

U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OPR-M (NEESE, WALTER & BRANDE)  
2017-60887

PN 18-52

Comment Period: August 06, 2018 – August 27, 2018

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**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:** Walter and Brande Neese  
1730 Garden of Eden Road  
Cambridge, Maryland 21613

**WATERWAY AND LOCATION:** In Le Compte Bay off the Choptank River in Cambridge, Dorchester County, Maryland.

**PROPOSED WORK AND PURPOSE:** The applicant proposes, in accordance with the attached plans, to create approximately 3,028 square feet of low tidal marsh and 3,028 square feet of high tidal marsh along 285 linear feet of shoreline by depositing approximately 1,180 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 one 24-foot 5-inch by 71-foot stone breakwater, one 25-foot by 79-foot stone breakwater, and one 24-foot by 79-foot stone breakwater, separated by two 25-foot wide vents, all to extend no more than 50 feet channelward of the approximate MHW shoreline. No compensatory mitigation is proposed. The project would create approximately 6,056 square feet of intertidal wetlands vegetated with high and low marsh grasses. All work is to be completed in accordance with the attached plans dated August 14, 2016. If you have any questions concerning this matter, please contact Ms. Connie Ramsey at (410) 962-5676 or [Connie.L.Ramsey@usace.army.mil](mailto:Connie.L.Ramsey@usace.army.mil).

The MD-SPGP-5 does not authorize the construction of breakwaters associated with marsh creation. Therefore the project must be processed as a standard permit.

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 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 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: Ms. Connie Ramsey, CENAB-OPR-M], 2 Hopkins Plaza, Baltimore, Maryland 21201 or [Connie.L.Ramsey@usace.army.mil](mailto:Connie.L.Ramsey@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 affect Essential Fish Habitat (EFH). The project site lies in or adjacent to the Choptank River complex for EFH as described under the MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), and *Rachycentron canadum* (cobia), 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 was 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 project area is not a Habitat Area of Particular Concern (HAPC).

**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 Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Blvd., Suite 430, Baltimore, Maryland 21230 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.

**COASTAL ZONE MANAGEMENT PROGRAM:** 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 Tidal Wetlands Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that the MDE 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.

**ENDANGERED SPECIES ACT:** A preliminary review of this application indicates that the proposed work is not likely to adversely affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended because water depths in the project area are less than -3.0 feet mean low water (MLW). As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

**NATIONAL HISTORIC PRESERVATION ACT:** 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. The original project design was reviewed by the Maryland Historical Trust (MHT) and determined unlikely to affect significant historic and archaeological resources on June 19, 2017. 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, to the U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified as above to receive consideration. Also, it must clearly state the interest that may be adversely affected by this activity and 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



Choptank River

☆ Project Location

Cambridge

Castle Haven

Lacomble Bay

Dickinson Bay

Porpoise Creek

Bill Burton State Park

Bayberry Park

Long Wharf Park

Choptank River Golf Course

Dorchester Horn Point Airport

Cornersville

Lloyds

343

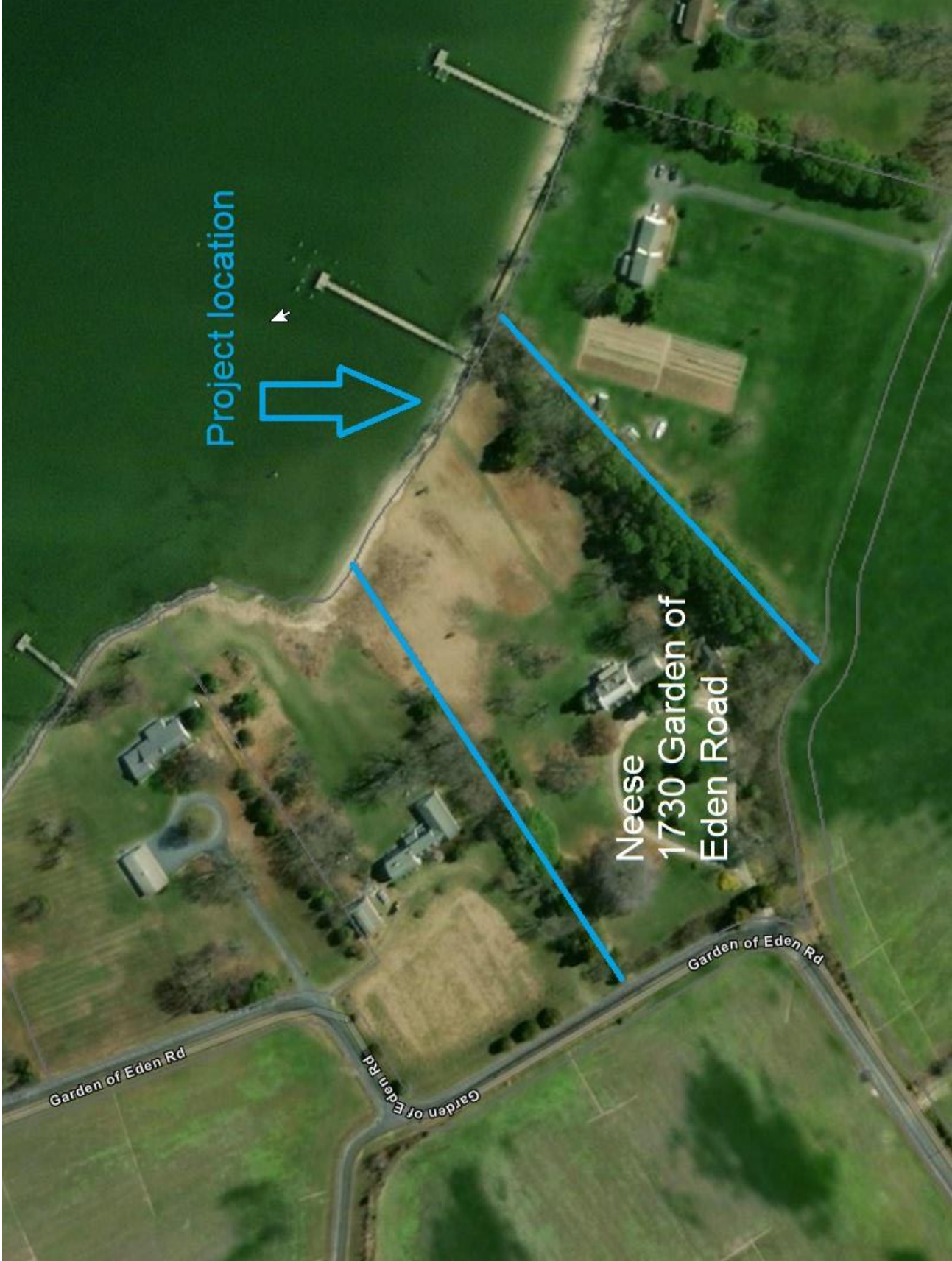
Cambridge

River Marsh

Jacktown

Ocean City

Race St



Project location

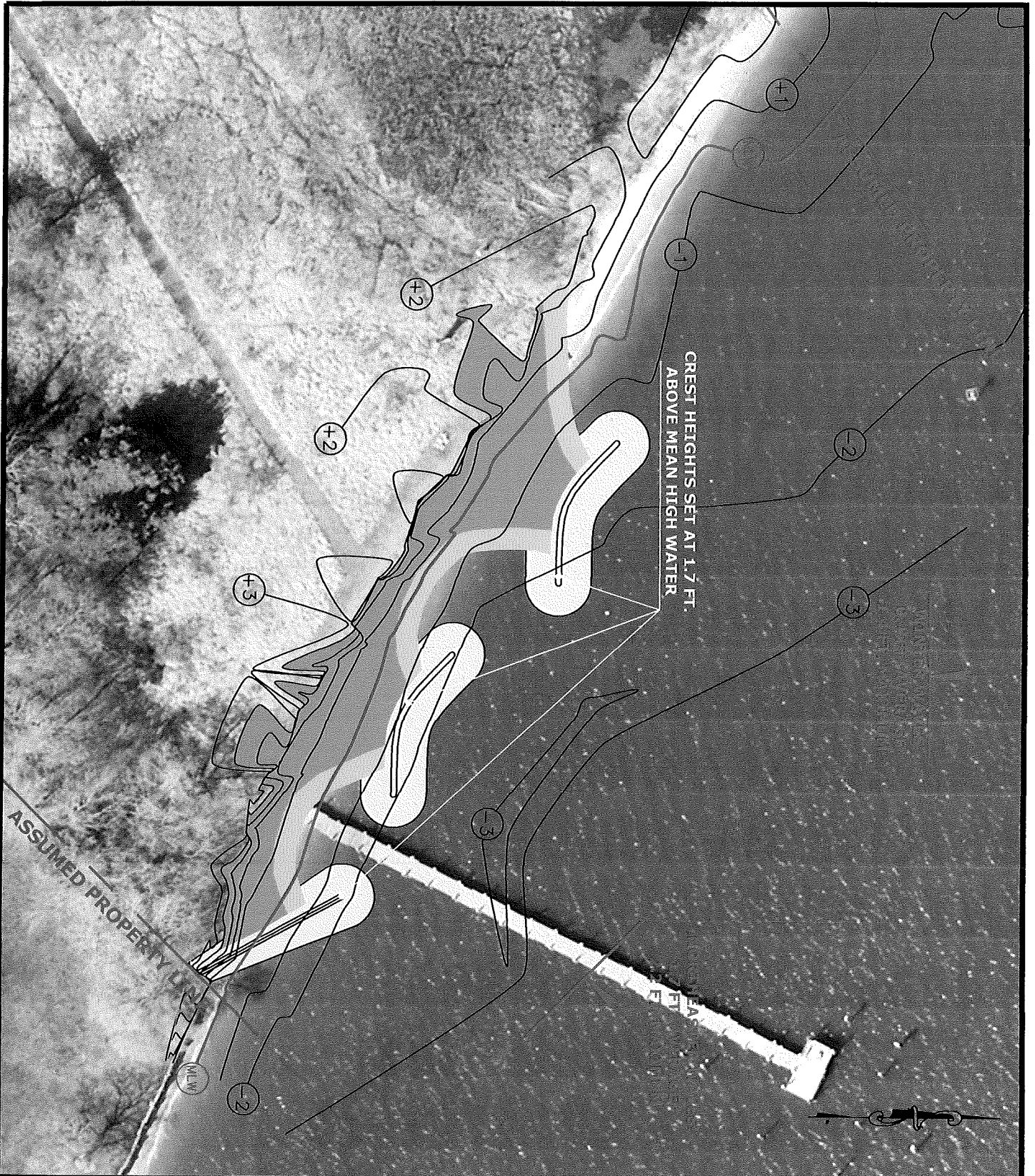


Neese  
1730 Garden of  
Eden Road

Garden of Eden Rd

Garden of Eden Rd

Garden of Eden Rd

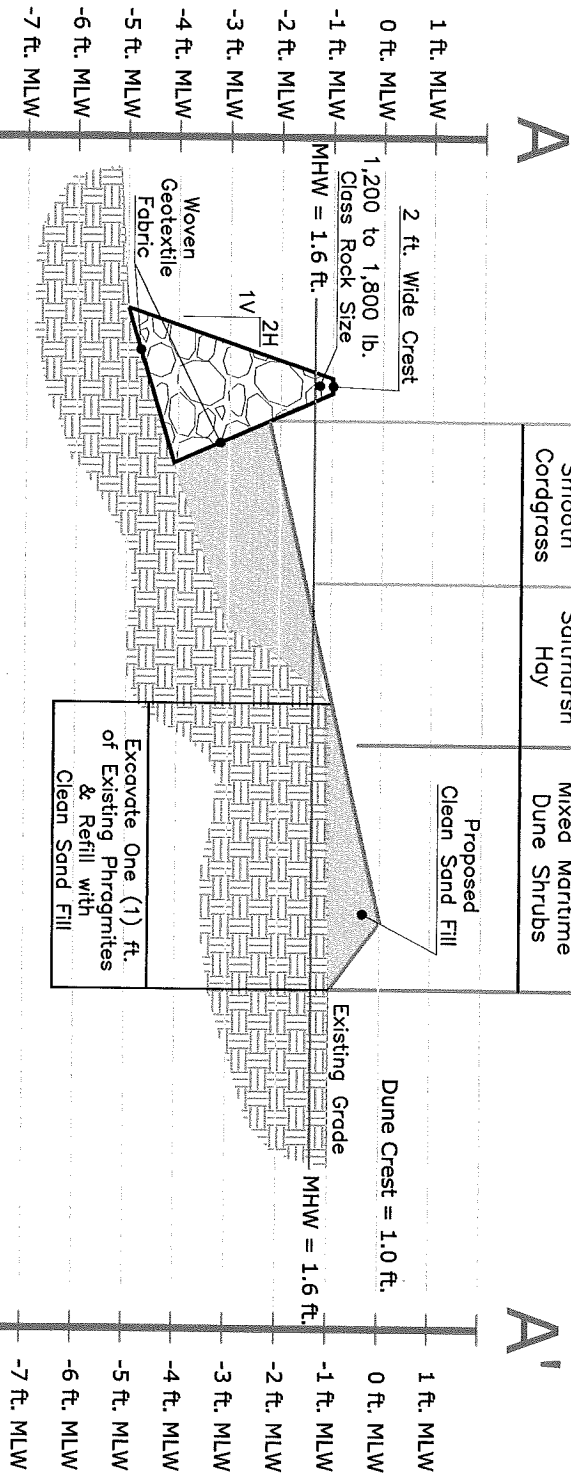


# LIVING SHORELINE PLAN

Crouse Park Redevelopment  
 Phase II Dredging/Jetty and  
 Shoreline Enhancement Construction  
 Denton, Maryland

**SUSTAINABLE SCIENCE LLC**  
*Ecological Engineering Services*  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (+1) 924-4316  
 www.sustainable-science.com

SCALE:	1 inch = 50 feet
DRAWN BY:	A. McCullough
DATE:	August 14th, 2016
LAST REVISION:	NONE
SS PROJECT NO:	15009
SHEET NUMBER	3 OF 5



A

A'

3,085 2-in. Plugs of Smooth Cordgrass	3,085 2-in. Plugs of Saltmarsh Hay	650 1-Gallon Containers of Mixed Maritime Dune Shrubs
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Excavate One (1) ft. of Existing Phragmites & Refill with Clean Sand Fill



Horizontal Scale

CONSTRUCTION DETAILS

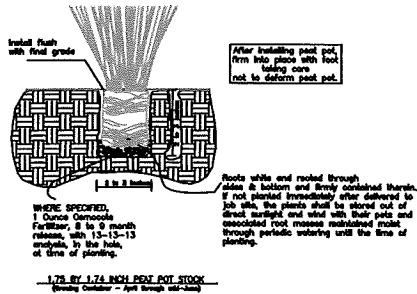
Neese Property  
Shoreline Restoration

Dorchester County, Maryland

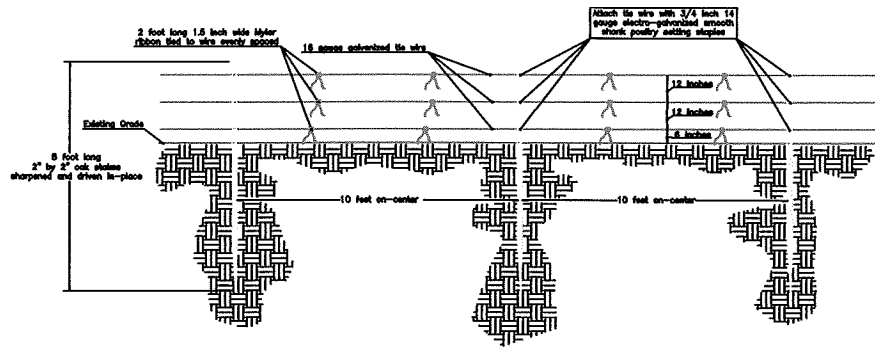
**SUSTAINABLE SCIENCE LLC**  
*Ecological Engineering Services*  
 410 S. Second Street  
 Denton, Maryland 21629  
 Phone: (+10)924-4316  
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SCALE:	As Shown
DRAWN BY:	S. McCullough
DATE:	August 14, 2016
LAST REVISION:	
SS PROJECT NO:	15009
SHEET NUMBER	4 OF 5





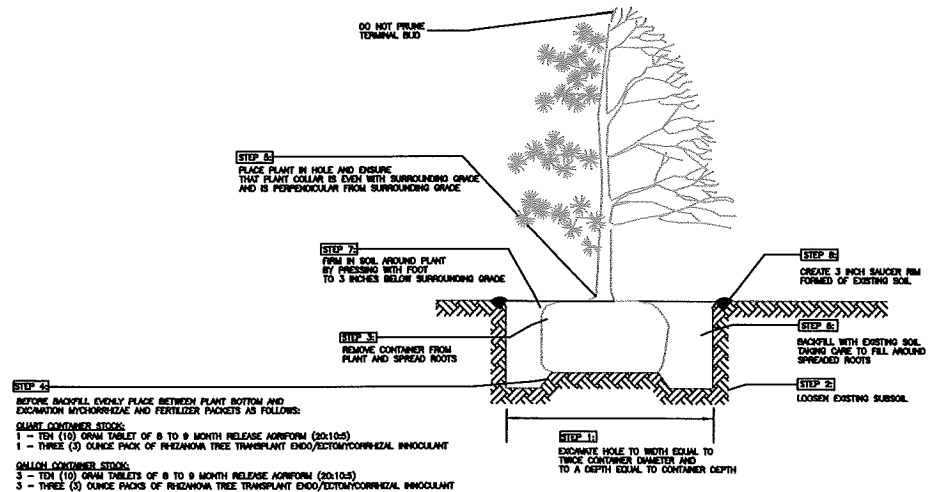
SMOOTH CORDGRASS (SPARTINA ALTERNIFLORA)  
 PLANTING DETAIL -- SALT MARSH HAY (SPARTINA PATENS)  
 NOT TO SCALE



GOOSE EXCLOSURE DETAIL  
 NOT TO SCALE

**STEP 6:**  
 THOROUGHLY WATER TO FULLY SATURATE WITH FRESH WATER THE ENTIRE INSTALLED PLANT

- NOTES
1. ALL DELIVERED PLANT MATERIAL TO BE SATURATED WITH FRESH WATER DAILY UNTIL INSTALLED
  2. ALL INSTALLED PLANT MATERIAL TO BE SATURATED WITH FRESH WATER IMMEDIATELY AFTER INSTALLATION
  3. AFTER INSTALLATION, ALL PLANT MATERIAL TO BE FRESH WATERED AT NO LONGER THAN 48 HOURS BETWEEN LAST PRECIPITATION OF 1/2 INCH OR GREATER.



PLANTING DETAIL -- QUART & GALLON CONTAINER STOCK  
 NOT TO SCALE

PLANTING DETAILS

Neese Property  
 Shoreline Restoration  
 Dorchester County, Maryland

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 Denton, Maryland 21629  
 Phone: (+1) 924-4316  
 www.sustainable-science.com

SCALE:	Not to Scale
DRAWN BY:	S. McCullough
DATE:	August 14, 2016
LAST REVISION:	
SS PROJECT NO:	15009
SHEET NUMBER	5 OF 5