



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

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (THOMAS CULLEN JR./Living Shoreline) 2013-60285

PN 13-13

Comment Period: March 15, 2013 to April 15, 2013

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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:** Mr. Thomas Cullen Jr.  
51 Louisiana Avenue, NW  
Washington, DC 20001

**LOCATION:** In the Potomac River, at 6915 Branitan Place, Bryan Road, Charles County, Maryland.

**WORK:** To establish a living shoreline within an approximately 69,195 square foot (1.59 acre) area by emplacing a series of offset layered stone sills along 1,365 linear feet of eroding shoreline and high sediment bank as follows: to construct a wetland planting terrace along 1,275 linear feet of shoreline by depositing approximately 9,174 cubic yards of sloped, clean select sand fill, stabilized with approximately 18,500 square feet of *Acorus americanu*, *Leersia oryzoides*, *Peltandra virginica*, *Pontederia cordata*, *Sagittaria latifolia*, *Schoenoplectus tabernaemontani*, *Typha latifolia*, and *Zizania palustris* wetland species in the intertidal zone; with approximately 26,400 square feet of *Asclepias incarnate*, *Hibiscus moscheutos*, *Kosteletzkya virginica*, *Panicum virgatum*, *Scirpus pungens*, *Spartina cynosuroides*, and *Typha latifolia* wetland species in the non-tidal zone; and approximately 40,100 square feet of *Andropogon virginicus*, *Symphotrichum novae-angliae*, *Panicum virgatum*, *Rudbeckia hirta*, and *Viburnum dentatum* species in the transitional marsh border; all to extend no more than 35 feet channelward of the approximate mean high water (MHW) shoreline; and to construct 1,365 linear feet of low profile stone containment sill by emplacing approximately 4,328 cubic yards of stone, no more than 18-feet wide at the base, with thirteen 6-foot wide tidal flushing vents at mean low water, all to extend no more than 90 feet channelward of the approximate MHW shoreline. 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 stabilization, sediment and erosion control, and wetland 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 based on the existing site conditions. The project as proposed would result in a net increase of approximately 44,895 square feet (1.03 acre) area of established emergent

wetlands, split between “26,400” square feet (0.06 acre area) of tidal freshwater wetlands, 18,500 square feet (0.42 acre area) of non-tidal freshwater wetlands and 40,100 square feet (0.92 acre area) of transitional marsh boarder. Based on available information from the Virginia Institute of Marine Sciences (VIMS), the 2007 to 2011 submerged aquatic vegetation (SAV) survey results for Mount Vernon, Maryland (Quad 40) and the Upper Potomac River, indicate a 70 to 100 percent aerial coverage and approximately 1.16 hectare acres of SAV at the project site. As currently proposed, the project may impact approximately 1.59 acres of SAV documented within the project limits. Compensatory mitigation is not being proposed by the applicant for permanent impacts to open tidal waters that may be colonized by SAV based upon the VIMS aerial data. The applicant has stated the project as currently designed seeks to avoid and minimize impacts to regulated resources onsite whereby the living shoreline project would maintain the natural functions of the aquatic ecosystem, add beneficial estuarine wetland habitat, and eliminate the erosion occurring along the steep embankment.

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 Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for *Scophthalmus 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 69,195 square foot (1.59 acre) area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt sub-tidal substrate that, according to 2007 to 2011 VIMS survey results for Mount Vernon, Maryland (Quad 40) and the Upper Potomac River, does support SAV. 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 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.

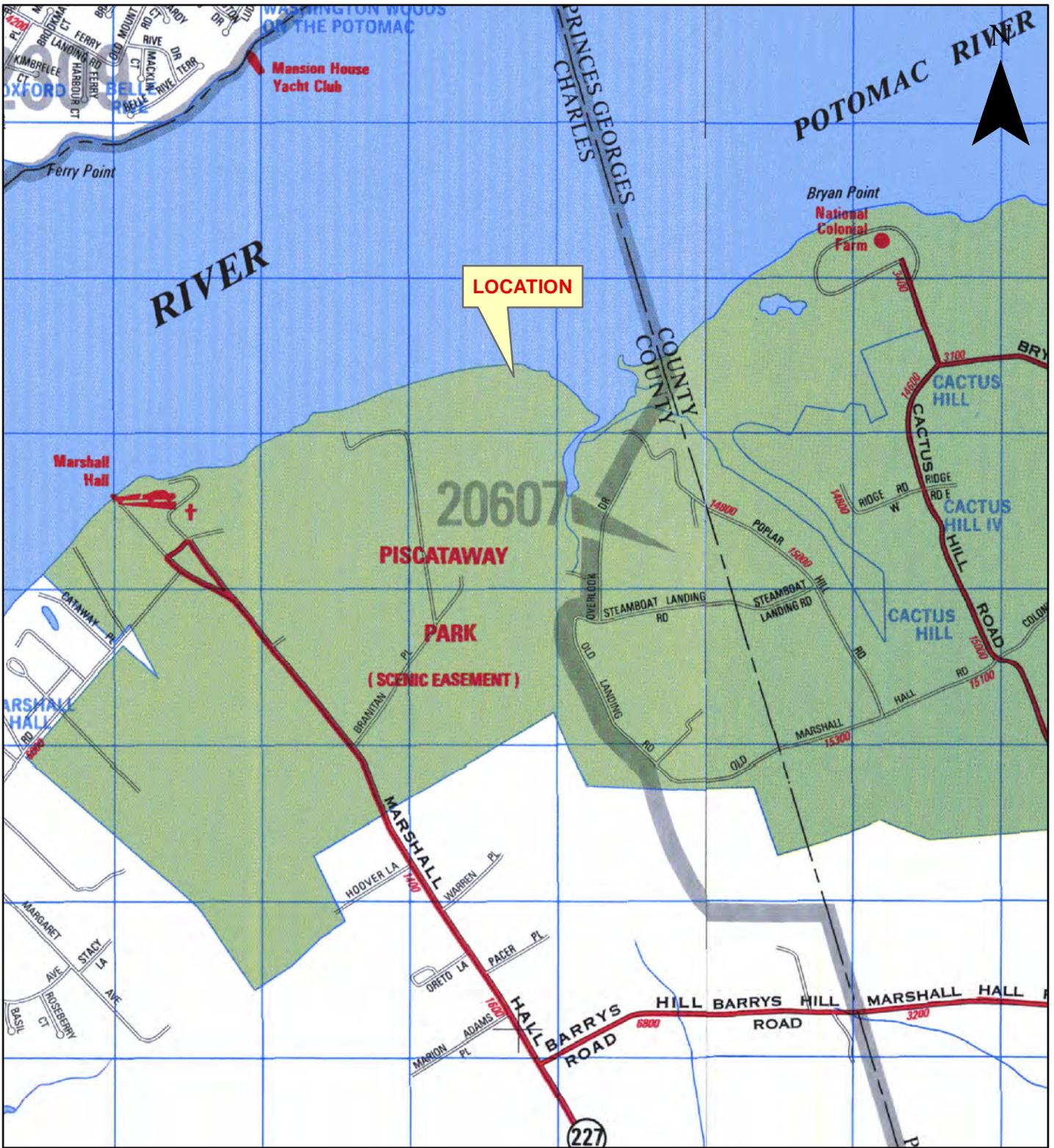
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

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.

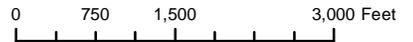
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON  
Chief, Maryland Section Southern



Sources: ADC: "Charles County, MD: 16th Edition, MD State Plane 83 Meters", ADC The Map People and GIS Integrated Solutions, 2005.

ADC Coordinates: Map 1, Column J, Row 3



# PLATE 1A

## Location - ADC



Environmental Concern Inc.  
P.O. Box P  
St. Michaels, MD 21663

Cullen  
Charles County, MD

09/2012



Sources: Aerial: "MD.State.6InchImagery", MDiMap, Towson University, 2010.  
Parcels: "MD.State.6InchImagery", MDiMap, Towson University, 2011.

0 120 240 480 Feet

# PLATE 1B

## Location - Aerial



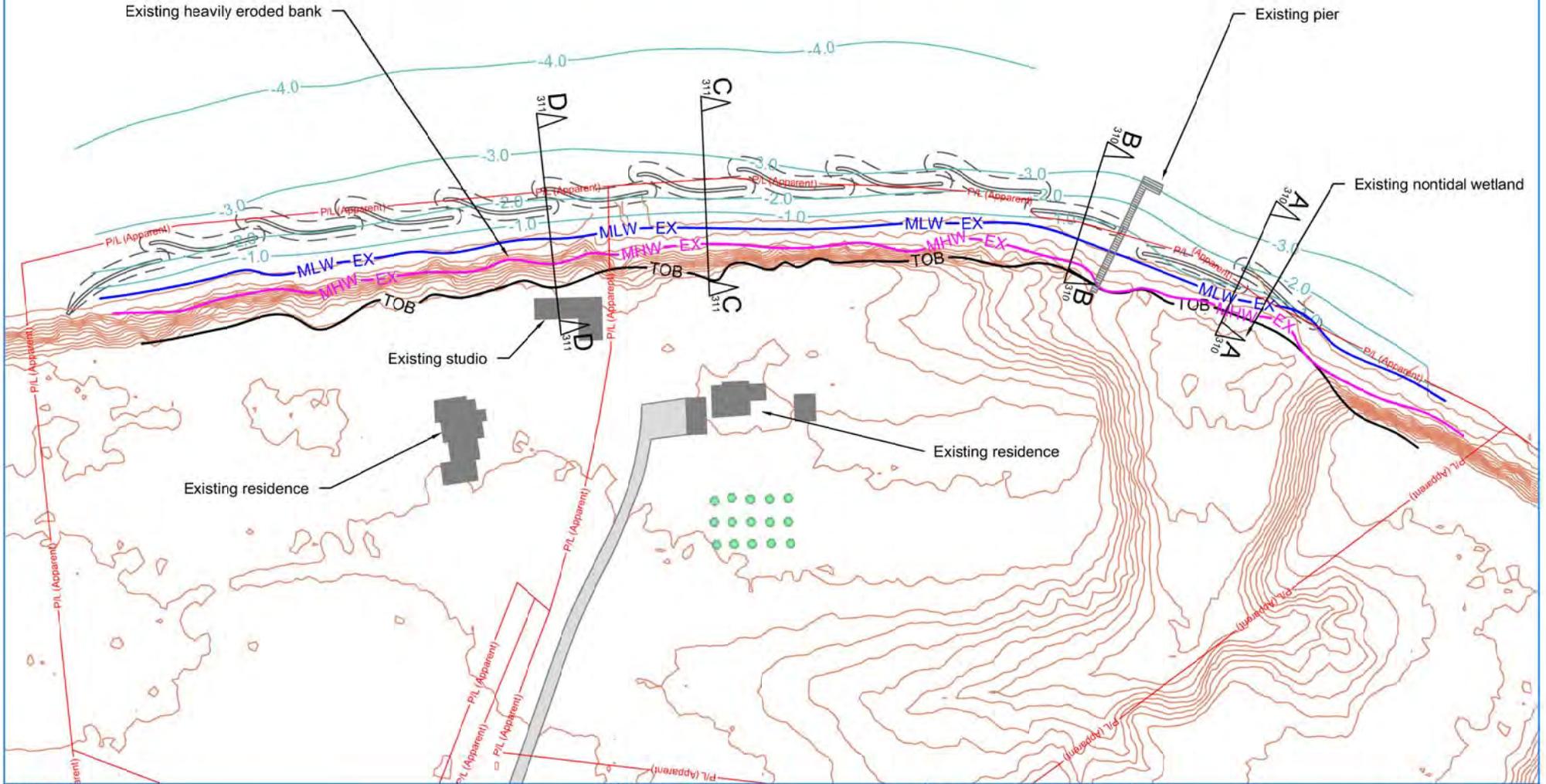
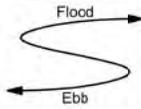
Environmental Concern Inc.  
P.O. Box P  
St. Michaels, MD 21663

Cullen  
Charles County, MD

09/2012



Potomac



Key/Notes

- Apparent property line 
- 2ft Contours 

Drawing Name

# Existing Shoreline Plan View with Sill Overlay

Project

Cullen  
Bank Stabilization  
Living Shoreline  
Charles County, MD



**Environmental Concern Inc.**  
P.O. Box P  
St. Michaels, MD 21663  
Phone: 410-745-9620 Fax: 410-745-3517

Restoring the bay...  
one wetland at a time

[www.wetland.org](http://www.wetland.org)

Drawing No.

CULN/P/200

Rev.

1

Scale

1" = 150'

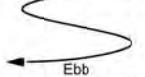
Date

09/2012



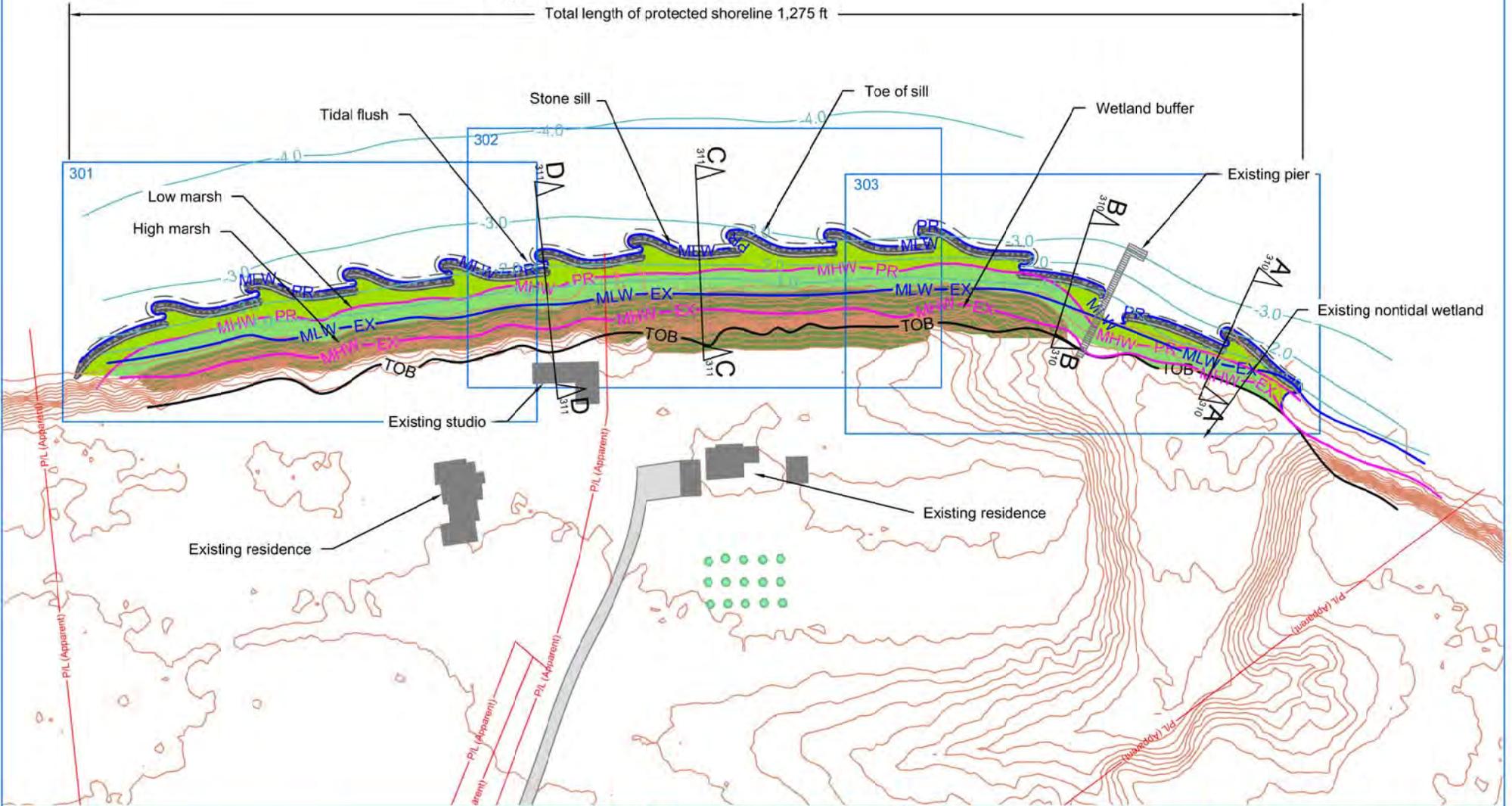
Potomac

Flood

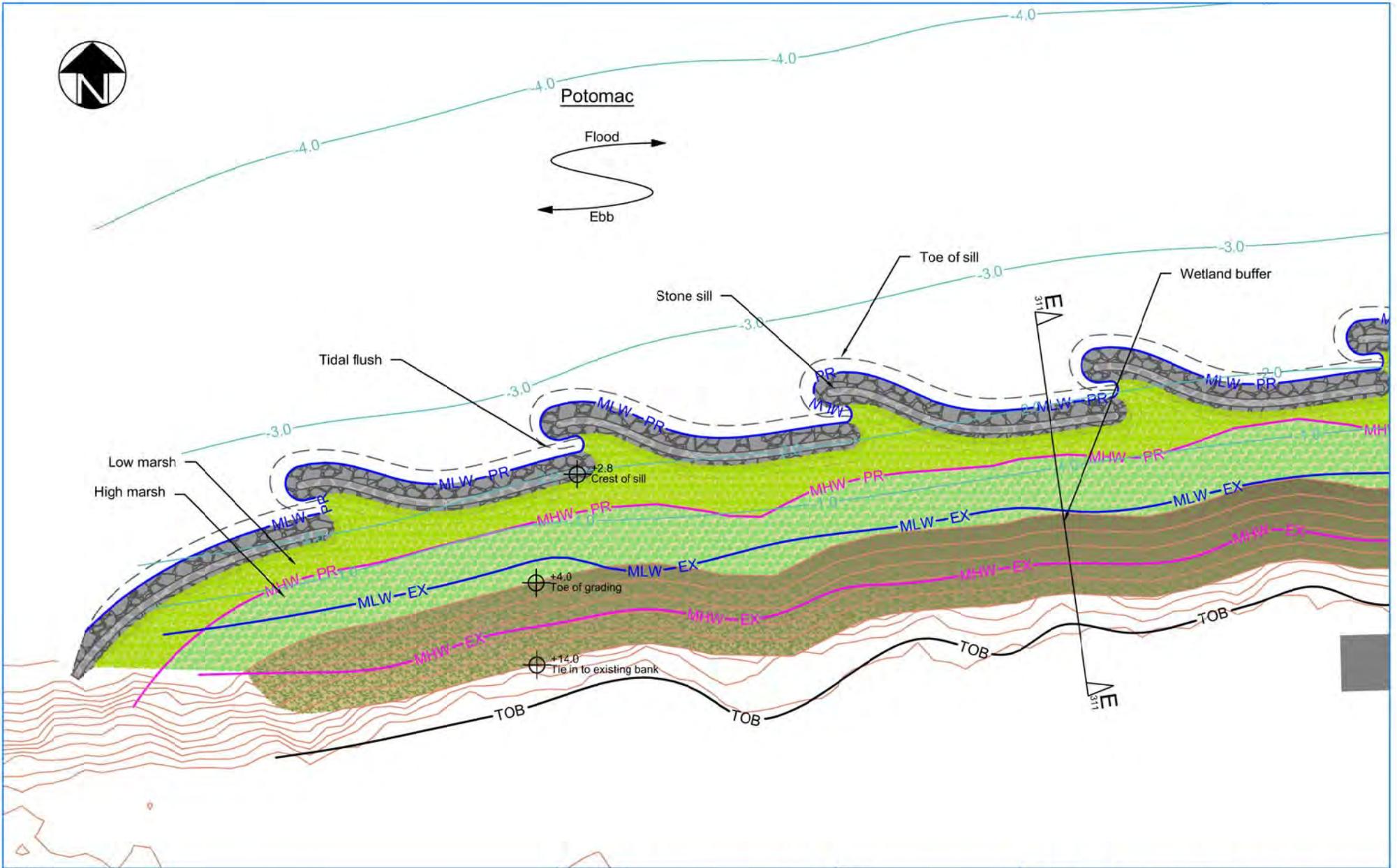


Ebb

Total length of protected shoreline 1,275 ft



Key/Notes	Drawing Name	Project		 <b>Environmental Concern Inc.</b> P.O. Box P St. Michaels, MD 21663 Phone: 410-745-9620 Fax: 410-745-3517 <i>Restoring the bay... one wetland at a time</i> <a href="http://www.wetland.org">www.wetland.org</a>	
Apparent property line		<h1>Proposed Shoreline Plan View</h1>		Drawing No.	
Proposed MHW				CULN/P/300	
Proposed MLW				Rev. <b>1</b>	
2ft Contours				Scale	
				Date	
				1" = 150' 09/2012	



Key/Notes

Apparent property line	
Proposed MHW	
Proposed MLW	
2ft Contours	

Drawing Name

Existing Shoreline  
Detail 1

Project

Cullen  
Bank Stabilization  
Living Shoreline  
Charles County, MD



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St. Michaels, MD 21663  
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[www.wetland.org](http://www.wetland.org)

Drawing No.

CULN/P/301

Rev.

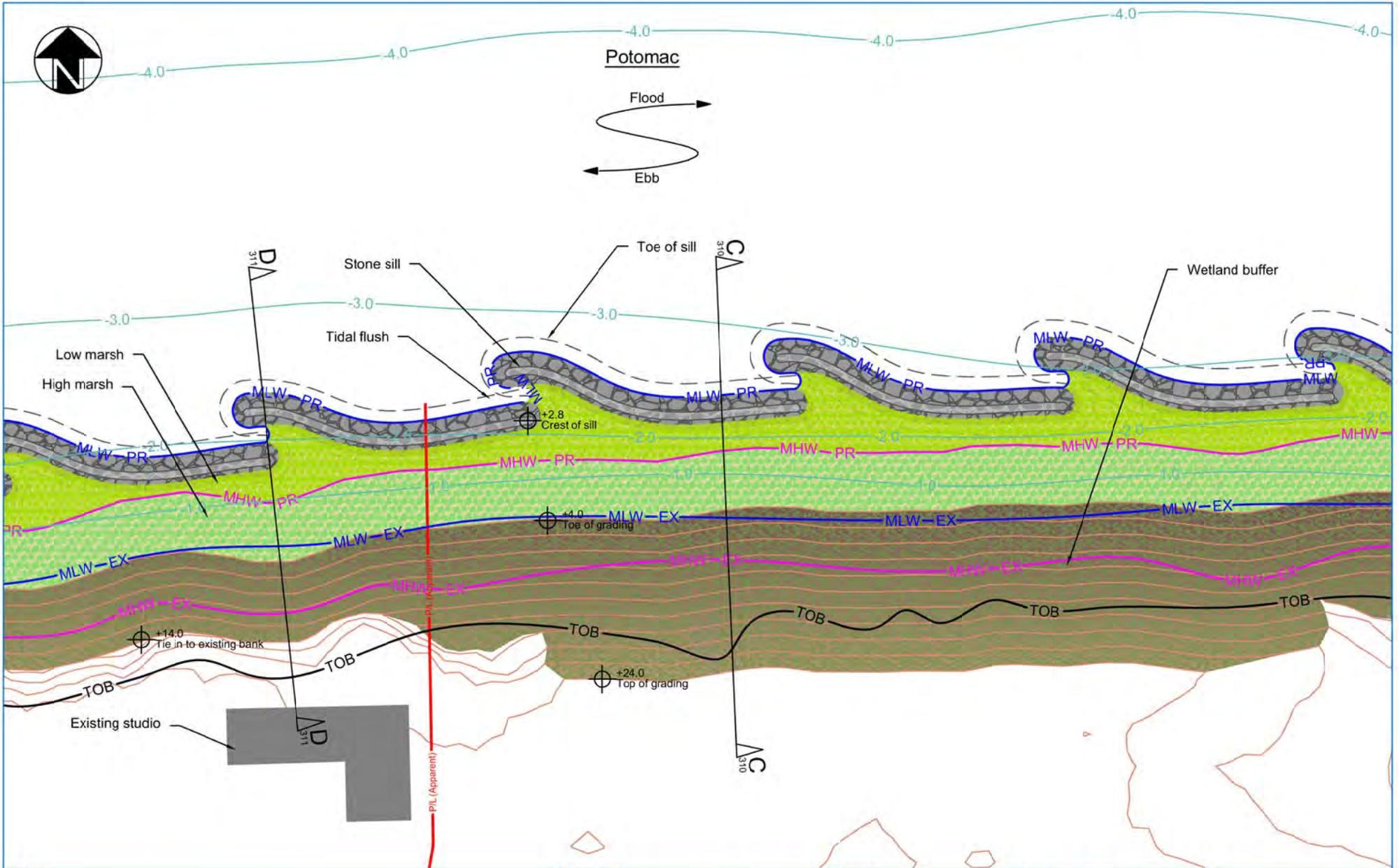
1

Scale

1" = 50'

Date

09/2012



Key/Notes

Apparent property line	
Proposed MHW	
Proposed MLW	
2ft Contours	

Drawing Name

Proposed Shoreline  
Detail 2

Project

Cullen  
Bank Stabilization  
Living Shoreline  
Charles County, MD



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[www.wetland.org](http://www.wetland.org)

Drawing No.

CULN/P/302

Rev.

1

Scale

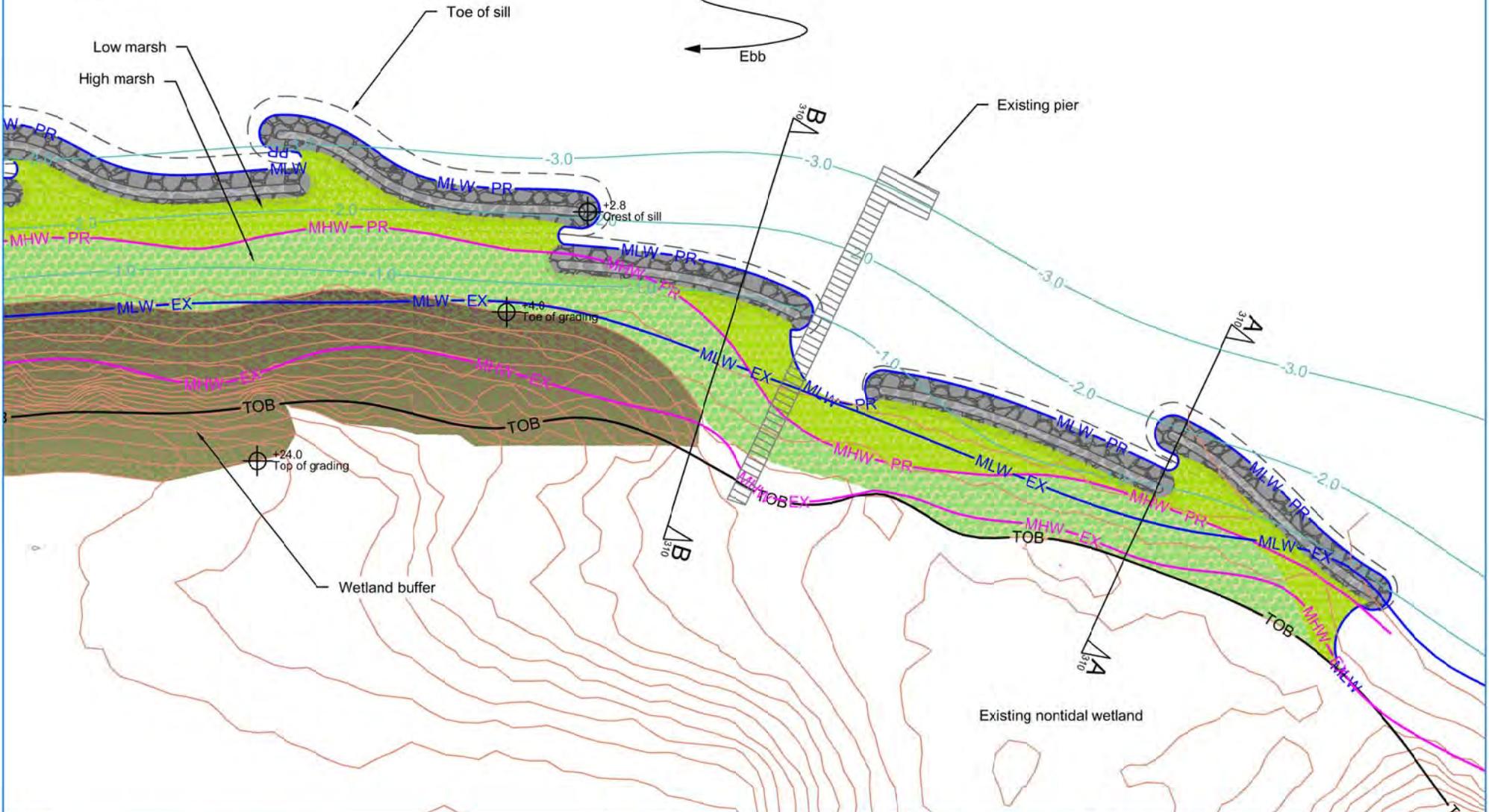
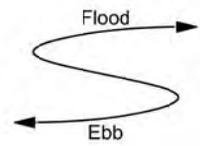
1" = 50

Date

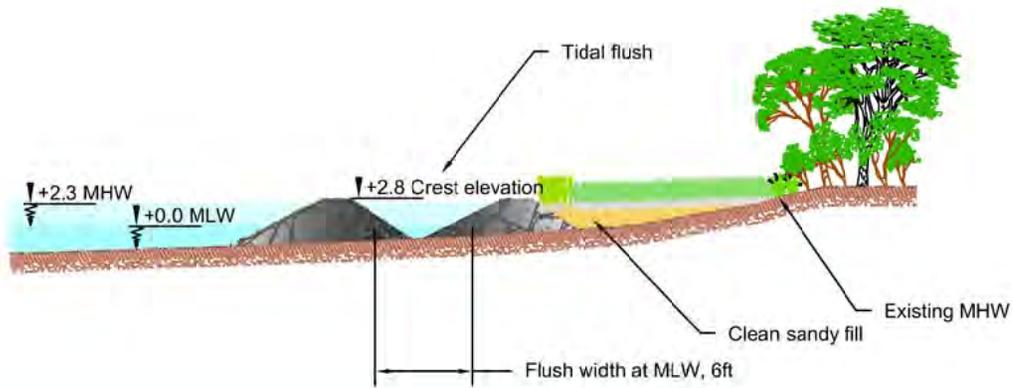
09/2012



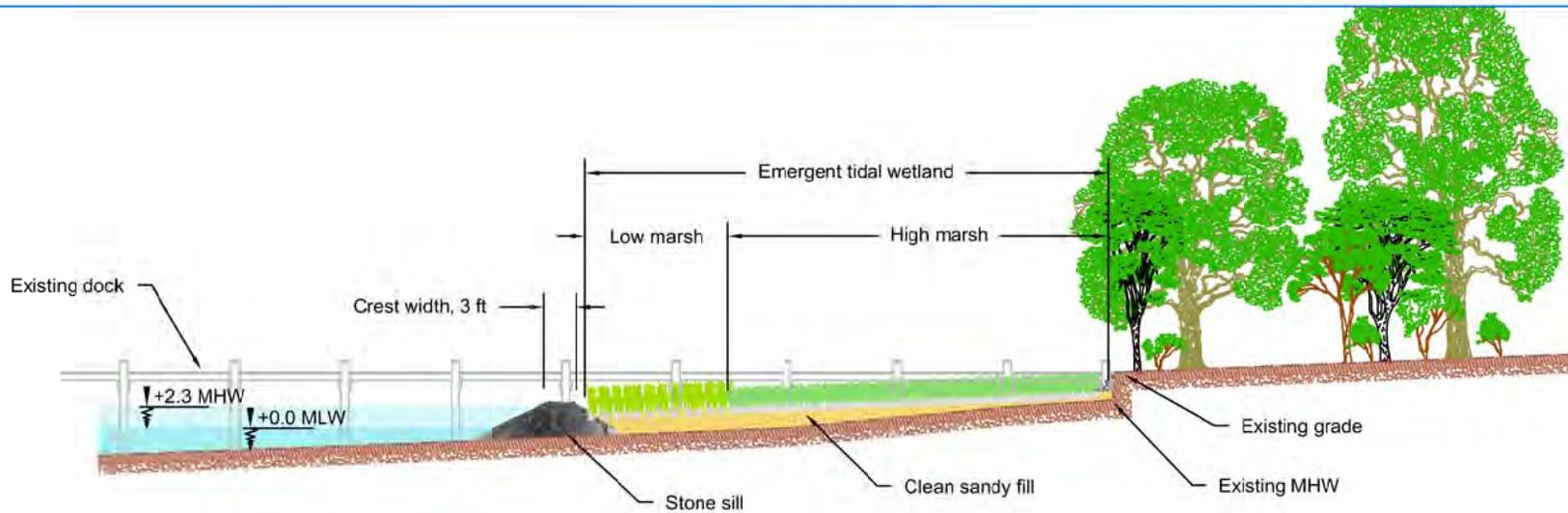
Potomac



Key/Notes	Drawing Name	Project		 <b>Environmental Concern Inc.</b> P.O. Box P St. Michaels, MD 21663 Phone: 410-745-9620 Fax: 410-745-3517 <i>Restoring the bay... one wetland at a time</i> <a href="http://www.wetland.org">www.wetland.org</a>	
Apparent property line Proposed MHW Proposed MLW 2ft Contours	<h2 style="text-align: center;">Proposed Shoreline Detail 3</h2>	Cullen Bank Stabilization Living Shoreline Charles County, MD			
			Drawing No. <b>CULN/P/303</b>	Rev. <b>1</b>	Scale <b>1" = 50'</b>



Section A-A



Section B-B

Key/Notes

1. Elevations taken from biological MLW
2. Tidal range assumed to be 2.3 ft

See Dwg. 320-Tidal Fresh Water Plant Zones for plant species.

Drawing Name

Proposed Shoreline  
Cross Section  
A-A B-B

Project

Cullen  
Bank Stabilization  
Living Shoreline  
Charles County, MD



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Drawing No.

CULN/P/310

Rev.

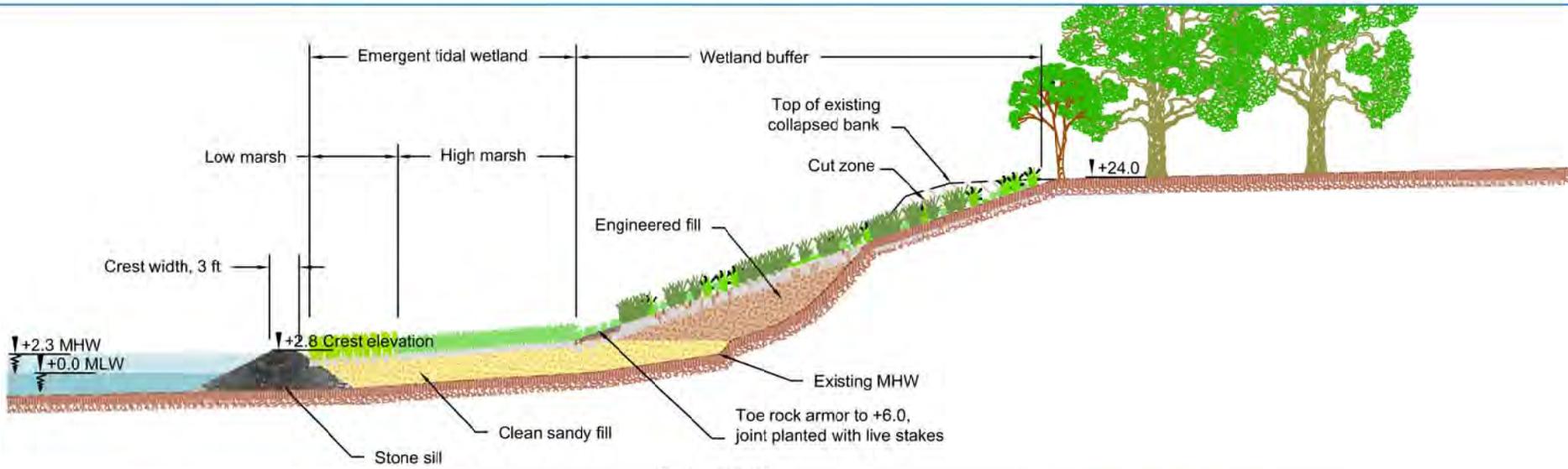
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Scale

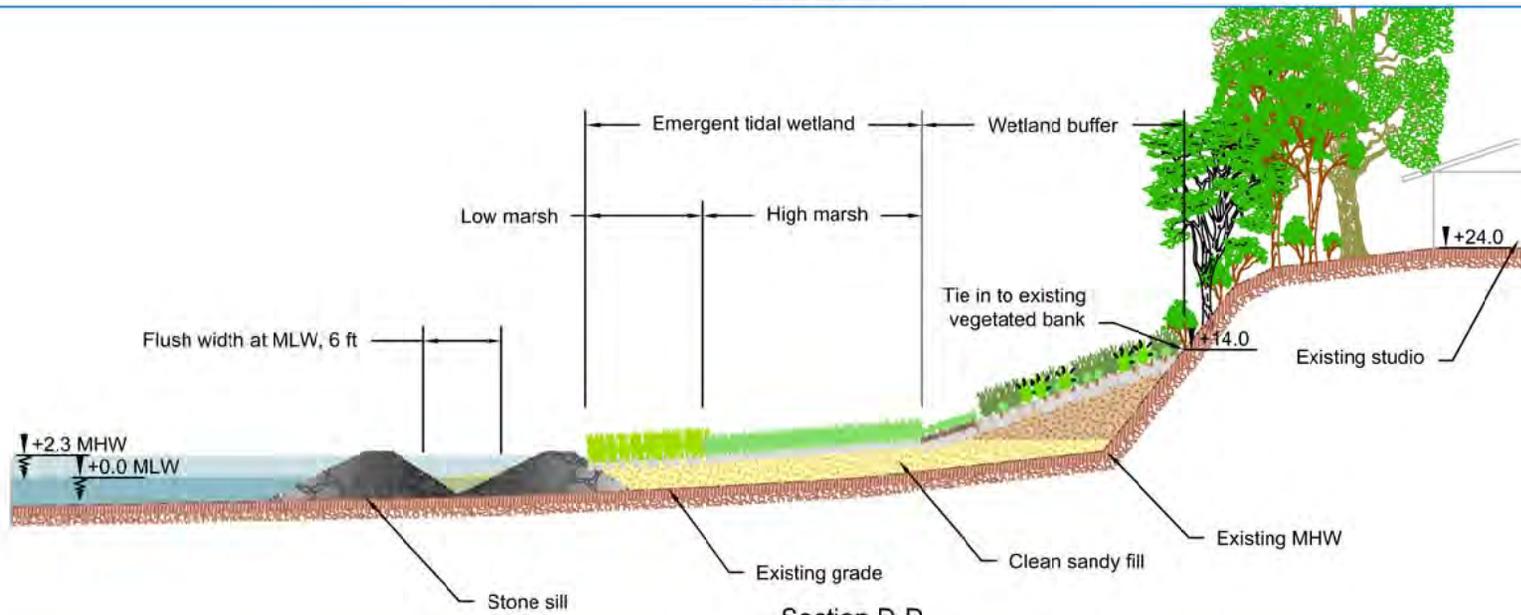
1" = 20'

Date

09/2012



Section C-C



Section D-D

Key/Notes

1. Elevations taken from biological MLW
2. Tidal range assumed to be 2.3 ft

See Dwg. 320-Tidal Fresh Water Plant Zones for plant species.

Drawing Name

Proposed Shoreline  
Cross Sections  
C-C D-D

Project

Cullen  
Bank Stabilization  
Living Shoreline  
Charles County, MD

Drawing No.

CULN/P/311



**Environmental Concern Inc.**

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Rev.

1

Scale

1" = 20'

Date

09/2012



*Panicum virgatum*



*Viburnum dentatum*



*Rudbeckia hirta*



*Aster novae-angliae*



*Typha angustifolia*



*Hibiscus moscheutos*



*Kosteletzkya virginica*



*Scirpus pungens*



*Spartina cynosuroides*



*Sagittaria latifolia*



*Pontedaria cordata*



*Peltandra virginica*

Wetland buffer

Emergent tidal wetland

High marsh

Low marsh

**Wetland buffer**

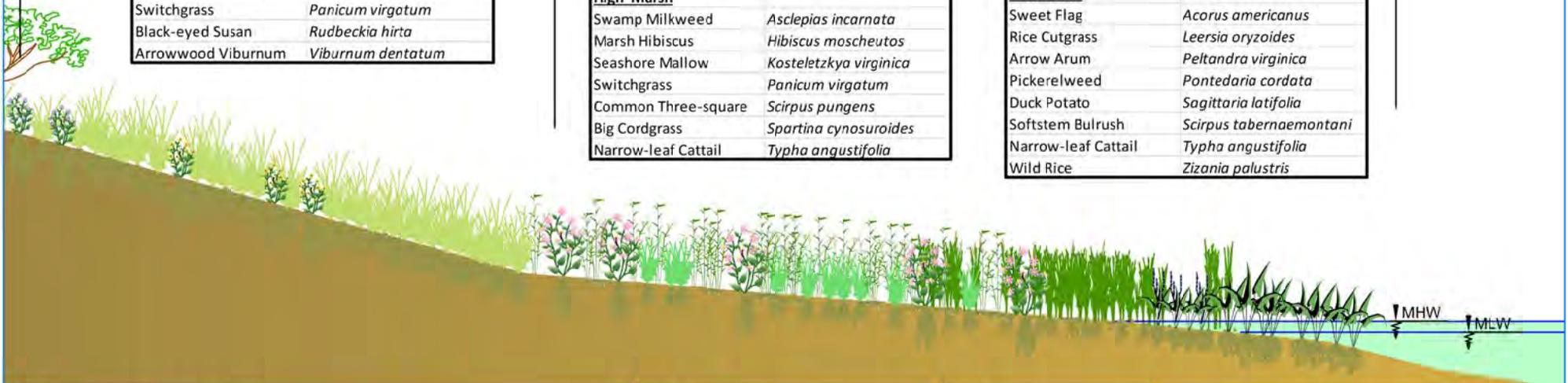
Broomsedge	<i>Andropogon virginicus</i>
New England Aster	<i>Aster novae-angliae</i>
Switchgrass	<i>Panicum virgatum</i>
Black-eyed Susan	<i>Rudbeckia hirta</i>
Arrowwood Viburnum	<i>Viburnum dentatum</i>

**High Marsh**

Swamp Milkweed	<i>Asclepias incarnata</i>
Marsh Hibiscus	<i>Hibiscus moscheutos</i>
Seashore Mallow	<i>Kosteletzkya virginica</i>
Switchgrass	<i>Panicum virgatum</i>
Common Three-square	<i>Scirpus pungens</i>
Big Cordgrass	<i>Spartina cynosuroides</i>
Narrow-leaf Cattail	<i>Typha angustifolia</i>

**Low Marsh**

Sweet Flag	<i>Acorus americanus</i>
Rice Cutgrass	<i>Leersia oryzoides</i>
Arrow Arum	<i>Peltandra virginica</i>
Pickerelweed	<i>Pontedaria cordata</i>
Duck Potato	<i>Sagittaria latifolia</i>
Softstem Bulrush	<i>Scirpus tabernaemontani</i>
Narrow-leaf Cattail	<i>Typha angustifolia</i>
Wild Rice	<i>Zizania palustris</i>



**Key/Notes**

1. Cross section is indicative only

**Drawing Name**

Tidal Fresh Water  
Plant Zones

**Project**

Cullen  
Bank stabilization  
Living shoreline  
Charles Co. MD



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**Drawing No.**

CULN/R/320

**Rev.**

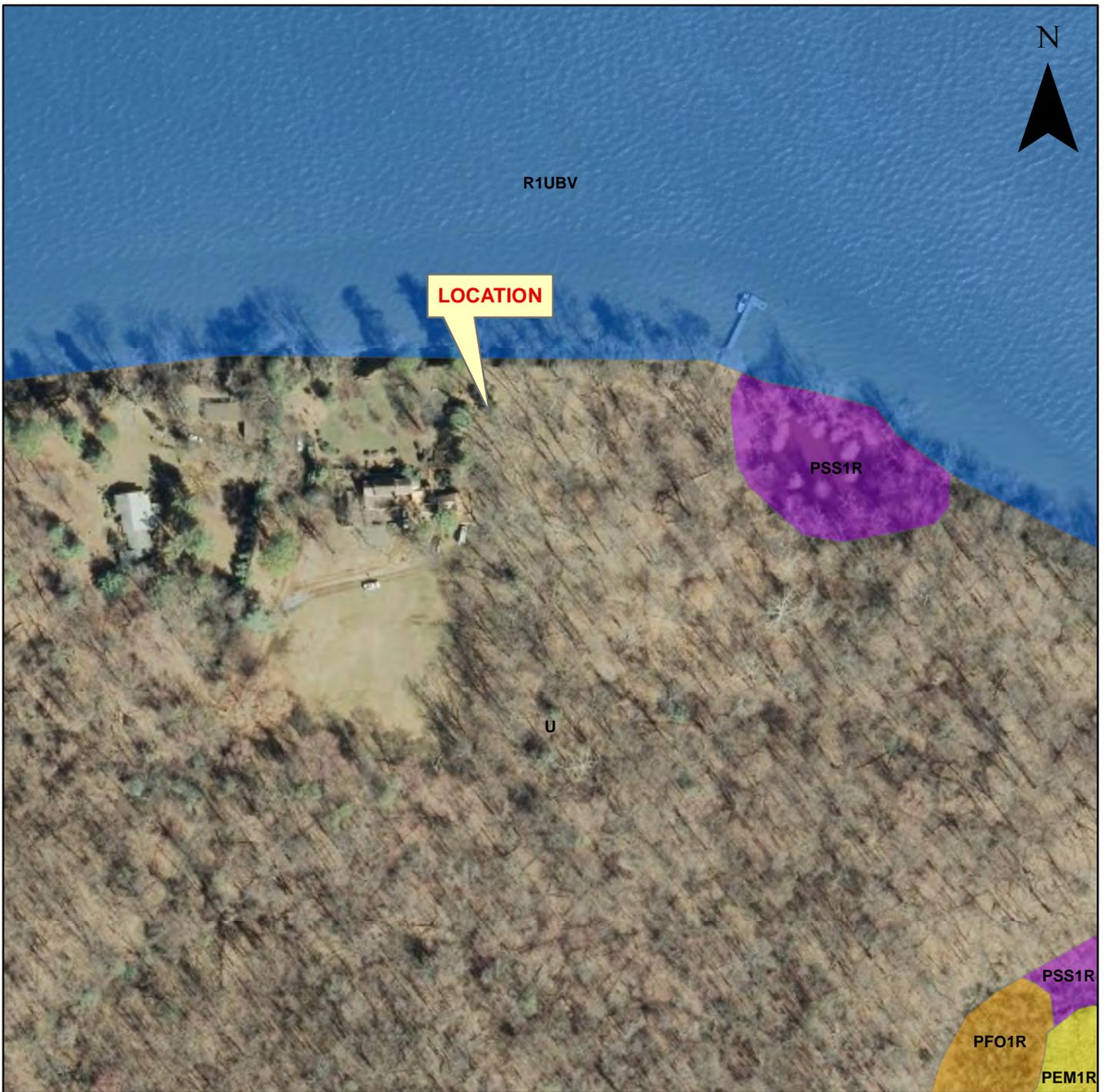
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**Scale**

1" = 10'

**Date:**

09/2012

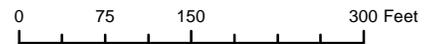


Sources: Aerial: "MD.State.6InchImagery", MDiMap, Towson University, 2011.  
 DNR Wetlands: "DNR Wetlands", Maryland Department of Natural Resources, 1993.

**DNR Wetlands (1988-1993)**

**CLASS**

- PFO1R = Palustrine, Forested, Broad-leaved Deciduous, Seasonal-Tidal
- PSS1R = Palustrine, Scrub-Shrub, Broad-leaved Deciduous, Seasonal-Tidal
- PEM1R = Palustrine, Emergent, Persistent, Seasonal-Tidal
- R1UBV = Riverine, Tidal, Unconsolidated Bottom, Permanent-Tidal



# PLATE 4A

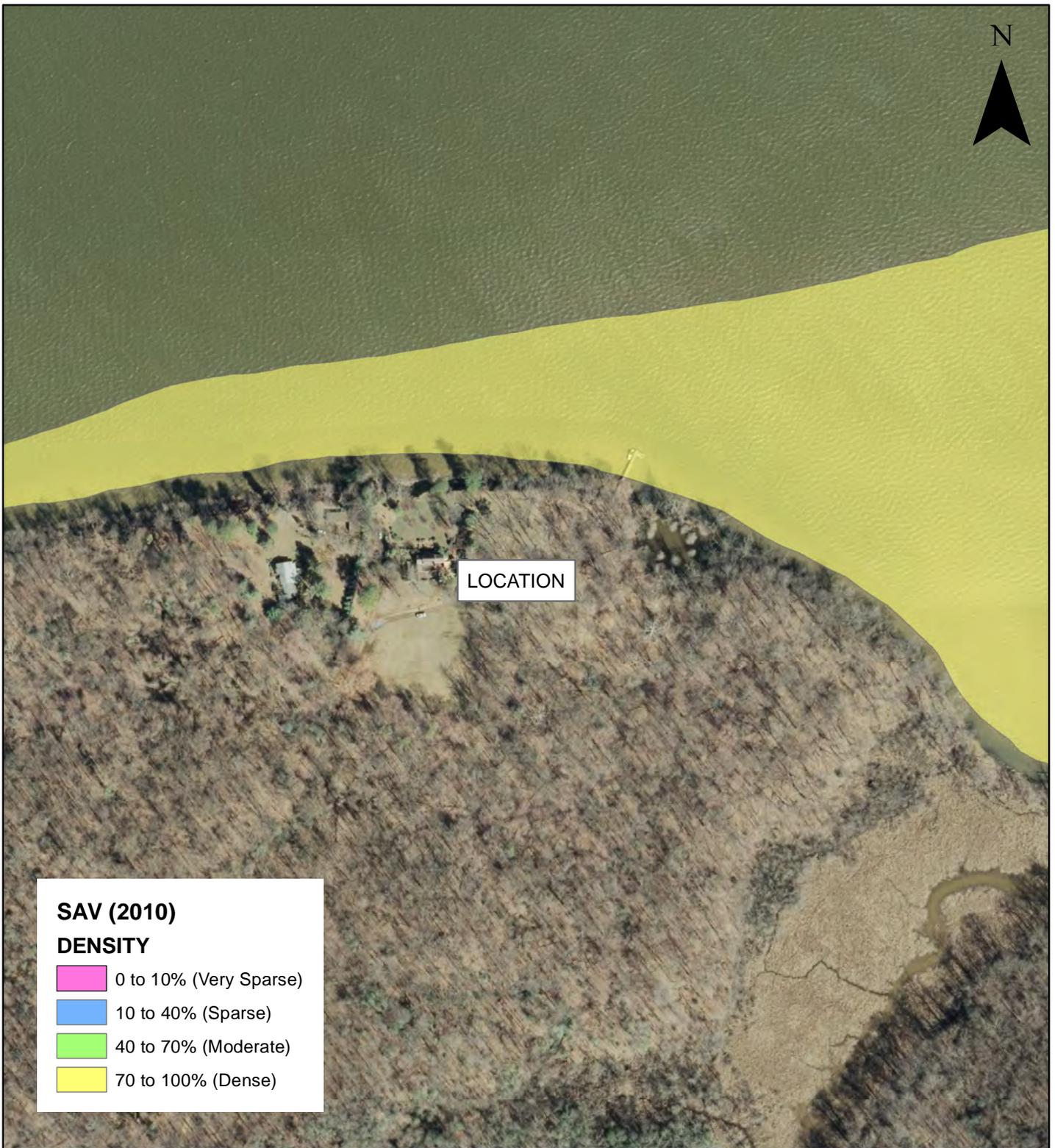
## DNR Wetlands (1988-1993)



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Cullen  
 Charles County, MD

09/2012



Sources: Aerial: "MD.State.6InchImagery", MDiMap, Towson University, 2010.  
 SAV: "Chesapeake Bay Submerged Aquatic Vegetation", Virginia Institute of Marine Science, 2011.

0 120 240 480 Feet

# PLATE 4B

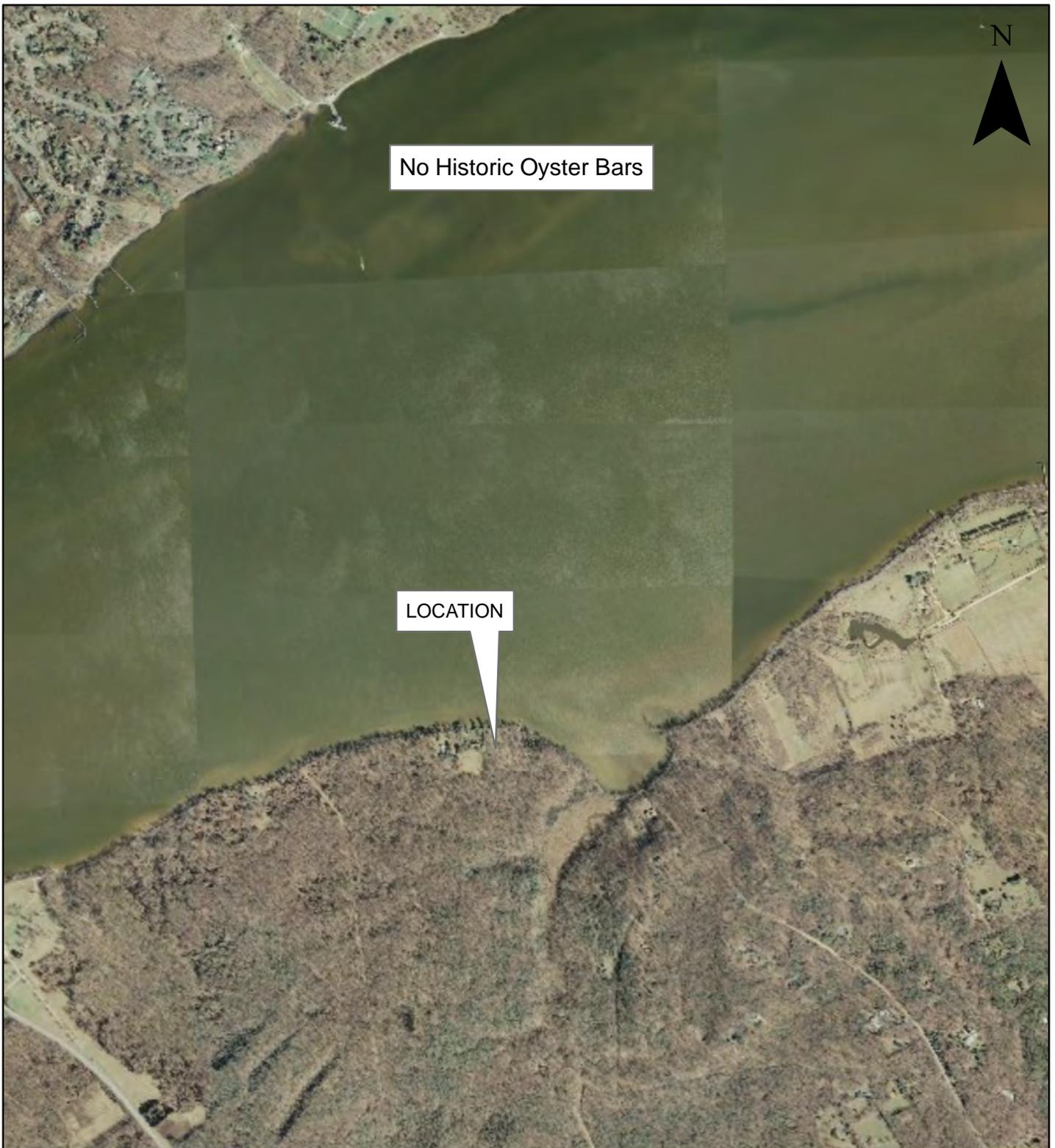
## SAV (2010)



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Cullen  
 Charles County, MD

09/2012



Sources: Aerial: "MD.State.6InchImagery", MDiMap, Towson University, 2010.

Historic Oyster Bars: "Maryland's Historic Oyster Bottom: A Geographic Representation of the Traditional Named Oyster Bars", Maryland Department of Natural Resources, Fisheries Service, Cooperative Oxford Laboratory Mapping and Analysis Project, 1997.

0 500 1,000 2,000 Feet

# PLATE 4C

## Historic Oyster Bars



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Cullen  
Charles County, MD

09/2012





