



# PUBLIC NOTICE

US Army  
Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-RMS(LEONARDTOWN COMM/WHARF  
PARK/BULKHEAD,BOARDWALK, OUTFALLS,  
LOT FILL)05-63466-4

**Comment Period: June 21, 2005 to July 21, 2005**

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: *Commissioners of Leonardtown  
Ms. Laschelle Miller  
c/o Whitney, Bailey, Cox & Magnani, LLC  
849 Fairmount Avenue, Suite 100  
Baltimore, Maryland 21286*

LOCATION: *In Breton Bay at Leonardtown, St. Mary's County, Maryland.*

WORK: *To construct 558 linear feet of bulkhead with approximately 4,000 cubic yards of clean earth backfill to extend an average of 22 feet and a maximum of 50 feet channelward of the existing deteriorated bulkheaded shoreline; to construct an 8-foot to 10-foot by 200-foot boardwalk with an 8-foot to 10-foot access walkway and an 8-foot to 10-foot deck to extend no more than 53 feet channelward of the approximate mean high water (MHW) shoreline; to construct two 155 linear foot, 30-inch reinforced concrete stormdrain outfall pipes and one 44 linear foot, 12-inch HDPE stormdrain outfall pipe to extend no further channelward than the face of the proposed bulkhead; to construct a 151 linear foot, 6-inch PVC pipe inverted at approximately -2.5 feet mean low water to extend from 3 to 5 feet channelward of the proposed bulkhead for a dry/draft fire hydrant system; and to create 8,662 square feet of tidal marsh along 285 linear feet of shoreline by depositing approximately 214 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora*, *Spartina patens*, and other various native high and low marsh herbaceous plants and shrubs; and coir fiber log toe protection to extend no more than 38 feet channelward of the approximate MHW shoreline. This project includes filling 110-foot by 300-foot, 20-foot by 35.75-foot, and 9-foot by 18-foot areas of open water and an 8-foot by 47-foot area of tidal wetlands landward of the proposed bulkhead for lot fill. The project proposes to impact a total of 6,985 square feet of tidal wetlands and 8,166 square feet of tidal waters; and to create 4,605 square feet of tidal waters by removing upland areas. The total proposed project impact in jurisdictional areas is 15,151 square feet, 0.35 acres, of tidal wetlands and waters. The purpose of the project is to revitalize and redevelop on old ice plant site into a wharf park along with the adjacent commercial development. This project includes future plans for a marina. 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 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 *Scopthalmus 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 effect 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.

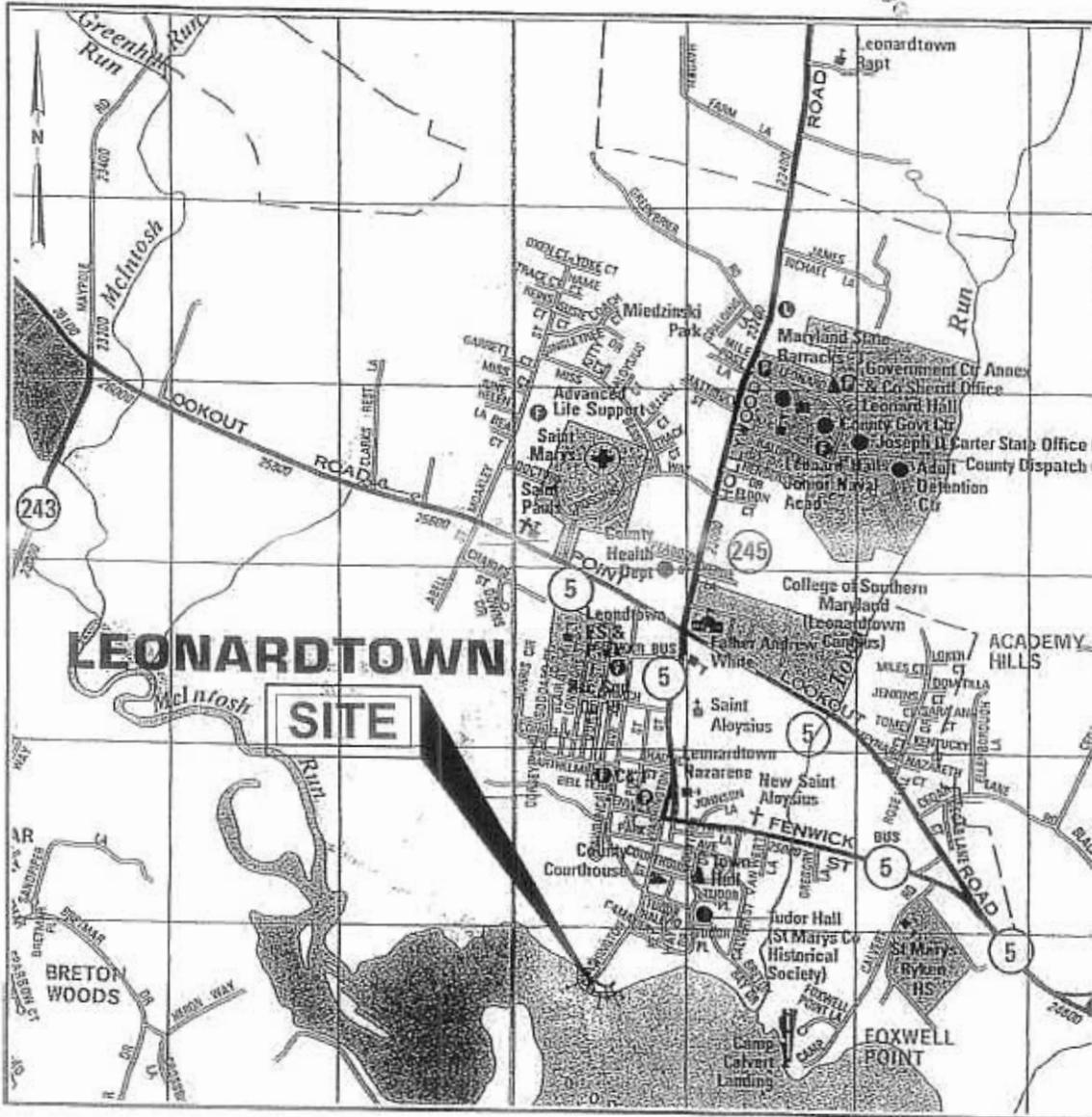
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or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

  
Walter Washington, Jr.  
Chief, Maryland Section Southern



### VICINITY MAP

SCALE: 1"=2000'



**WHITNEY CONSULTING ENGINEERS**  
**BAILEY** 849 FAIRMOUNT AVENUE  
**COX** BALTIMORE, MD. 21286  
**MAGNANI** (410) 512-4500  
 (410)-324-4100 (FAX)

DRAWING: V-1

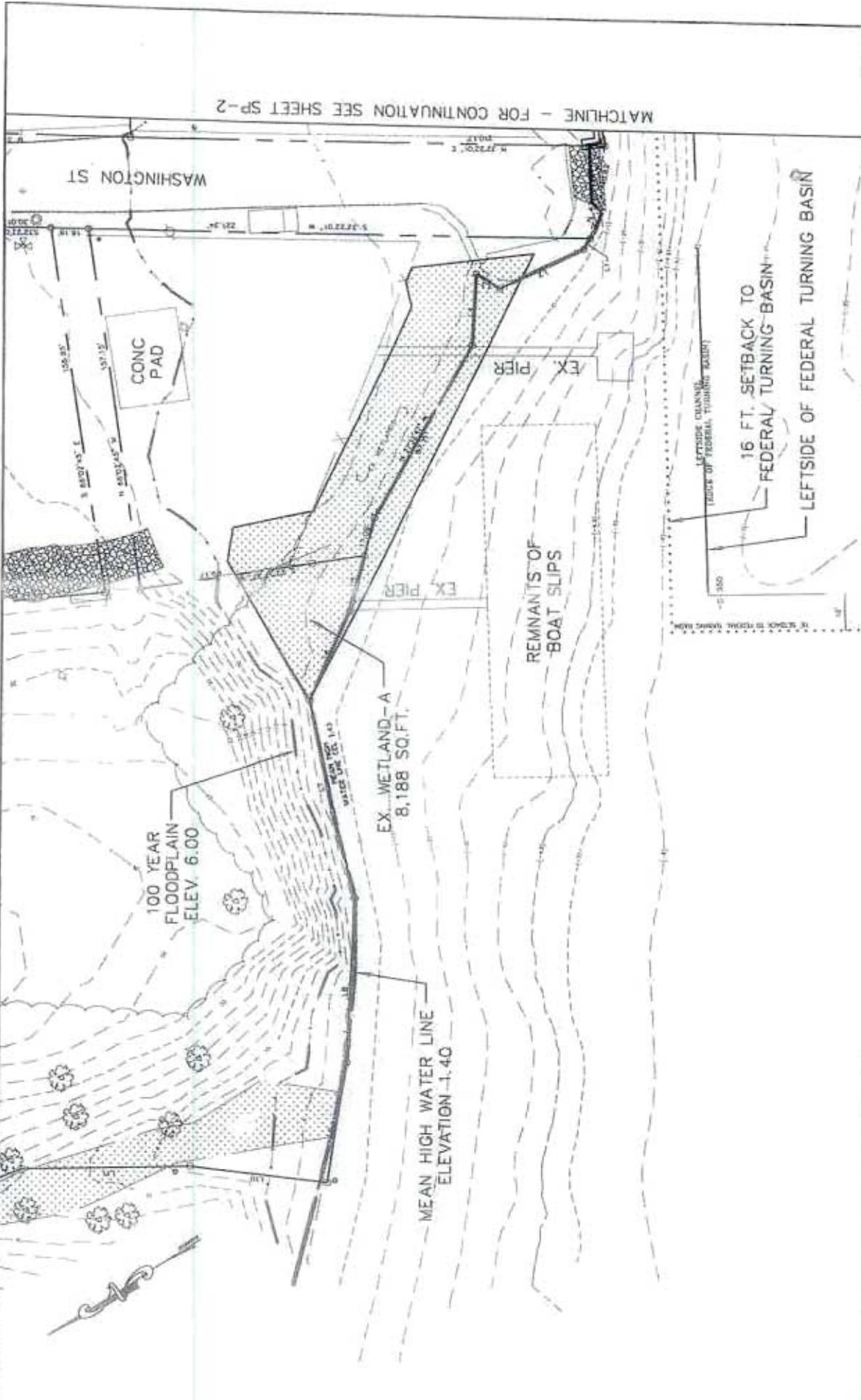
SHEET: 1 OF 11

#### VICINITY MAP

**BRETON BAY**  
**LEONARDTOWN WHARF**  
**Leonardtown, Maryland**

DATE: APRIL 8, 2005

SCALE: 1"-2000'

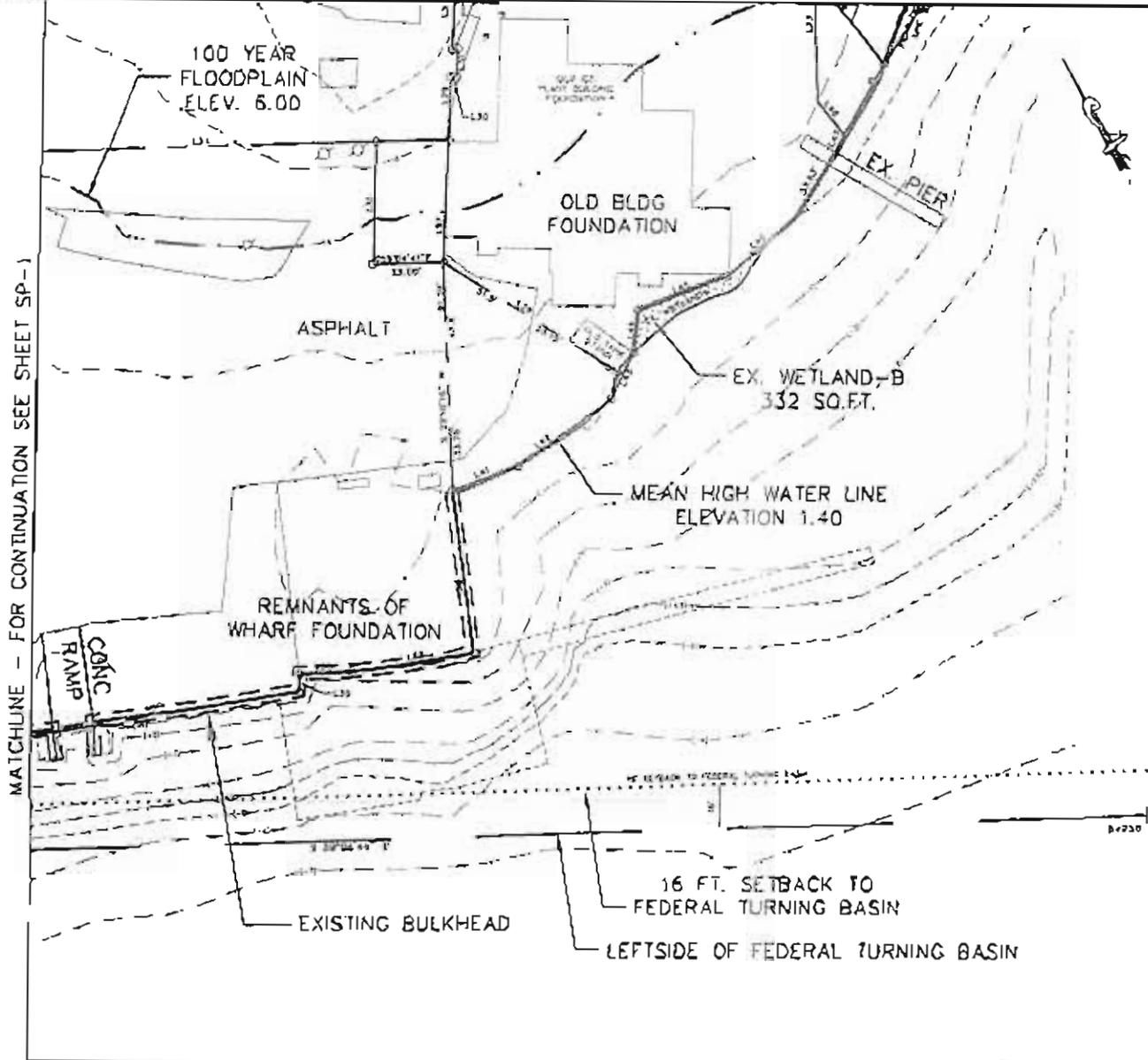


DRAWING: SP-1	SHEET: 2 OF 11
EXISTING SITE PLAN	
BRETON BAY LEONARTOWN WHARF Leonardtown, Maryland	
DATE: APRIL 8, 2005	
SCALE: 1"=60'	



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 BAILEY  
 COX  
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 BALTIMORE, MD. 21285  
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 (410)-324-4100



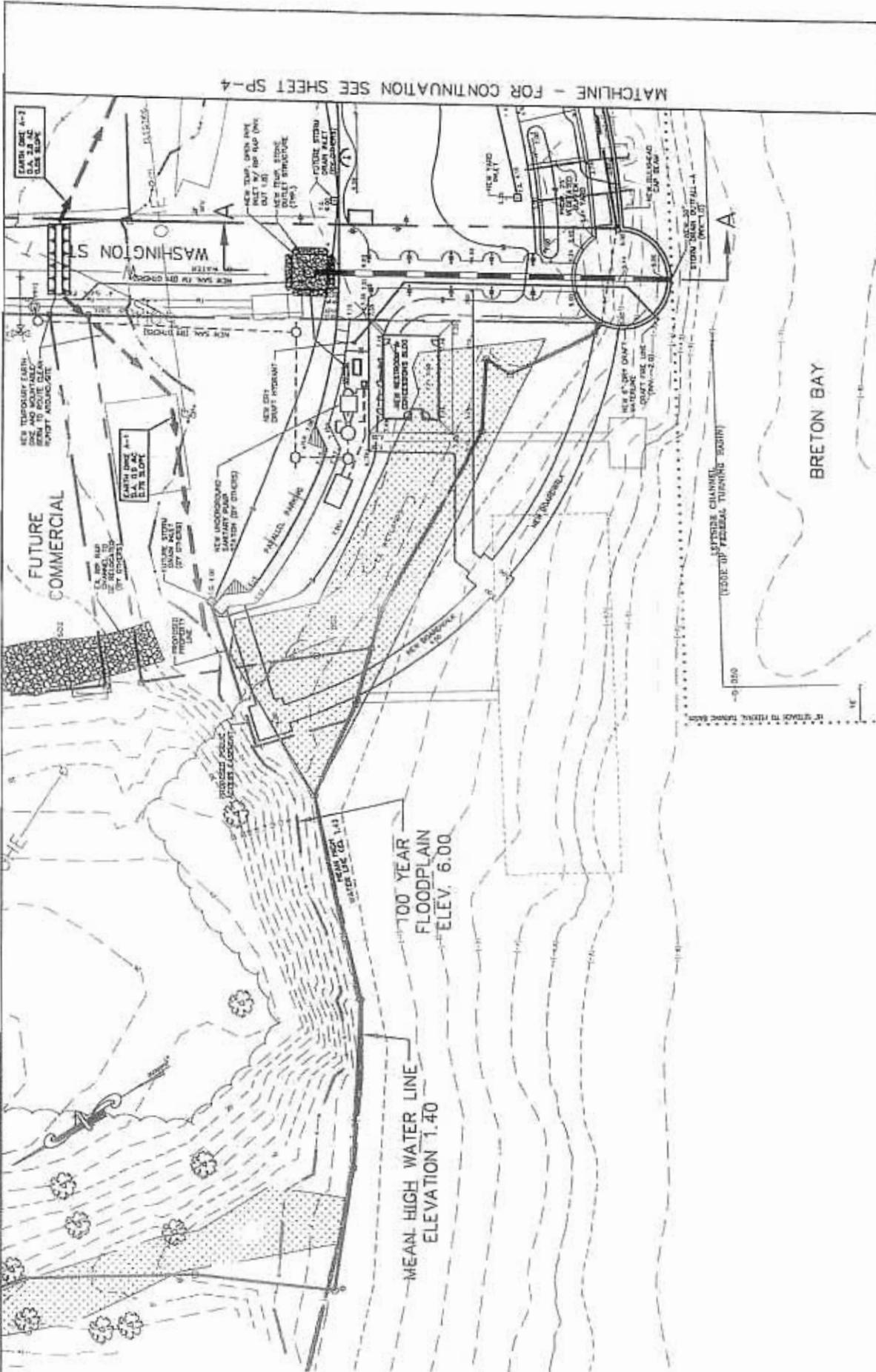
WHITNEY CONSULTING ENGINEERS  
 BAILEY 849 FAIRMOUNT AVENUE  
 COX BALTIMORE, MD. 21286  
 MAGNANI (410) 512-4500  
 (410)-324-4100 (FAX)

GRAPHIC SCALE



( IN FEET )  
 1 inch = 60 ft.

DRAWING SP-2	SHEET 3 OF 11
EXISTING SITE PLAN	
GRETON BAY LEONARTOWN WHARF Leonardtwn, Maryland	
DATE APRIL 8, 2005	SCALE 1"=60'

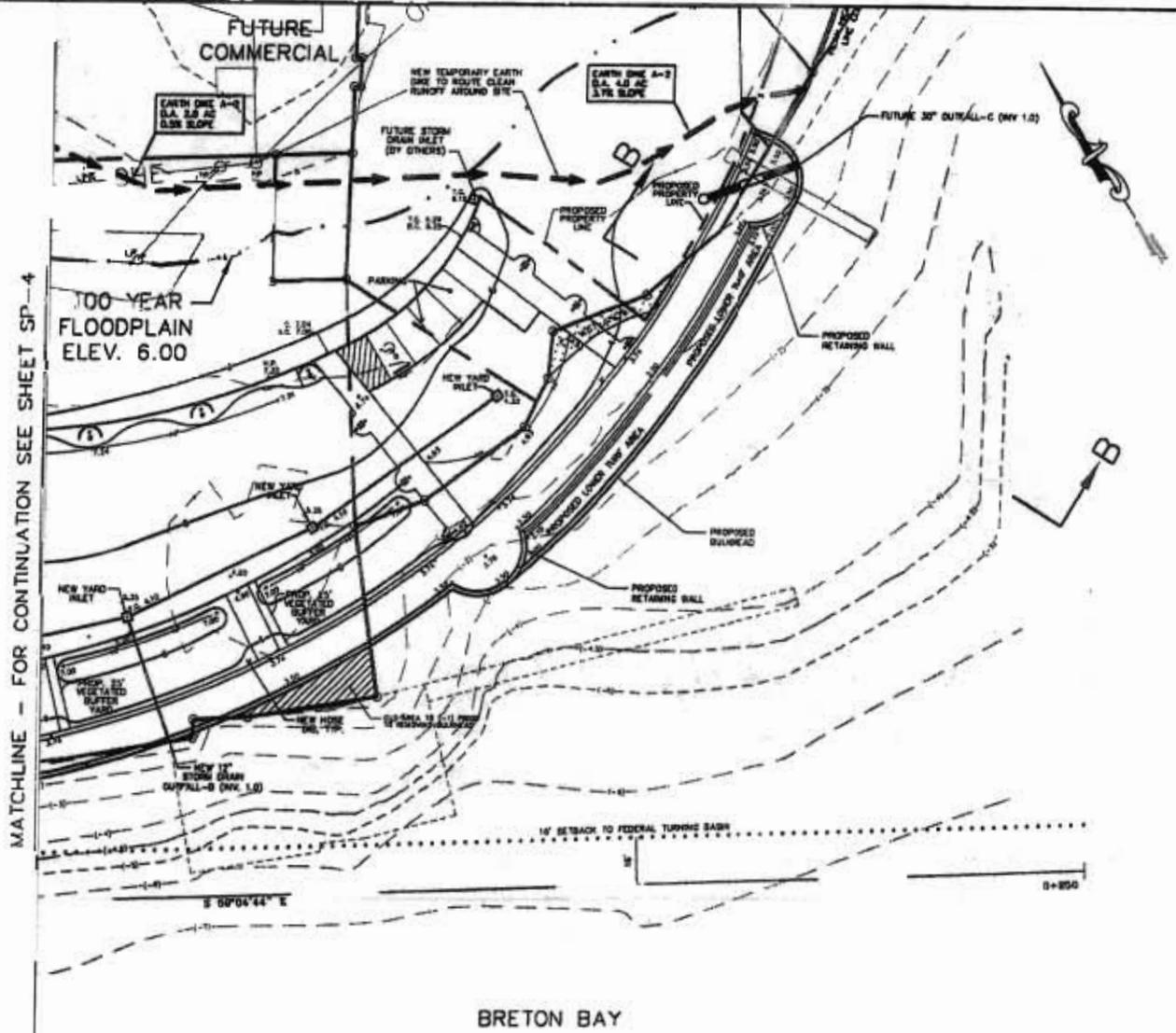


DRAWING: SP-3	SHEET: 4 OF 11
PROPOSED SITE PLAN	
BRETON BAY LEONARTOWN WHARF Leonardtown, Maryland	
DATE: APRIL 8, 2005	SCALE: 1"=60'



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MATCHLINE - FOR CONTINUATION SEE SHEET SP-4

BRETON BAY



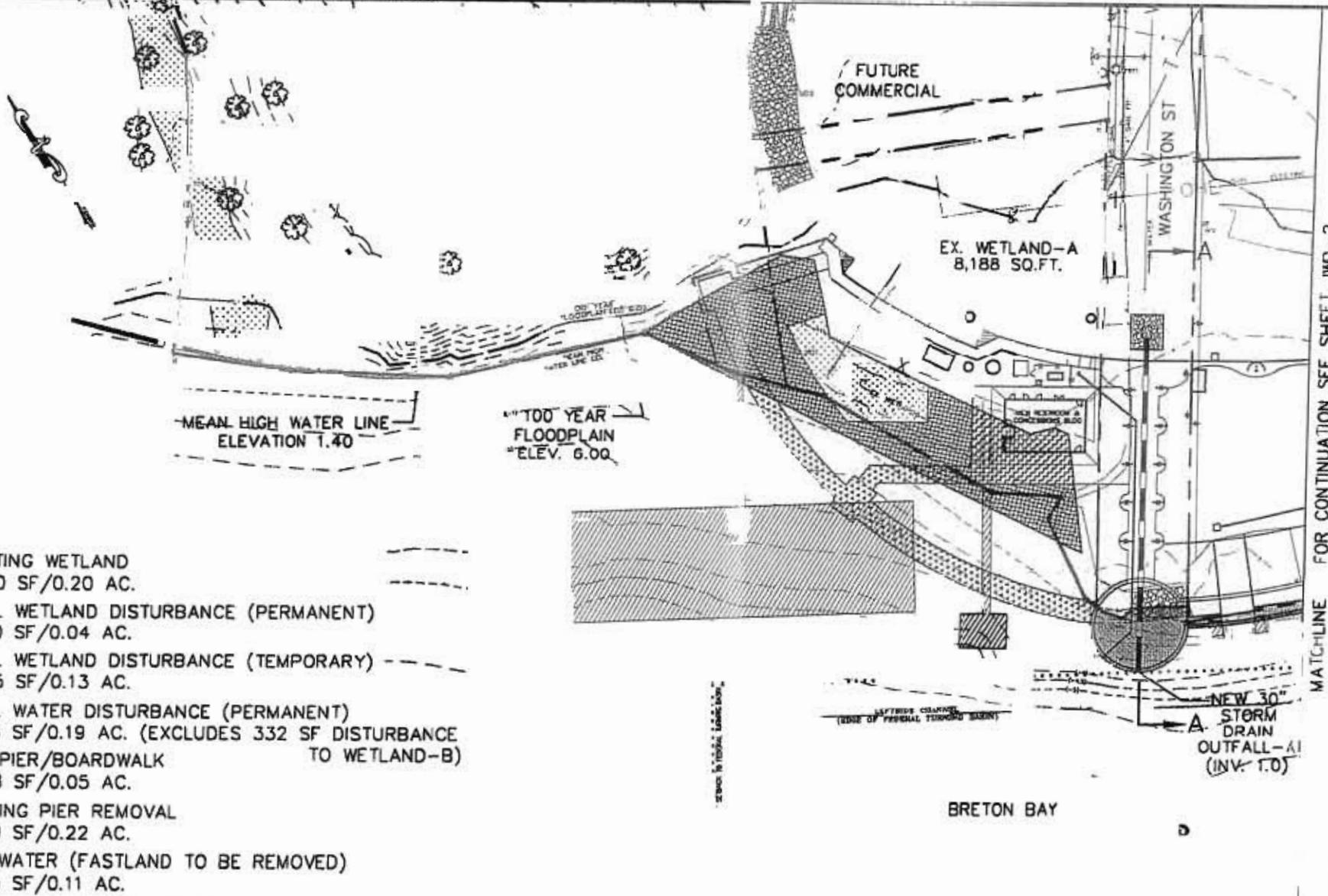
**WHITNEY CONSULTING ENGINEERS**  
 BAILEY 849 FAIRMOUNT AVENUE  
 COX BALTIMORE, MD. 21286  
 (410) 512-4500  
 MAGNANI (410)-324-4100 (FAX)

GRAPHIC SCALE



( IN FEET )  
 1 inch = 60 ft.

DRAWING: SP-4	SHEET: 5 OF 11
PROPOSED SITE PLAN	
BRETON BAY LEONARTOWN WHARF Leonardtown, Maryland	
DATE : APRIL 8, 2005	SCALE : 1"=60'

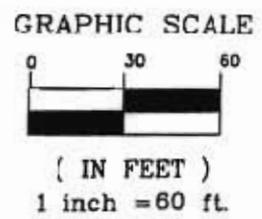


MATCHLINE FOR CONTINUATION SEE SHEET JWD-2

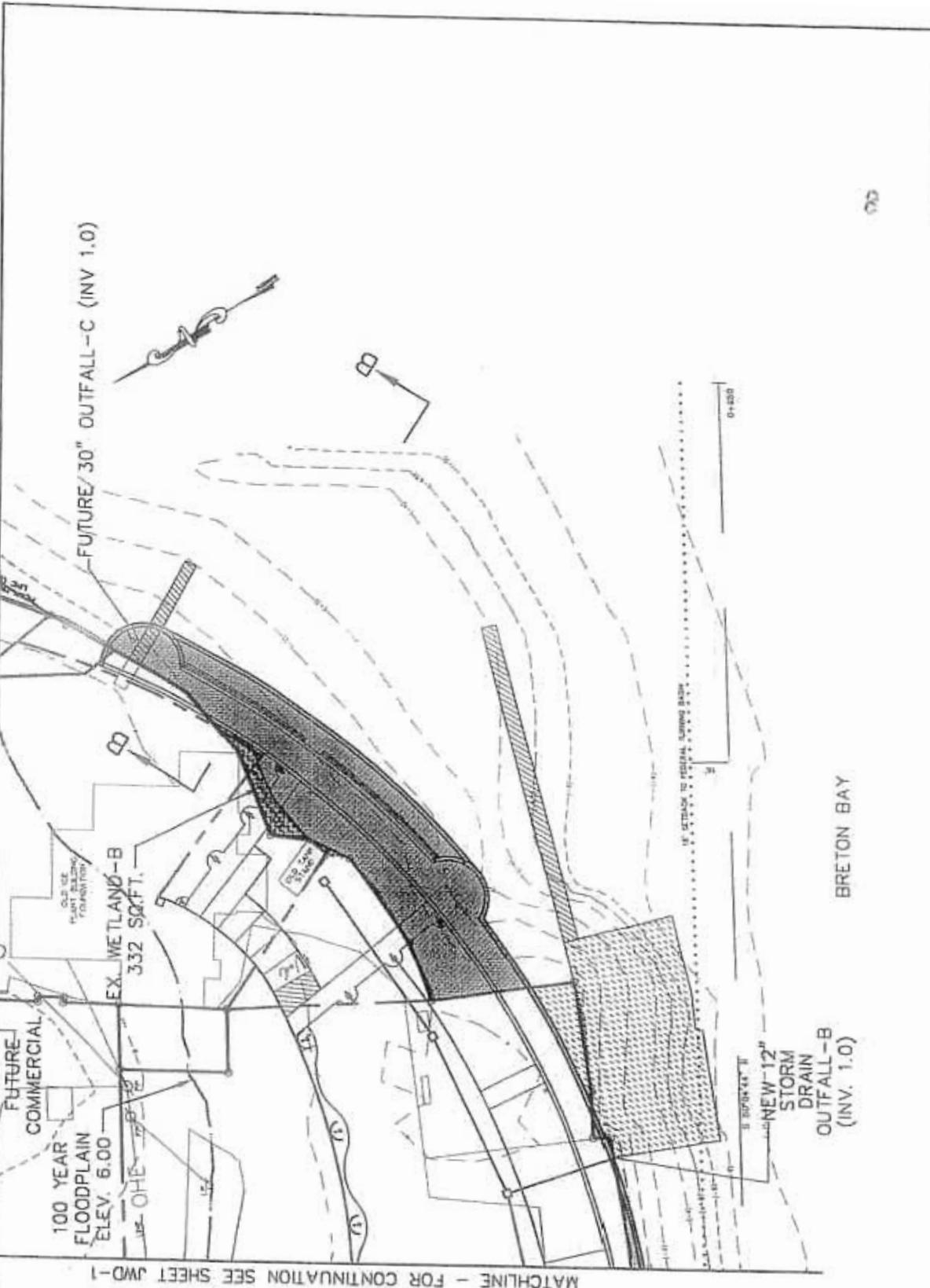
**LEGEND**

- EXISTING WETLAND  
8,250 SF/0.20 AC.
- TIDAL WETLAND DISTURBANCE (PERMANENT)  
1,540 SF/0.04 AC.
- TIDAL WETLAND DISTURBANCE (TEMPORARY)  
5,445 SF/0.13 AC.
- TIDAL WATER DISTURBANCE (PERMANENT)  
8,166 SF/0.19 AC. (EXCLUDES 332 SF DISTURBANCE TO WETLAND-B)
- NEW PIER/BOARDWALK  
2,248 SF/0.05 AC.
- EXISTING PIER REMOVAL  
9,569 SF/0.22 AC.
- NEW WATER (FASTLAND TO BE REMOVED)  
4,605 SF/0.11 AC.

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 BALTIMORE, MD. 21286  
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**MAGNANI**



DRAWING: JWD-1	SHEET: 6 OF 11
<b>JURISDICTIONAL WATERS DISTURBANCE</b>	
<b>BRETON BAY LEONARTOWN WHARF Leonardtown, Maryland</b>	
DATE: APRIL 8, 2005	SCALE: 1"=60'



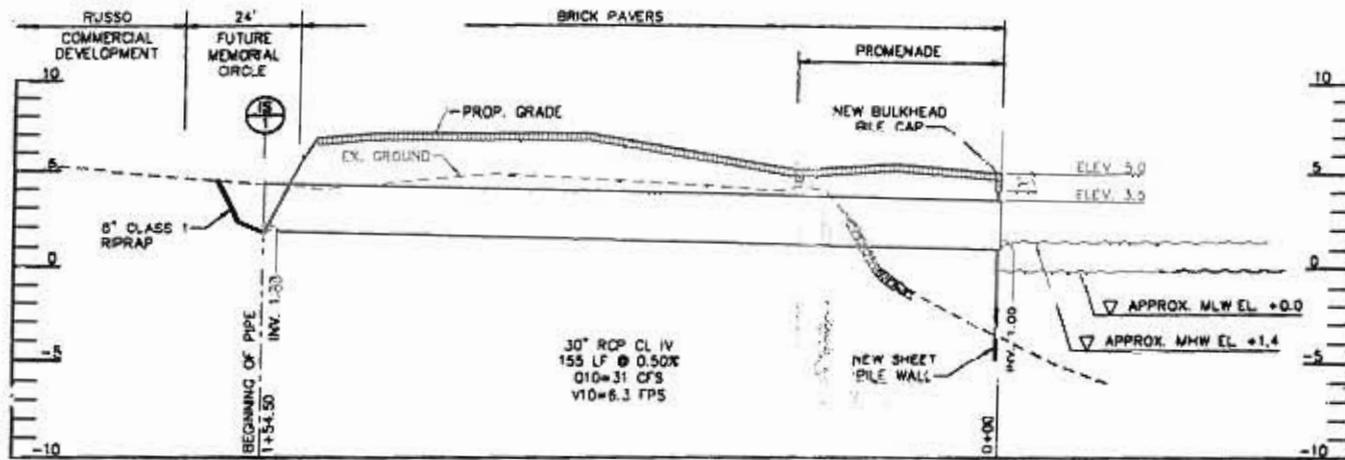
MATCHLINE - FOR CONTINUATION SEE SHEET JWD-1

0/5

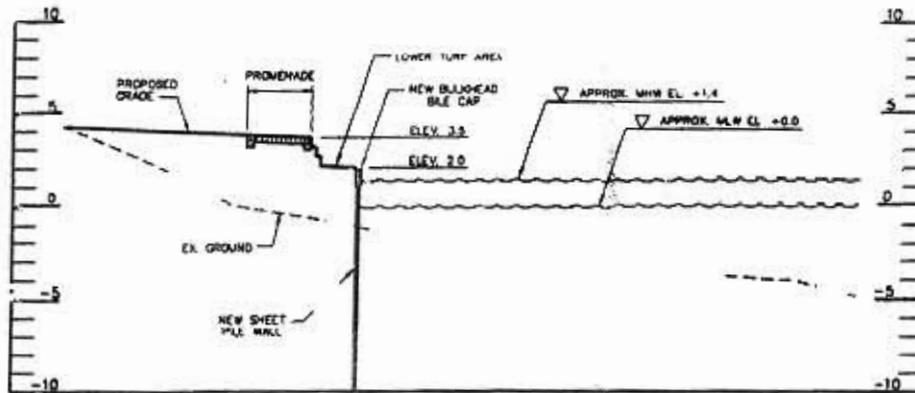
**WHITNEY CONSULTING ENGINEERS**  
**BAILEY** 849 FAIRMOUNT AVENUE  
**COX** BALTIMORE, MD. 21286  
**MAGNANI** (410) 512-4500 (FAX)  
 (410) 324-4100

DRAWING: JWD-2	SHEET: 7 OF 11
JURISDICTIONAL WATERS DISTURBANCE BRETON BAY LEONARTOWN WHARF Leonardtown, Maryland	
DATE: APRIL 8, 2005	SCALE: 1"=60'





SECTION A-A: STORM DRAIN & PROMENADE

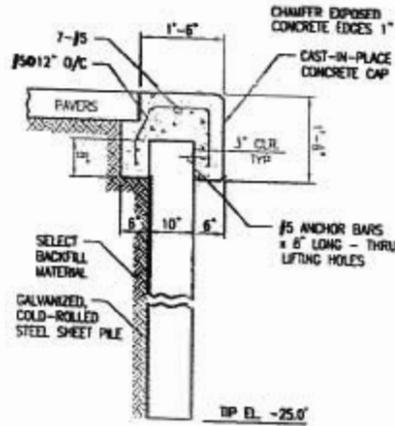


SECTION B-B: PROMENADE AND DREDGING

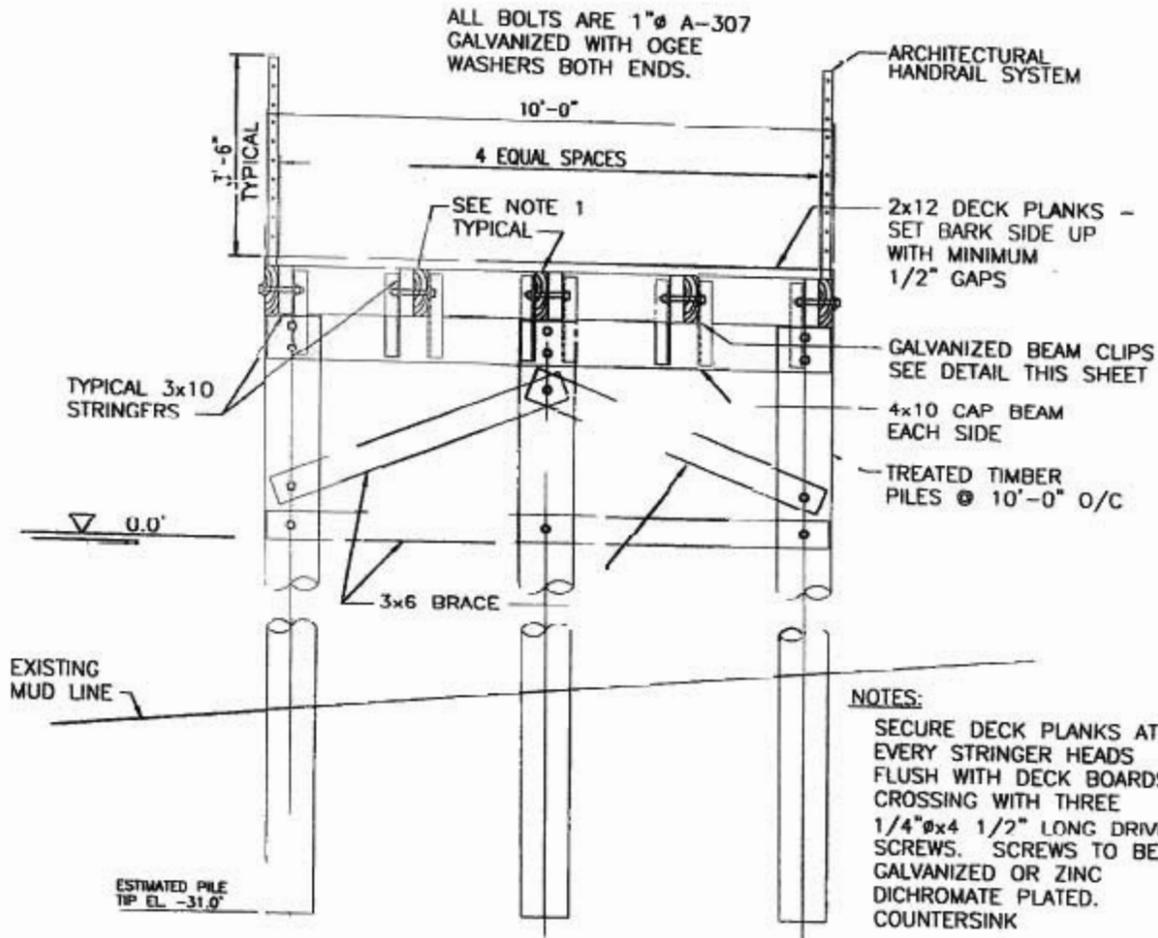


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DRAWING: SEC-1	SHEET: 8 OF 11
SECTIONS	
BRETON BAY LEONARTOWN WHARF Leonardtwn, Maryland	
DATE: APRIL 8, 2005	SCALE: H. 1"=40' V. 1"=10'



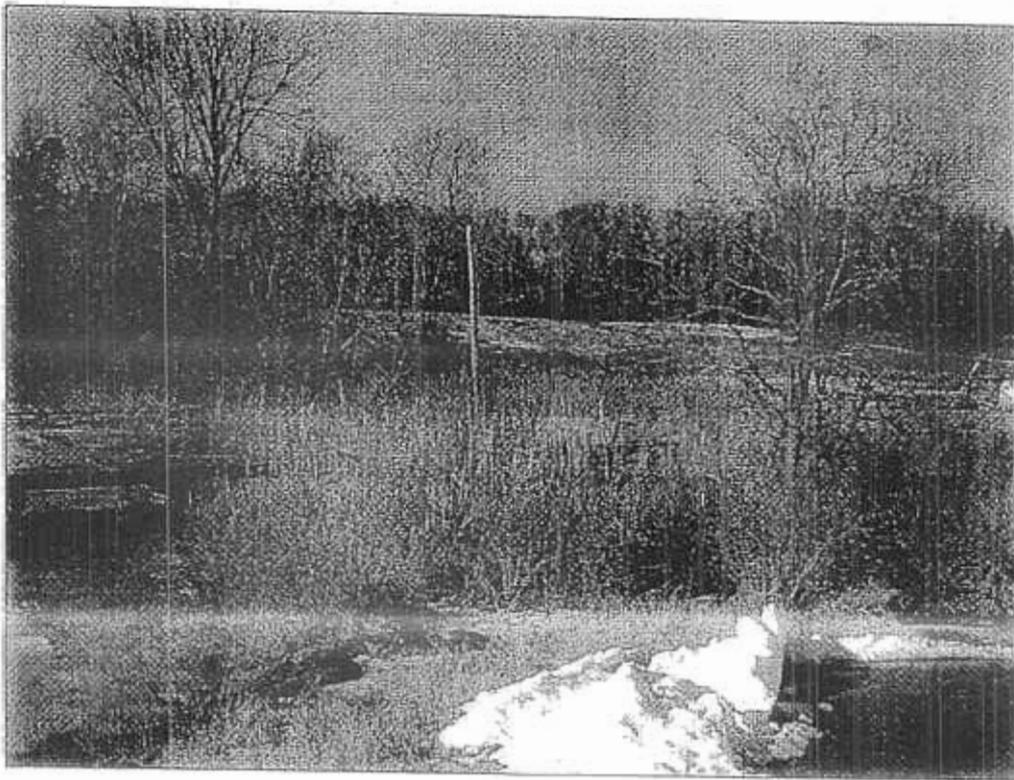
**TYPICAL BULKHEAD SECTION**  
NOT TO SCALE



**TYPICAL 10' WIDE PIER SECTION**  
NOT TO SCALE

**NOTES:**  
SECURE DECK PLANKS AT EVERY STRINGER HEADS FLUSH WITH DECK BOARDS. CROSSING WITH THREE 1/4"Øx4 1/2" LONG DRIVE SCREWS. SCREWS TO BE GALVANIZED OR ZINC DICHROMATE PLATED. COUNTERSINK

## WETLAND 'A'



### PROPOSED DISTURBANCE AREA

WETLAND LOCATION: WEST OF WASHINGTON STREET AT WATER'S EDGE

AREA OF WETLAND: 0.19 AC. (8,188 SF)

AREA OF WETLAND PERMANENTLY DISTURBED: 0.03 AC. (1,208 SF)

AREA OF WETLAND TEMPORARILY DISTURBED: 0.13AC. (5,445 S.F.)

AREA OF WETLAND BUFFER DISTURBED: N/A - CORPS JURISDICTION

WETLAND TYPE: TIDAL EMERGENT HERBACEOUS WETLAND

DOMINANT PLANT SPECIES: TYPHA ANGUSTIFOLIA

WETLAND FUNCTION: FILTERS SURFACE RUNOFF. HYDROLOGY IS SUPPORTED BY SURFACE RUNOFF, GROUNDWATER, AND TIDAL FLUCTUATION.



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COX BALTIMORE, MD. 21286  
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DRAWING: MN-1

SHEET: 10 OF 11

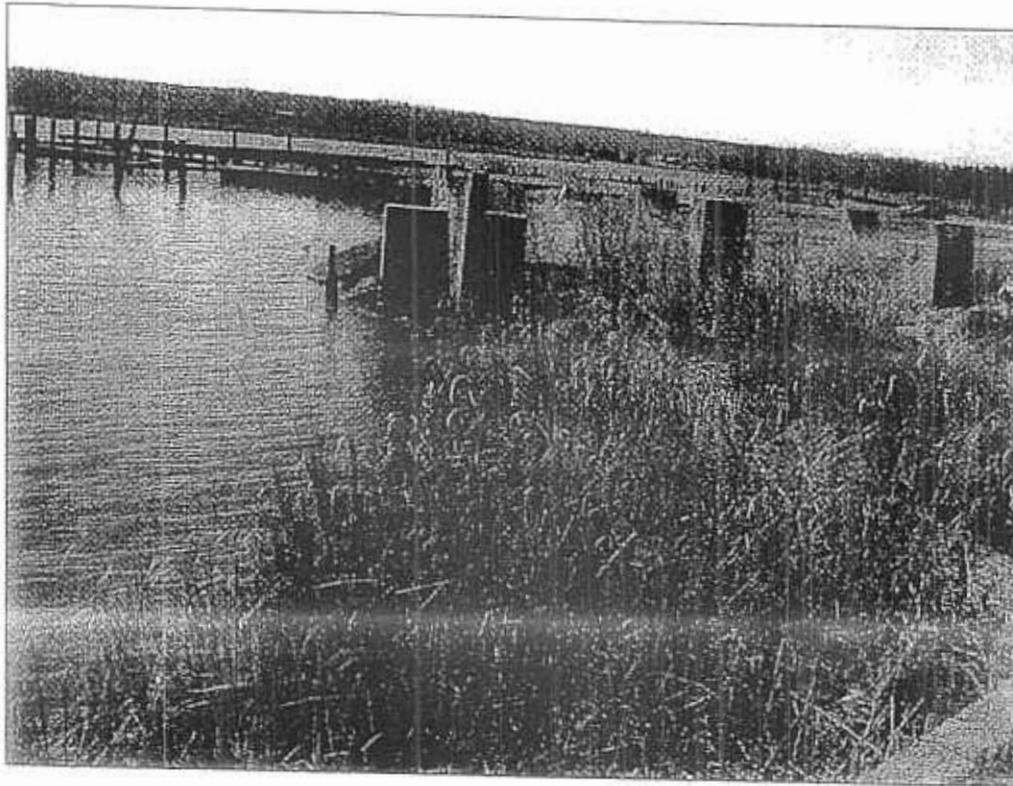
WETLAND MITIGATION PLAN  
DISTURBANCE NOTES

BRETON BAY  
LEONARDTOWN WHARF  
Leonardtwn, Maryland

DATE : APRIL 8, 2005

SCALE : NONE

## WETLAND 'B'



### PROPOSED DISTURBANCE AREA

WETLAND LOCATION: EAST OF WASHINGTON STREET BELOW MEAN HIGH WATER  
AREA OF WETLAND: 0.008 AC. (332 SF)  
AREA OF WETLAND PERMANENTLY DISTURBED: 0.008 AC. (332 S.F.)  
AREA OF WETLAND BUFFER DISTURBED: N/A - CORPS JURISDICTION  
WETLAND TYPE: TIDAL EMERGENT HERBACEOUS WETLAND  
DOMINANT PLANT SPECIES: TYPHA ANGUSTIFOLIA  
WETLAND FUNCTION: FILTERS SURFACE RUNOFF. HYDROLOGY IS SUPPORTED BY SURFACE  
RUNOFF, GROUNDWATER, AND TIDAL FLUCTUATION.

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DRAWING: MN-2 SHEET: 11 OF 11

WETLAND MITIGATION PLAN  
DISTURBANCE NOTES

BRETON BAY  
LEONARDTOWN WHARF  
Leonardtown, Maryland

DATE : APRIL 8, 2005 SCALE : NONE



**LEGEND:**

**TIDAL WETLAND MITIGATION**

**PROPOSED WETLAND MITIGATION - TIDAL MARSH CREATION**

500' ±, 0.1% slope for regulated wetland impact mitigation and purposes of 50' ± buffer around tidal marsh for Critical Area buffer impact mitigation credit



LEONARDTOWN, MARYLAND  
 WETLAND MITIGATION PLAN  
 PHASE I

WESTNEY  
 300  
 SWIFT  
 WETLAND  
 CONSULTANTS, LTD.

CROZIER ASSOCIATES  
 10000  
 WILSON ROAD  
 LEONARDTOWN, MARYLAND 20650  
 (410) 321-3555

10/2003