



U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OPR-M (CA BD OF COUNTY COMMISSIONERS  
FLAG POND NATURE PARK) 2018-61020

PN 18-47

Comment Period: July 24, 2018 – August 24, 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:** Board of County Commissioners  
c/o Ms. Karyn Molines  
175 Main Street  
Prince Frederick, Maryland 20678

**WATERWAY AND LOCATION:** All work is proposed in the Chesapeake Bay at Flag Pond Nature Park, 1525 Flag Pond Parkway in Lusby in Calvert County, Maryland.

**PROPOSED WORK AND PURPOSE:** The applicant proposes to create a marsh along 400 feet of shoreline by depositing approximately 2,007 cubic yards of clean sloped sand to be planted with *Spartina patens* creating approximately 25,702 square feet of marsh extend no more than 85 feet channelward of the approximate mean high water (MHW) shoreline; to construct a 25-foot wide by 400-foot long and 4-foot high stone sill with two 20-foot wide vents to extend no more than 110 feet channelward of the approximate MHW shoreline. All work is to be completed in accordance with the attached plans dated May 2018. If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or [Erica.Schmidt@usace.army.mil](mailto:Erica.Schmidt@usace.army.mil).

The proposed project is to mitigate shoreline erosion at the project site by creating a living shoreline enhancing existing aquatic habitat.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. No compensatory mitigation is proposed since no wetland fill impacts are proposed.

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: Mrs. Erica Schmidt, CENAB-OPR-M], 2 Hopkins Plaza, Baltimore, Maryland 21201 or [Erica.Schmidt@usace.army.mil](mailto:Erica.Schmidt@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 Potomac 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. In addition, the site is located adjacent to SAV which was not present in the previous year but has been located within the project area historically. 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 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 will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended because the proposed work does not extend into water depths sufficient for listed species. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

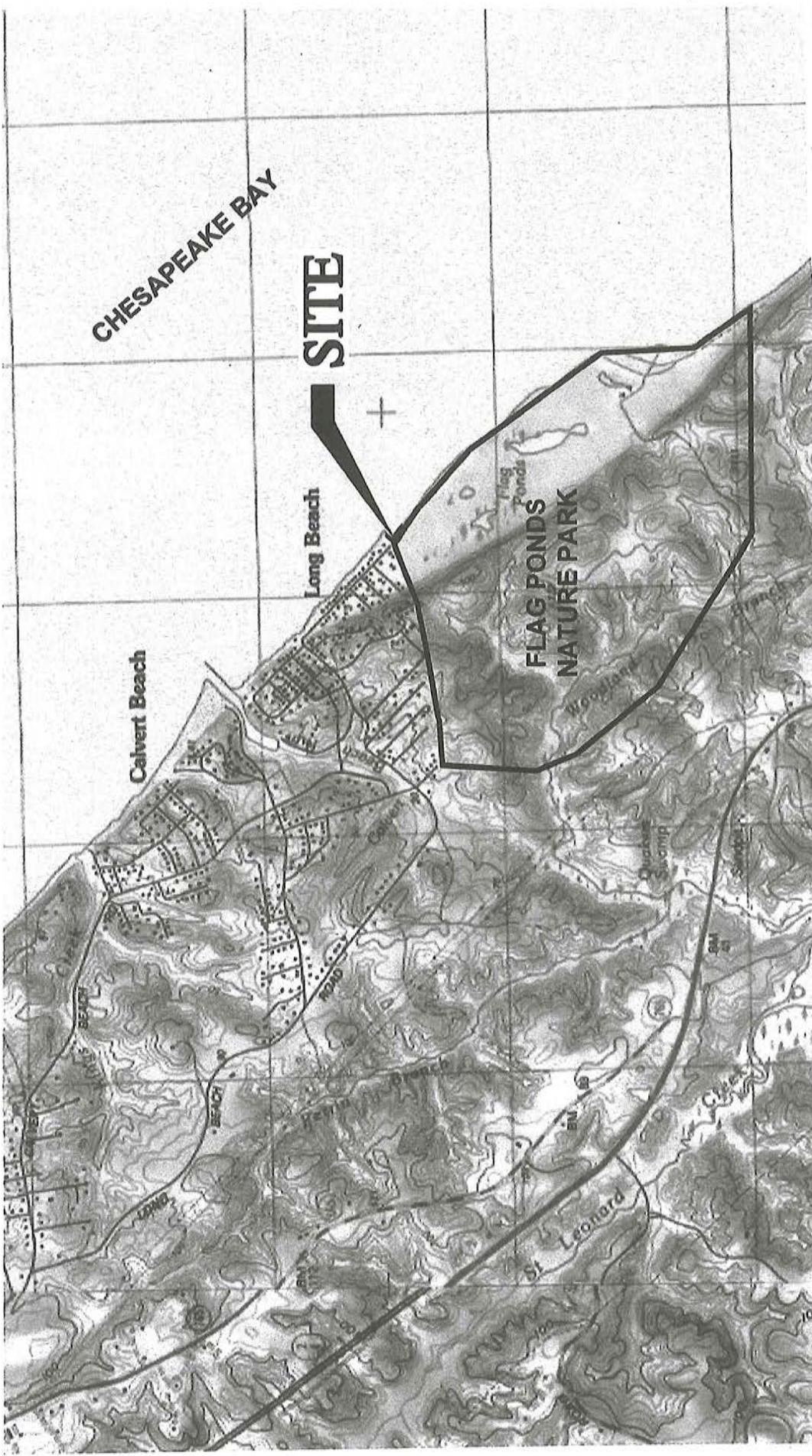
**NATIONAL HISTORIC PRESERVATION ACT:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, 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 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. If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or [Erica.Schmidt@usace.army.mil](mailto:Erica.Schmidt@usace.army.mil).

FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON  
Chief, Maryland Section Southern



**COASTLINE DESIGN, P.C.**  
 P.O. BOX 157  
 ACHILLES, VIRGINIA 23001  
 (804) 642-2158



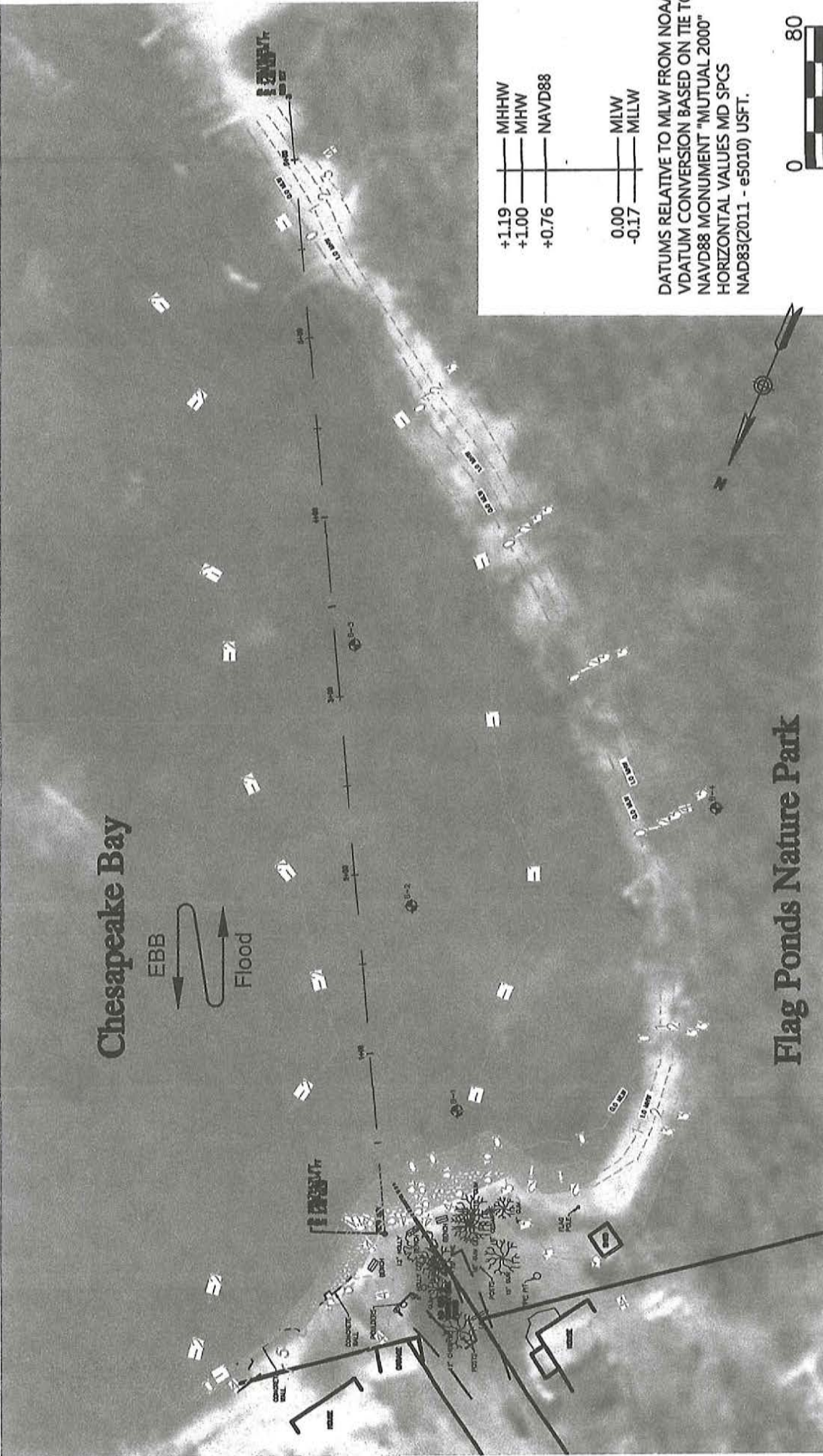
DATUM: MEAN LOW WATER

**LOCATION MAP**

AT: FLAG PONDS NATURE PARK  
 ON THE CHESAPEAKE BAY  
 IN: CALVERT COUNTY MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:  
 CALVERT COUNTY  
 DATE: MAY, 2010  
 SHEET 1 OF 7



+1.19 — MH-HW  
 +1.00 — MH-W  
 +0.76 — NAVD88  
 0.00 — MLW  
 -0.17 — MLLW

DATUMS RELATIVE TO MLW FROM NOAA  
 VDATUM CONVERSION BASED ON TIE TO  
 NAVD88 MONUMENT "MUTUAL 2000"  
 HORIZONTAL VALUES MD SPCS  
 NAD83(2011 - e5010) USFT.

0 80  
 SCALE IN FEET

**COASTLINE DESIGN P.C.**  
 P.O. BOX 157  
 ACHILLES, VIRGINIA 23001  
 (804) 642-2158



DATUM: MEAN LOW WATER

**LIVING SHORELINE PROJECT AT FLAG PONDS NATURE PARK**  
 EXISTING CONDITIONS

AT: FLAG PONDS NATURE PARK  
 ON THE CHESAPEAKE BAY

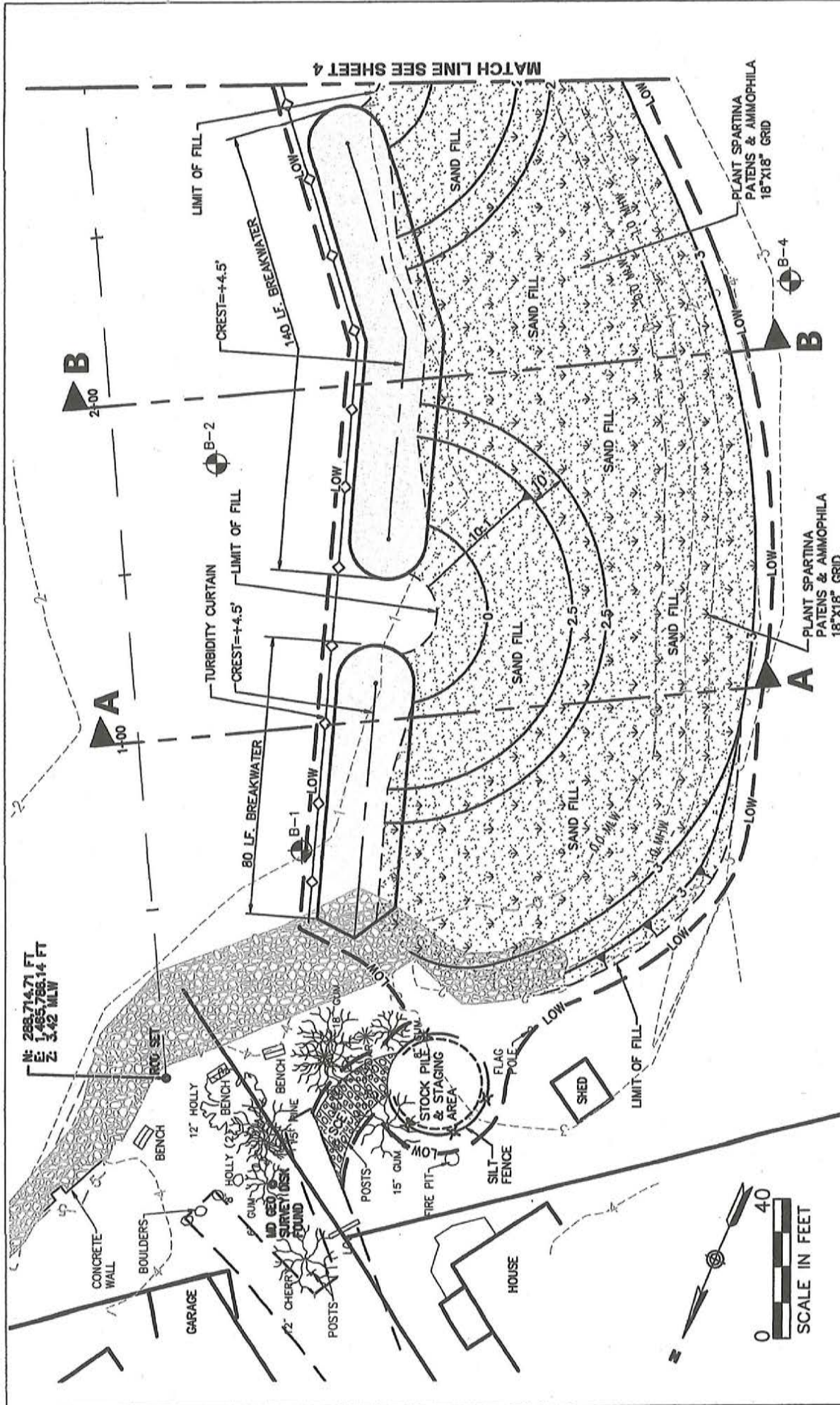
IN: CALVERT COUNTY MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:  
 CALVERT COUNTY

DATE: MAY, 2016

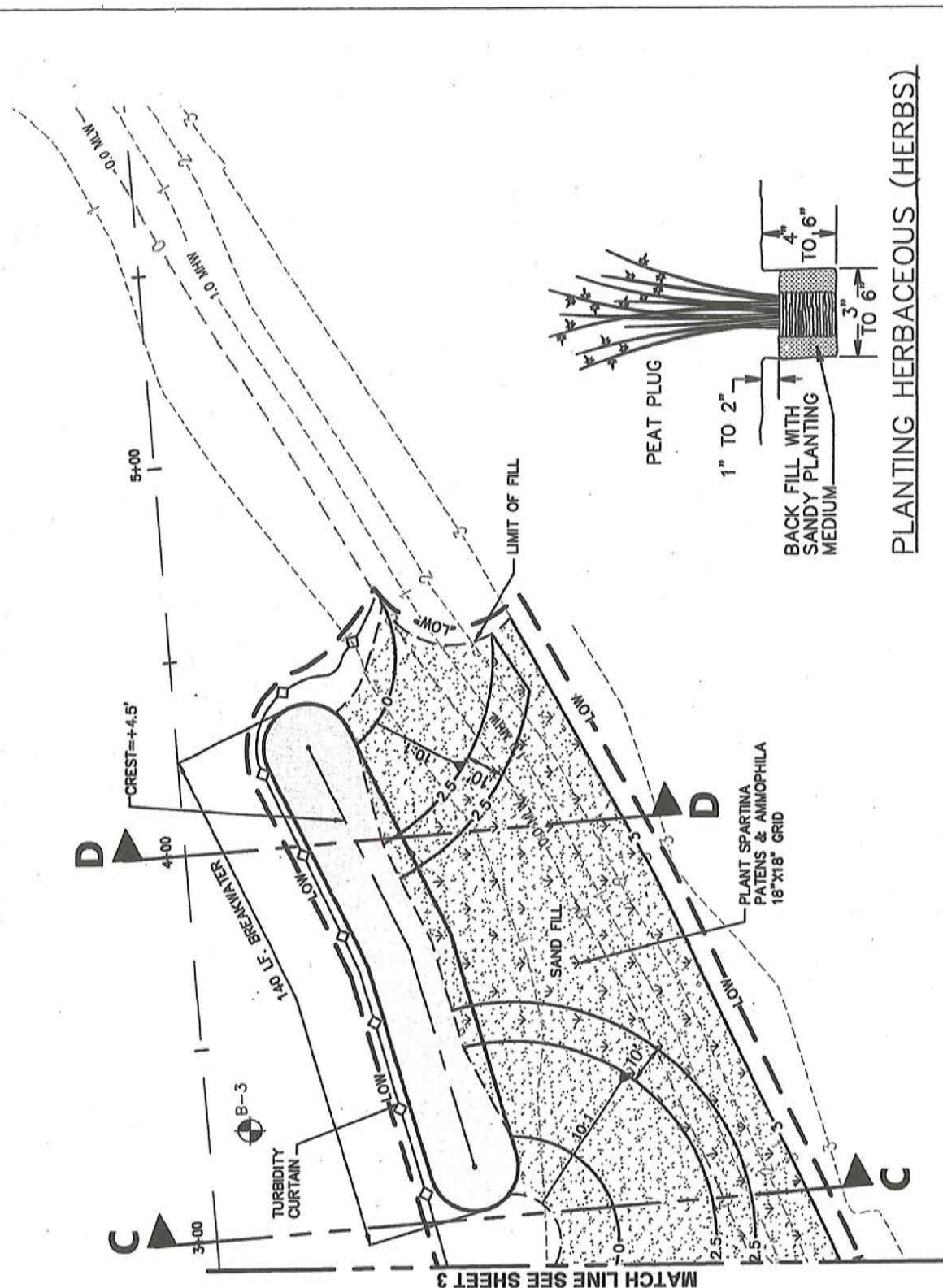
SHEET 2 OF 7



N: 288,714.71 FT  
 E: 1,485,786.14 FT  
 Z: 3.42 MLW

MATCH LINE SEE SHEET 4

<b>COASTLINE DESIGN, P.C.</b> P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2158		<b>LIVING SHORELINE PROJECT AT FLAG PONDS NATURE PARK</b> SHORELINE LAYOUT		APPLICATION BY: CALVERT COUNTY
DATUM: MEAN LOW WATER		AT: FLAG PONDS NATURE PARK ON THE CHESAPEAKE BAY		DATE: MAY, 2018
SCALE IN FEET 0 40		PURPOSE: LIVING SHORELINE RESTORATION		SHEET 3 OF 7
CALVERT COUNTY ESTABLISHED 1784		IN: CALVERT COUNTY MARYLAND		



**COASTLINE DESIGN, P.C.**  
 P.O. BOX 157  
 ACHILLES, VIRGINIA 23001  
 (804) 642-2158

**APPLICATION BY:**  
 CALVERT COUNTY

**DATE:** MAY, 2018

**SHEET** 4 **OF** 7

**LIVING SHORELINE PROJECT AT FLAG PONDS NATURE PARK**  
 SHORELINE LAYOUT

**PURPOSE:** LIVING SHORELINE RESTORATION

**AT:** FLAG PONDS NATURE PARK  
 ON THE CHESAPEAKE BAY

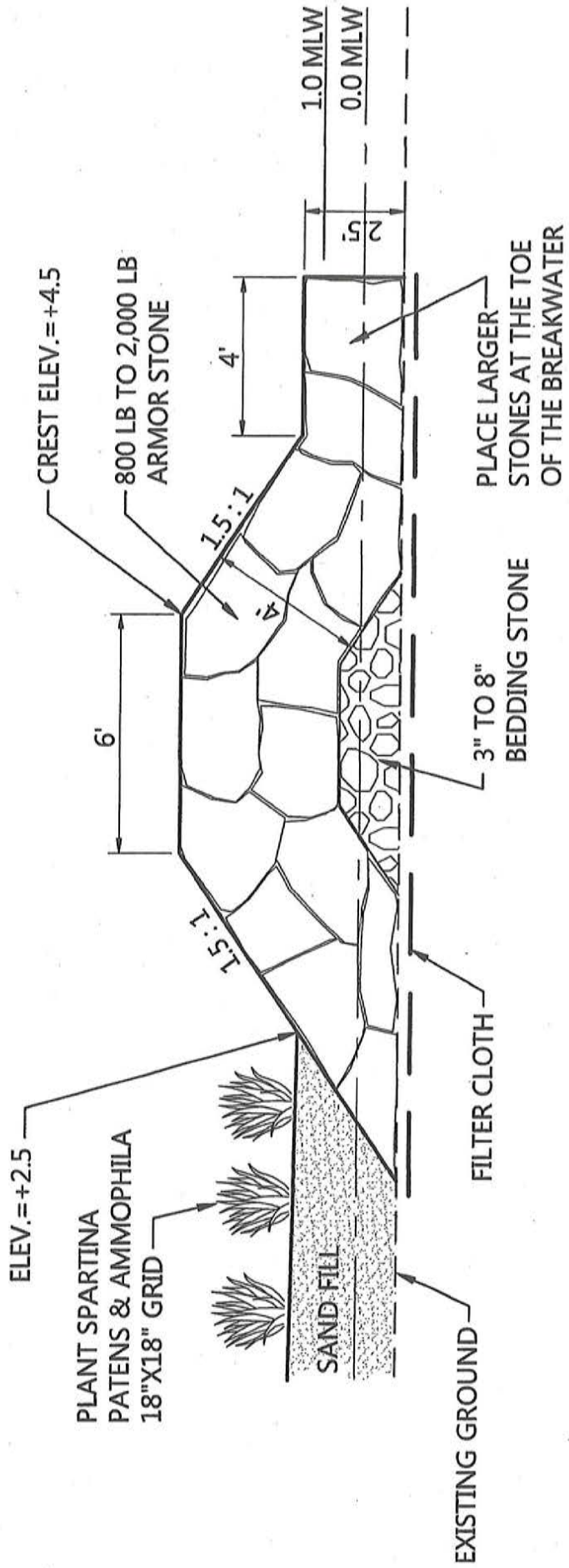
**IN:** CALVERT COUNTY MARYLAND

**DATUM:** MEAN LOW WATER


**SCALE IN FEET**  
 0 40

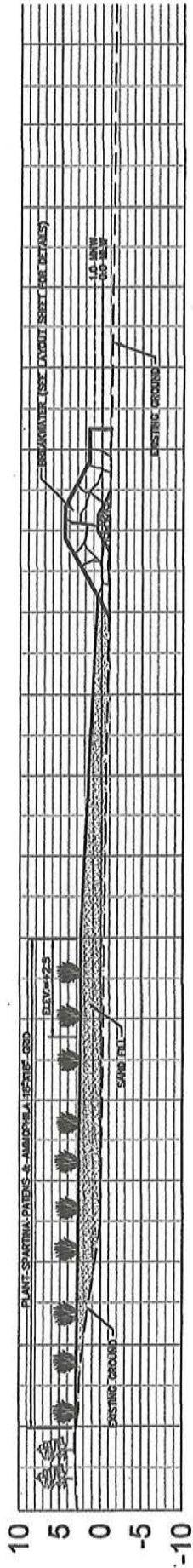
**CALVERT COUNTY**  
 ESTABLISHED 1754





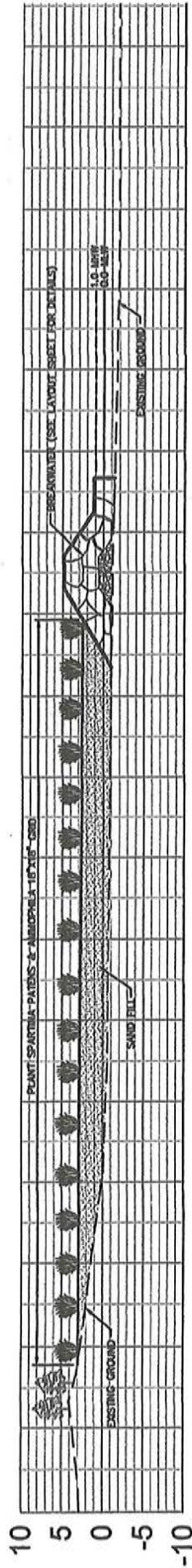
# TYPICAL BREAKWATER SECTION

<b>COASTLINE DESIGN, P.C.</b>  P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2158	<b>LIVING SHORELINE PROJECT AT FLAG PONDS NATURE PARK</b> TYPICAL BREAKWATER SECTION		APPLICATION BY: CALVERT COUNTY
	AT: FLAG PONDS NATURE PARK ON THE CHESAPEAKE BAY IN: CALVERT COUNTY MARYLAND	PURPOSE: LIVING SHORELINE RESTORATION	DATE: MAY, 2010 SHEET 5 OF 7



0+00 0+10 0+20 0+30 0+40 0+50 0+60 0+70 0+80 0+90 1+00 1+10 1+20 1+30 1+40 1+50 1+60 1+70 1+80


**SECTION A-A**

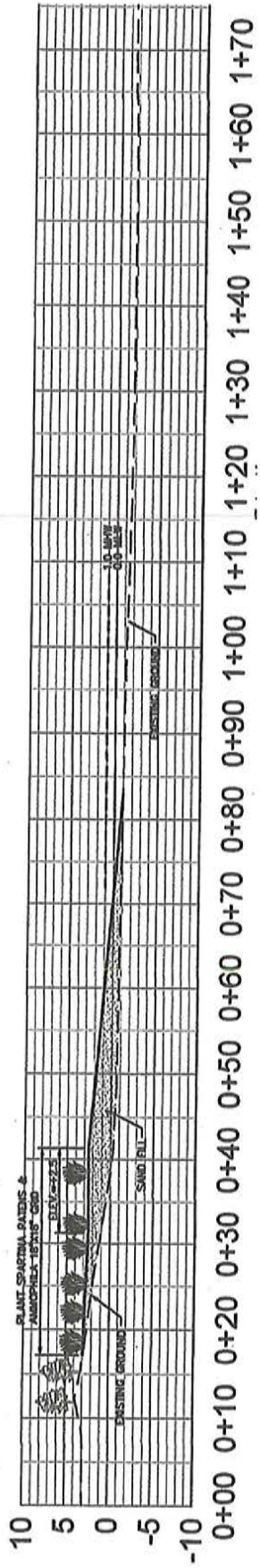


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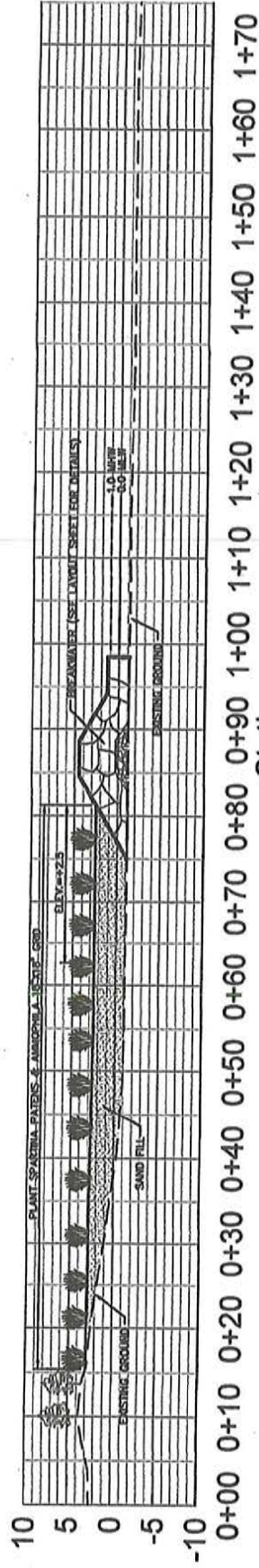
**SECTION B-B**



<b>COASTLINE DESIGN, P.C.</b> P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2158	 CALVERT COUNTY ESTABLISHED 1845	<b>LIVING SHORELINE PROJECT AT FLAG PONDS NATURE PARK</b> CROSS SECTIONS		APPLICATION BY: CALVERT COUNTY
		AT: FLAG PONDS NATURE PARK ON THE CHESAPEAKE BAY	PURPOSE: LIVING SHORELINE RESTORATION	DATE: MAY, 2016
DATUM: MEAN LOW WATER		IN: CALVERT COUNTY MARYLAND		




SECTION C-C



SECTION D-D



<b>COASTLINE DESIGN, P.C.</b> P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2168		<b>LIVING SHORELINE PROJECT AT FLAG PONDS NATURE PARK</b> CROSS SECTIONS	
		APPLICATION BY: CALVERT COUNTY	DATE: MAY, 2018
AT: FLAG PONDS NATURE PARK ON THE CHESAPEAKE BAY		PURPOSE: LIVING SHORELINE RESTORATION	
IN: CALVERT COUNTY MARYLAND		SHEET 7 OF 7	
DATUM: MEAN LOW WATER			