

U.S. Army Corps of Engineers Baltimore District

Public Notice In Reply to Application Number CENAB-OPR-MN (CLAUSON, JAMES & JANET / LIVING SHORELINE) 2017-60607-M18

PN 18-44

Comment Period: JULY 9, 2018 to AUGUST 9, 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: James and Janet Clauson 301 & 303 Kyle Road Crownsville, Maryland 21032

WATERWAY AND LOCATION: The proposed project is located in the Severn River at 301 & 303 Kyle Road, Crownsville Anne Arundel County, Maryland.

PROPOSED WORK: The proposed project is to construct a living shoreline using a series of low profile stone breakwaters to dissipate wave energy, stabilize the existing shoreline and adjacent steep slope, create and enhance estuarine habitats including tidal marsh, beach strand, and submerged aquatic vegetation habitat while also avoiding impacts to existing aquatic resources. In total, 911 linear feet of eroding shoreline will be stabilized with a living shoreline, 41,617 square feet of high and low marsh grasses will be planted and 3,560 square feet of invasive species will be removed. Where the shoreline is currently protected by existing revetment and bulkhead structures, these structures will be removed or reconfigured to provide additional ecological uplift. The proposed project structures will extend a maximum of 140 feet channelward from the approximate mean high water shoreline and will impact approximately 77,382 square feet of tidal waters. The purpose of the project is to provide stabilization to the existing shoreline and retrofit existing structural shoreline protection. All proposed work is shown on the enclosed plans dated May 18, 2018.

If you have any questions concerning this matter, please contact Mr. Richard Kibby at 410-962-0694 or <u>richard.kibby@usace.army.mil</u>.

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. Richard Kibby, CENAB-OPR-M], 2 Hopkins Plaza, Baltimore, MD 21201 or <u>richard.kibby@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) 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 windowpane flounder (*Scopthalmus aquosos*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralicthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculates*), and cobia (*Rachycentron canadum*), 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 Maryland Department of the

Environment, Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. MDE 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 Maryland Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. Public comments relating to consistency must be received by the Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period specified above to receive consideration. MDE has a statutory limit of 6 months to concur or object to the applicant's 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.

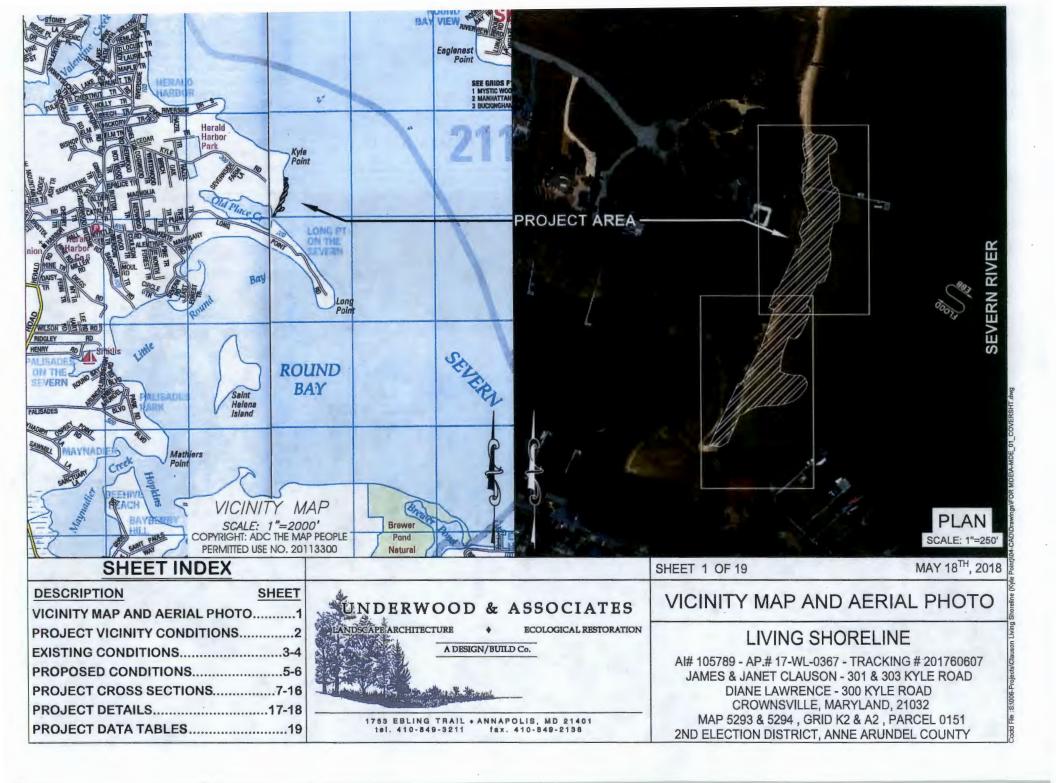
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Richard Kibby, CENAB-OP-RMN], 2 Hopkins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

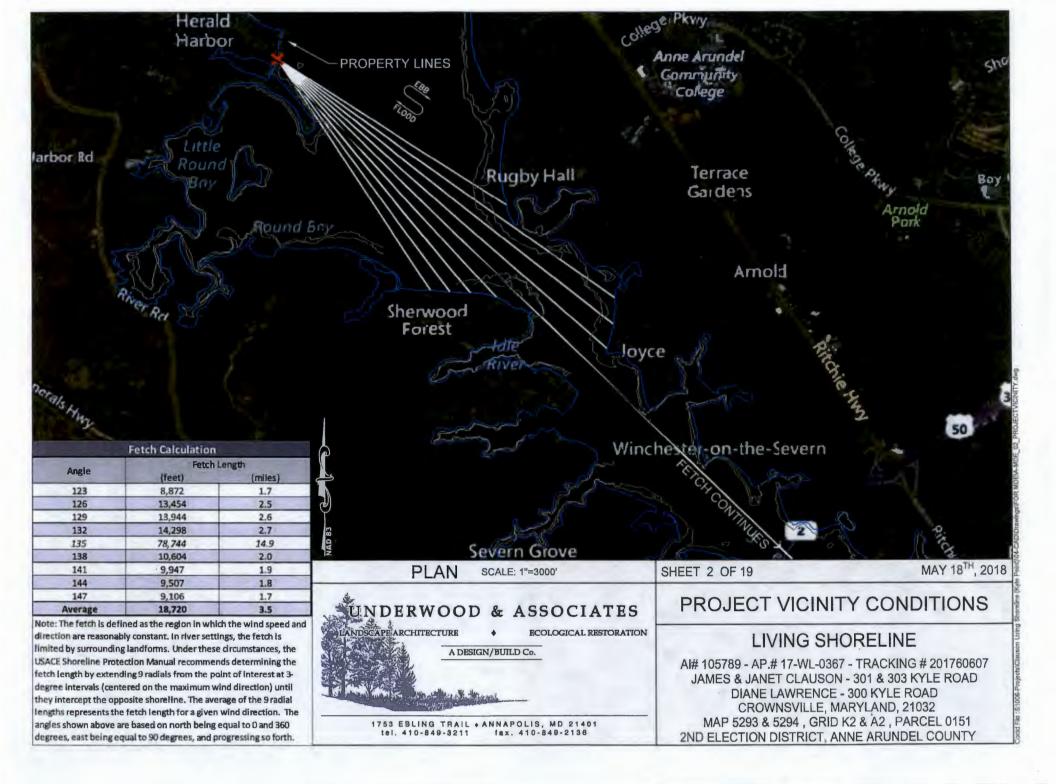
It is requested that you communicate this information concerning the proposed work to any persons know by you to be interested and not being known to this office, who did not receive a copy of this notice.

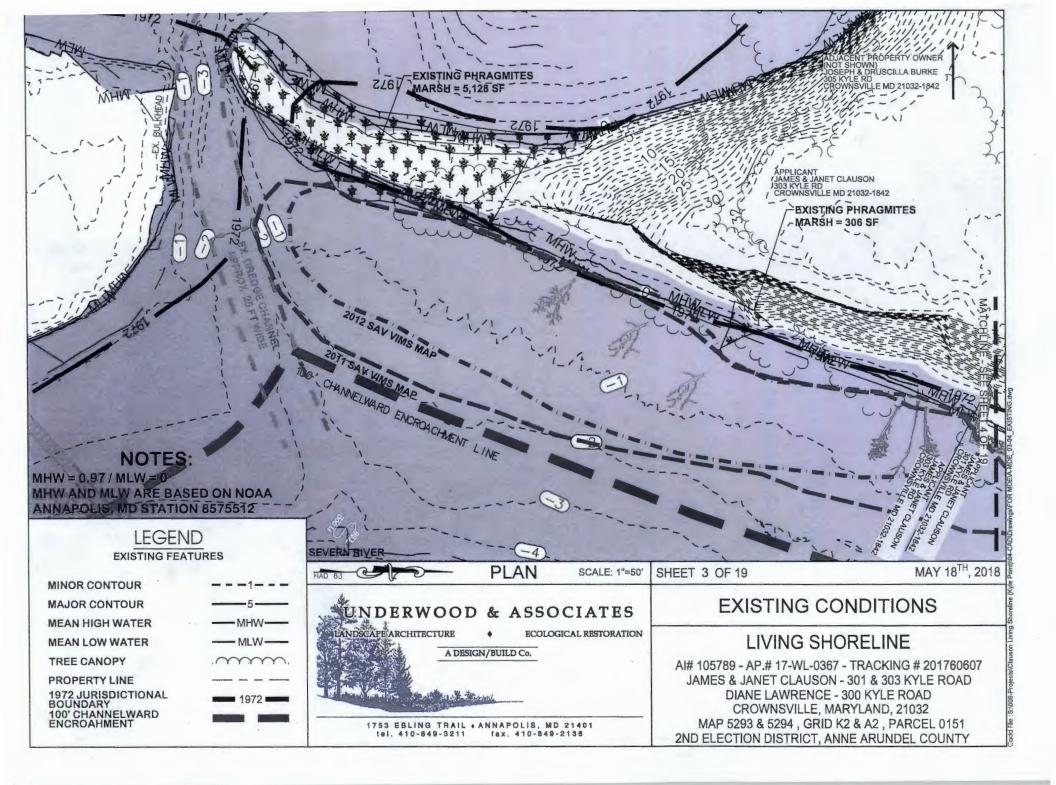
FOR THE DISTRICT ENGINEER:

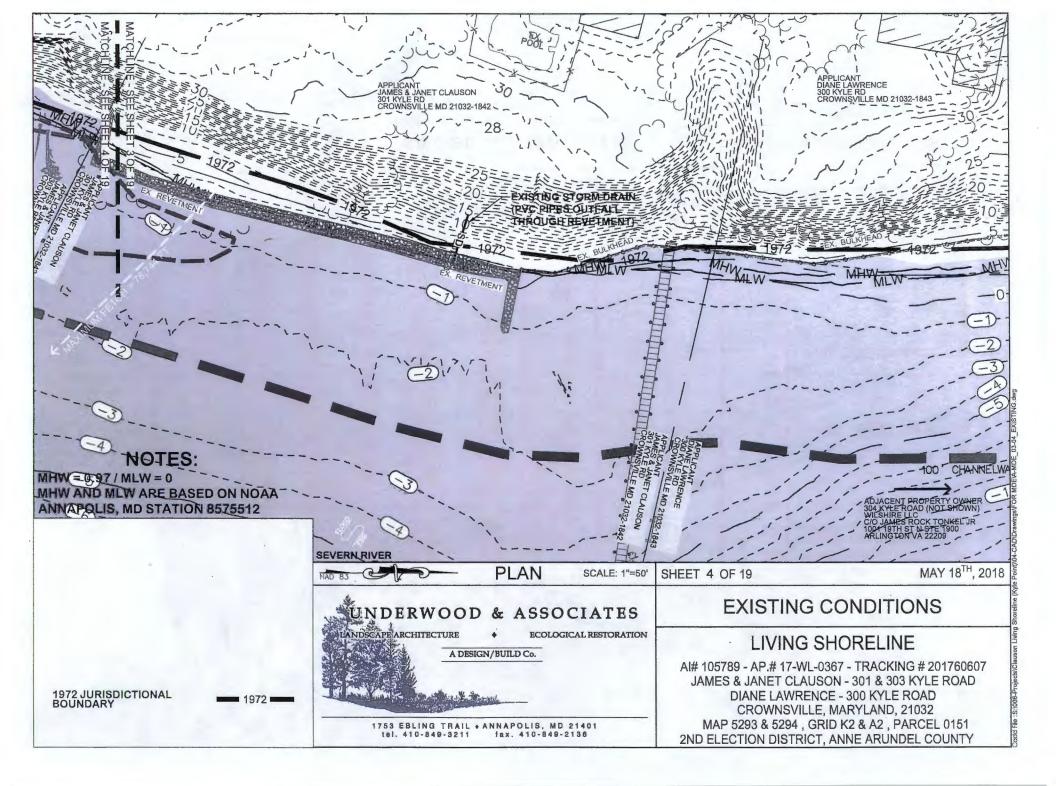
Julen Dals

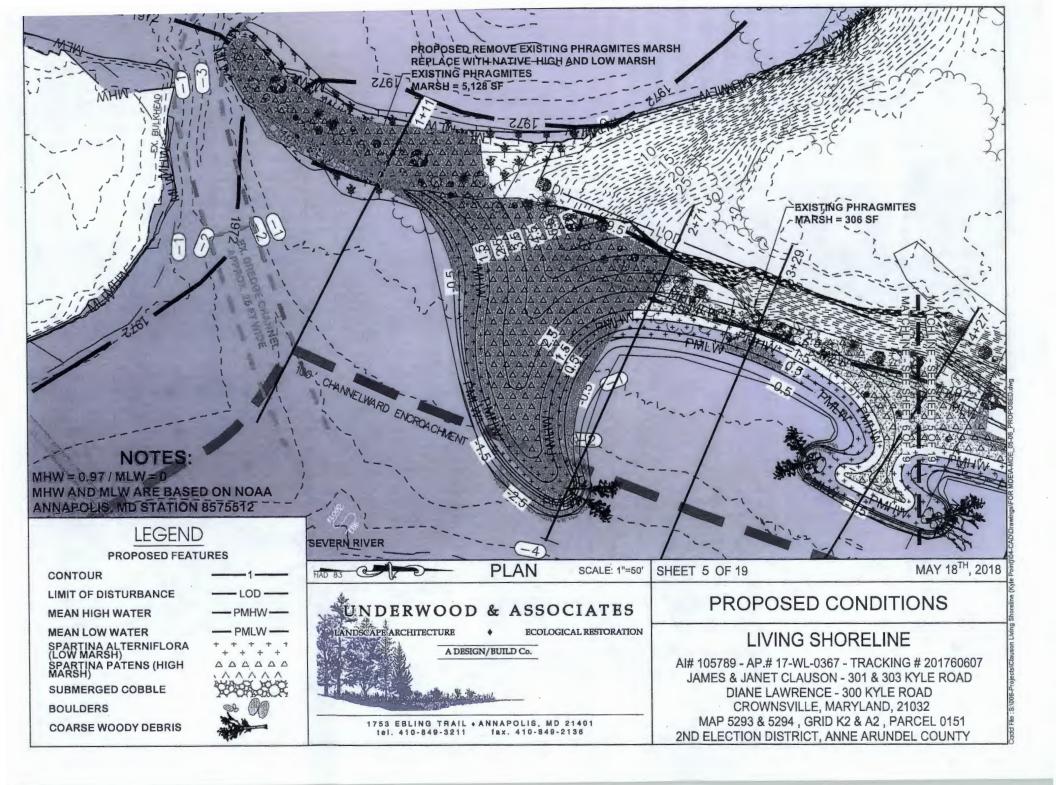
Joseph P. DaVia Chief, Maryland Section Northern

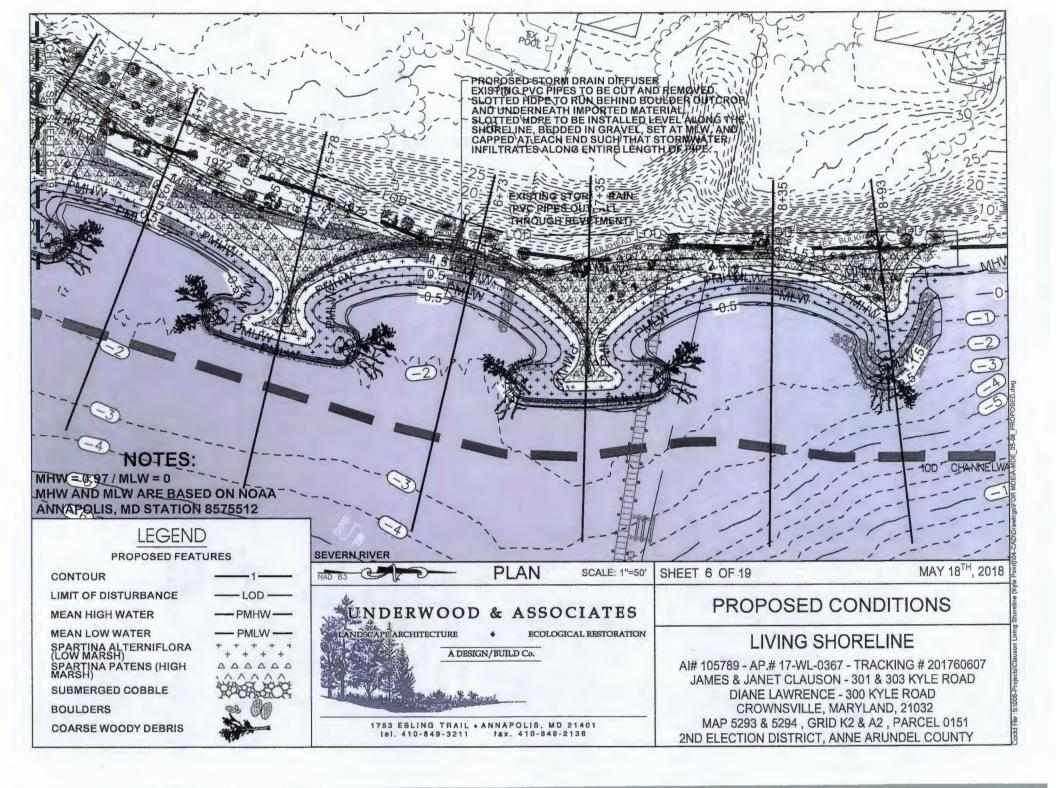


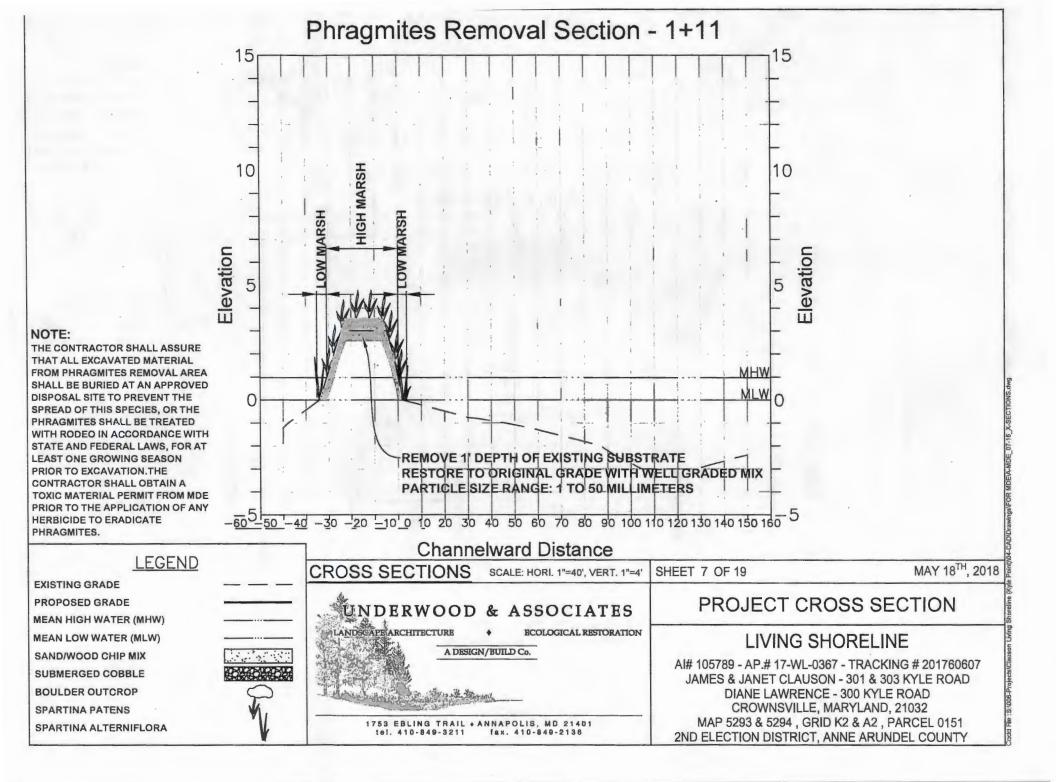


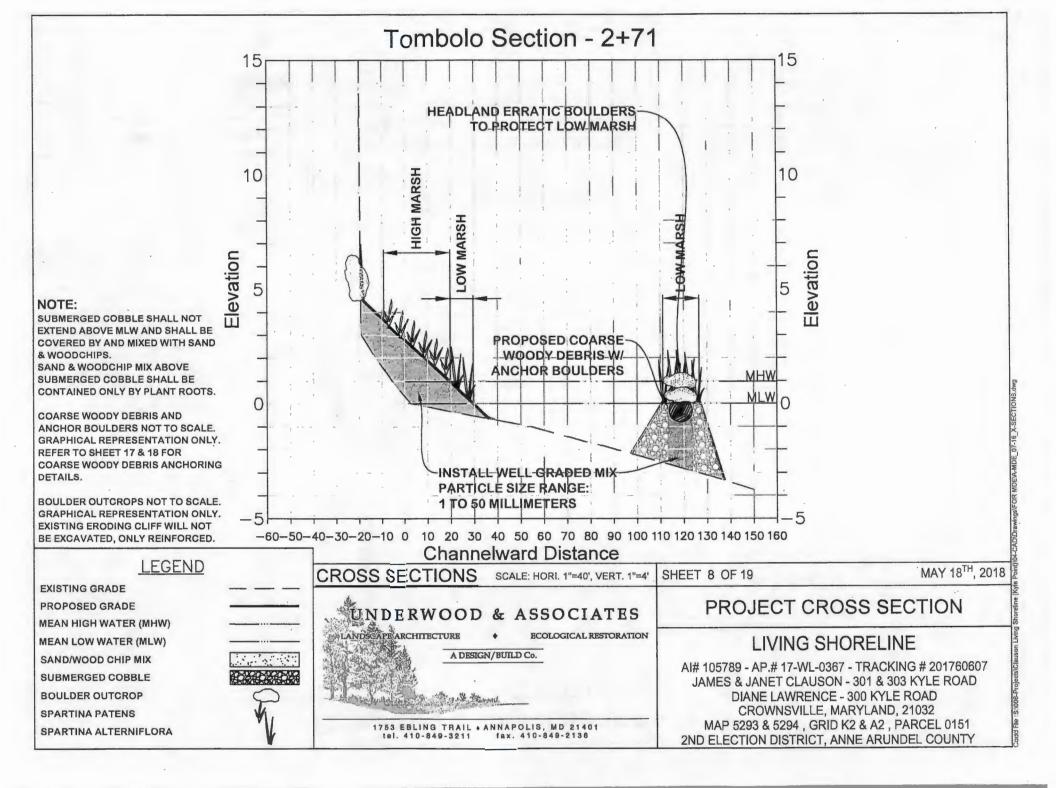


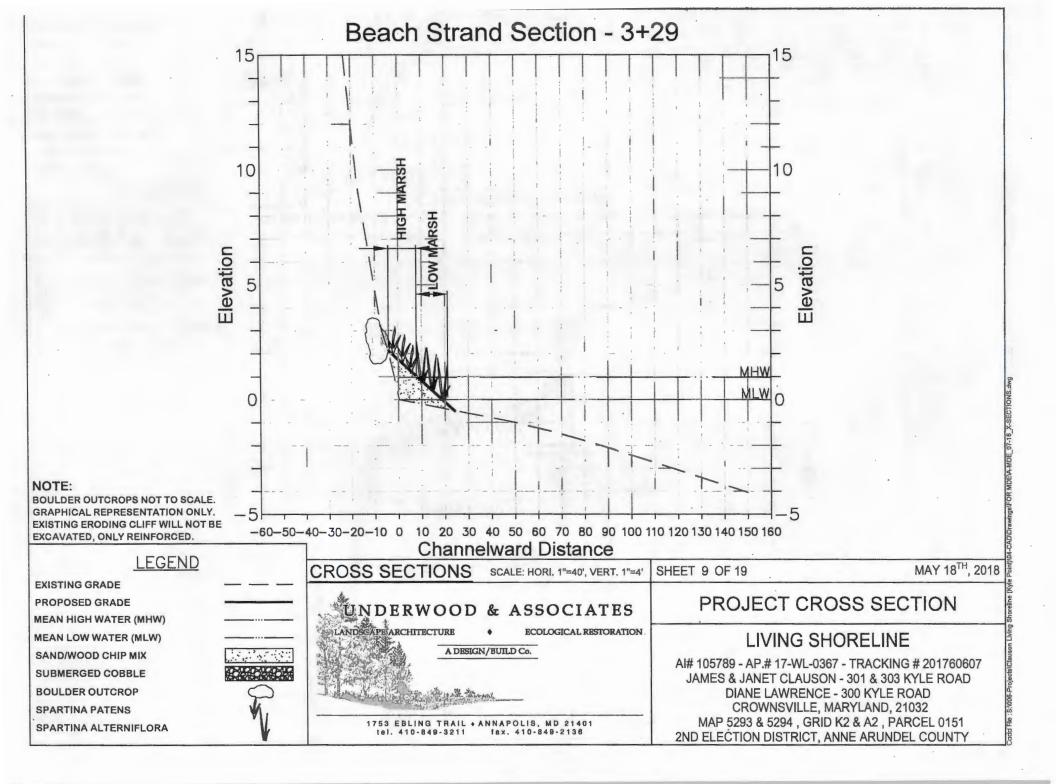


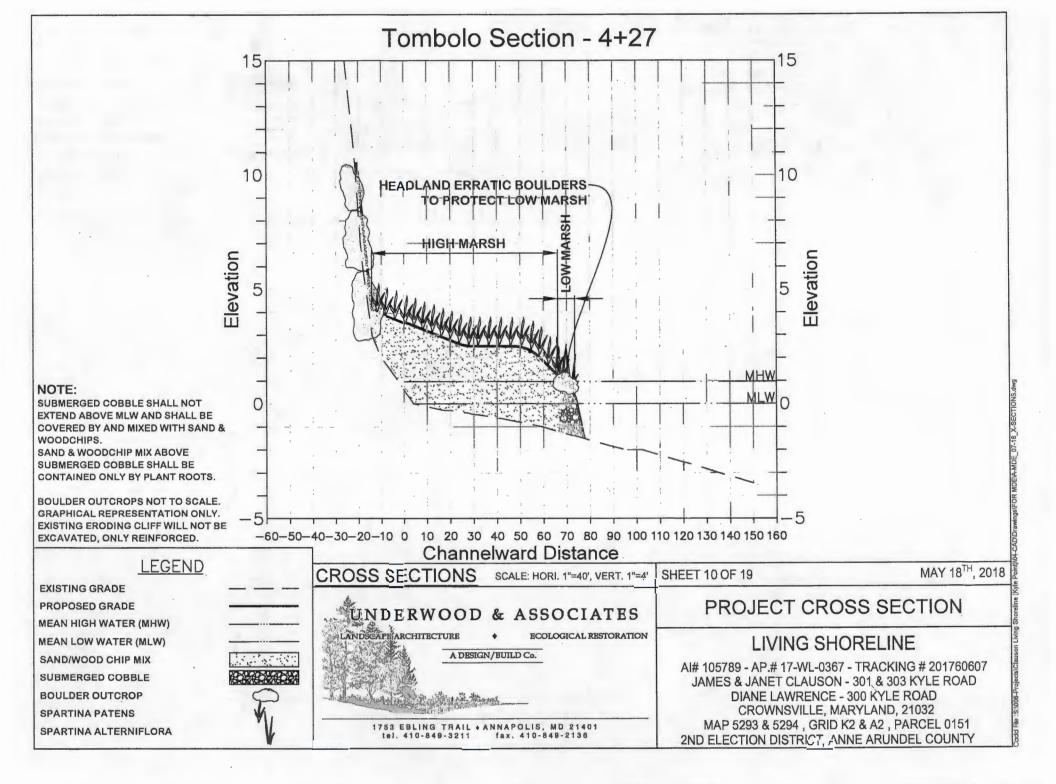


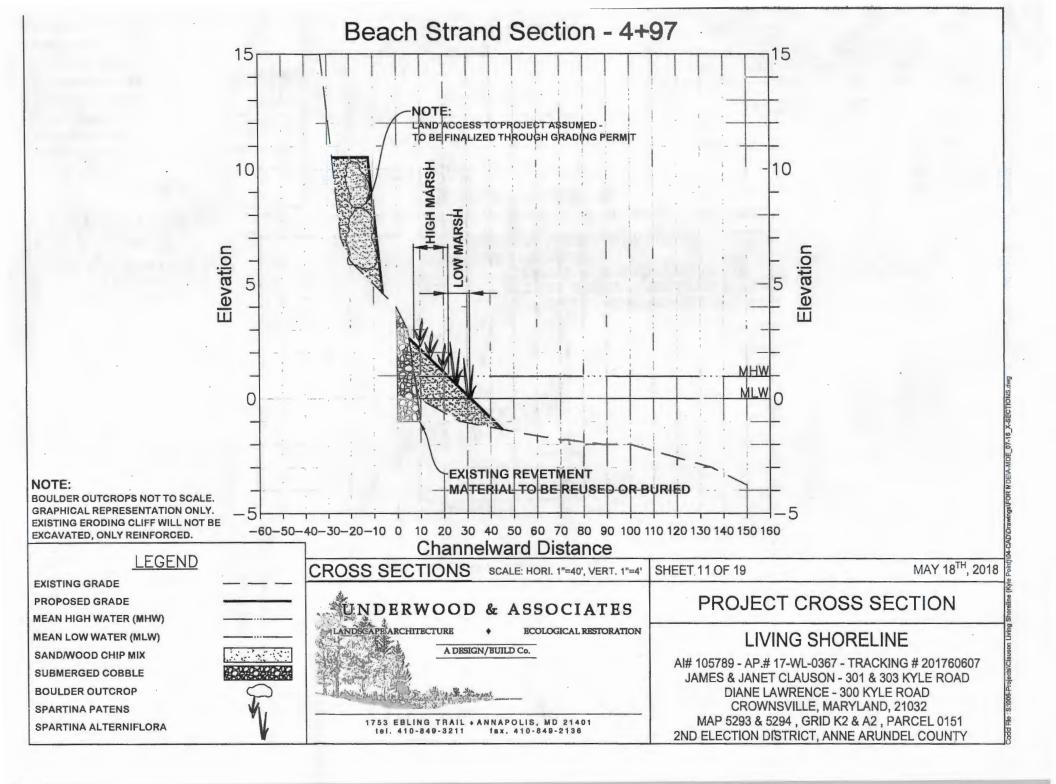


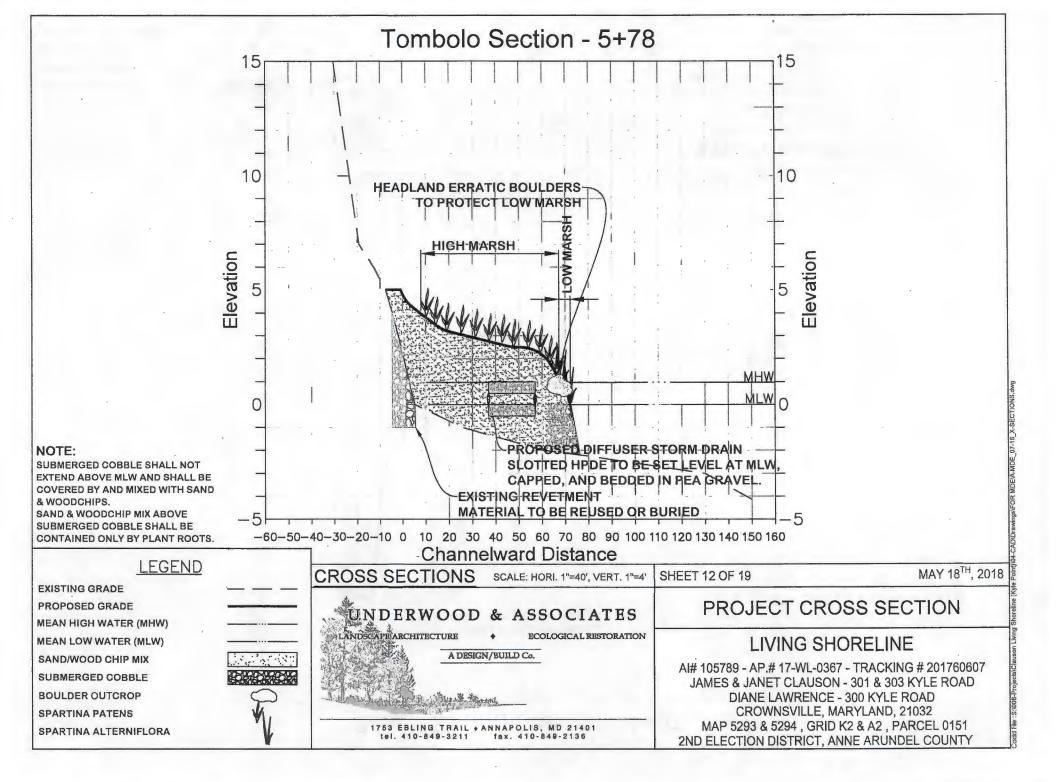


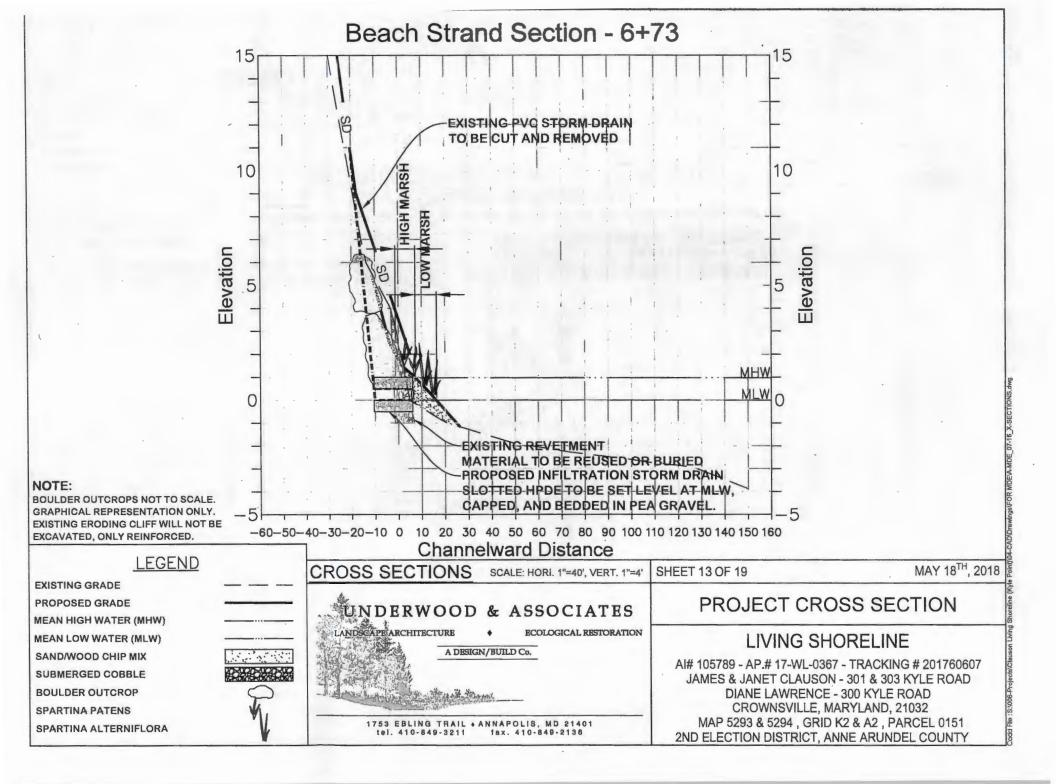


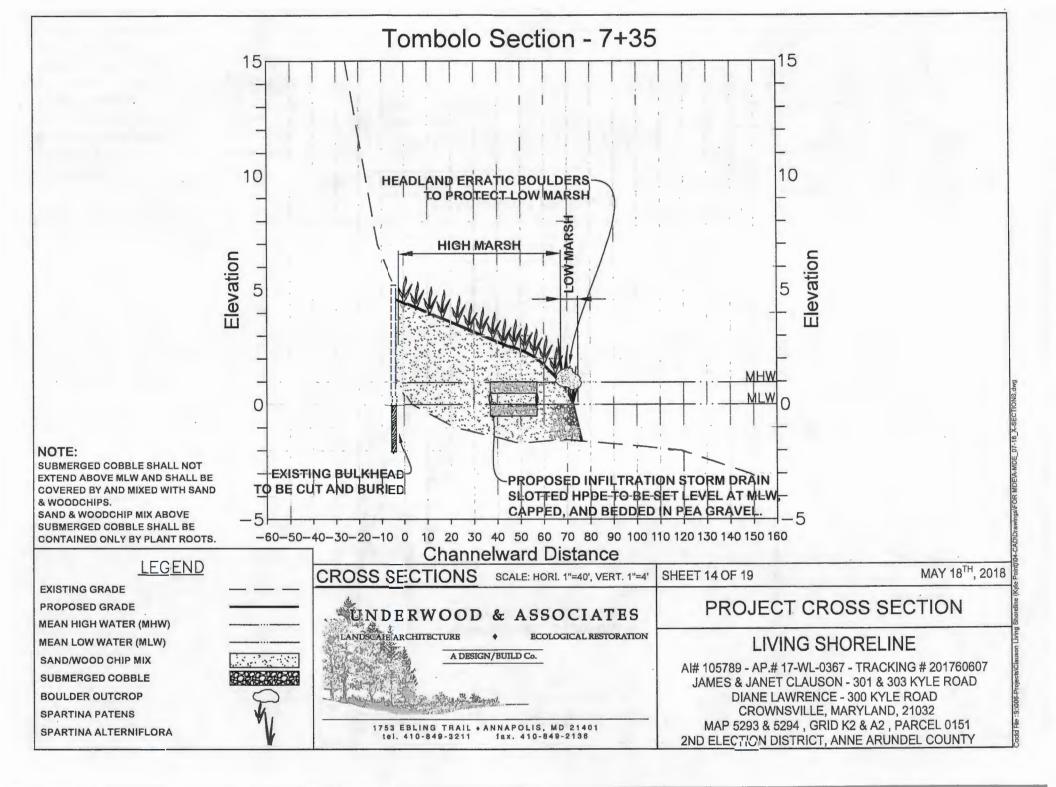


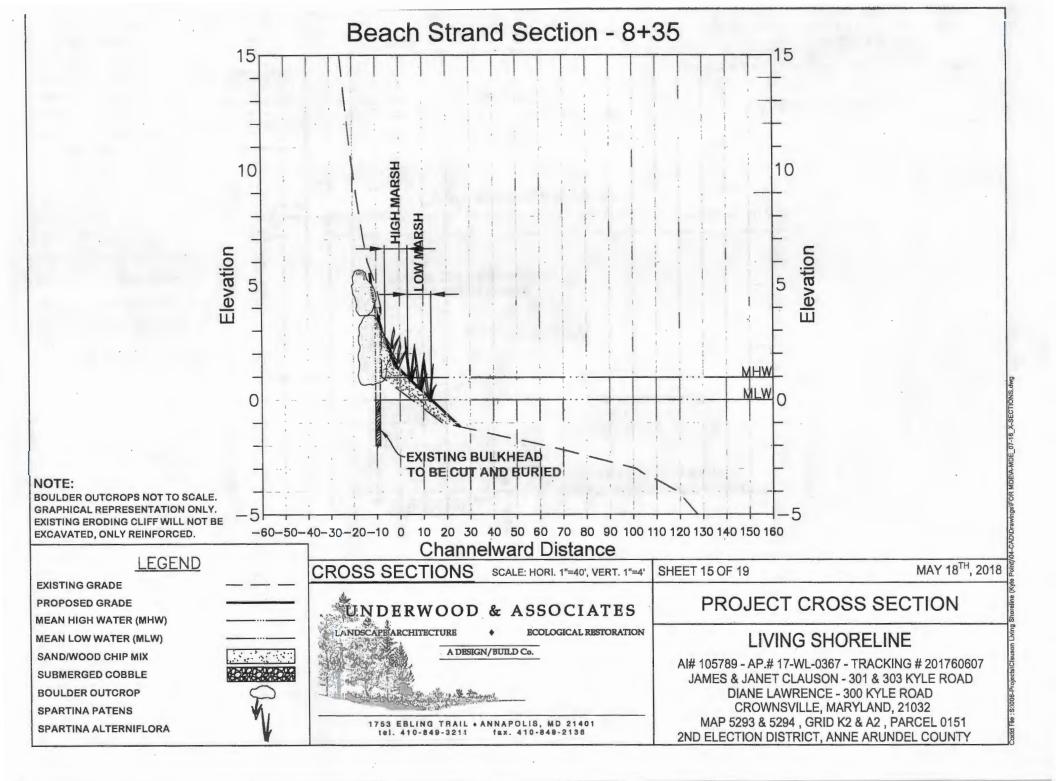


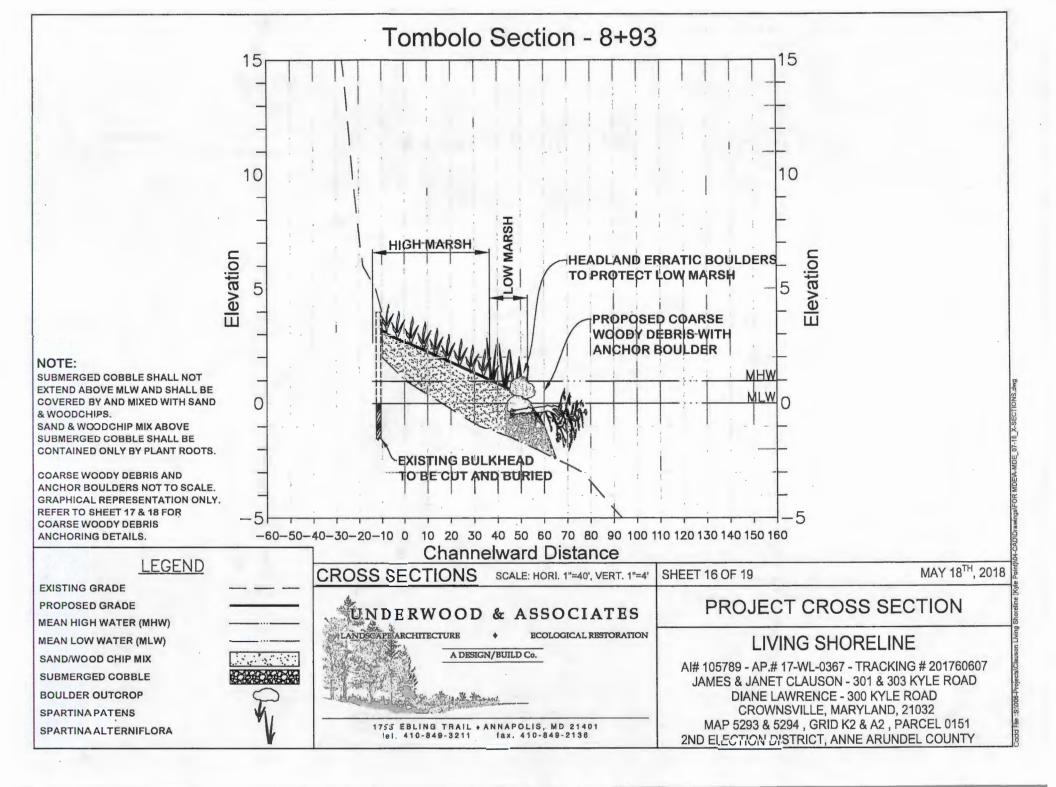


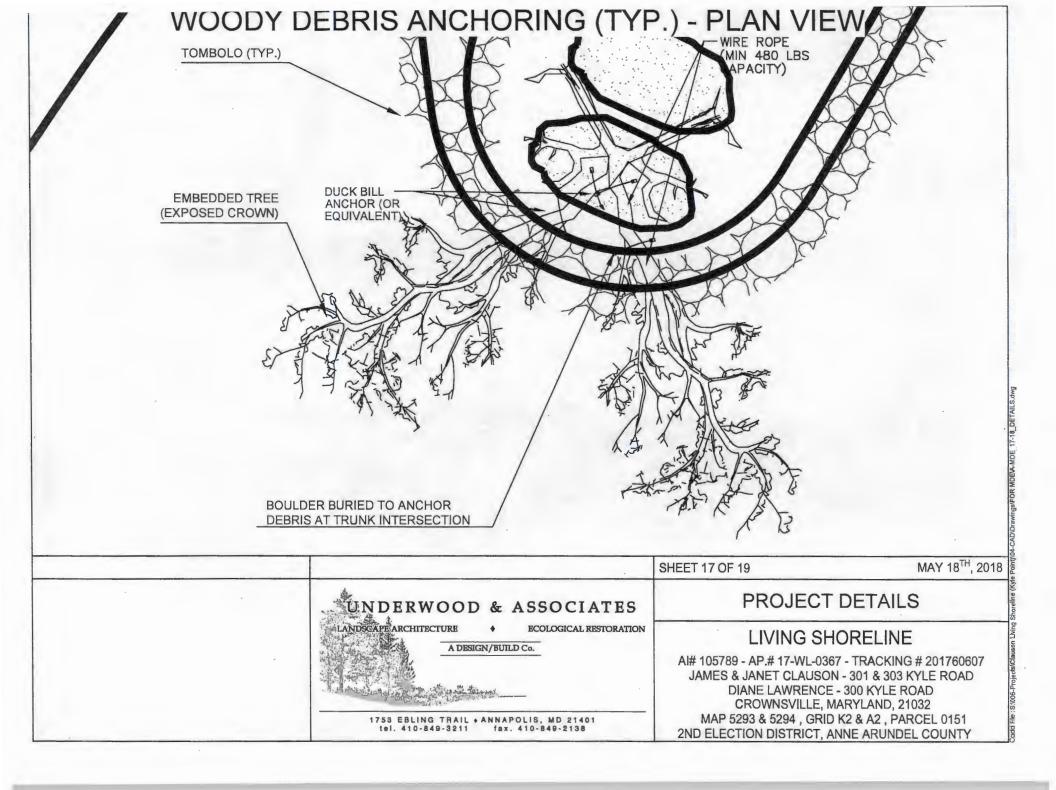


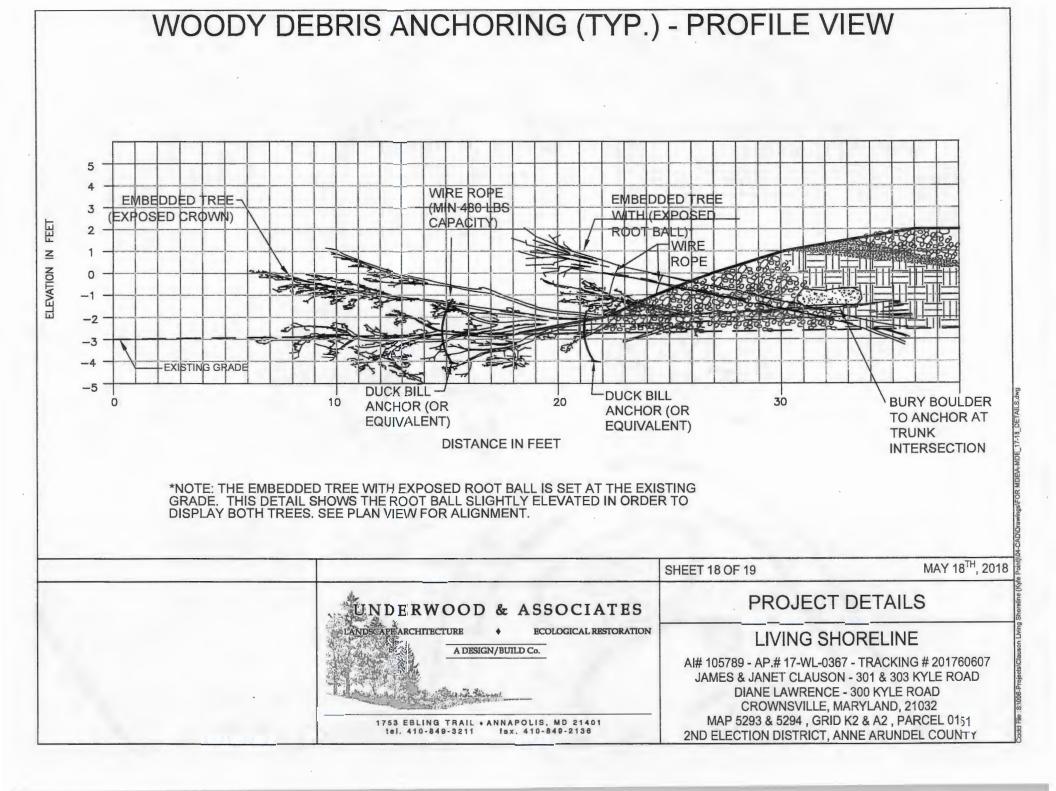












C	auson Living Sho	oreline - Pro	iect Data		Tidal Disturbance		
Clauson Living Sil					Total Limit of Disturbance (LOD)	111,703.0	
Feature		Existing	Proposed	d Difference	LOD upland of existing MHW	23,053.0	
Spartina Patens - High Marsh (SF)		0	23,572	+23,572	LOD within existing MHW	88,650.0	SF
Spartina Alterniflora - Low Marsh (SF)		0	19,751	+19,751	Material Volumes	1.550.0	-
Total Tidal Wetlands (SF)		5,434	43,323	+37,889	Total Fill Sand	4,560.8 3,648.7	
Bulkhead (LF)		205	0	-205	Gravel	364.9	
Revetment (LF)		252	0	-252	Cobble	456.1	
Shoreline at MHW (LF)		911	1,367	+456	Boulders	91.2	C
	and the second s		1	Cobble Fill	Native Tidal Marsh Creat	ion	
VIMS SAV Map	Permanent	Temporary			Total Area	43,328.0	SF
Year	Impact* (SF)	Impact'	** (SF)	Impact*** (SF)	High Marsh - Spartina Patens	23,577.0	
2011	15,615.7	. 12,23	33.3	342.4	Low Marsh - Spartina Alterniflora	19,751.0	SF
2012	12,552.7	9,582.2		132.2			
2013	0	0		0			
2014	0	0		0			
2015	0	0		0			
2016	0	0		0			
2017	0	0		0	-		
Femporary impact - cons Cobble fill impact - pro				inaμs	SHEET 19 OF 19	MAY 18 TH	1
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		SISP	CHITECTURE	& ASSOCIAT • ECOLOGICAL RESTOR N/BUILD Co.	LIVING SHOREI Al# 105789 - AP.# 17-WL-0367 - TRA	_INE CKING # 2017606	
		LANDSCATTAN	A DESIG	ECOLOGICAL RESTOR	LIVING SHORE	LINE CKING # 2017606 303 KYLE ROAD YLE ROAD ND, 21032	D