

PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMS(WELLS,
WALTER/BREAKWATERS, GROINS & WETLAND
CREATION)06-66026-4

PN07-07

Comment Period: January 16, 2007 to February 6, 2007

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. Walter Wells
Taney Place Farm
c/o Calvert Soil Conservation District
Mr. William Clark
P.O. Box 657
Prince Frederick, Maryland 20678

LOCATION In Battle Creek and the Patuxent River at Prison Point Calvert County, Maryland

WORK: To create approximately 12 acres of vegetated tidal marsh, 45 feet wide, along 8,300 linear feet of shoreline stabilized with Spartina alterniflora and S. patens and approximately 13,400 cubic yards of sloped, clean select sand fill to extend no more than 1.5 feet channelward of the approximate mean high water (MHW) shoreline and eleven 6-foot wide stone groins that are 75, 45, 45, 75, 75, 45, 60, 45, 45, 45, and 60 feet in length to extend no more than 55 feet channelward of the approximate MHW shoreline; to construct nine 21-foot wide breakwaters that are 450, 250, 225, 150, 750, 750, 600, 450, and 600 in length to extend no more than 55 feet channelward of the approximate MHW shoreline; to create 10 acres of submerged aquatic vegetation habitat to be naturally regenerated, to extend no more than 55 feet channelward of the approximate MHW shoreline; and to construct a 30-foot by 180-foot, 10,000 square foot oyster bar at +2.8 feet mean low water elevation to extend no more than 255 feet channelward of the approximate MHW shoreline. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Kathy Anderson at (410) 962-5690. The purposes of the project are shoreline erosion control and habitat creation.

Note: The initial phase of this project was approved under MDSPGP- 2 CENAB-OP-RMS(TANEY PLACE FARM/BREAKWATERS, VEG STABILIZATION & OYSTER REEF) 02-66554-4 for similar work impacting 0.95 acres of tidal waters.

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 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), 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. The Baltimore District has determined that the adverse effects of this project 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 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 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.

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 Standards and Certification Division 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. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, 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.

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 Coastal Zone Division, 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. It should be noted that CZ Division 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.

A preliminary review of this application indicates that the proposed work will not affect listed 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 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 request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

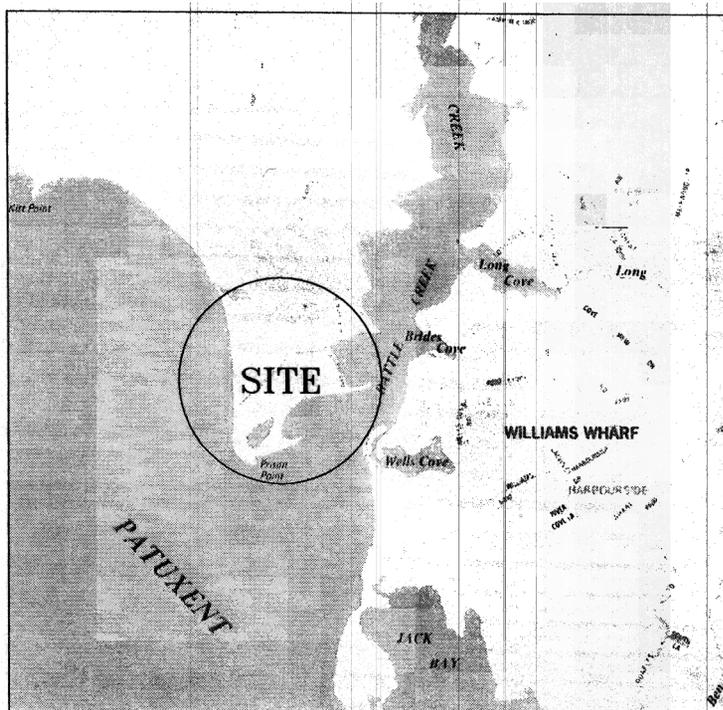
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:



PAUL R. WETTLAUFER
Acting Chief, Maryland Section Southern

Vicinity Map:



BATTLE CREEK STREAM RESTORATION
AND WETLAND ENHANCEMENT PROJECT
ADELINA, MARYLAND

U. S. DEPARTMENT OF AGRICULTURE – NATURAL RESOURCES CONSERVATION SERVICE

CAD FILE
Stream Rest.dwg
LAYOUT NO.
1
SHEET NO. 1 OF 12

Designed	Date	Approved by
Drawn SAN	09/05	Title
Traced		Title
Checked		Title

2-A ←
Plan

Existing
Access
Road

Access
Point
SCE

Access
Point
SCE

Access
Point
SCE

Access
Point
SCE

Length: 600'
Width: 21'

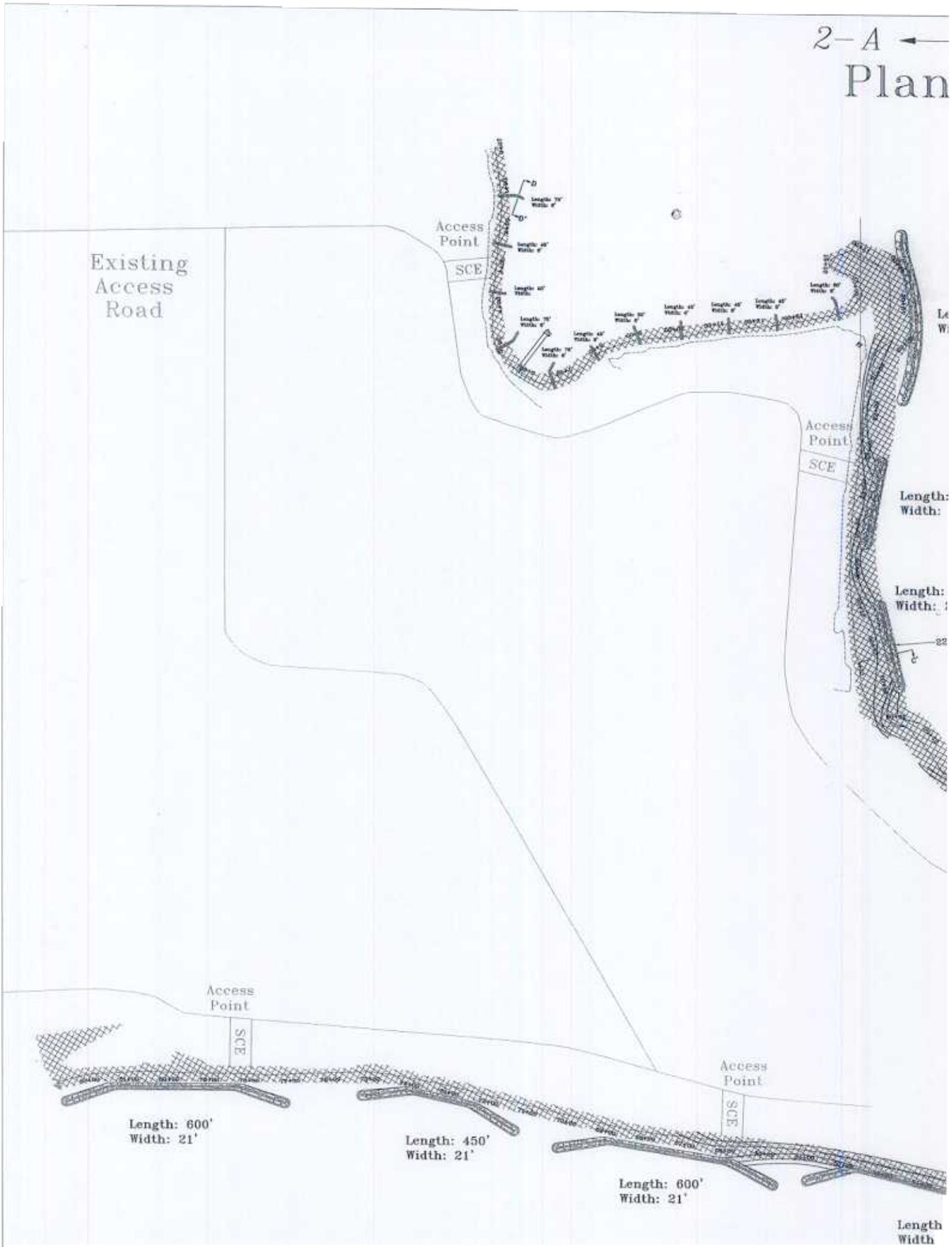
Length: 450'
Width: 21'

Length: 600'
Width: 21'

Length:
Width:

Length:
Width:

Length
Width





LEGEND



WETLAND PLANTING

OYSTER BAR



STONE BREAKWATERS

EXISTING MINOR CONTOUR

EXISTING MAJOR CONTOUR

PROPOSED CONTOUR

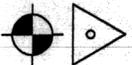
PAGE MATCH LINE

CONTROL POINT

BENCH MARK

MLW-0' CONTOUR LINE

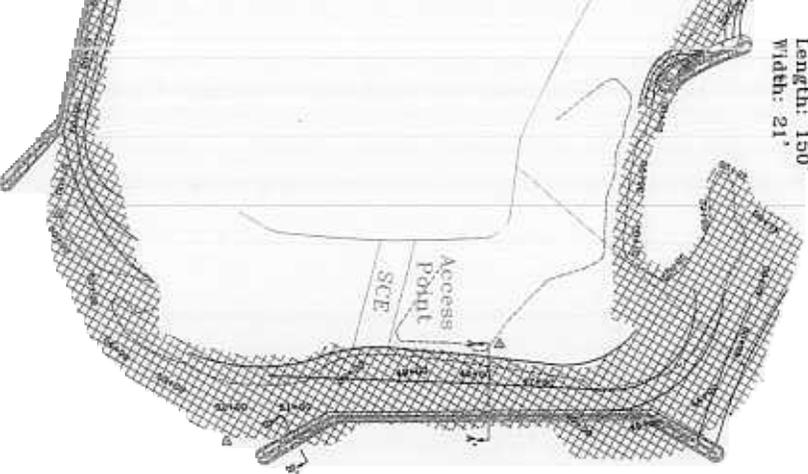
MHW-1' CONTOUR LINE



Length: 180'
Width: 30'

Length: 150'
Width: 21'

Length: 750'
Width: 21'



1. The maximum channelward extent of the activity from MHWL is 55 feet.

NOTES

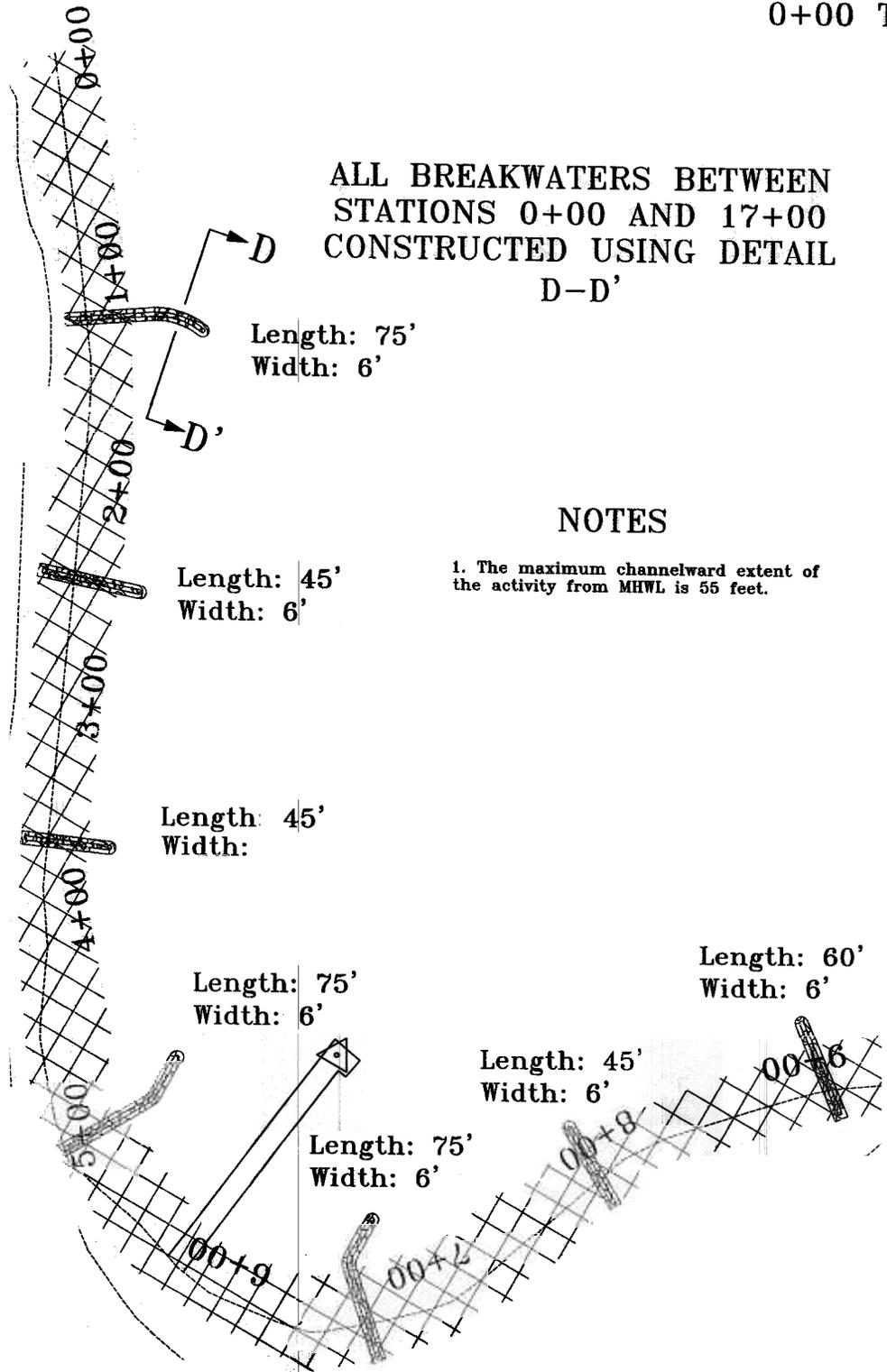
SCALE: 1" = 150'



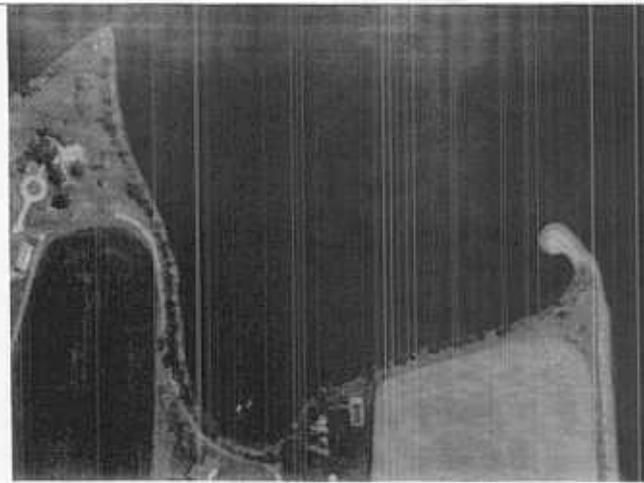
CAD FILE Stream Resting ACTIVITY MAP NO. 2 OF 12	BATTLE CREEK STREAM RESTORATION AND WETLAND ENHANCEMENT PROJECT ADELINA, MARYLAND		Date _____	Approved by _____
	U. S. DEPARTMENT OF AGRICULTURE – NATURAL RESOURCES CONSERVATION SERVICE		Designed _____ Drawn <u>SAN</u> Traced _____ Checked _____	Title _____ _____ Title _____

SITE

0+00 7

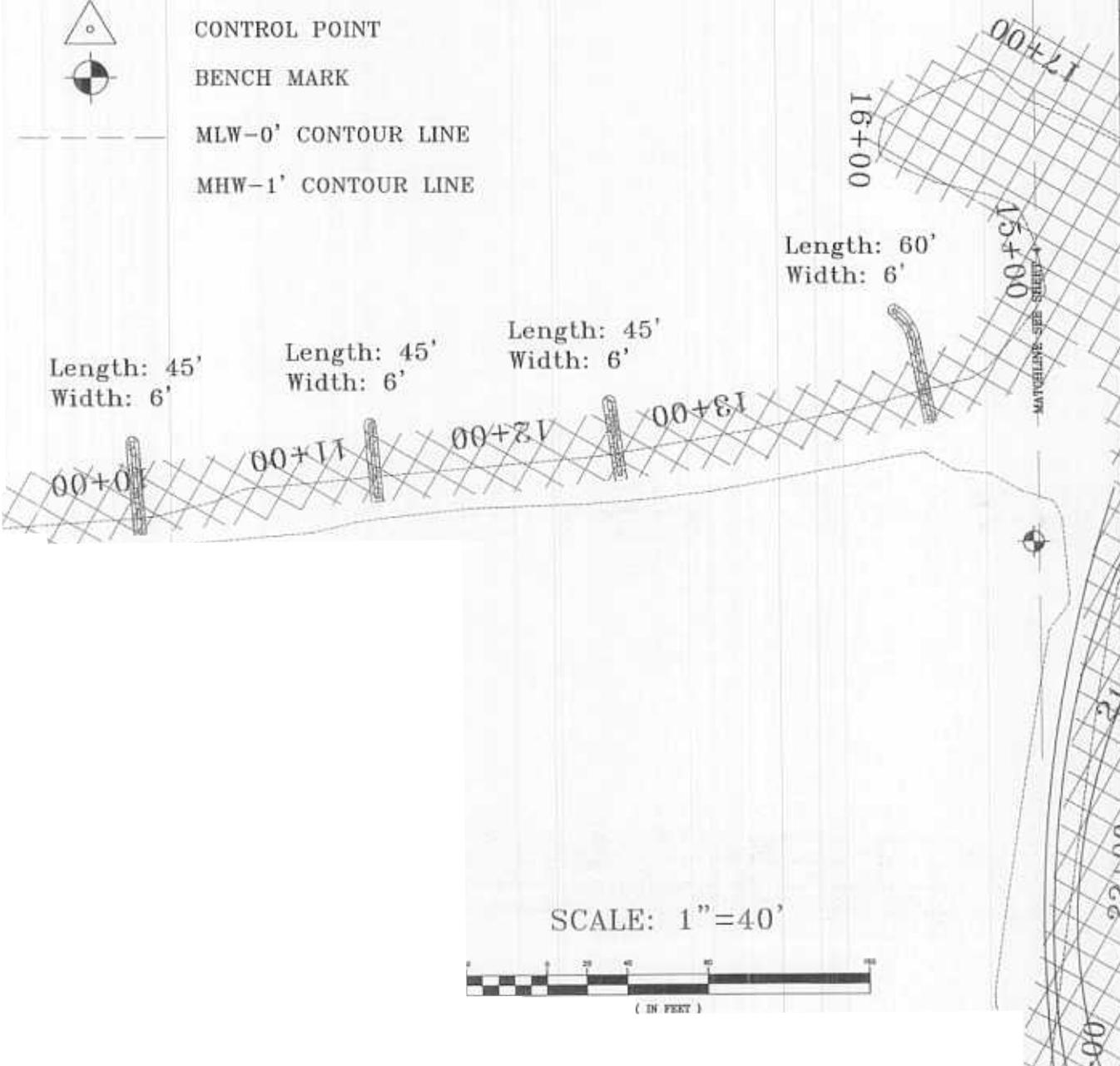


→ 3-B
PLAN
 17+00

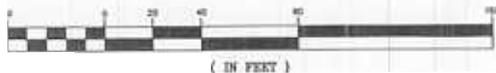


LEGEND

-  WETLAND PLANTING
-  OYSTER BAR
-  STONE BREAKWATERS
-  EXISTING MINOR CONTOUR
-  EXISTING MAJOR CONTOUR
-  PROPOSED CONTOUR
-  PAGE MATCH LINE
-  CONTROL POINT
-  BENCH MARK
-  MLW-0' CONTOUR LINE
-  MHW-1' CONTOUR LINE



SCALE: 1"=40'



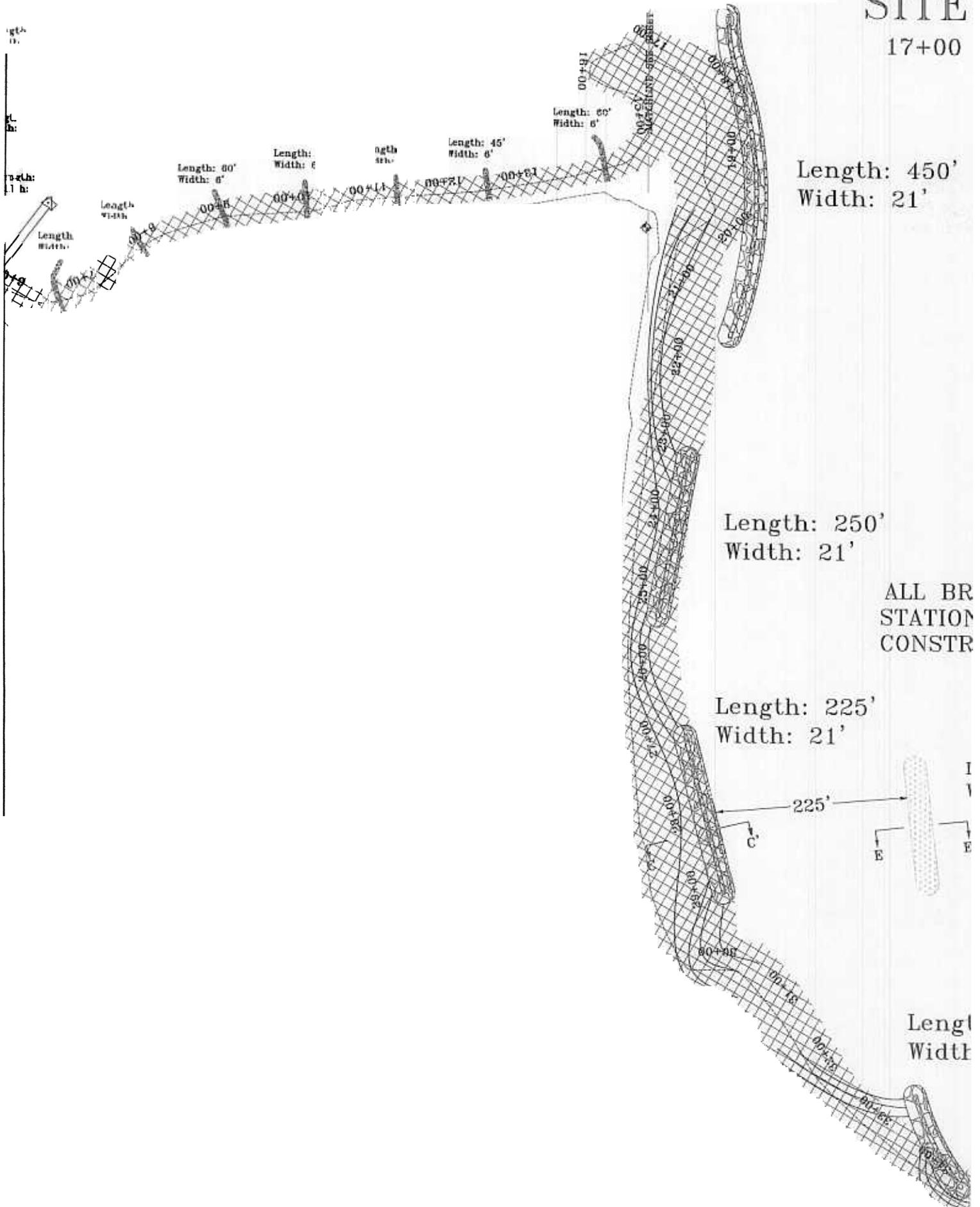
	Approved by _____	Title _____	Title _____
	Designed _____	Drawn SAN	Checked _____
	Date 09/05	Traced _____	
BATTLE CREEK STREAM RESTORATION AND WETLAND ENHANCEMENT PROJECT ADELINA, MARYLAND			
U. S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE			
CAD FILE Stream Rest.dwg LAYOUT FILE 3 SHEET NO 3 OF 12			

Length-
Width

4-A ←

SITE

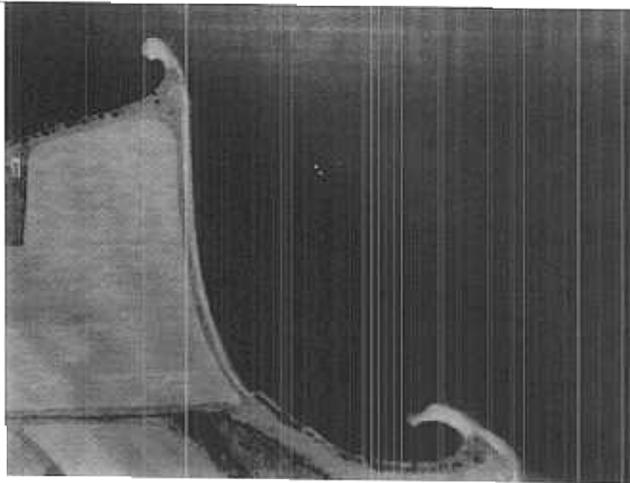
17+00



4+B

PLAN

43+00



LEGEND



WETLAND PLANTING

OYSTER BAR



STONE BREAKWATERS

EXISTING MINOR CONTOUR

EXISTING MAJOR CONTOUR

PROPOSED CONTOUR

PAGE MATCH LINE

CONTROL POINT



BENCH MARK

MLW-0' CONTOUR LINE

MHW-1' CONTOUR LINE

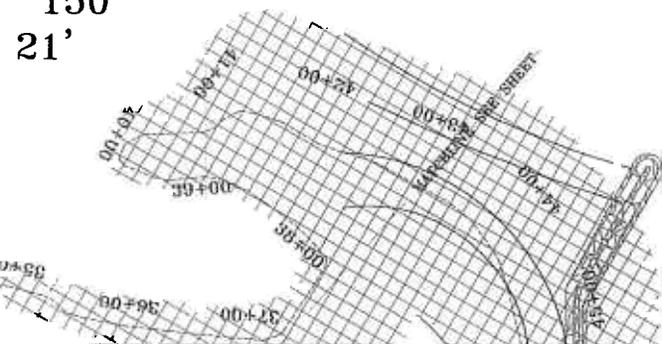
STONE BREAKWATERS BETWEEN
37+00 AND 43+00
DESIGNED USING DETAIL
C-C'

Length: 180'
Width: 30'

NOTES

1. The maximum channelward extent of the activity from MHWL is 55 feet.

150'
21'



SCALE: 1"=80'



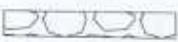
Approved by _____
 Title _____
 Title _____

Designed _____
 Drawn: SAN _____
 Date: 09/05
 Traced _____
 Checked _____

BATTLE CREEK STREAM RESTORATION
 AND WETLAND ENHANCEMENT PROJECT
 ADELINA, MARYLAND
 U. S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE

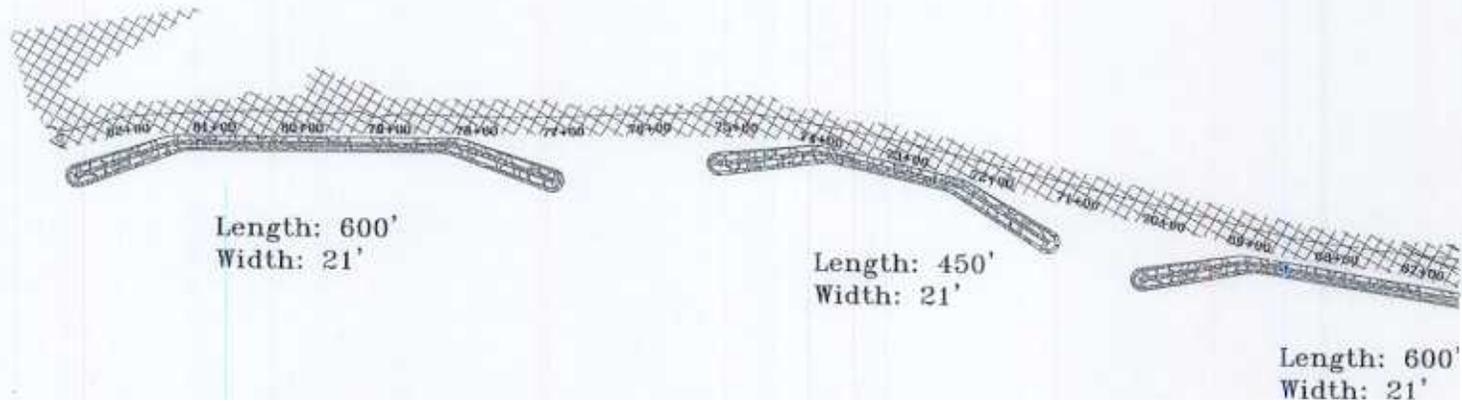
CAD FILE
 Stream Rest.dwg
 LAYOUT NO.
 4
 SHEET NO. 4 OF 12

LEGEND

-  WETLAND PLANTING
-  OYSTER BAR
-  STONE BREAKWATERS
-  EXISTING MINOR CONTOUR
-  EXISTING MAJOR CONTOUR
-  PROPOSED CONTOUR
-  PAGE MATCH LINE
-  CONTROL POINT
-  BENCH MARK
-  MLW-0' CONTOUR LINE
-  MHW-1' CONTOUR LINE

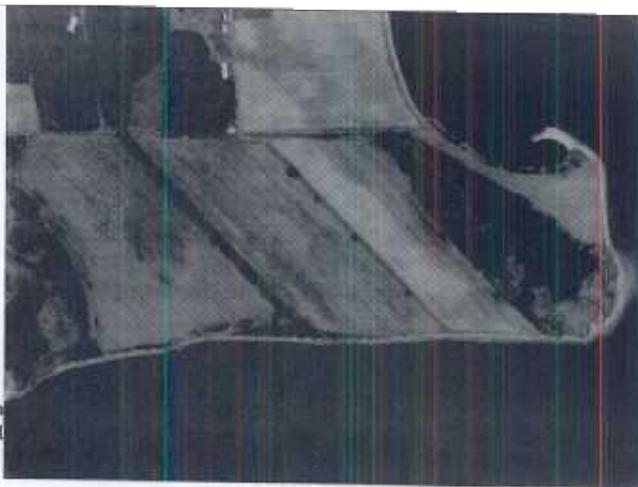
NOTES

1. The maximum channelward extent of the activity from MHWL is 55 feet.



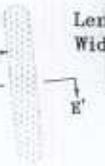
5-B

AN
+00



Length: 250'
Width: 21'

Length: 225'
Width: 21'



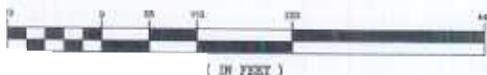
Length: 150'
Width: 21'

Length: 7
Width: 21

ALL BREAKWATERS BETWEEN
STATIONS 43+00 AND 83+00
CONSTRUCTED USING DETAIL
A-A' AND B-B'

Length: 750'
Width: 21'

SCALE: 1" = 110'



Approved by _____
Title _____

Date _____
09/05

Designed _____
Drawn SAN
Traced _____
Checked _____

BATTLE CREEK STREAM RESTORATION
AND WETLAND ENHANCEMENT PROJECT
ADELINA, MARYLAND

U. S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE

CAD FILE: Stream Rest.dwg

5

SHEET NO. 5 OF 12