

**U.S. Army Corps  
of Engineers**  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (RICE, RICK & EILEEN) 2015-60456

PN: 15-35

Comment Period: May 19, 2015 to June 18, 2015

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**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: Mr. Rick and Mrs. Eileen Rice  
44015 Drumcliff Road  
Hollywood, Maryland 20636

LOCATION: In St. Thomas Creek at 44015 Drumcliff Road, Hollywood, St. Mary's County, Maryland.

WORK: To construct a 3-foot wide by 240-foot long segmented oyster reef sill to extend more than 30 feet channelward of the approximate mean high water shoreline and to plant *Spartina alterniflora* and *S. patens* in the open water area landward of the proposed sill impacting approximately 6,220 square feet of tidal waters of St. Thomas Creek. The area would be planted after natural sand accretion occurs. All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Mrs. Erica Schmidt of this office at (410) 962-6029 or via email at [erica.schmidt@usace.army.mil](mailto:erica.schmidt@usace.army.mil).

Site layout for this project was based upon ongoing erosion and the potential for natural accretion of sand. The oyster reef would be used to reduce wave action and create an area for vegetation planting. The impacts have been minimized to the maximum extent practicable.

Compensatory mitigation is not being proposed by the applicant for permanent impacts to open water.

The purpose of the project is shoreline stabilization.

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 *Gadus morhua* (Atlantic Cod) adult, *Pleuronectes*

americanus (winter flounder) juvenile, and adult, Scopthalmus aquosus (windowpane flounder) eggs, larvae, juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; (Lophius americanus) (Monkfish) eggs and larvae, Stenotomus chrysops (scup) juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Urophycis chuss (red hake) eggs, larvae, juvenile; (Peprilus triacanthus (Atlantic butterflyfish) eggs, juvenile, adult; Clupea harengus (Atlantic sea herring) juvenile and adult; Odontaspis taurus (sand tiger shark) larvae and adult; Squatina dumerili (Atlantic angel shark) larvae, juvenile, and adult; Charcharinus obscurus (dusky shark) larvae; Charcharinus plumbeus (sandbar shark) larvae, juvenile, and adult; Odontaspis taurus sand tiger shark, larvae and juvenile, Sphyrna lewini (scalloped hammerhead shark) juvenile; Rhizopriondon terraenovae (Atlantic sharpnose shark) adult, Prionance glauca (blue shark) adult Galeocerdo cuvieri (tiger shark) larvae; and eggs, larvae, juvenile, and adult stages of Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (spanish mackerel), and Rachycentron canadum (cobia), Spisula solidissima (surf clam) juvenile, all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 0.13 acres of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy and silty sub-tidal substrate that does not support submerged aquatic vegetation (SAV). The proposed project would alter the existing elevations and substrate within the project footprint and the areas filled are not expected to support the current benthos and fishery due to the project.

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 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.

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, P.O. Box 1715, Baltimore, Maryland, 21203 within the comment period specified above.

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, 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.

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 will not 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, P.O. Box 1715, 21203-1715, 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.

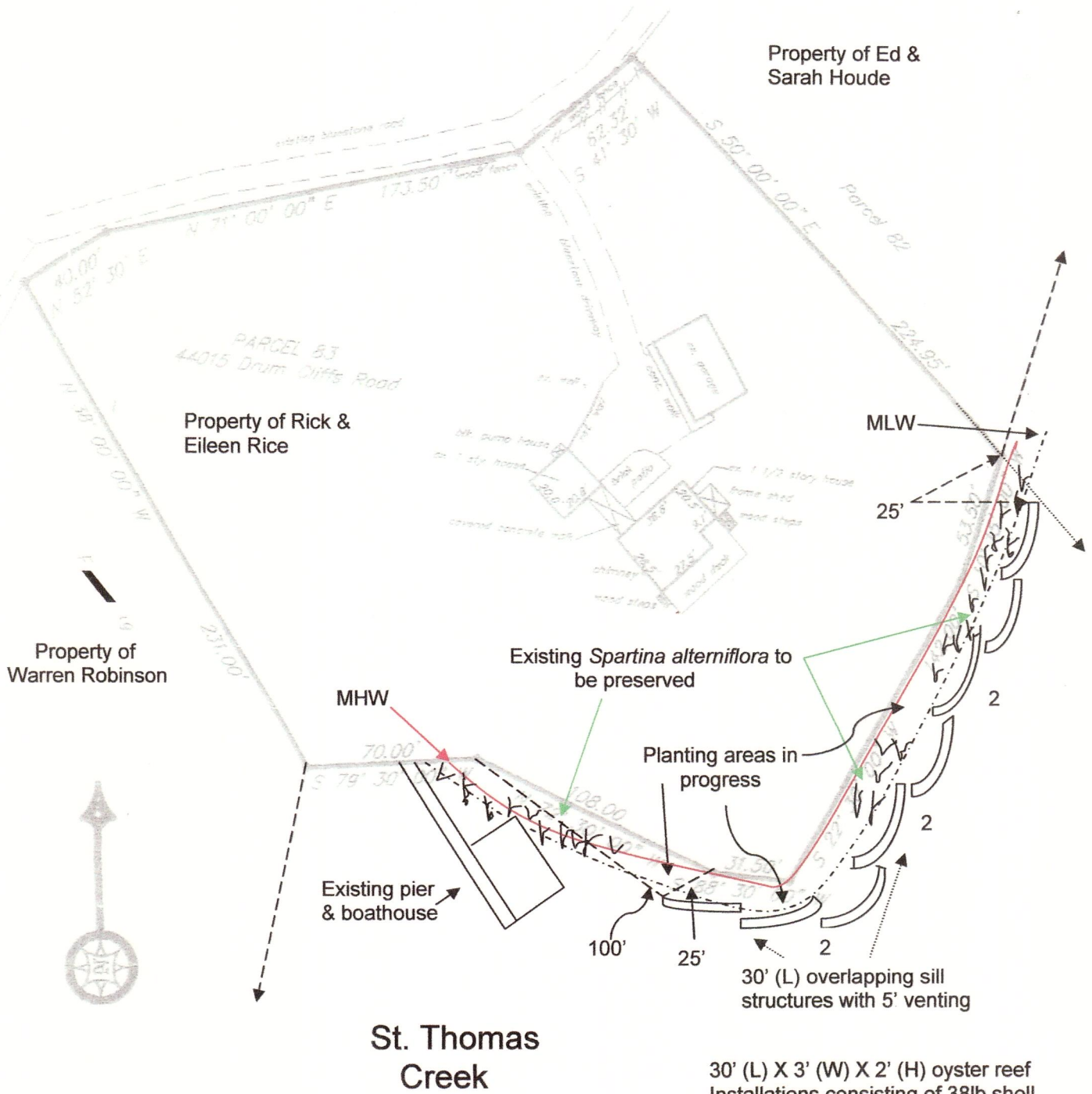
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON  
Chief, Maryland Section Southern

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R. Chapman  
for Rick & Eileen Rice



30' (L) X 3' (W) X 2' (H) oyster reef  
Installations consisting of 38lb shell  
bags (shell with spat in degradable  
mesh) set parallel to shoreline  
approx. 25' from base of slope, just  
below MLW line. 240 L.F. total  
Scale: 1" = 60'

Notes:

1. Tidal range is 1.5 ft.
2. Soundings in ft. refer to MLW
3. Fill to occur by natural deposition and accretion

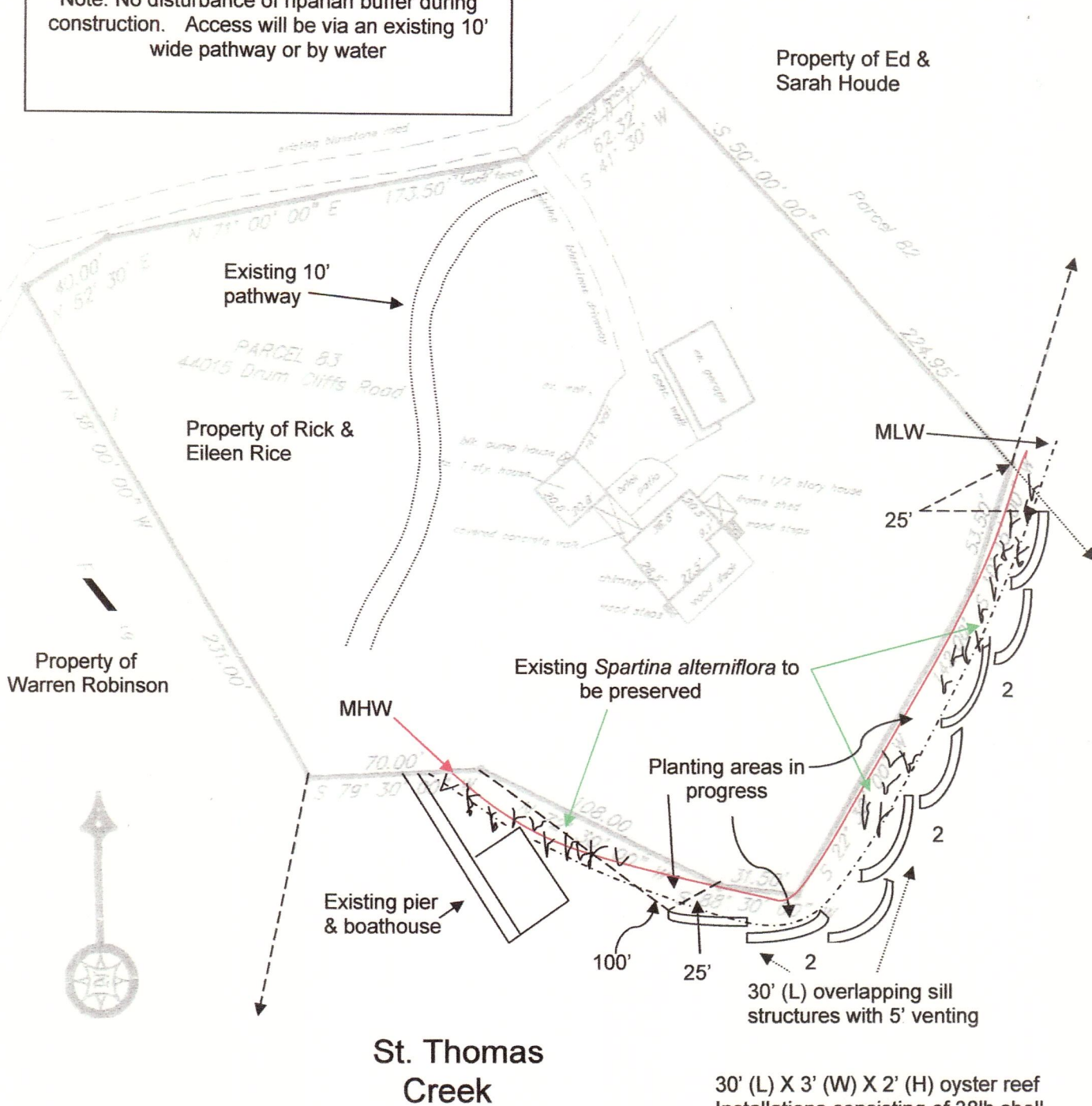
Proposed Shoreline Restoration Plan for Rick & Eileen Rice

### Riparian Buffer Management Plan

Note: No disturbance of riparian buffer during construction. Access will be via an existing 10' wide pathway or by water

R. Chapman for  
Rick & Eileen Rice

Property of Ed &  
Sarah Houde



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30' (L) X 3' (W) X 2' (H) oyster reef  
Installations consisting of 38lb shell  
bags (shell with spat in degradable  
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approx. 25' from base of slope, just  
below MLW line. 240 L.F. total  
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Existing native trees, shrubs, forbs and grasses will be retained and augmented with native grasses and shrubs for erosion control and wildlife habitat improvement. Exotic invasive species will be managed.

16'

*Spartina alterniflora* (smooth cordgrass)  
distance varies, in progress and proposed  
*Spartina patens* to be planted above MHW  
as accretion allows on a 1:1 ratio with  
*Spartina alterniflora*

Proposed 24" (H) X 36" (W)  
Living oyster reef sill  
(see attached detail)

MHW  
MLW

MHW  
MLW

4'

8'

12'

16'

20'

24'

28'

32'

36'

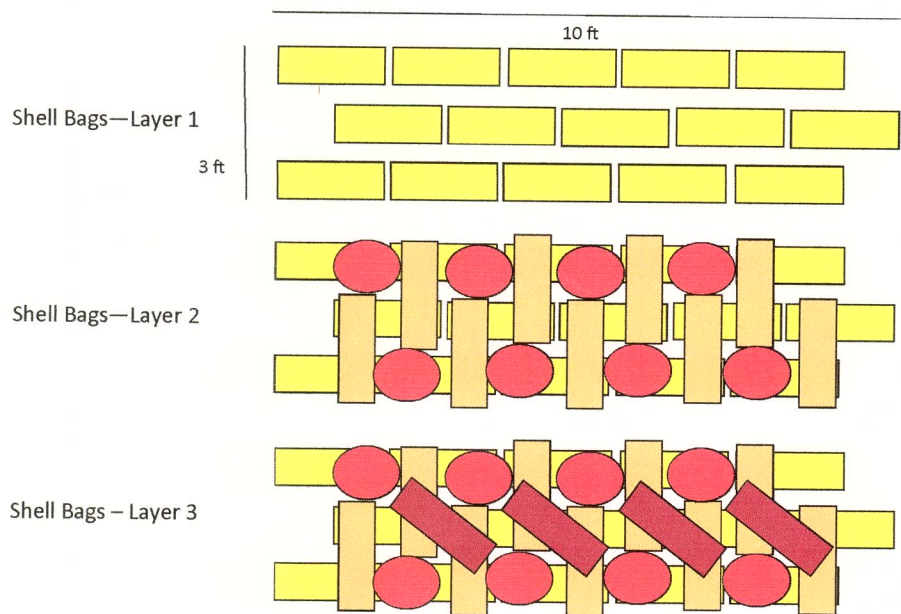
### Shoreline Planting Section

Scale: 1" = 4'

R. Chapman for Rick &  
Eileen Rice



## Project Detail Overview of 10' Reef



Layer 1 shell bags are placed parallel to one another almost abutting with 3 inches of space between main rows.

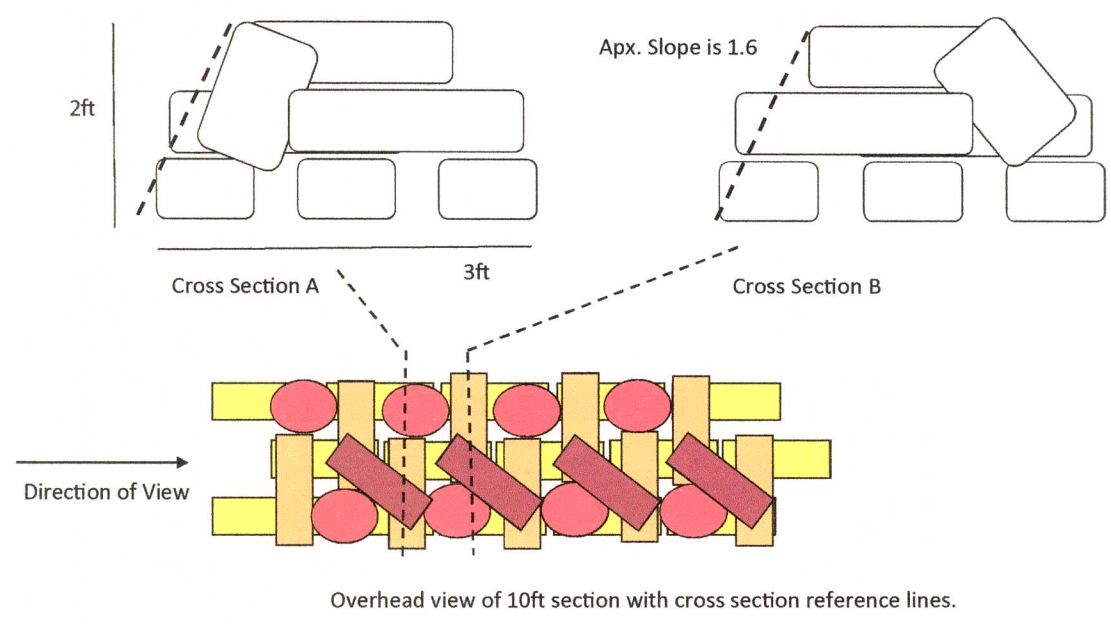
Layer 2 shell bags are placed perpendicular to layer 1 joining the base 3 rows. A second set of bags is placed vertically (red) as fillers and to provide additional joining.

Layer 3 shell bags are placed obliquely across layer 2 further joining the layers. Placement prevents top layer bag roll off from wave energy.

Project is composed of 8, 30' sections of oyster reef. Each reef is approximately 3' wide by 2' tall. Reefs are constructed out of natural fiber, biodegradable, mesh shellbags. Each bag is approximately 10" wide by 8" tall, and 20" long. An estimated 1,056 bags are needed to complete the project. Each shell bag contains 3/4 bushel of oyster shells and weighs apx. 38 lbs. Total aggregate used is estimated at 792 bushels of oyster shell. The bags are "set" with oyster spat prior to planting. As the spat grow they will strengthen the integrity of the reef.

Rick and Eileen Rice  
Shoreline Restoration Project  
Working Draft  
Prepared by Shore Thing Shellfish, LLC

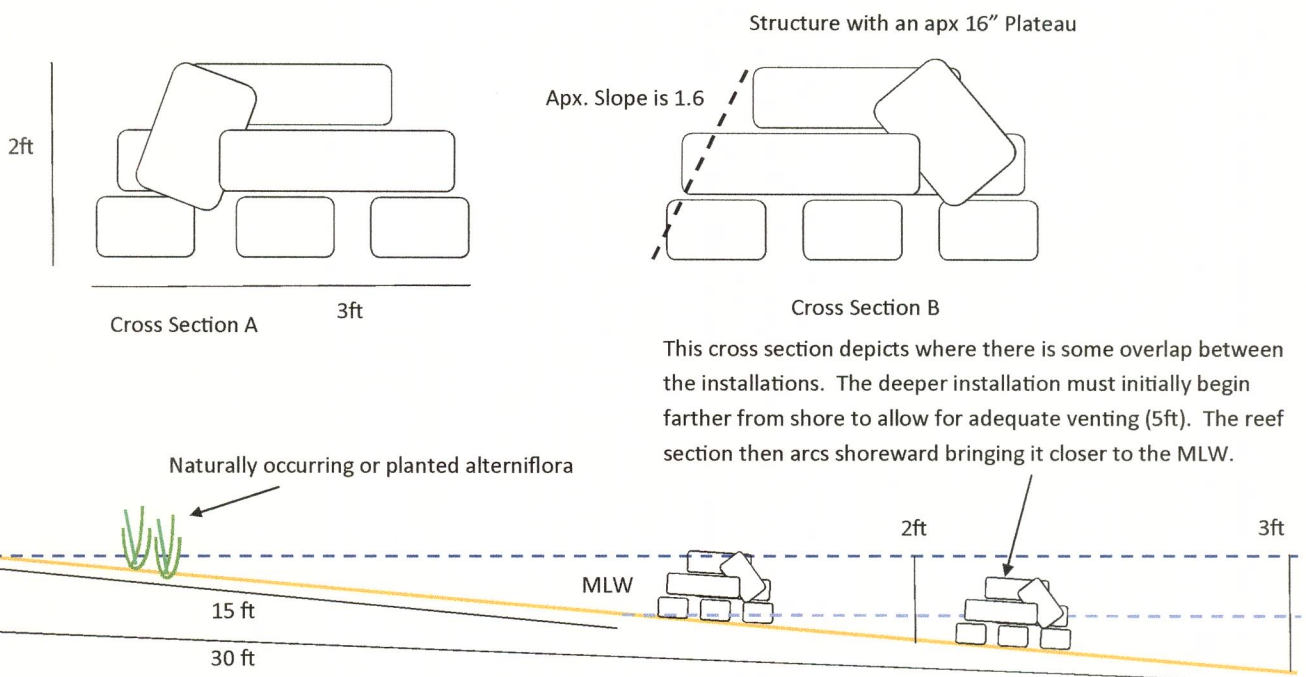
## Project Detail Cross Section of Reef



Each bag is approximately 10" wide by 8" tall, and 20" long. An estimated 1,056 bags are needed to complete the project. This is the cross sectional view of a proposed reef section. The width of the topmost parts is approximately 16-18" while the base width is 36-42". Structure will have a 16" plateau. Slope is approximately 1.6.

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Working Draft  
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## Elevation Cross Section with Reef Installation at MLW



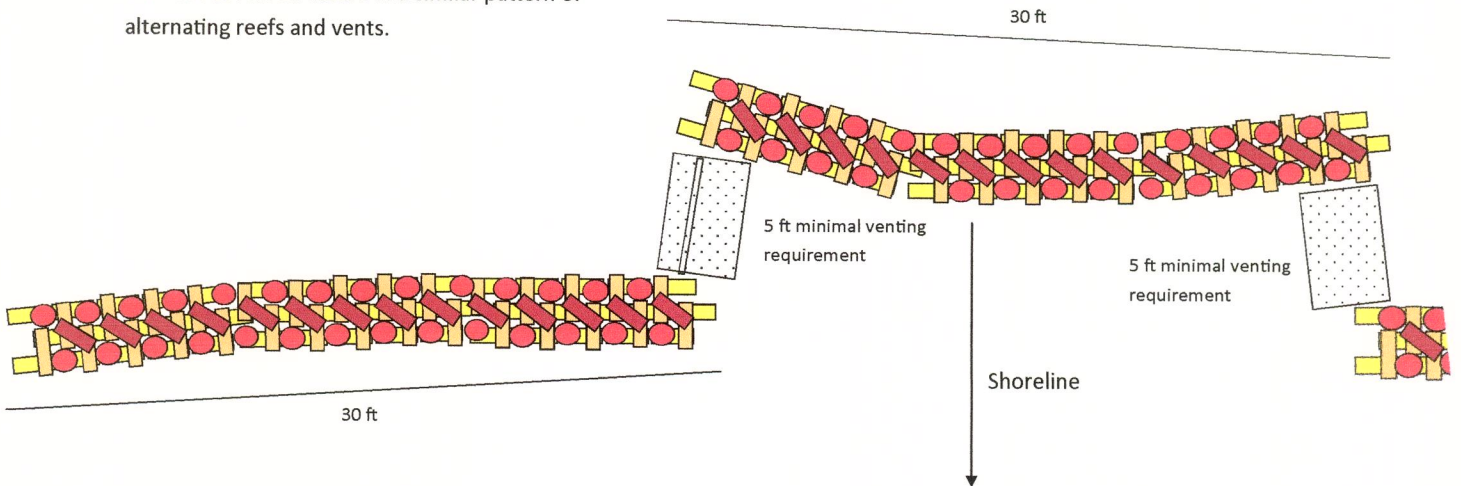
This cross section depicts where there is some overlap between the installations. The deeper installation must initially begin farther from shore to allow for adequate venting (5ft). The reef section then arcs shoreward bringing it closer to the MLW.

Cross section depicts the reef installation 17' from the MHW line and just below the MLW line. The difference between MHW and MLW is 1.5'. The shore length between MHW and MLW is approximately 15'. The height of the installations is 2'. At low tide the majority of the installation will be visible. Parts of each reef section will be exposed. At high tide the majority of the installation will be at or just beneath the waters surface. The deepest parts of the installation will be at 2.5' at MHW. The required 5' vent spacing between the reefs will be in approximately 8" of water at low tide and 2' of water at high tide.

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# Project Detail Aerial of 63' of Reef

Overall installation continues for an additional 240 feet of reef structure in a similar pattern of alternating reefs and vents.



An example of installed reef sections is depicted. The installation will be set just below the MLW line. The proposed reef sections will be placed approx. 20-25 feet from MHW.

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