

U.S. Army Corps of Engineers Baltimore District

Public Notice

In Reply to Application Number CENAB-OP-RMS (CH DPW/CLIFFTON ON THE POTOMAC PHASE II) 2017-62125

PN 18-25

Comment Period: May 10, 2018 to June 10, 2018

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 River and Harbor Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Charles County, Department of Public Works c/o John H. Stevens 1001 Radio Station Road La Plata, Maryland 20646

WATERWAY AND LOCATION: In the Potomac River, between 9305 Ravens Cliff Road and 12101 Potomac View Drive at Newburg, Charles County, Maryland.

PROPOSED WORK: The applicant proposes, in accordance with the attached plans dated November 2017 to stabilize 2,318 linear feet of an eroding shoreline by creating an approximately 1.37 acre (59,717 square feet) area of emergent intertidal wetlands by depositing approximately 1,100 cubic yards of clean, sloped select sand fill stabilized with *Baccharis halimilolia*, *Clethra alnifolia*, *Spartina patens* and *S. alterniflora* to extend no more than 18 feet channelward of the approximate mean high water (MHW) shoreline; and to construct 2,318 linear feet of low profile stone sill approximately 17-feet wide at the base, with nineteen 10-foot wide tidal vents, to extend no more than 35 feet channelward of the approximate mean high water shoreline

The purpose of the project is to provide shoreline erosion protection. Site layout for this project was based upon existing cliff erosion. The applicant proposes to access the site from the Potomac River. Efforts were made to avoid, to the extent possible, the long and short-term adverse impacts associated with the proposed project. Compensatory mitigation is not being proposed by the applicant for permanent impacts to open water.

Corps permit CENAB-OP-RM (CH P&G-CLIFFTON ON THE POTOMAC) 2016-60395 was issued May 10, 2017 for Phase I of the project located immediately downstream of the proposed Phase II. Phase I involves the placement of approximately 1,640 cubic yards of sloped, clean sand fill along 1,872 linear feet of shoreline to create a 1.35-acre area of emergent intertidal wetlands and the construction of a 16-foot wide by 1,872-foot long low profile sill with ten 10-foot wide vents to extend no more than 35 feet channelward of the approximate mean high water shoreline.

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-MS], 2 Hopkins Plaza, Baltimore, MD 21201 or <u>Connie.L.Ramsey@usace.army.mil</u>, 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) Habitat Conservation Division (HCD) 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, Potomac River complex, as described under MSFCMA for <u>Scopthalmus aquosus</u> (windowpane flounder) juvenile and adult; <u>Pomatomus saltatrix</u> (blue fish) juvenile and adult; <u>Paralicthys dentatus</u> (summer flounder) juvenile and adult; and eggs, larvae, juvenile, and adult stages of <u>Scomberomorus cavalla</u> (king mackerel), <u>Scomberomorus maculatus</u> (Spanish mackerel), <u>Rachycentron canadum</u> (cobia), and <u>Scianenops occelatus</u> (red drum), 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 1.37-acres acres of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and muddy sand intertidal and subtidal substrate that does not support submerged aquatic vegetation (SAV). The

proposed project will 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. However, the District Engineer 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.

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: We have made the determination that the proposed activity is not likely to adversely affect any species listed as threatened or endangered, or their critical habitat, by the NMFS Protected Resources Division (PRD) under the ESA of 1973, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

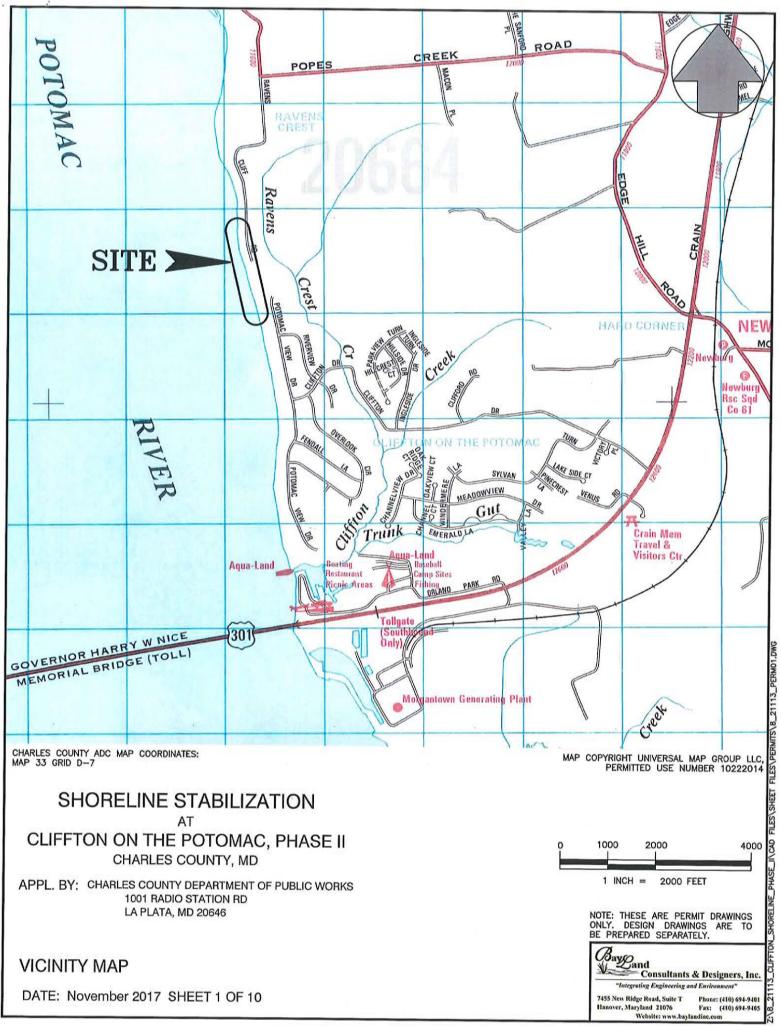
NATIONAL HISTORIC PRESERVATION ACT: Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, 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 US 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.

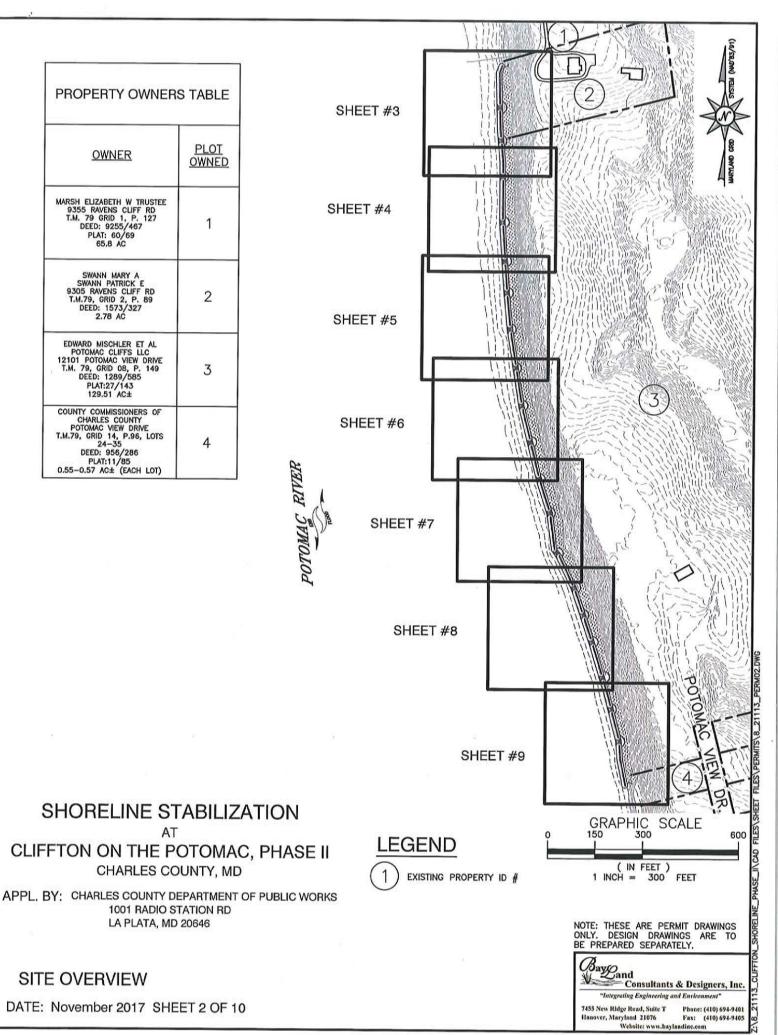
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice. If you have any questions concerning this matter, please contact Ms. Connie Ramsey at (410) 962-5676 or <u>Connie.L.Ramsey@usace.army.mil</u>.

FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON Chief, Maryland Section Southern



PROPERTY OWNER	S TABLE
<u>OWNER</u>	PLOT OWNED
MARSH ELIZABETH W TRUSTEE 9355 RAVENS CLIFF RD T.M. 79 GRID 1, P. 127 DEED: 9255/467 PLAT: 60/69 65.8 AC	1
SWANN MARY A SWANN PATRICK E 9305 RAVENS CLIFF RD T.M.79, GRID 2, P. 89 DEED: 1573/327 2.78 AC	2
EDWARD MISCHLER ET AL POTOMAC CLIFFS LLC 12101 POTOMAC VIEW DRIVE T.M. 79, GRID 08, P. 149 DEED: 1289/585 PLAT:27/143 129.51 AC±	3
COUNTY COMMISSIONERS OF CHARLES COUNTY POTOMAC VIEW DRIVE T.M.79, GRID 14, P.96, LOTS 24-35 DEED: 956/286 PLAT:11/85 0.55-0.57 AC± (EACH LOT)	4



SITE OVERVIEW

AT

1001 RADIO STATION RD LA PLATA, MD 20646

