



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

Baltimore District  
PN-23-02

# Public Notice

**In Reply to Application Number  
NAB-2021-61912-P31 (DiMarzio, Marty/Breakwater,  
Marsh Establishment, Beach Nourishment, Pier)**

Comment Period: February 3, 2023 to February 24, 2023

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

## **APPLICANT:**

Mr. Marty DiMarzio  
2305 Bancroft PL NW  
Washington, DC 20008

## **WATERWAY AND LOCATION OF THE PROPOSED WORK:**

The proposed project is located in the Chesapeake Bay, in Stevensville, Queen Anne's County, Maryland. Latitude 38.878494° N, Longitude -76.363739° W

## **OVERALL PROJECT PURPOSE:**

Shoreline erosion control and water access.

## **PROJECT DESCRIPTION:**

To create a marsh along approximately 220 linear feet of shoreline within an approximately 2,730 square foot (0.06 acre) area by depositing approximately 299 cubic yards of sloped sand and stabilized with *Spartina patens* to extend no more than approximately 20 feet channelward of the mean high water (MHW) shoreline; to nourish a beach along approximately 220 linear feet of shoreline within an approximate 8,670 square foot (0.20 acre) area by depositing approximately 948 cubic yards of clean select sand fill to extend no more than 100 feet channelward of the approximate MHW shoreline; to construct an approximately 116 linear feet of breakwater by depositing approximately 123 cubic yards of stone to extend no more than 123 feet channelward of

the MHW; to construct approximately 58 linear feet of breakwater by depositing approximately 121 cubic yards of stone to extend no more than 125 feet channelward of the MHW; to temporarily place approximately 475 linear feet of 15-foot-wide logging mat across marsh for construction access; to construct 8-foot wide by 475-foot-long boardwalk across marsh.

The proposed project would directly impact approximately 22,950 square feet of existing open water and wetland vegetation, consisting of approximately 15,825 square feet of open water and approximately 7,125 square feet of *Phragmites* marsh. No permanent loss of waters or wetlands is proposed. No impact to submerged aquatic vegetation is proposed.

The work is proposed in accordance with the enclosed plans.

#### **EFFECTS ON AQUATIC RESOURCES:**

Activity	WOUS Loss (Sq. Ft.)	Temporary WOUS Impact (Sq. Ft.)	Wetland Impact – Shading (Sq. Ft.)	Temporary Wetland Impact – Fill (Sq. Ft.)	Wetland planting (Sq. Ft)	Authority (Section 10/404/408)
Fill (marsh creation)	0	2,370	0	0	2,370	10/404
Fill (beach nourishment)	0	8,670	0	0	0	10/404
Fill (Breakwater)	0	4,425	0	0	0	10/404
Timber Mat	0	0	0	7,125	0	404
Boardwalk	0	0	3,800	0	0	10

#### **LEAD FEDERAL AGENCY:**

The United States Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

#### **APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:**

Steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent possible. Compensatory mitigation is not being proposed by the applicant for impacts to the approximate 220 linear feet of shoreline since they propose to create 2,370 square feet of intertidal wetlands vegetated with *Spartina patens* as part of the project.

**CORPS EVALUATION REQUIREMENTS:**

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

**ENDANGERED SPECIES:**

A preliminary review of this application indicates that the proposed work will have no effect federally 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.

**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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures **Choose an item.** required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

**HISTORIC RESOURCES:**

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project has no potential to cause effects on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

**TRIBAL RESOURCES:**

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

**MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):**

All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:

<https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Requests/>.

**WATER QUALITY CERTIFICATION:**

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

**COASTAL ZONE MANAGEMENT PROGRAMS:**

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 Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement.

The applicant must obtain any state or local government permits which may be required.

**SUBMISSION OF COMMENTS:**

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 and are subject to release to the public through the Freedom of Information 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 United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the application number NAB-2021-61912-P31.

**PUBLIC HEARING REQUESTS:**


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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

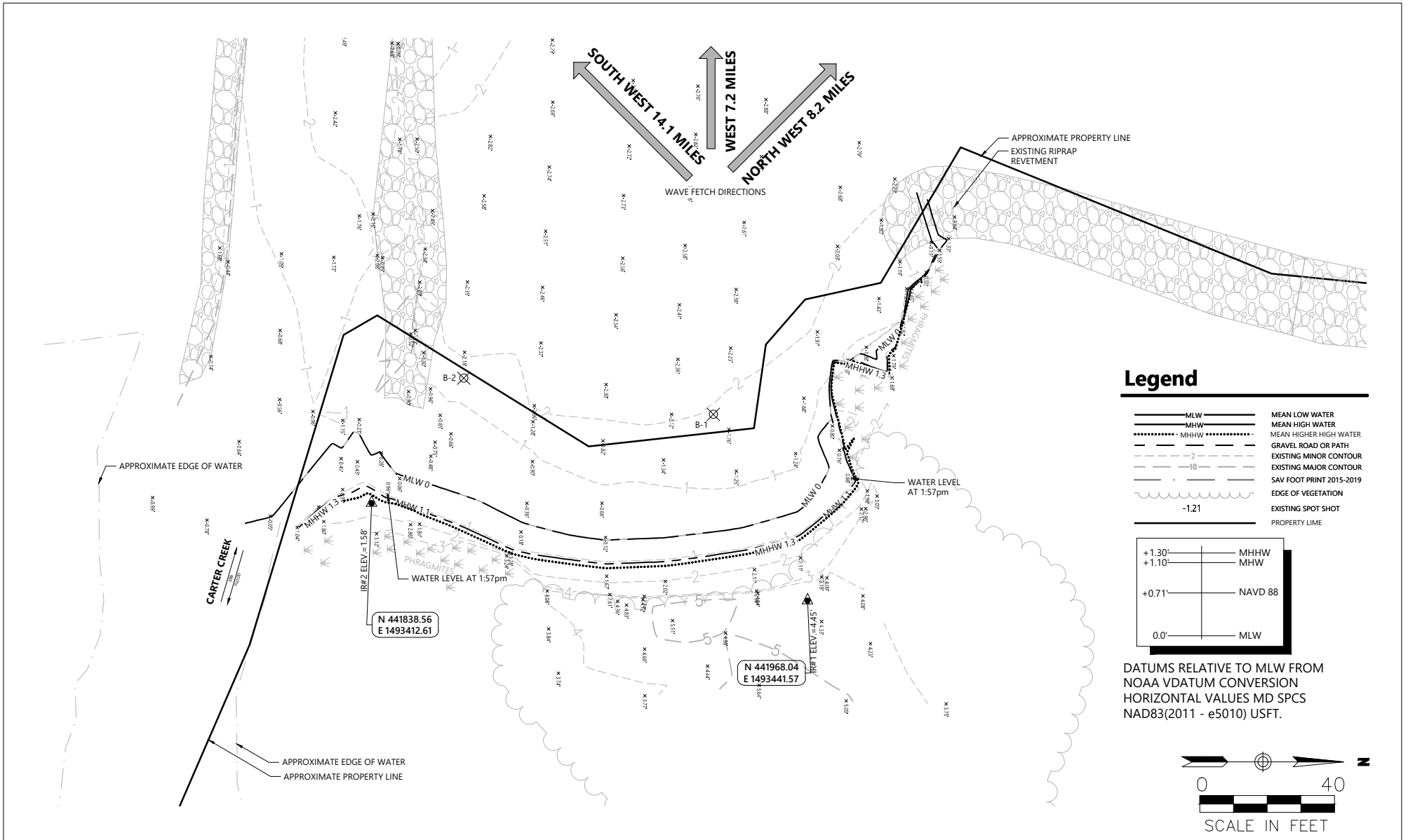
Mr. Robert Fewster  
Robert.j.fewster@usace.army.mil  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
2 Hopkins Plaza  
Baltimore, MD 21201

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

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact contact Mr. Robert Fewster, at 410-962-6144, or at [Robert.j.fewster@usace.army.mil](mailto:Robert.j.fewster@usace.army.mil) with NAB-2021-61912-P31 in the subject line. This public notice is issued by the Chief, Regulatory Branch.



<b>COASTLINE DESIGN, P.C.</b>  P.O. BOX 157 ACHILLES, VIRGINIA 23001 (757) 288-9062	<b>ADJACENT PROPERTY OWNERS:</b> 1. JASON & LAURA MARQUART 2. AGEE BRYAN G TRUSTEE	<b>DiMarzio Living Shoreline and Beach Restoration Project</b> <b>SITE LOCATION MAP</b>		<b>APPLICATION BY:</b> MARTY DIMARZIO
	<b>DATUM: MEAN LOW WATER</b>	<b>AT: 125 TWIN COVE ROAD, STEVENSVILLE</b> <b>KENT ISLAND ON THE CHESAPEAKE BAY</b> <b>IN: QUEEN ANNE'S COUNTY, MARYLAND</b>	<b>PURPOSE: LIVING SHORELINE AND</b> <b>BEACH RESTORATION</b>	<b>REVISED: JANUARY, 2022</b> <b>DATE: OCTOBER, 2021</b> <b>SHEET 1 OF 6</b>



**COASTLINE DESIGN, P.C.**

P.O. BOX 157  
ACHILLES, VIRGINIA 23001  
(757) 288-9062

**ADJACENT PROPERTY OWNERS:**

- JASON & LAURA MARQUART
- AGEE BRYAN G TRUSTEE

**DATUM: MEAN LOW WATER**

**DiMarzio Living Shoreline and Beach Restoration Project  
EXISTING CONDITIONS**

**AT: 125 TWIN COVE ROAD, STEVENSVILLE  
KENT ISLAND ON THE CHESAPEAKE BAY**

**IN: QUEEN ANNE'S COUNTY, MARYLAND**

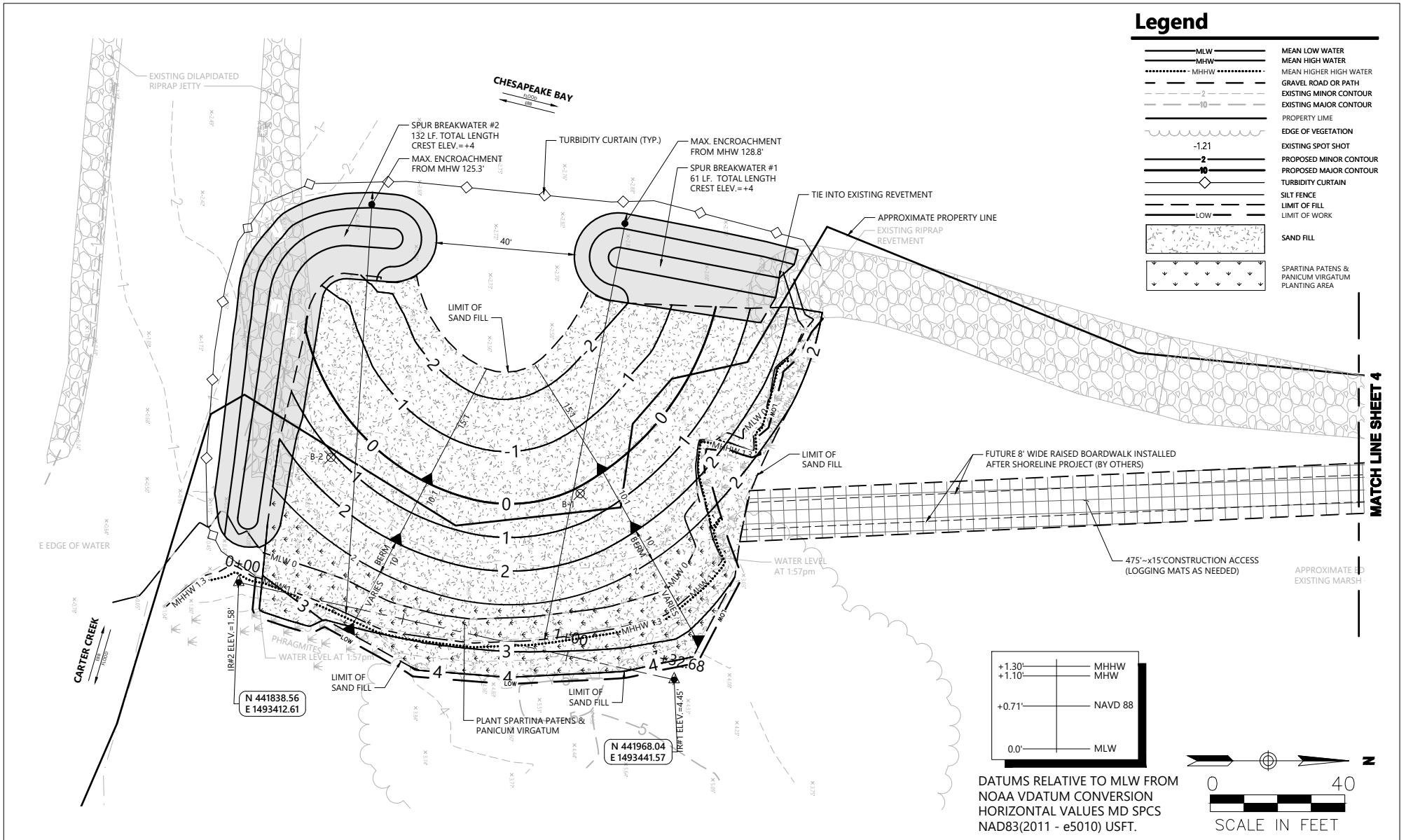
**PURPOSE: LIVING SHORELINE AND  
BEACH RESTORATION**

**APPLICATION BY:  
MARTY DIMARZIO**

**REVISED: JANUARY, 2022  
DATE: OCTOBER, 2021**

**SHEET 2 OF 6**





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**ADJACENT PROPERTY OWNERS:**

- JASON & LAURA MARQUART
- AGEE BRYAN G TRUSTEE

**DATUM: MEAN LOW WATER**

**DiMarzio Living Shoreline and Beach Restoration Project  
PROPOSED SHORELINE LAYOUT**

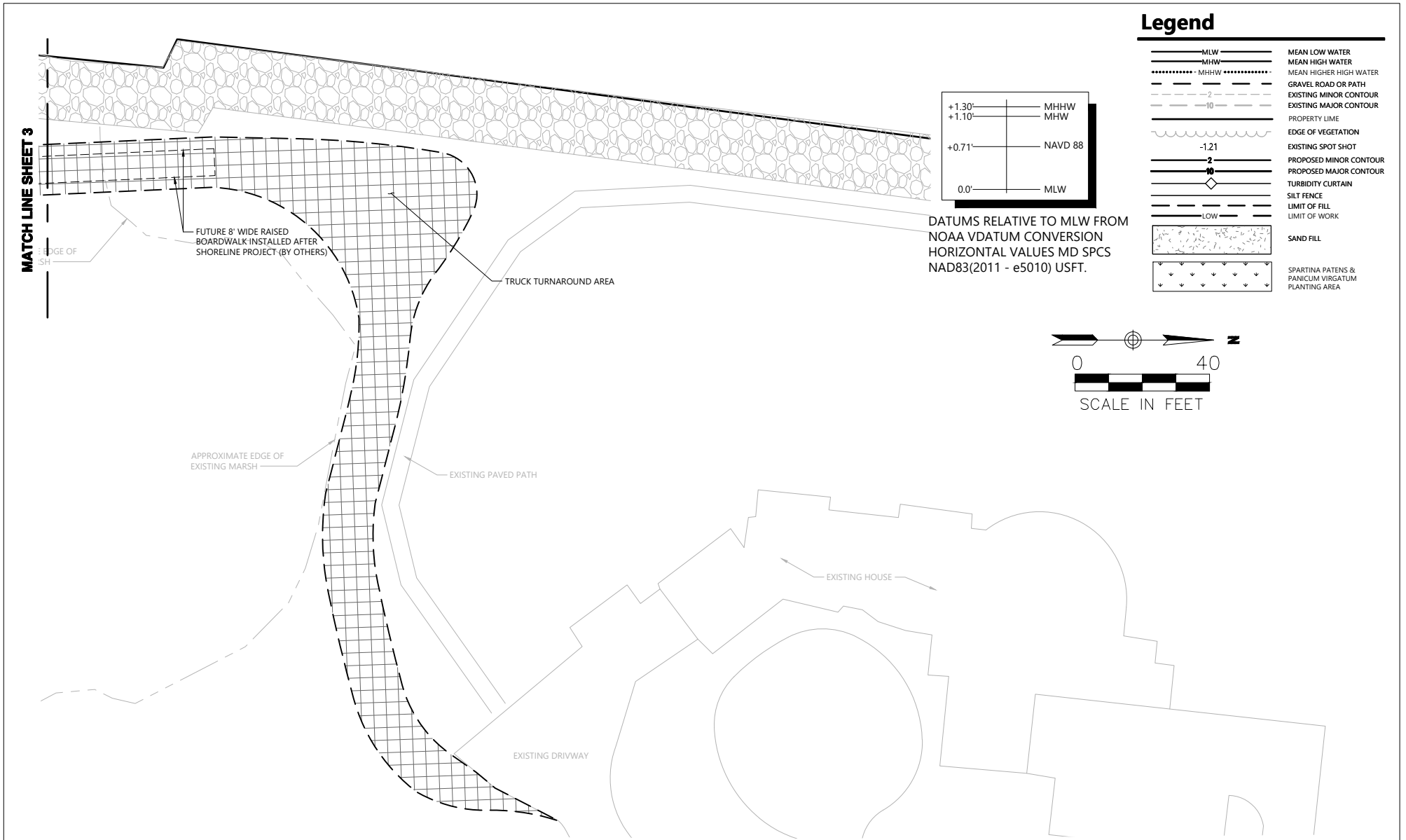
**AT: 125 TWIN COVE ROAD, STEVENSVILLE  
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**PURPOSE: LIVING SHORELINE AND  
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**APPLICATION BY:  
MARTY DIMARZIO**

**REVISED: JANUARY, 2022  
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**SHEET 3 OF 6**



**COASTLINE DESIGN, P.C.**

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**ADJACENT PROPERTY OWNERS:**

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- AGEE BRYAN G TRUSTEE

**DATUM: MEAN LOW WATER**

**DiMarzio Living Shoreline and Beach Restoration Project  
PROPOSED ACCESS ROUTE**

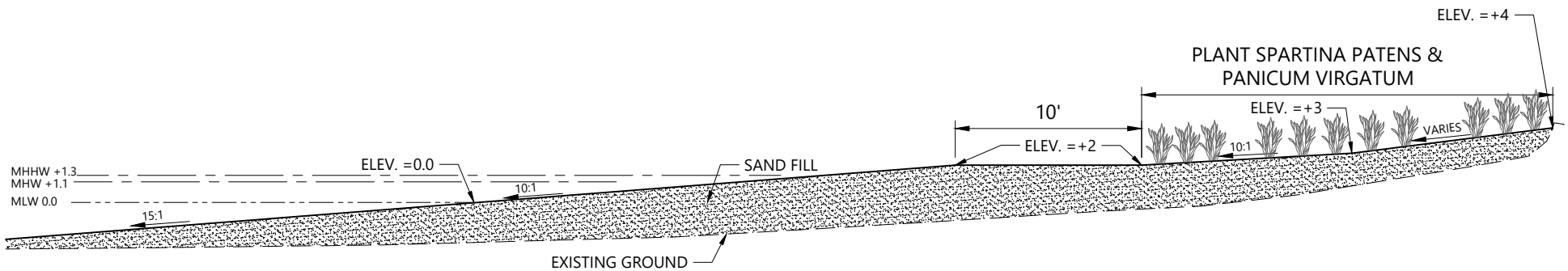
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**PURPOSE: LIVING SHORELINE AND  
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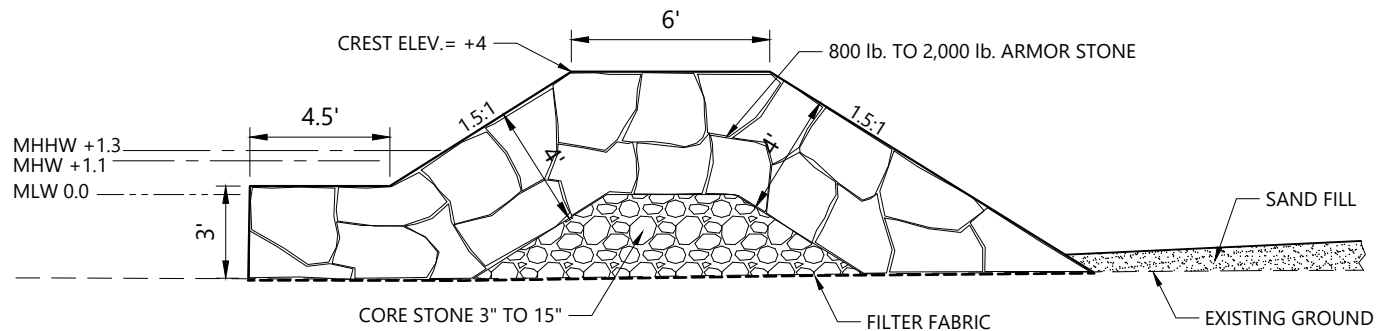
**APPLICATION BY:  
MARTY DIMARZIO**

**REVISED: JANUARY, 2022  
DATE: OCTOBER, 2021**

**SHEET 4 OF 6**



**EMBAYMENT DETAIL**  
NOT TO SCALE



**TYPICAL SPUR BREAKWATER DETAIL**  
NOT TO SCALE

**COASTLINE DESIGN, P.C.**

  
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**ADJACENT PROPERTY OWNERS:**

1. JASON & LAURA MARQUART
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**DATUM: MEAN LOW WATER**

**DiMarzio Living Shoreline and Beach Restoration Project**  
**SHORELINE DETAILS**

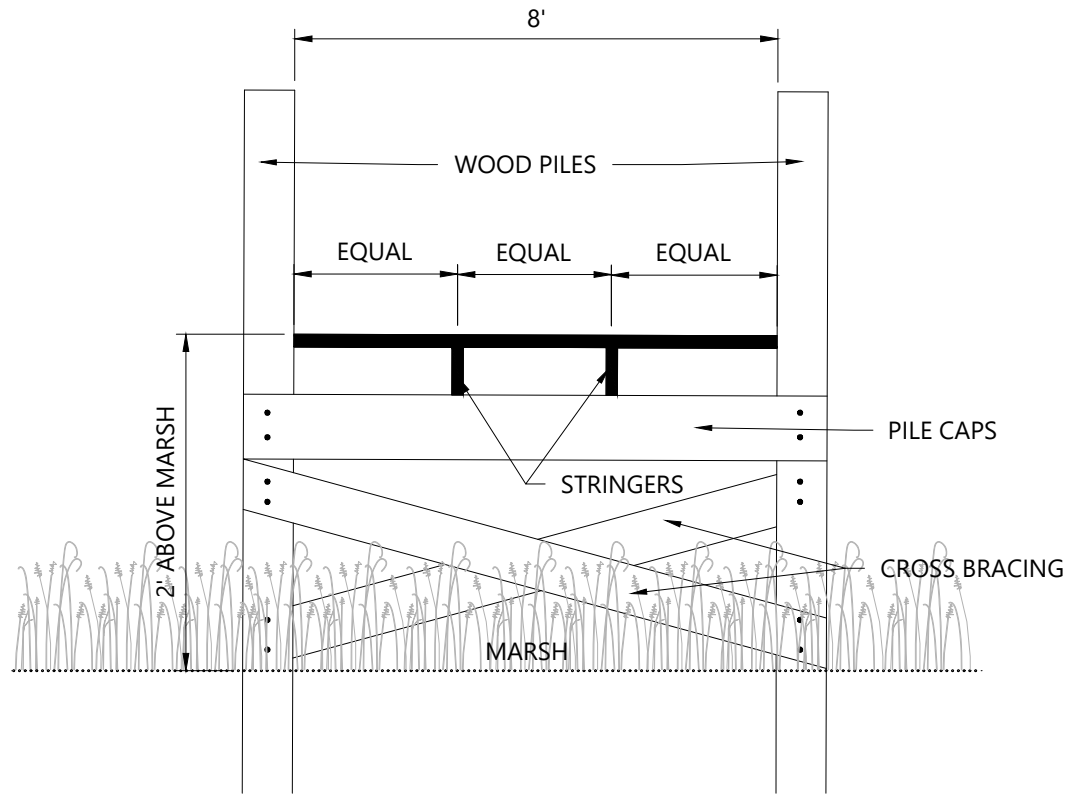
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**PURPOSE: LIVING SHORELINE AND  
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**APPLICATION BY:  
MARTY DIMARZIO**

**REVISED: JANUARY, 2022  
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**SHEET 5 OF 6**



## BOARDWALK DETAIL

(DESIGNED BY OTHERS)  
NOT TO SCALE

**COASTLINE DESIGN, P.C.**

  
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**ADJACENT PROPERTY OWNERS:**

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**DATUM: MEAN LOW WATER**

### DiMarzio Living Shoreline and Beach Restoration Project FUTURE BOARDWALK DETAIL

**AT: 125 TWIN COVE ROAD, STEVENSVILLE  
KENT ISLAND ON THE CHESAPEAKE BAY  
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**PURPOSE: LIVING SHORELINE AND  
BEACH RESTORATION**

**APPLICATION BY:  
MARTY DIMARZIO**

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**SHEET 6 OF 6**