

Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
NAB-OP-RMS (Chateau Bu De, LLC) 2012-61788

PN 13-08

Comment Period: February 5, 2013 to March 6, 2013

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.

The 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: Chateau Bu De, LLC
30953 Riverside Lane
Trappe, Maryland 21673

LOCATION: In the Choptank River at 30953 Riverside Lane in Trappe, Talbot County, Maryland.

WORK: To emplace a 6-foot wide by 250-foot long stone revetment 6-feet channelward of the existing bulkhead; to construct a living shoreline along 120 linear feet of eroding shoreline by depositing approximately 30 cubic yards of sloped, clean select sand fill stabilized with approximately 887 square feet of *Spartina alterniflora* wetland species, to extend no more than 25 feet channelward of the approximate mean high water (MHW) shoreline; and to construct two stone hook groins for estuarine pocket beach protection, no more than 15.5-feet wide at the base, with one 25-foot wide tidal embayment; all to extend no more than 58 feet channelward of the approximate MHW shoreline. The work is proposed within an approximately 3,834 square foot (0.08 acre) area of tidal waters. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jason R. Peters of this office at 410-962-5676 or by email Jason.Peters@usace.army.mil.

PURPOSE: To provide shoreline erosion control and marsh establishment.

MITIGATION STATEMENT: 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 living shoreline would not result in substantial adverse impacts to the aquatic environment and would result in a net increase of approximately 887 square feet of new emergent intertidal wetlands. Combined, the revetment, stone groins, and marsh creation would stabilize approximately 370 linear feet of estuarine shoreline. The applicant has not proposed compensatory mitigation to offset unavoidable losses to aquatic resources.

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 MSFCMA for *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), 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 an approximate 3,834 square foot (0.08 acre) area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of intertidal and tidal nearshore shallow water habitat comprised of sand and mud substrate which does not support submerged aquatic vegetation (SAV). SAV occurrence was not documented between 2007 to 2011, during the 5 year project window. The SAV map data for 2012 has not been completed by the Virginia Institute of Marine Sciences at this time. 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, 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, 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.

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 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.

The evaluation of the impact of this project 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 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, Baltimore, Maryland 21203, 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.


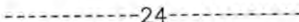
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

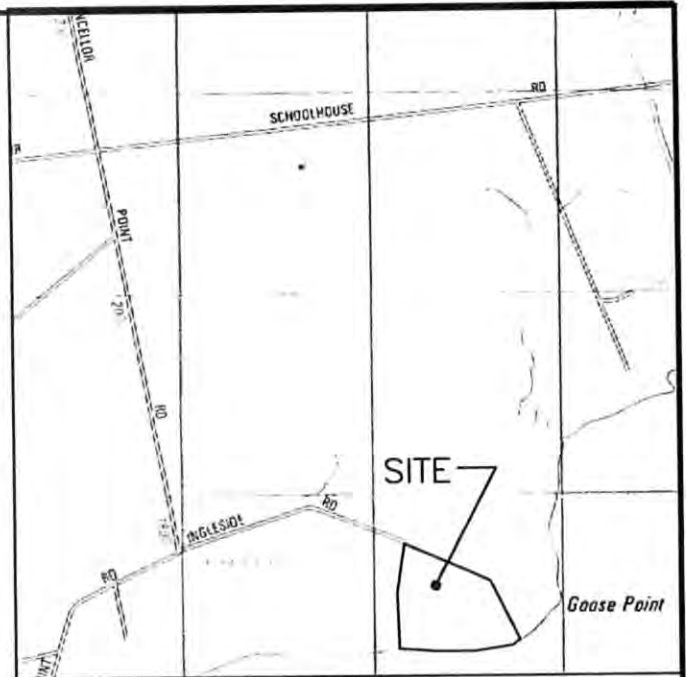
FOR THE DISTRICT ENGINEER:

Kathy B. Anderson
Chief, Maryland Section Southern

LEGEND & ABBREVIATIONS

MLW MEAN LOW WATER (ELEVATION)
 MHW MEAN HIGH WATER (ELEVATION)
 MLWL MEAN LOW WATER LINE
 MHWL MEAN HIGH WATER LINE

PROPERTY LINE 
 CONTOUR LINE  -24-
 SPOT ELEVATION x-2.15



VICINITY MAP

SCALE: 1" = 2000'

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NOTES:

1. MEAN TIDAL RANGE = 1.62'
2. LOT SIZE = 22.563 AC.±
3. LOT DEPTH = 1,100'±
4. LOT WIDTH AT SHORELINE = 1,290'±
5. DISTANCE TO CHANNEL CENTERLINE = 1,950'±
6. MAXIMUM CHANNELWARD ENCROACHMENT = 58'±
7. 911 ADDRESS = 30953 RIVERSIDE LANE
 TRAPPE, MD 21673

AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM THE DEED RECORDED AMONG THE TALBOT COUNTY LAND RECORDS AT LIBER 1943, FOLIO 74. A PROPERTY LINE SURVEY WAS NOT PERFORMED.
 THE SHORELINE INFORMATION SHOWN HEREON WAS TAKEN FROM A SITE SURVEY BY LANE ENGINEERING, LLC ON 11-17-12.

PERMIT DRAWINGS

FOR
CHATEAU BU DE, LLC

TALBOT COUNTY, MARYLAND
 TAX MAP 62 GRID 17 PARCEL 49

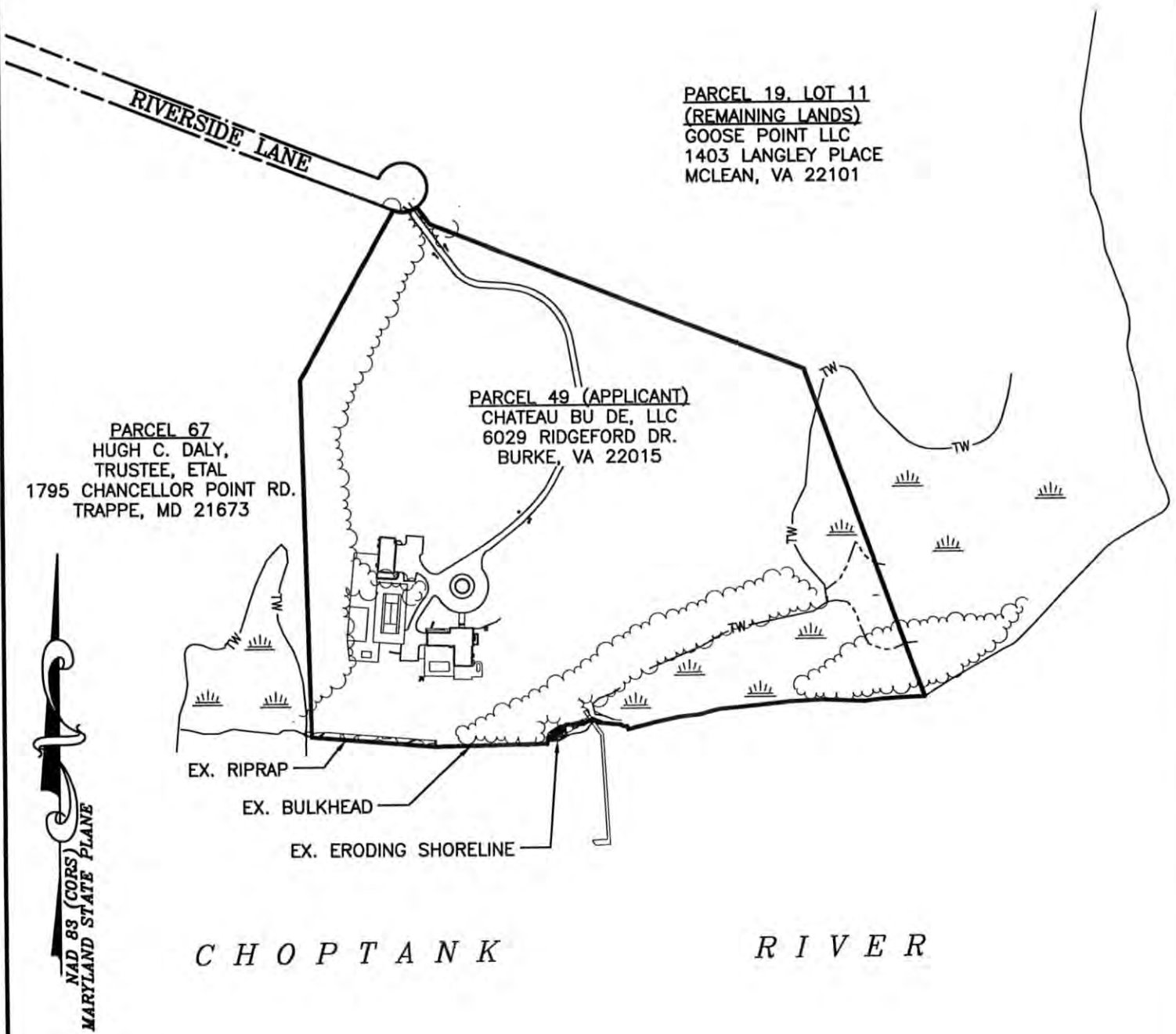
Lane Engineering, LLC

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 15 Washington St. Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

SHEET No. 1
 DATE: 11-6-12
 SCALE: AS NOTED
 JOB No. 120261
 FILE No. 7254

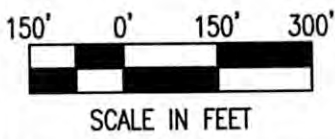


PARCEL 19, LOT 11
 (REMAINING LANDS)
 GOOSE POINT LLC
 1403 LANGLEY PLACE
 MCLEAN, VA 22101

PARCEL 49 (APPLICANT)
 CHATEAU BU DE, LLC
 6029 RIDGEFORD DR.
 BURKE, VA 22015

PARCEL 67
 HUGH C. DALY,
 TRUSTEE, ETAL
 1795 CHANCELLOR POINT RD.
 TRAPPE, MD 21673

CHOPTANK RIVER



SITE OVERVIEW

FOR
CHATEAU BU DE, LLC

TALBOT COUNTY, MARYLAND
 TAX MAP 62 GRID 17 PARCEL 49

Lane Engineering, LLC

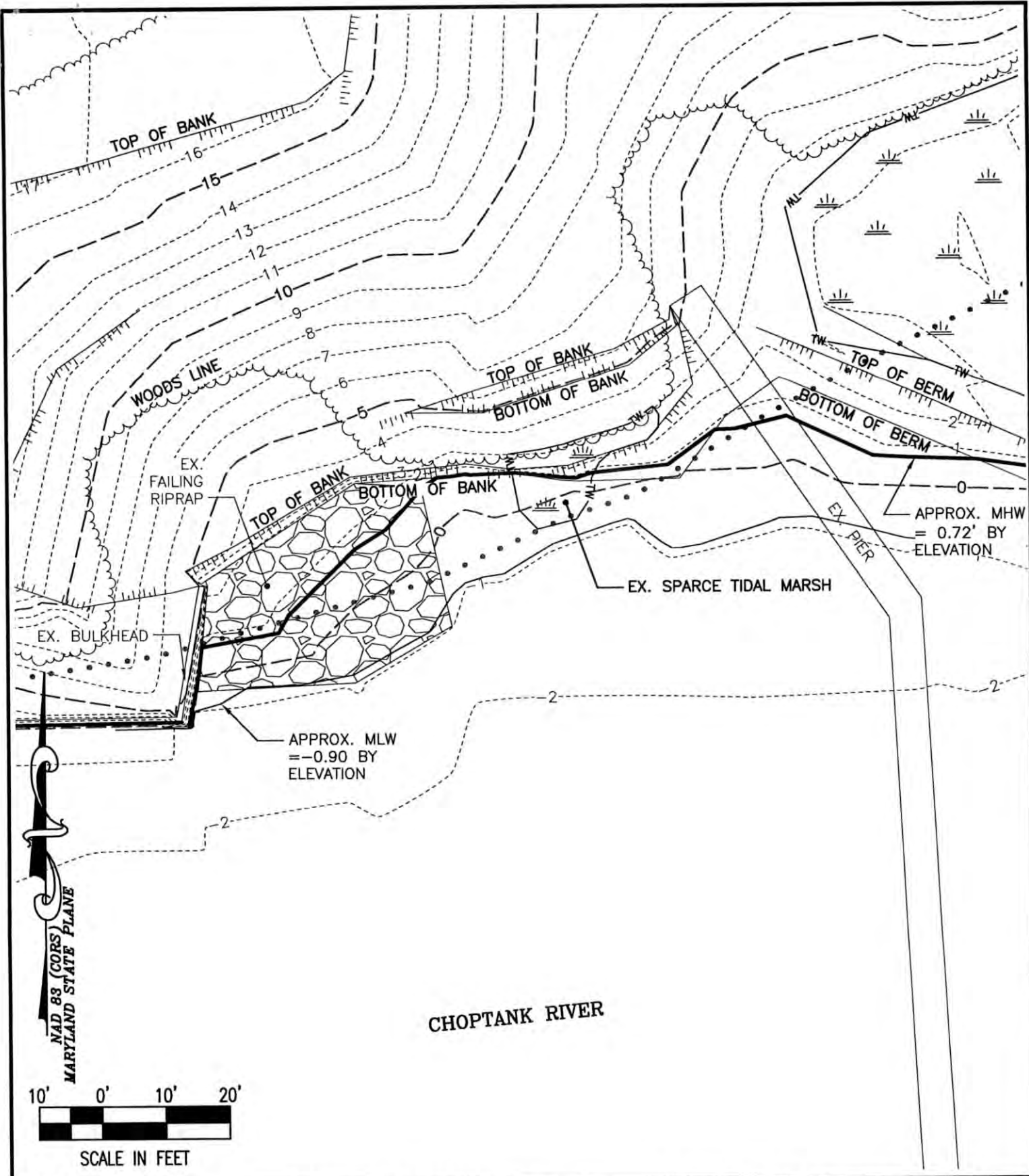
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SHEET No.
2

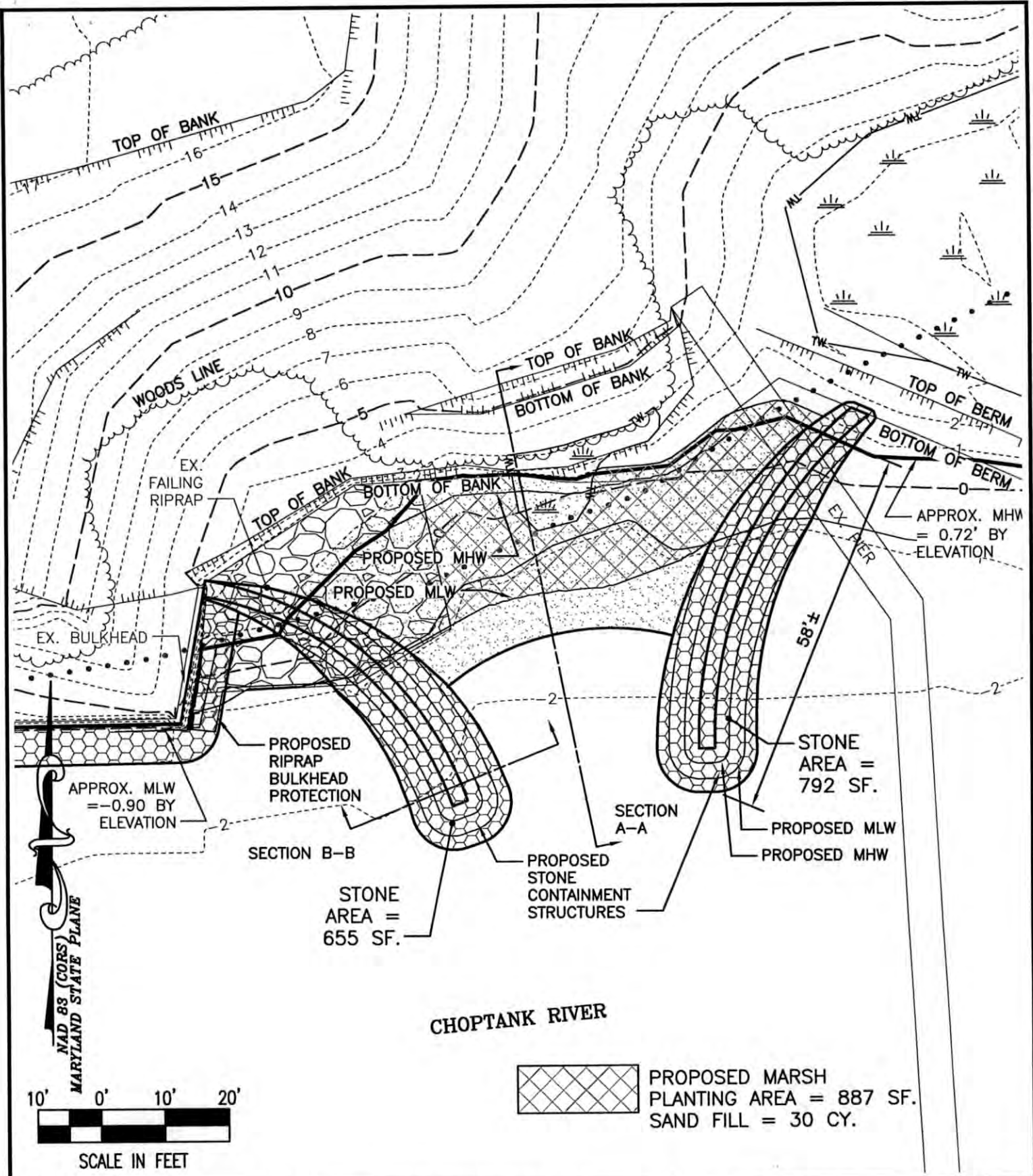


NAD 88 (CORS)
 MARYLAND STATE PLANE
 SCALE IN FEET
 10' 0' 10' 20'
 SHEET No. 3
 DATE: 11-6-12
 SCALE: AS NOTED
 JOB No. 120261
 FILE No. 7254

EXISTING CONDITIONS
FOR
CHATEAU BU DE, LLC
 TALBOT COUNTY, MARYLAND
 TAX MAP 62 GRID 17 PARCEL 49

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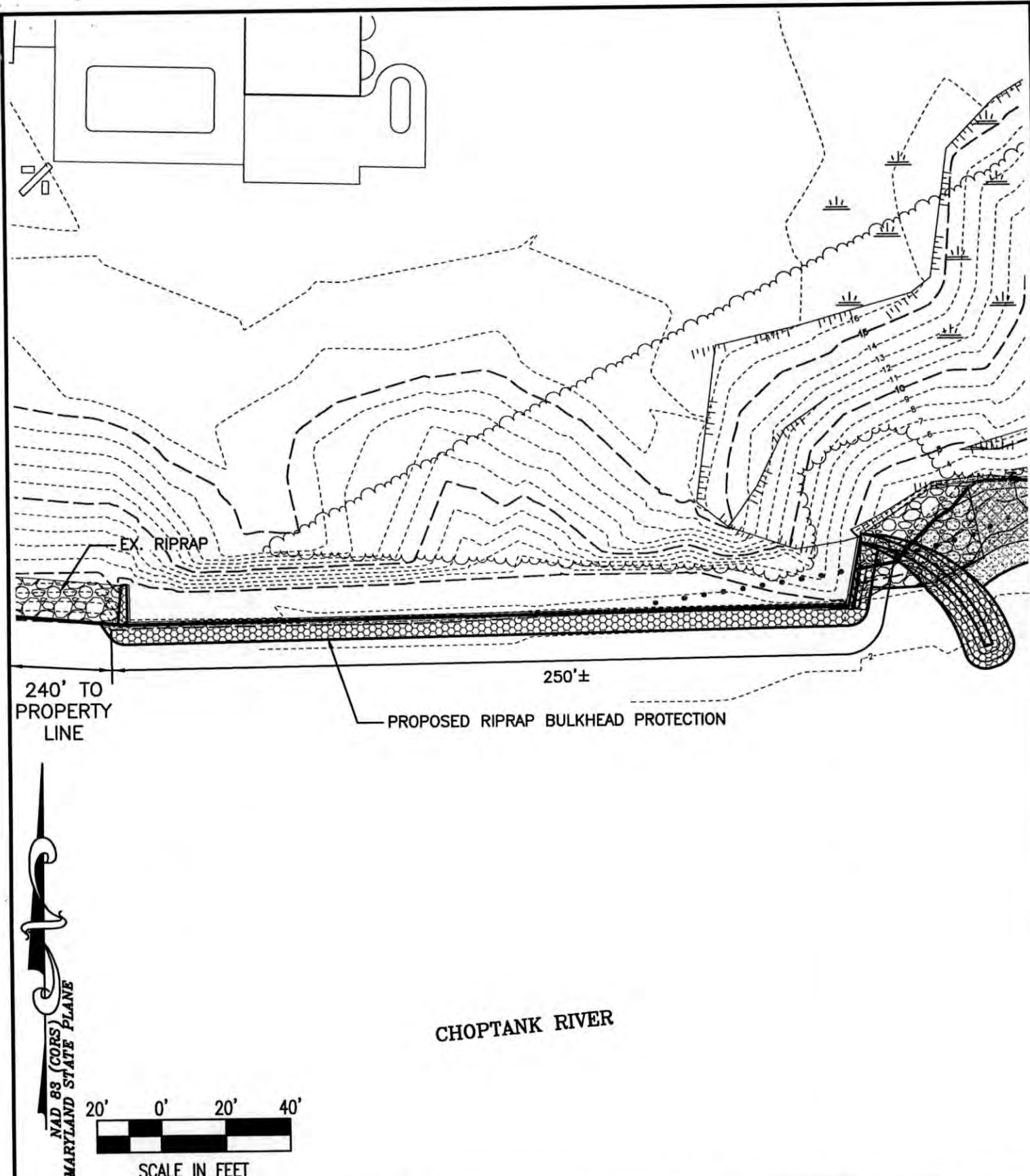
PROPOSED IMPROVEMENTS

FOR
CHATEAU BU DE, LLC

 TALBOT COUNTY, MARYLAND
 TAX MAP 62 GRID 17 PARCEL 49

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SHEET No.
5

DATE: 11-6-12
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 FILE No. 7254

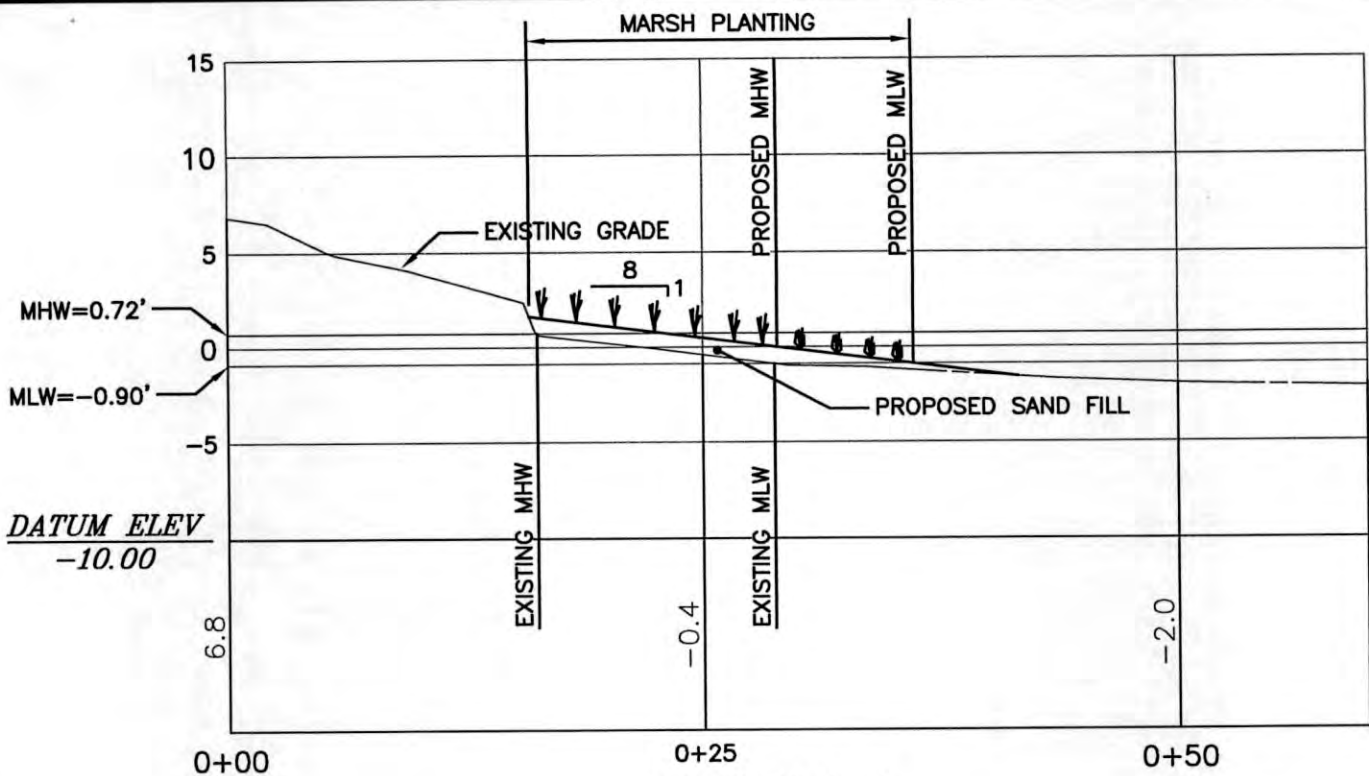
PROPOSED IMPROVEMENTS

FOR
CHATEAU BU DE, LLC

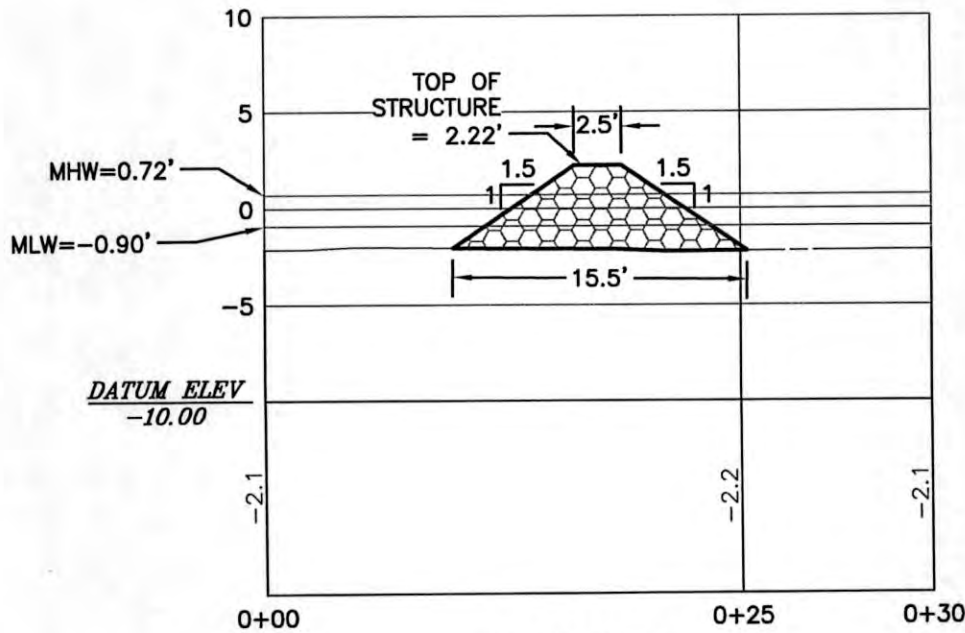
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SECTION A-A
 SCALE: 1"=10'
 (VERTICAL & HORIZONTAL)



SECTION B-B
 SCALE: 1"=10'
 (VERTICAL & HORIZONTAL)

SECTIONS

**FOR
 CHATEAU BU DE, LLC**

TALBOT COUNTY, MARYLAND
 TAX MAP 62 GRID 17 PARCEL 49

Lane Engineering, LLC

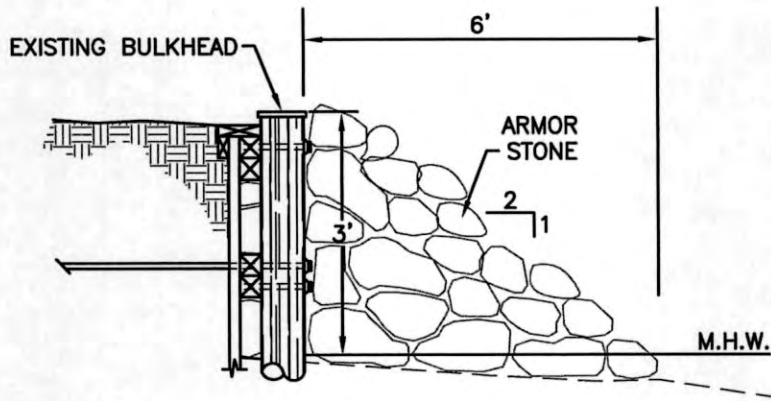
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SHEET No. **6**
 DATE: 11-6-12
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 FILE No. 7254



RIPRAP BULKHEAD PROTECTION
NTS

DETAILS

**FOR
CHATEAU BU DE, LLC**

TALBOT COUNTY, MARYLAND
TAX MAP 62 GRID 17 PARCEL 49

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