



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-MN (GARDNER, JANINE / SHORE EROSION
CONTROL) 2018-60739

PN 19-09

Comment Period: February 19, 2019 to March 19, 2019

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. 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 of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344)** as described below:

APPLICANT: Ms. Janine M. Gardner
1914 Forest Drive
Annapolis, Maryland 21401

WATERWAY AND LOCATION: The proposed project is located in the South River and Gingerville Creek at 207 Cape St. John Road, Annapolis, Anne Arundel County, Maryland.

PROPOSED WORK: To install 292 linear feet of segmented stone groin and sill combination with three, 16 foot wide vent openings ; place 200 cubic yards of clean sand landward of the sills and plant 3,570 square feet of intertidal marsh vegetation. Remove approximately 1,080 square feet of existing concrete rubble from northeast side of project site in Gingerville Creek which will be placed in the core of the proposed sill structures. After rubble is removed, clean sand will be deposited, graded and planted with intertidal marsh vegetation over approximately 350 square feet. The project structures will extend a maximum of 56 feet channelward from the approximate mean high water shoreline. The purpose of the project is to provide shore erosion control. All proposed work is shown on the enclosed plans dated April 9, 2018.

If you have any questions concerning this matter, please contact Mr. Richard Kibby at 410-962-0694 or richard.kibby@usace.army.mil.

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 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 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 Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Richard Kibby, CENAB-OPR-M], 2 Hopkins Plaza, Baltimore, MD 21201 or richard.kibby@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 effect Essential Fish Habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scopthalmus aquosus*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralichthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*), all 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. 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. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

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 Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. MDE has a statutory limit of one year from the date of this

public notice to make its decision.

COASTAL ZONE MANAGEMENT PROGRAMS: 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 Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. Public comments relating to consistency must be received by the Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period specified above to receive consideration. MDE has a statutory limit of 6 months to concur or object to the applicant's 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, [Attn: Mr. Richard Kibby, CENAB-OP-RMN], 2 Hopkins Plaza, Baltimore, Maryland 21201, 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.

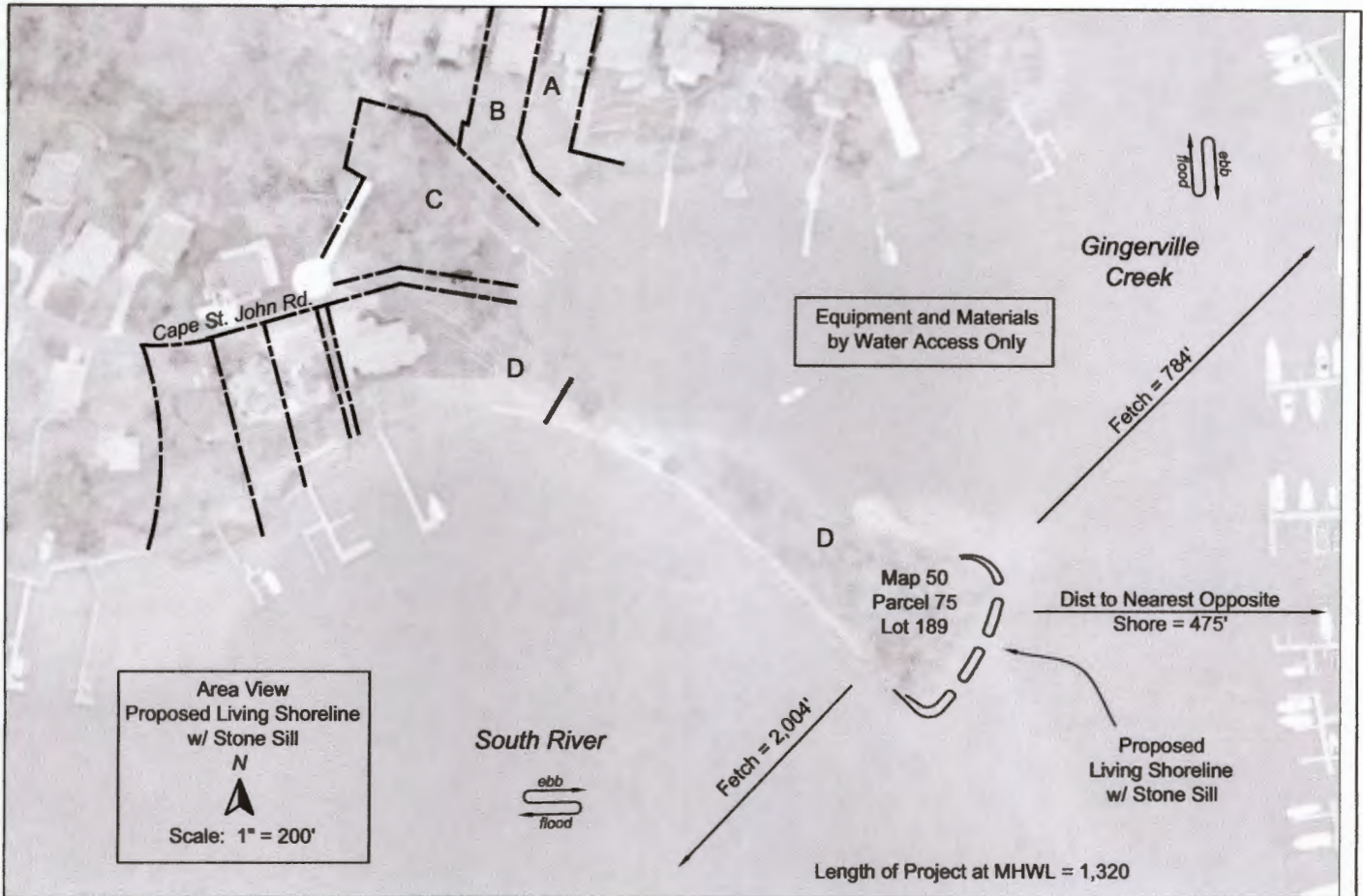
It is requested that you communicate this information concerning the proposed work to any persons know by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

DAVIA.JOSEPH
.P.1229279170

Digitally signed by
DAVIA.JOSEPH.P.1229279170
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=DAVIA.JOSEPH.P.1229279170
Date: 2011.02.12 15:58:25 -05'00'

Joseph P. DaVia
Chief, Maryland Section Northern



Proposed:

- I) Segmented Stone Sill - 292' L x 3' to 11' W x 1' to 3' H including 3 - 16' L vents
Crest at MHW, 110 c.y. stone, Footprint = 2,142
- II) Sand Fill - 200 c.y.
- III) Intertidal Marsh - 3,920 s.f. Salt Marsh Cordgrass on 1' grid
- IV) Planting above MHWL - 1,080 s.f. (see below)
1,080 s.f. of the existing concrete rubble to be removed and placed in core of proposed sill. Exposed areas above MHWL (1,030 s.f.) to be planted in Switchgrass, Saltmeadow Hay, High Tide Bush, Indigo Bush, and other appropriate native species. Intertidal area (350 s.f.) to be planted in Saltmarsh Cordgrass on 1' grid.


Waterfront Property Owners w/in 175' (mailing addresses)

- A) Eric G. and Linda S. Petterson, Trustees
135 Island View Rd., Annapolis, MD 21401
- B) Susan Millman
137 Island View Rd., Annapolis, MD 21401
- C) Cape St. John Citizens Association
P.O. Box 130, Annapolis, MD, 21401
- D) Janine M. Gardner (Applicant)
1914 Forest Dr., STE 2A, Annapolis, MD 21401

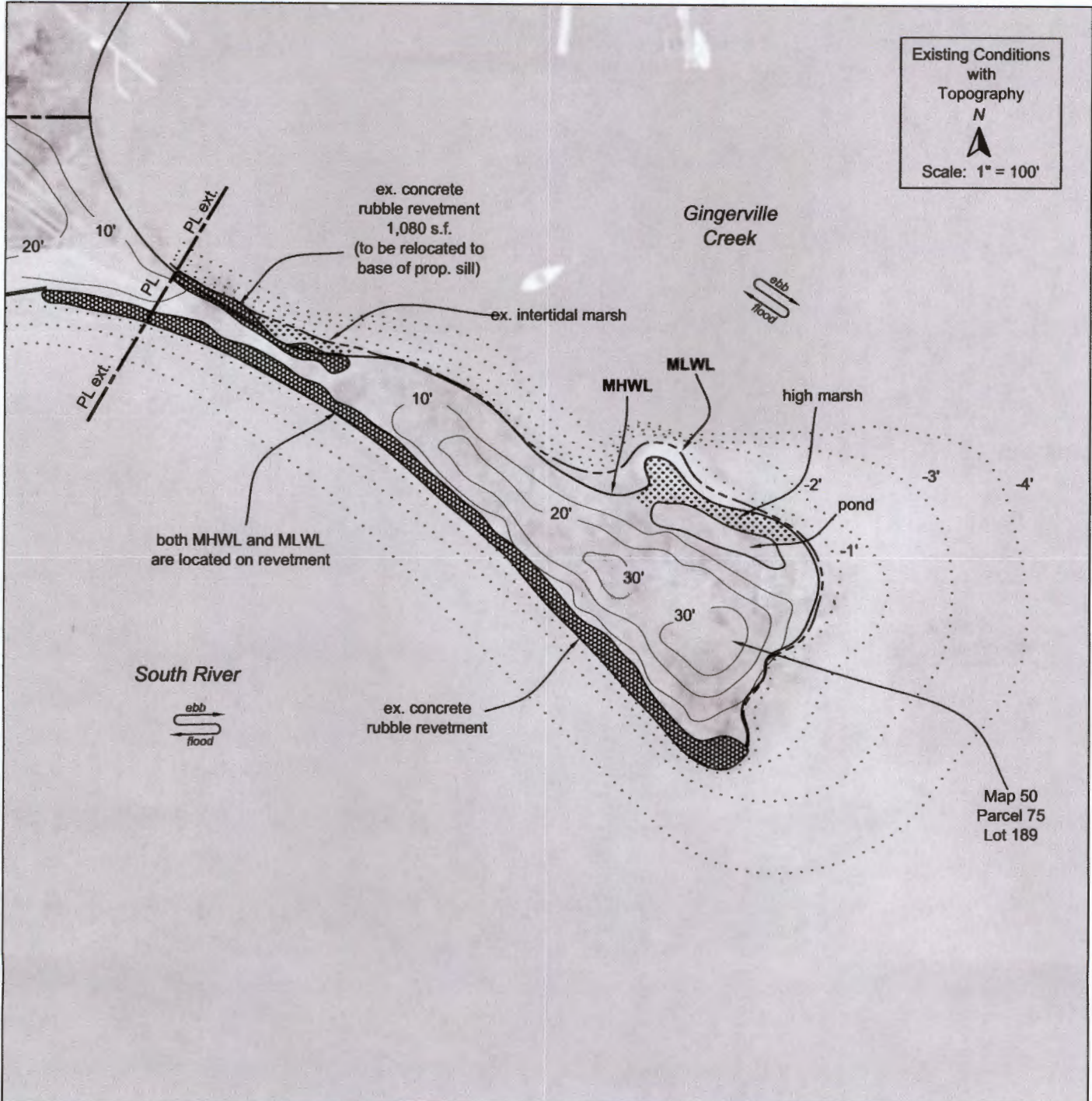
<p>Proposed: Living Shoreline w/ Stone Sill</p> <p>Purpose: Erosion Control</p>	<p>Location: 207 Cape St. John Rd. Tax # 2154-1105-8200 Map 50, Parcel 75, Lot 189 Gingerville Creek and South River, Anne Arundel Co.</p>	<p>Applicant Janine M. Gardner 1914 Forest Dr., STE 2A Annapolis, MD 21401</p>	<p>Flood Bros. Marine Consultants, Inc. 3265 Harness Creek Rd. Annapolis, MD 21403 410-507-8917</p>
<p>For Permit Purposes Only</p> <p>Scale: As Shown Datum MLWL</p>	<p>Coordinates: 38° 57' 22" N, 76° 33' 27" W ADC Map 35, B-3 Zoning: RS 2, CA Designation: IDA</p>	<p>Date: April 9, 2018</p>	<p>Sheet 1 of 8</p>

Existing Conditions
with
Topography

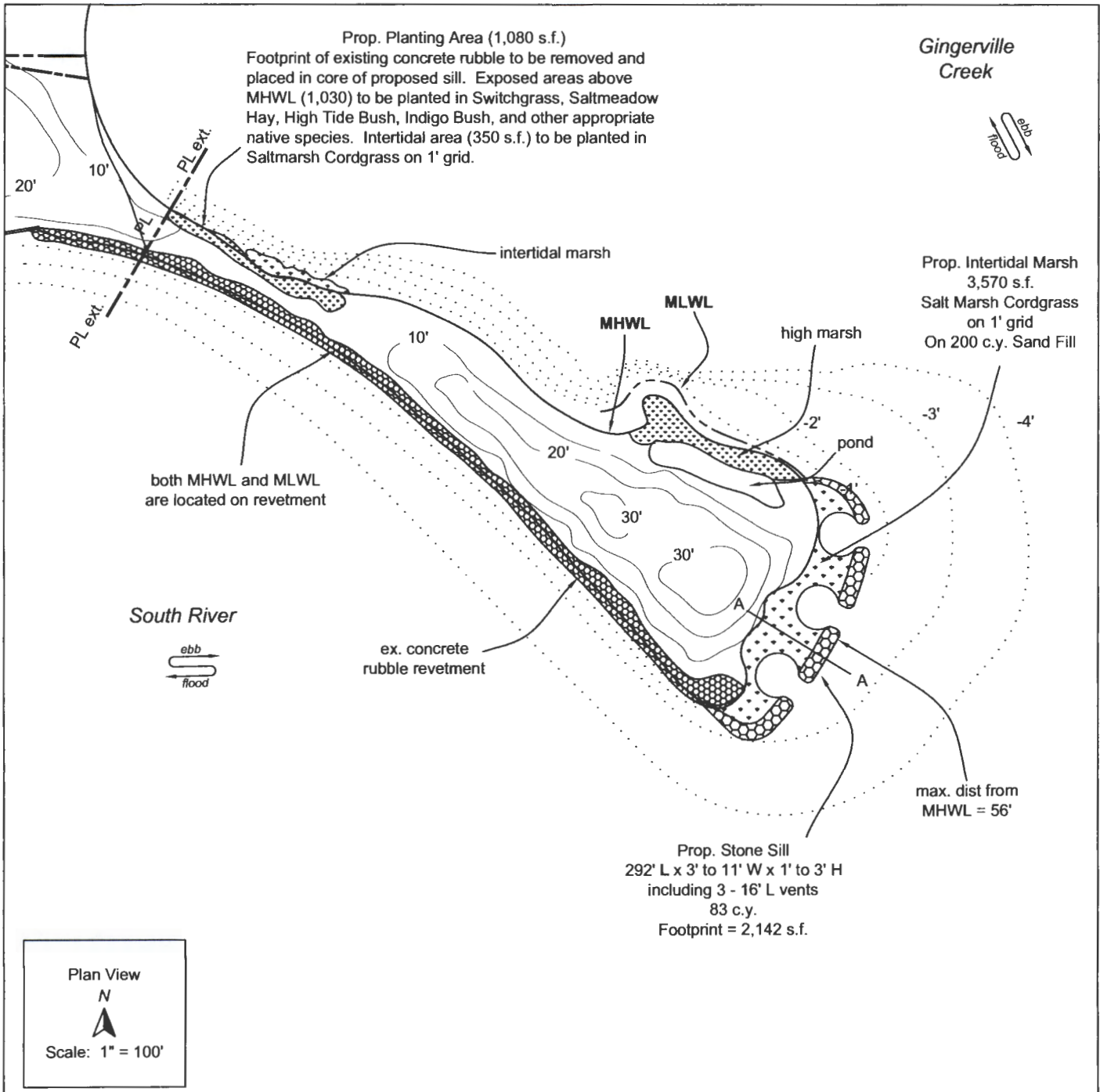
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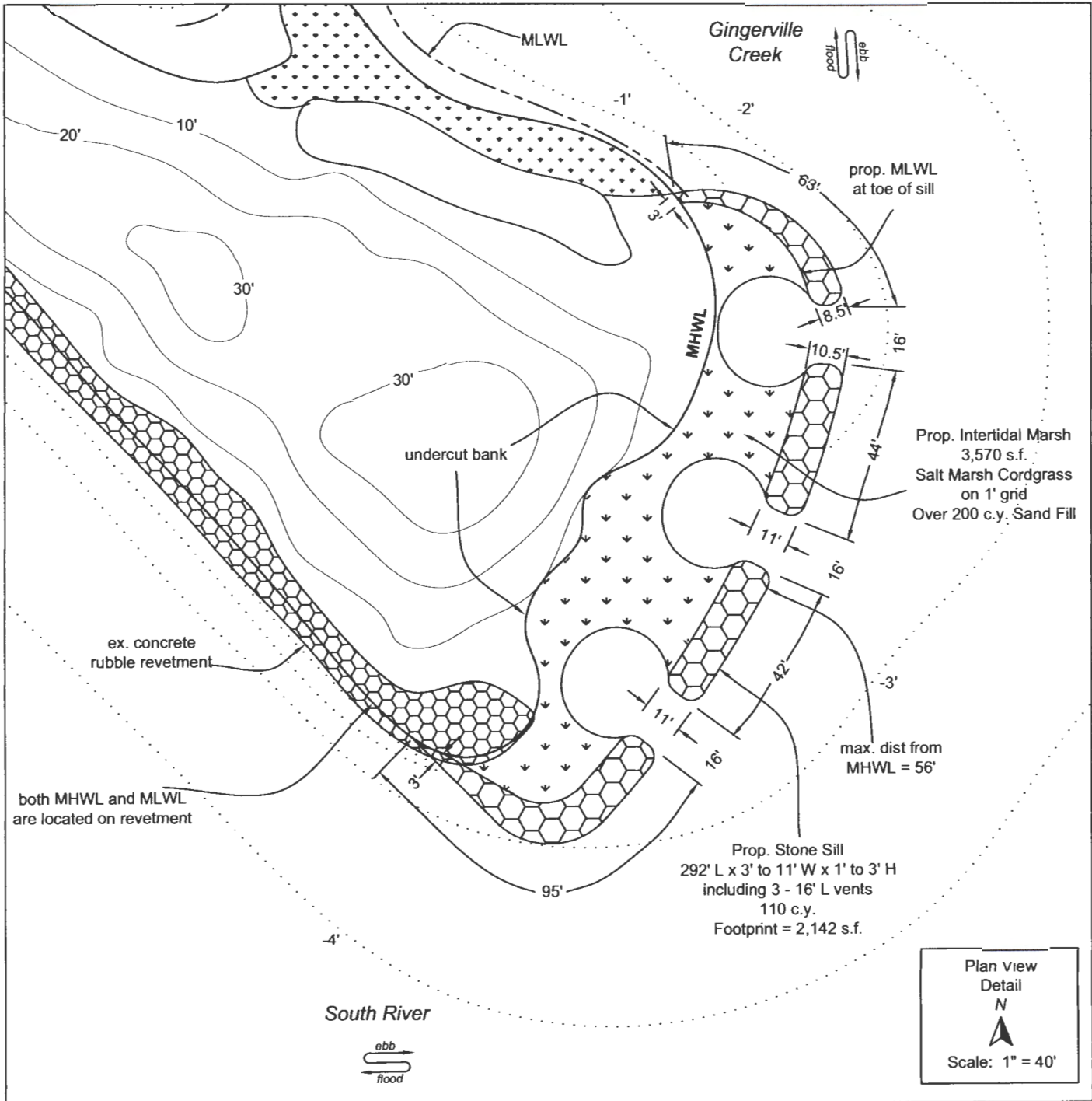
Scale: 1" = 100'



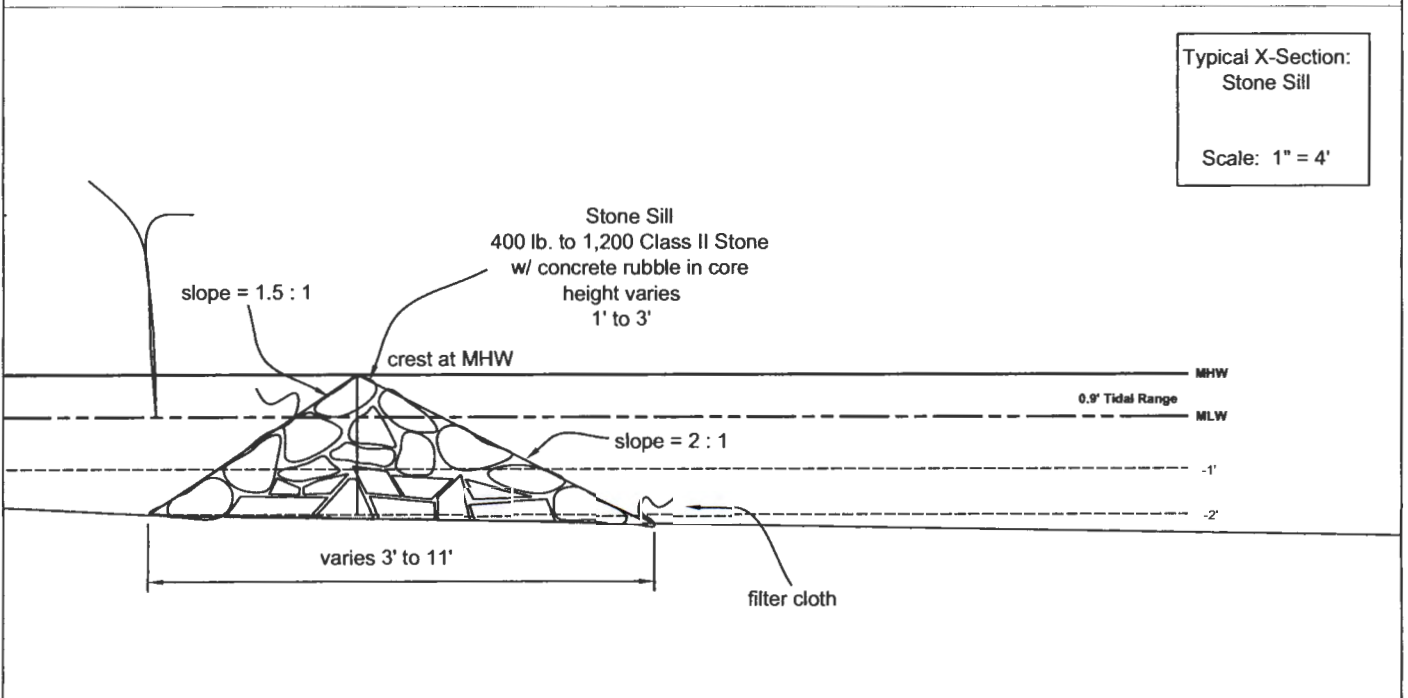
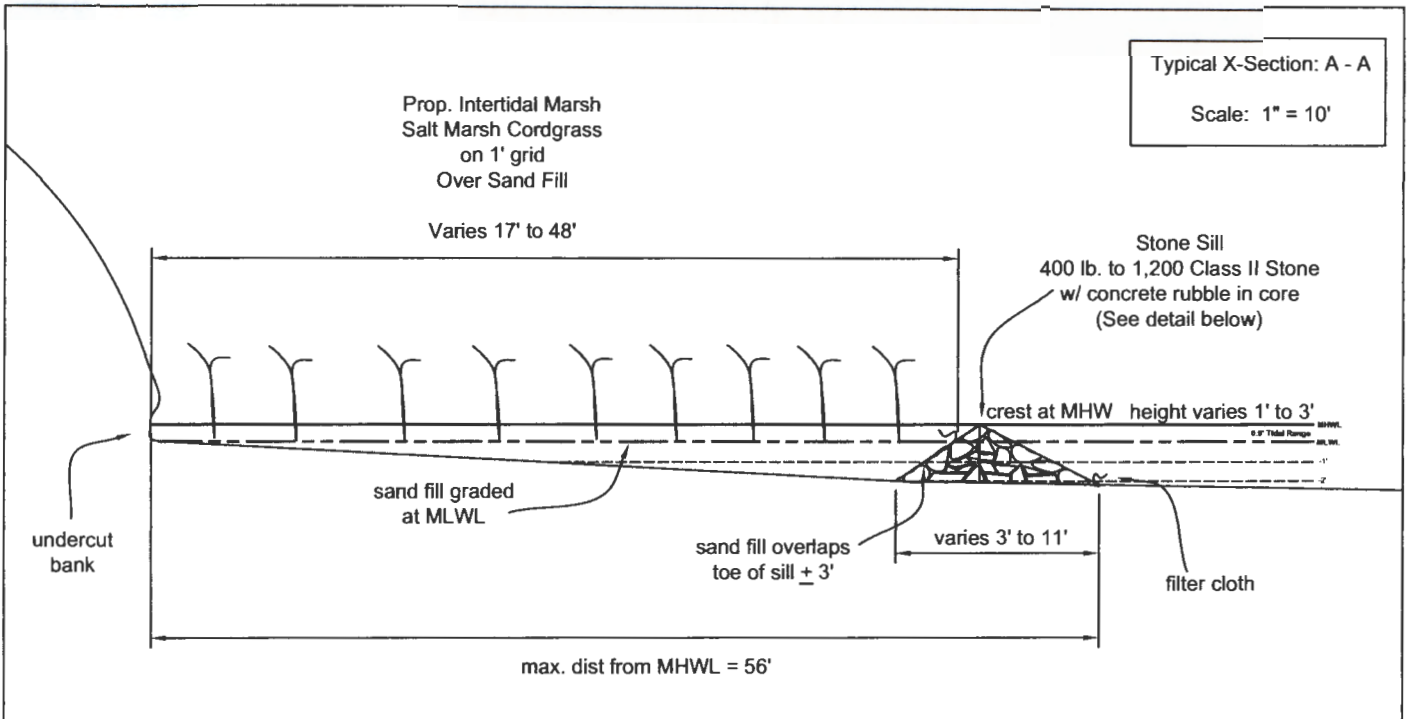
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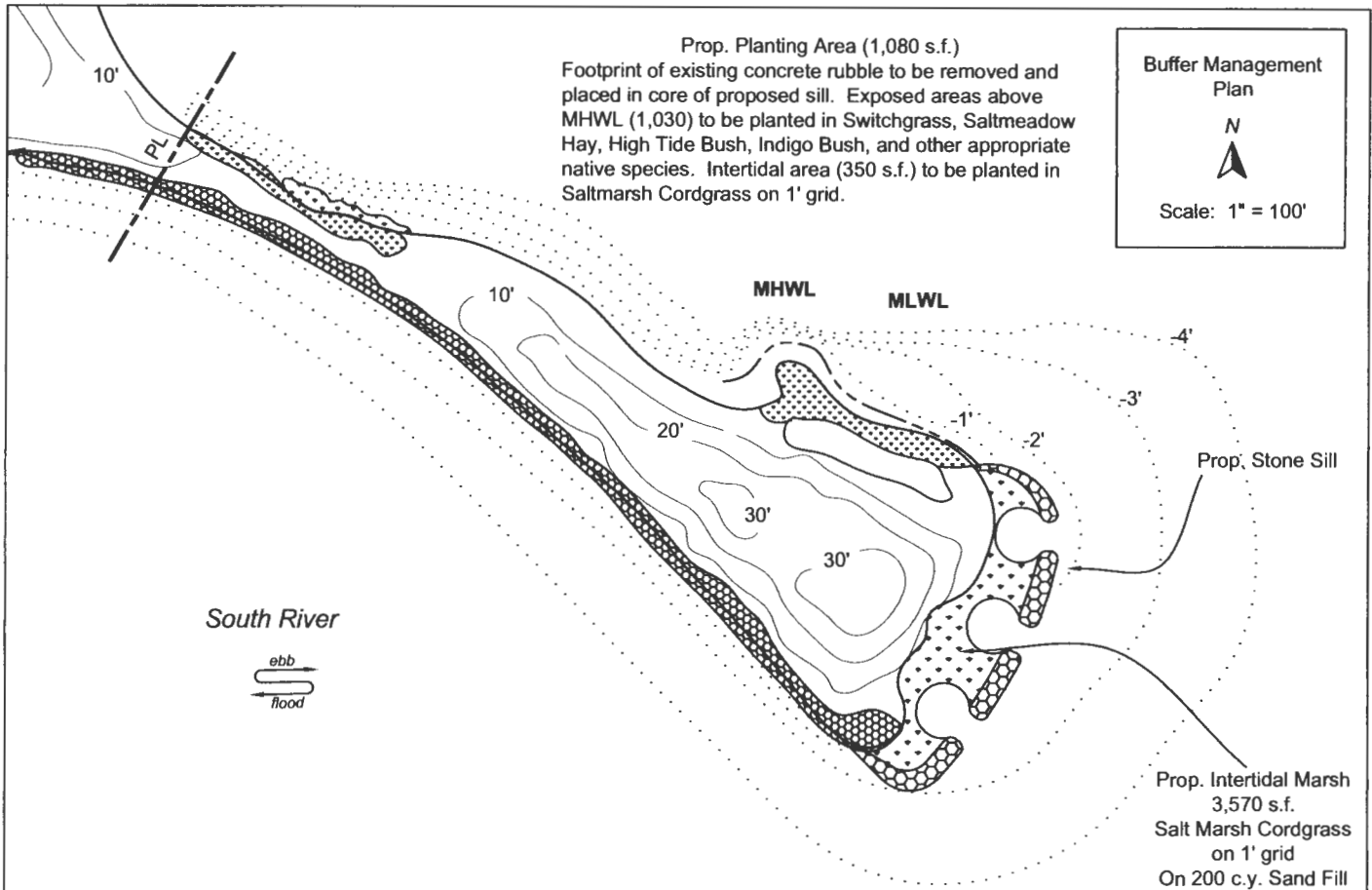
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<p>For Permit Purposes Only</p> <p>Scale: As Shown Datum MLWL</p>	<p>Sheet 3 of 8</p>		



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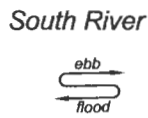


Prop. Planting Area (1,080 s.f.)
 Footprint of existing concrete rubble to be removed and placed in core of proposed sill. Exposed areas above MHWL (1,030) to be planted in Switchgrass, Saltmeadow Hay, High Tide Bush, Indigo Bush, and other appropriate native species. Intertidal area (350 s.f.) to be planted in Saltmarsh Cordgrass on 1' grid.

Buffer Management Plan

N

Scale: 1" = 100'



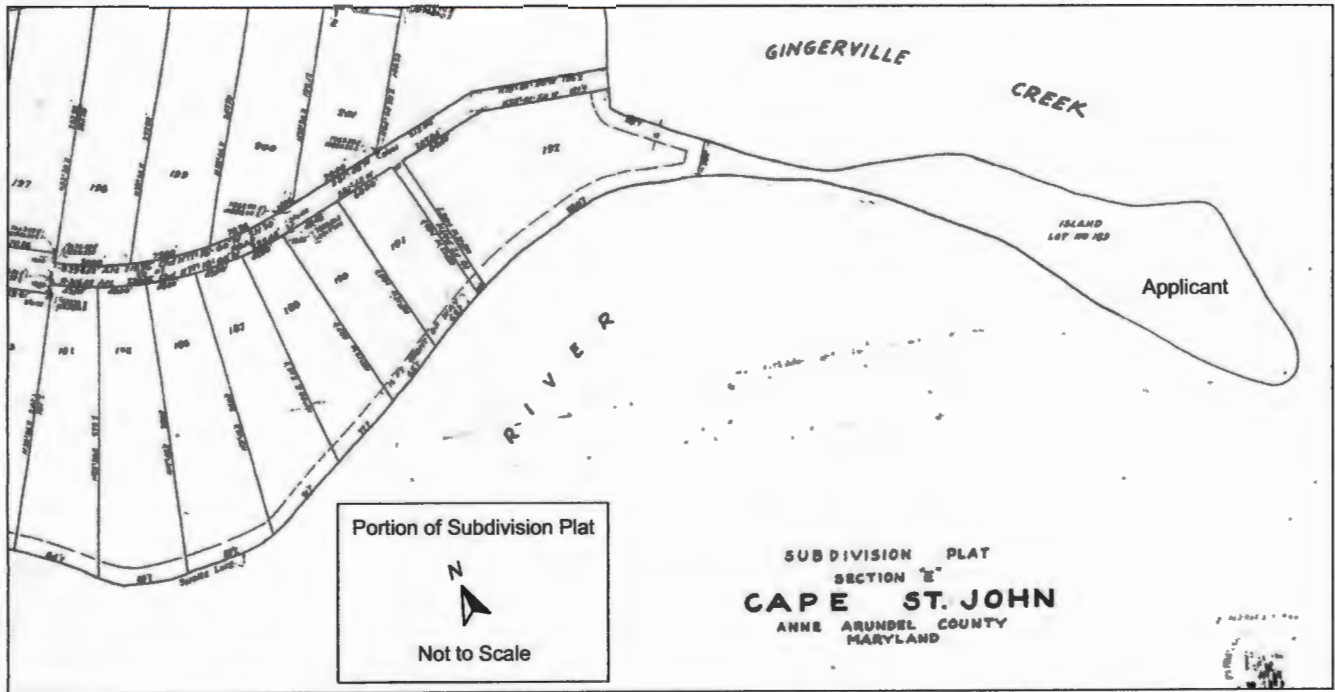
Planting

- 1) Install clean sand fill and establish appropriate grade. Grade at 8 : 1 ≤ 10 : 1 slope for intertidal marsh.
- 2) Planting to occur between April 1 and June 30 or between September 1 and October 30.
- 2) Plant 1' on center with addition of low nitrogen, slow release fertilizer.
- 3) If soil is not wet or damp, water sufficiently within 4 hours of planting.
- 4) Exposed area above MHWL to be planted with mulch and stabilized at the end of each workday.

Maintenance Plan

1. Monitor Plants twice weekly to reduce transplant stress from water deficiency, invasive species competition, pest damage, and disease.
2. Water as necessary but at least once every ten days without rainfall from May through September, depending on soil moisture levels.
3. If needed, use a low nitrogen, slow release fertilizer in late fall or early spring.
4. Two years from planting date, the plantings shall be inspected and assessed to determine the need for replacement plantings.
5. The planting area will be monitored for two years from the planting date. A coverage of 85% must be maintained. Replant as required.

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For Permit Purposes Only			Sheet 6 of 8
Scale: As Shown	Datum MLWL		



Vicinity
ADC Map 49, B, C - 3
South River and
Gingerville Creek
Anne Arundel County

N

Scale: 1" = 2,000'



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