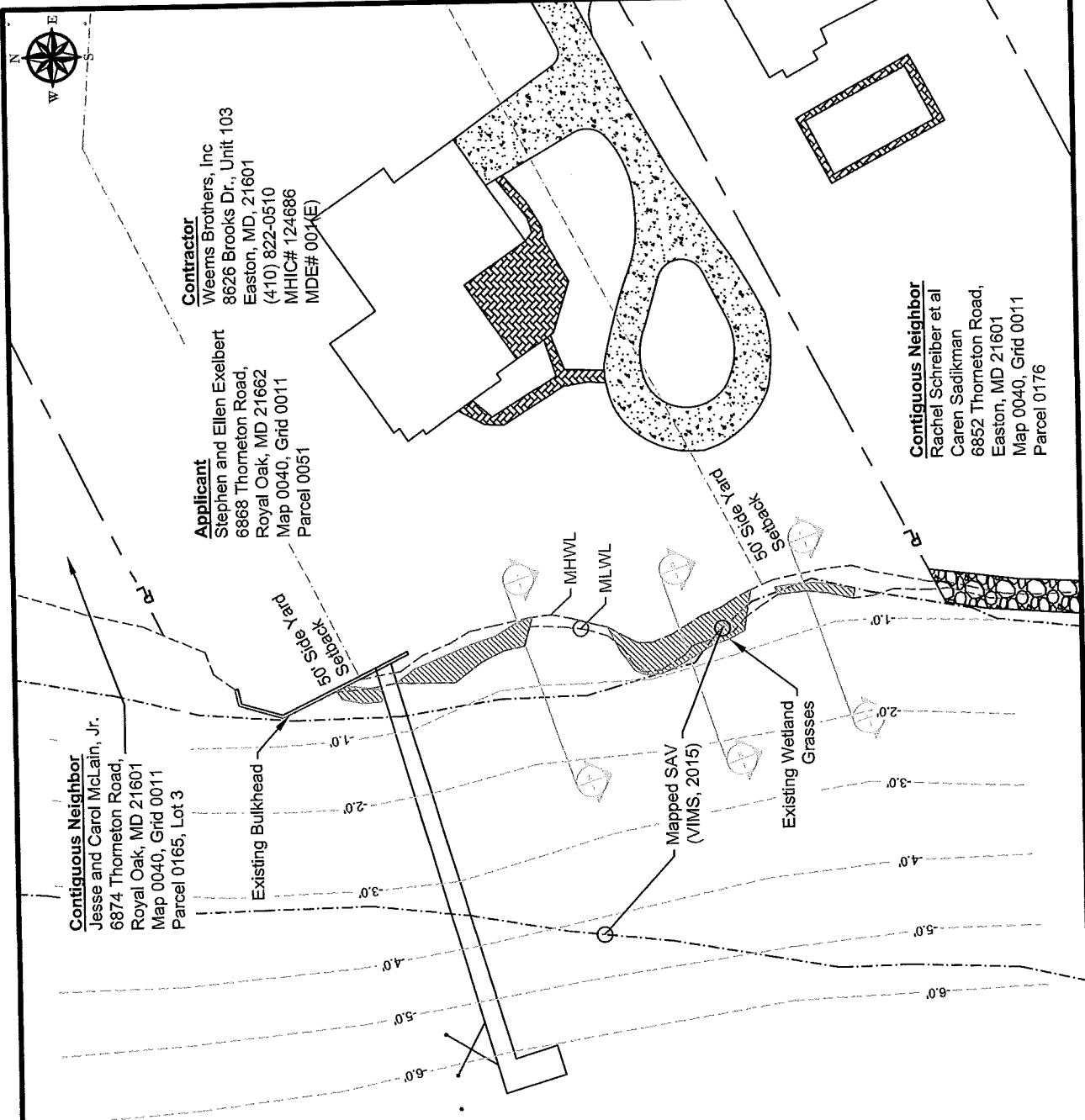
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Robert Fewster, CENAB-OPR-M], 2 Hopkins 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:

Katherine B. Anderson
Chief, Maryland Section Southern

Soiltude Creek
 EBB
 Flood



Contiguous Neighbor
 Jesse and Carol McLain, Jr.
 6874 Thorneton Road,
 Royal Oak, MD 21601
 Map 0040, Grid 0011
 Parcel 0165, Lot 3

Applicant
 Stephen and Ellen Exelbert
 6868 Thorneton Road,
 Royal Oak, MD 21662
 Map 0040, Grid 0011
 Parcel 0051

Contractor
 Weems Brothers, Inc
 8626 Brooks Dr., Unit 103
 Easton, MD, 21601
 (410) 822-0510
 MHIC# 124686
 MDE# 0034(E)

Contiguous Neighbor
 Rachel Schreiber et al
 Caren Sadikman
 6852 Thorneton Road,
 Easton, MD 21601
 Map 0040, Grid 0011
 Parcel 0176

- NOTES:**
- Contours are relative to MLW.
 - 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.

Shoreline Stabilization Project - Existing Plan View

Project Owner : Stephen and Ellen Exelbert		Drawing Date : July 14, 2017	
Location : 6868 Thorneton Road, Royal Oak, MD 21662		Scale : 1" = 50'	
County : Talbot	Map : 40	Parcel : 51	Lot :
Waterway : Solitude Creek		Draw. Use: Fed/State Permit	
© 2017 Weems Brothers, Inc. This drawing is the property of Weems Brothers, Inc. and is intended solely for the personal reference of the named project owner. Any use, review, disclosure, reproduction, display, transmission or distribution of this drawing or the information contained herein without the express written approval of Weems Brothers, Inc. is strictly prohibited.		Drawn By : Chris Moore	
		Revision Dates	

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

NOTES:

- 1.) **Project Parameters**
Proposed Stone Sill: 180'-long, 9'-wide, 1,620 sq. ft.
Fill Vol. = 133 cu. yd.
Sand Backfill = 140 cu. yd.
Planting Area = 2,000 sq. ft.
High Marsh = 1,125 sq. ft.
Low Marsh = 875 sq. ft.

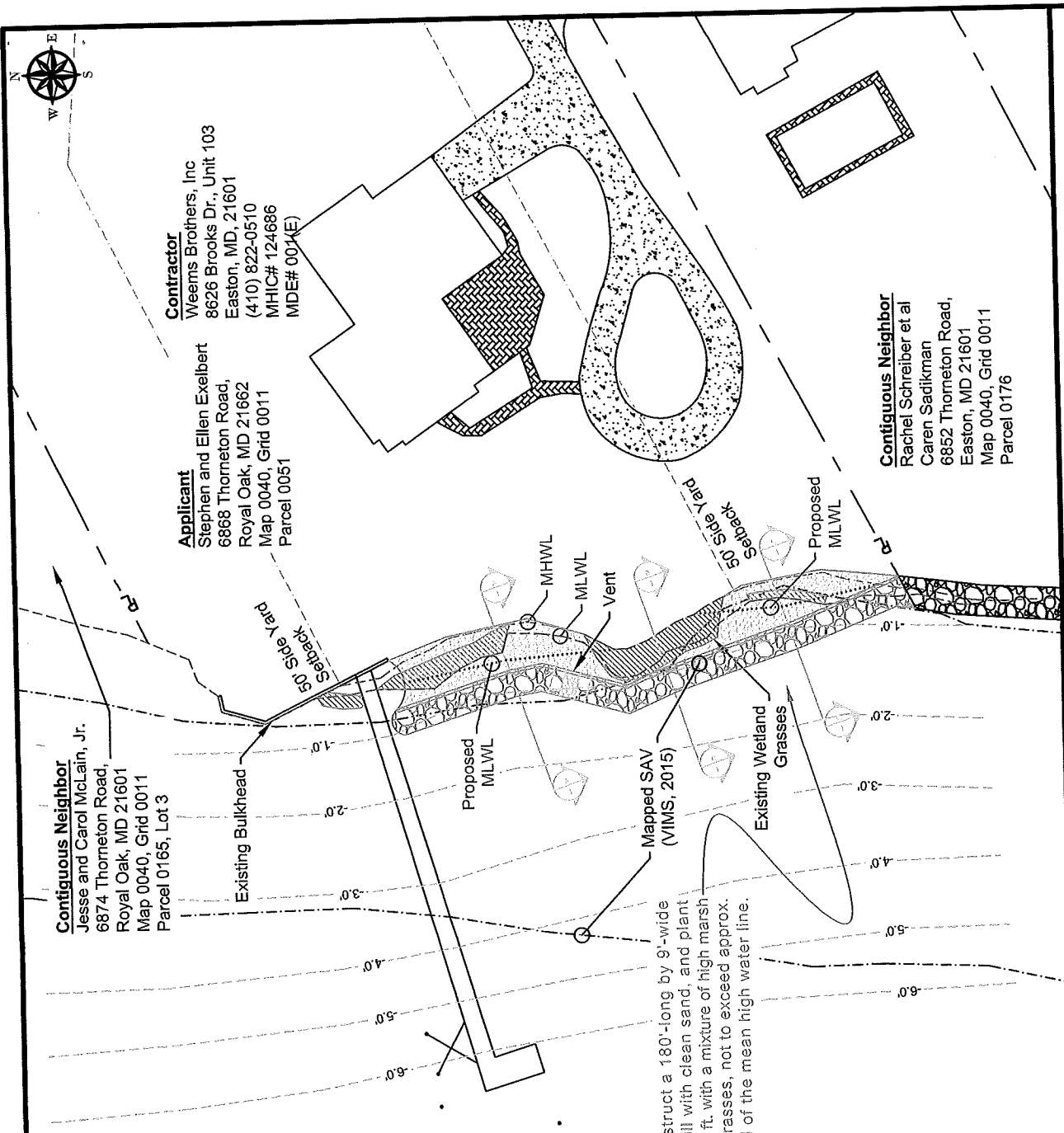
2.) Contours are relative to MLWL.

3.) Approximately 350 square feet of existing sparse wetland grasses will be temporarily impacted by the fill associated with the living shoreline but are considered to be self-mitigating.

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.



Proposed: Construct a 180'-long by 9'-wide stone sill, backfill with clean sand, and plant approx. 2,000 sq. ft. with a mixture of high marsh and low marsh grasses, not to exceed approx. 24' channelward of the mean high water line.



Contiguous Neighbor
Jesse and Carol McLain, Jr.
6874 Thornton Road,
Royal Oak, MD 21601
Map 0040, Grid 0011
Parcel 0165, Lot 3

Applicant
Stephen and Ellen Exelbert
6868 Thornton Road,
Royal Oak, MD 21662
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Parcel 0051

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(410) 822-0510
MHIC# 124686
MDE# 0014E

Contiguous Neighbor
Rachel Schreiber et al
Caren Sadikman
6852 Thornton Road,
Easton, MD 21601
Map 0040, Grid 0011
Parcel 0176

Shoreline Stabilization Project - Proposed Plan View

Project Owner : Stephen and Ellen Exelbert		Drawing Date : July 14, 2017	
Location : 6868 Thornton Road, Royal Oak, MD 21662		Scale : 1" = 50'	
County : Talbot	Map : 40	Parcel : 51	Lot :
Waterway : Solitude Creek		Job No. :	
Waterway Use : Solitude Creek		Draw. Use: Fed/State Permit	
Drawn By : Chris Moore		Revision Dates	
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Weems Brothers, Inc.

Land & Marine Construction

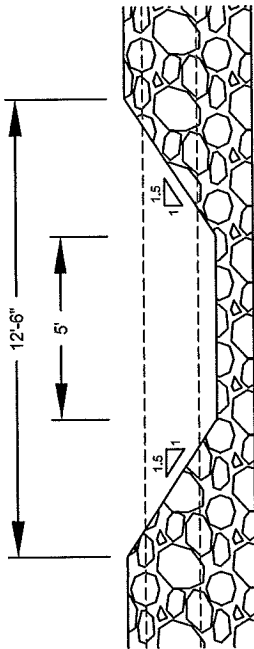
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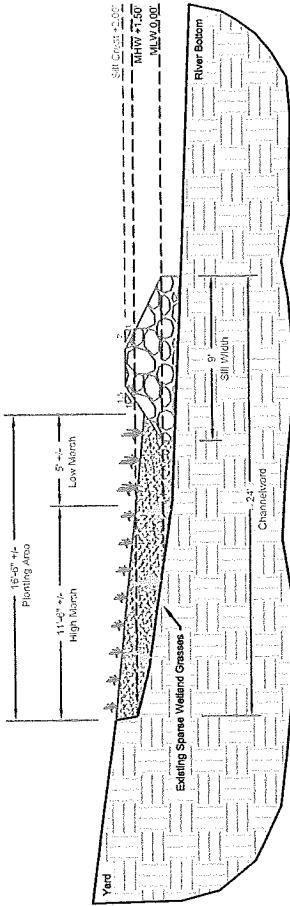
Sill Vent Detail Typ.

Scale: 1" = 5'



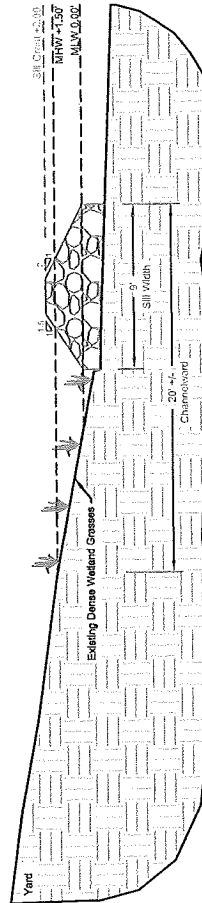
Living Shoreline Cross-Section A1

Scale: 1" = 10'



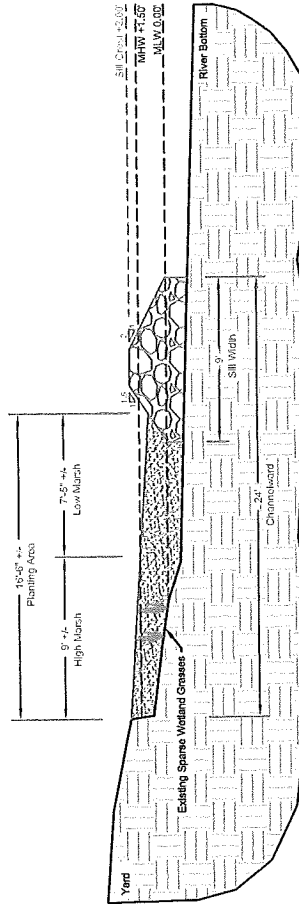
Living Shoreline Cross-Section B1

Scale: 1" = 10'



Living Shoreline Cross-Section C1

Scale: 1" = 10'



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Shoreline Stabilization Project - Vent Detail and Cross Sections

Project Owner : Stephen and Ellen Exelbert

Location : 6868 Thorneton Road, Royal Oak, MD 21662

County : Talbot Map : 40 Parcel : 51 Lot :

Waterway : Solitude Creek

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Drawing Date : July 19, 2017

Scale : See Above

Job No. : Draw. Use: Fed/State Permit

Drawn By : Chris Moore

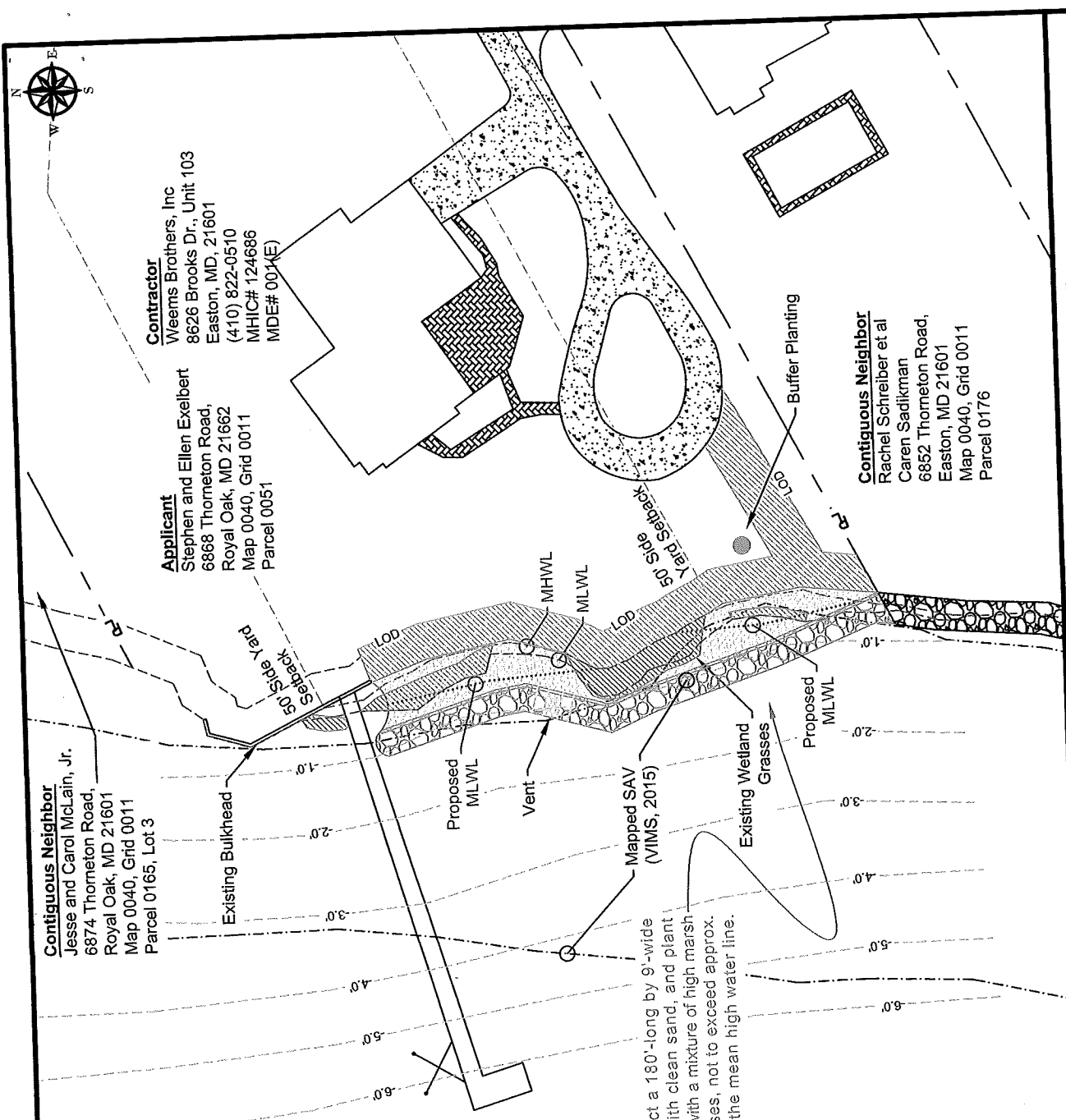
Revision Dates

NOTES:

- 1.) Access will be matted. The LOD (2,900 sq. ft.) is for access only and is therefore corresponds to temporary disturbance. The ingress / egress will be returned to the existing condition post-construction. No vegetation removal is required.
- 2.) Very little fill (~100 sq. ft.) is proposed landward of the MHWL to establish the transition from the yard to the living shoreline area. Mitigation is to include the planting of one 1"-caliber hardwood as depicted.
- 3.) Contours are relative to MLW.
- 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.

Soiltude Creek
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 Easton, MD 21601
 Map 0040, Grid 0011
 Parcel 0176

Shoreline Stabilization Project - DRAFT BMP

Project Owner : Stephen and Ellen Exelbert		Drawing Date : July 14, 2017	
Location : 6868 Thormeton Road, Royal Oak, MD 21662		Scale : 1" = 50'	
County : Talbot	Map : 40	Parcel : 51	Lot :
Waterway : Soiltude Creek		Job No. :	Draw. Use: Fed/State Permit
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