



Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
NAB-2018-60599 (Mysons Legacy, LLC/Shoreline
Stabilization)

PN 19-31

Comment Period: May 20, 2019 to June 19, 2019

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 (DA) 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: Mysons Legacy, LLC
c/o Mr. Paul Prager
9 Federal Street
Easton, Maryland 21601

WATERWAY AND LOCATION OF THE PROPOSED WORK: In the Miles River, located off St. Michaels Road, in St. Michaels, Talbot County, Maryland.

PROPOSED WORK AND PURPOSE: To stabilize a total of approximately 2,282 linear feet of eroding shoreline within an approximately 54,168 total square foot (1.24 acre) impact area as follows: to construct 1,043 linear feet of 12-foot wide stone revetment no more than 5 feet channelward of the approximate mean high water (MHW) shoreline; to emplace 50 linear feet of low-profile stone marsh edging at the marsh-open water interface; to replace two existing 10-foot wide by 75-foot long stone groins in-kind, no more than 75 feet channelward of approximate MHW shoreline and an existing 10-foot wide by 95-foot long stone groin, no more than 95 feet channelward of approximate MHW shoreline; and to construct three sections of living shoreline along approximately 1,189 linear feet of eroding shoreline by emplacing 1,059 linear feet of low-profile stone sill with a total of four 20-foot wide tidal flushing vents and to backfill with approximately 1,546 cubic yards of sloped, clean select sand fill and stabilize with approximately 16,104 square feet of Smooth cordgrass (*S. alterniflora*) and 8,881 square feet of salt meadow cordgrass (*S. patens*) to extend no more than 70 feet channelward of the approximate MHW shoreline. The purpose of the proposed project is shoreline erosion control.

AVOIDANCE AND MINIMIZATION 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, including wetlands to the maximum extent

practicable.

Due to mapped submerged aquatic vegetation (SAV) occurring at the project site, the applicant has designed the project to closely mimic the existing edge of SAV limits and has designed the living shoreline components of the overall project not to exceed an average of approximately 35 feet channelward of the existing MHW shoreline. Most of the shoreline stabilization work is limited to activities above the subaqueous zone to minimize impacts to vegetated and unvegetated shallow-water habitat. New structures would not exceed a maximum of 70 feet channelward of the existing MHW shoreline. The work to maintain two existing groins is the only work that would extend a maximum of 95-feet channelward and the work is entirely in-kind maintenance and repair limited to the existing structure footprint.

MITIGATION STATEMENT: Compensatory mitigation is not being proposed by the applicant for the permanent loss of an approximately 640 square foot (0.015 acre) area of mapped SAV occurring below the mean low water (MLW) tide elevation at this time. The permanent impacts are the result of a conversion of vegetated shallow water habitat to stone sill. The project would result in a net increase of approximately 24,984 square feet of estuarine marsh habitat. No fill in wetlands is proposed.

All work is proposed in accordance with the attached plan(s) and work description. If you have any questions concerning this matter, or would like to submit written comments, please contact: Mr. Jason R. Peters, Baltimore District, Corps of Engineers, Regulatory Branch, Easton Field Office, Talbottown Shopping Center 218 N. Washington Street, Suite 51, (410) 820-8550, Jason.R.Peters@usace.army.mil.

The decision whether to authorize this project will be based on an evaluation of 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 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 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. Jason Peters, CENAB-OPR-M], Easton Field Office, Talbottown Shopping Center 218 N. Washington Street, Suite 51, Easton, Maryland, 21601, 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 affect Essential Fish Habitat (EFH). The project lies in or adjacent to EFH as described under the MSFCMA designated in the Chesapeake Bay Mainstem for *Urophycis chuss* (red hack) juvenile and adult; *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Clupea harengus* (Atlantic sea herring) adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Peprilus triacanthus* (Atlantic butterfly) eggs, larvae, juvenile, and adult; *Paralichthys dentatus* (summer flounder) larvae, juvenile and adult; *Stenotomus chrysops* (scup) juvenile and adult; *Centropristus striata* (black sea bass) 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 proposed project has the potential to adversely affect EFH, managed species, or associated species of concern such as major prey species, including affected life history stages by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The site does support SAV during the last five (5) of most recent mapped data available from the Virginia Institute of Marine Science (VIMS) data for years 2013 to 2017. SAV has been designated as a habitat area of particular concern (HAPC) for summer flounder by the Mid-Atlantic Fishery Management Council. The applicant has identified approximately 640 square foot (0.015 acre) area of direct SAV loss that would occur as a result of the proposed project in areas likely to support rooted SAV species below the MLW tide elevation.

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 to minimize adverse effects on EFH at this time both individually and cumulatively. 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 Wetlands and Waterways Program, Maryland Department of the Environment, 1800 Washington Blvd., 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.

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 State's federally-approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State's concurrence or objection to the applicant's consistency certification statement. It should be noted that Maryland's CZM Program has a statutory limit of six (6) months from the date of this public notice in which to make its consistency determination.

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

ENDANGERED SPECIES ACT: A preliminary review of this application using the U.S. Fish and Wildlife Service IPaC online screening tool indicates that the proposed work will not affect any Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act (ESA), as amended. The project location and vicinity is not mapped as critical habitat for any known Federally-listed threatened or endangered species under USFWS' jurisdiction. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

NATIONAL HISTORIC PRESERVATION ACT: 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. As the evaluation of this proposal continues, additional information may become available which could modify this preliminary determination.

The evaluation of the impact of this project 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.

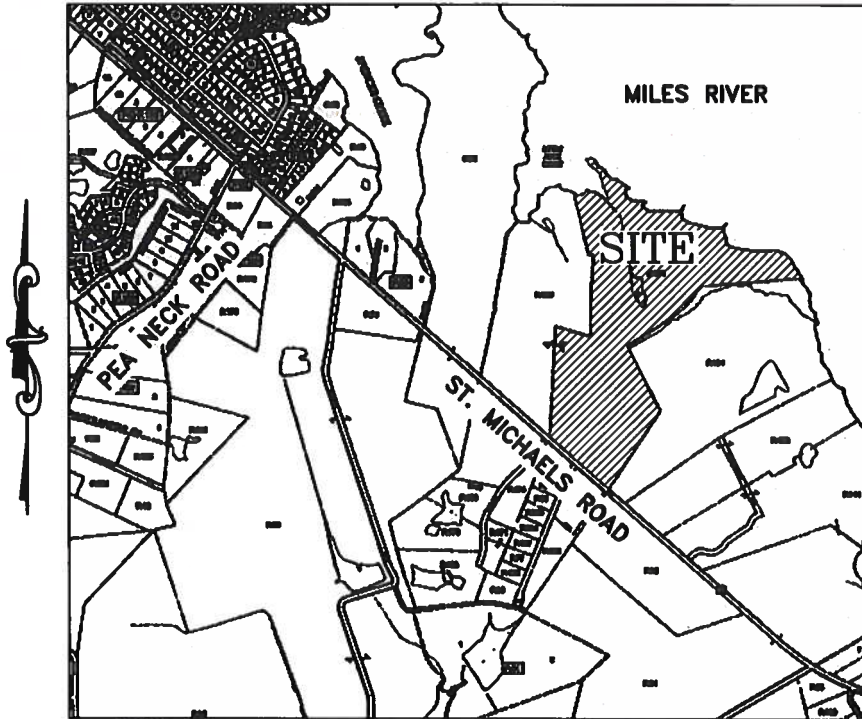
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, District Engineer, U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch, Easton Field Office, Talbottown Shopping Center, 218 N. Washington Street, Suite 51, Easton, Maryland, 21601, 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

**TIDAL WETLAND PERMIT DRAWINGS
PREPARED FOR
MYSONS LEGACY, LLC
IN THE SECOND ELECTION DISTRICT
TALBOT COUNTY, MARYLAND**



VICINITY MAP
SCALE: 1" = 2,000'

18-WL-0346
201860599
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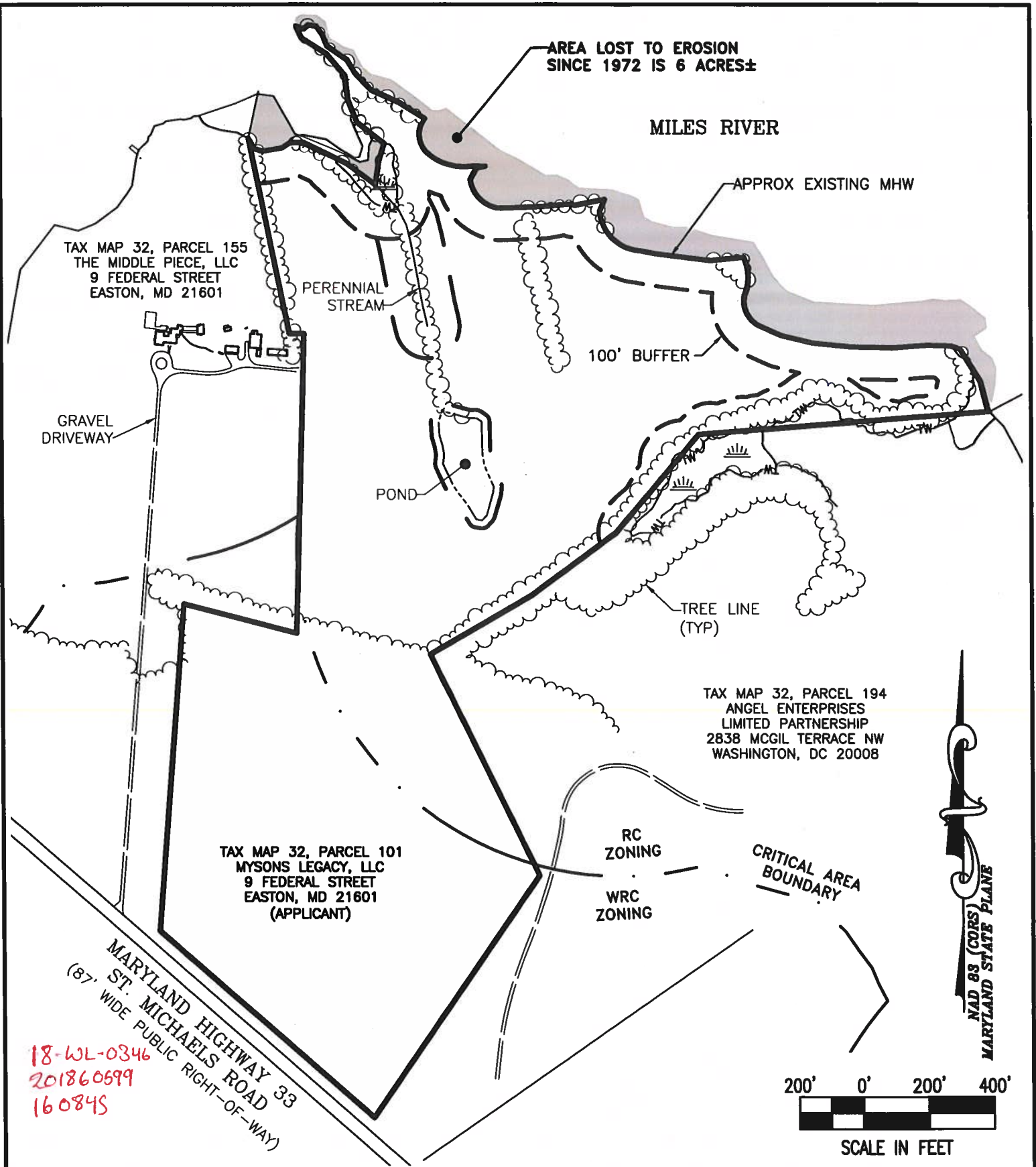
ENGINEER
Lane Engineering, LLC
117 BAY STREET
EASTON, MARYLAND 21601
(410) 822-8003

OWNER/DEVELOPER
MYSONS LEGACY, LLC
9 FEDERAL STREET
EASTON, MARYLAND 21601

PROJECT LOCATION
ST. MICHAELS ROAD
ST. MICHAELS, MARYLAND

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	03/28/18	DSW				
MDE SUBMITTAL	05/01/18	DSW				
MDE SUBMITTAL	06/22/18	DSW				
MDE SUBMITTAL	01/25/19	DSW				
MDE SUBMITTAL	03/28/19	DSW				

SHEET No. 1 OF 21	TITLE SHEET ON THE LANDS OF MYSONS LEGACY, LLC ST. MICHAELS, MARYLAND TALBOT COUNTY, MARYLAND TAX MAP 32, GRID 17, PARCEL 101	<p style="text-align: center;">Lane Engineering, LLC</p> <p style="text-align: center;">Established 1986 Civil Engineers • Land Planning • Land Surveyors</p> <p style="text-align: center;">E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21813 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095</p>
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SHEET No.
3 OF 21

DATE: AS NOTED

SCALE: AS NOTED

JOB No. 170307

FILE No. 5102

SITE OVERVIEW

**ON THE LANDS OF
MYSONS LEGACY, LLC
ST. MICHAELS, MARYLAND**

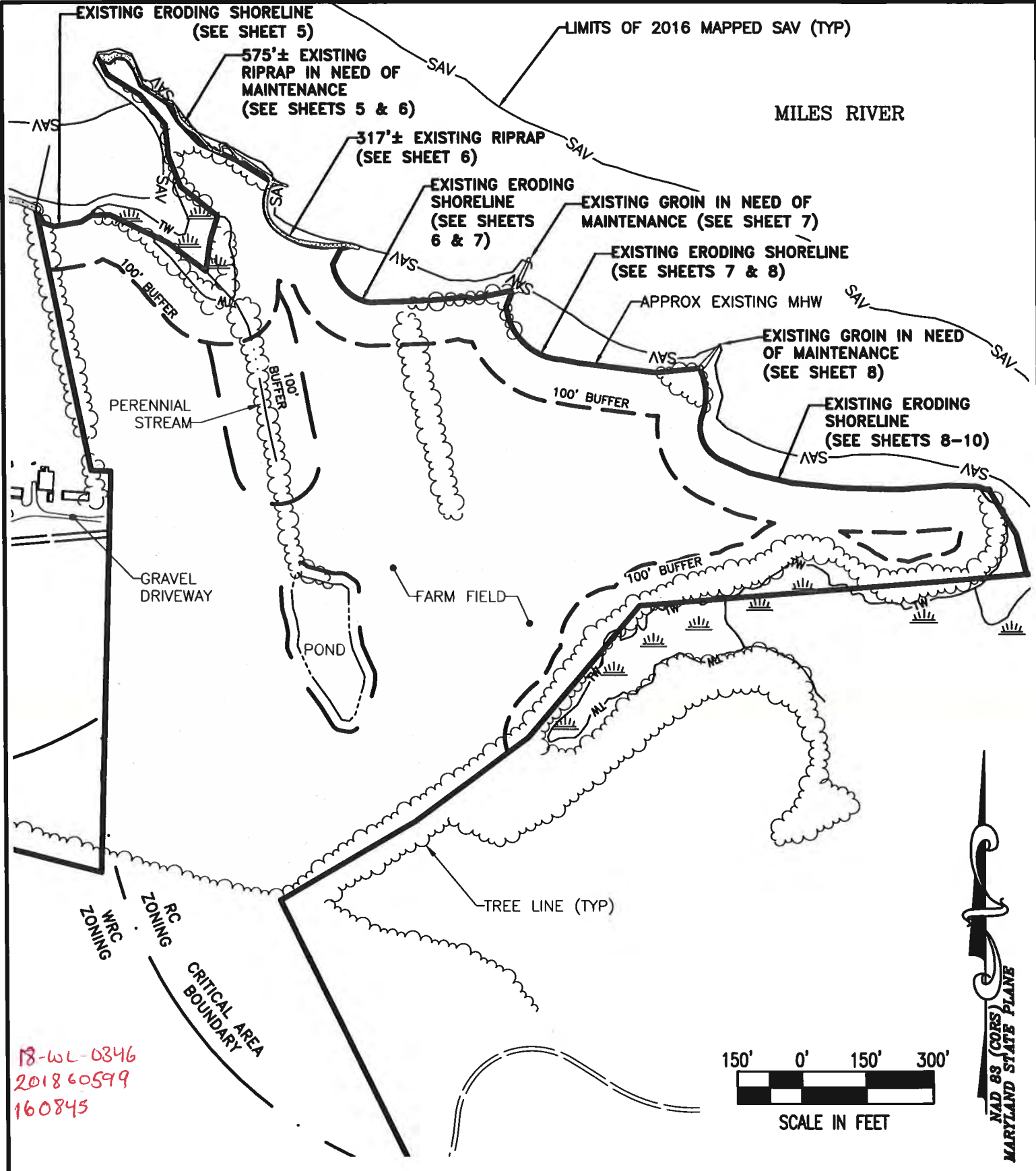
TALBOT COUNTY, MARYLAND
TAX MAP 32, GRID 17, PARCEL 101

Lane Engineering, LLC

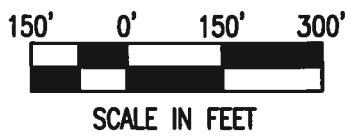
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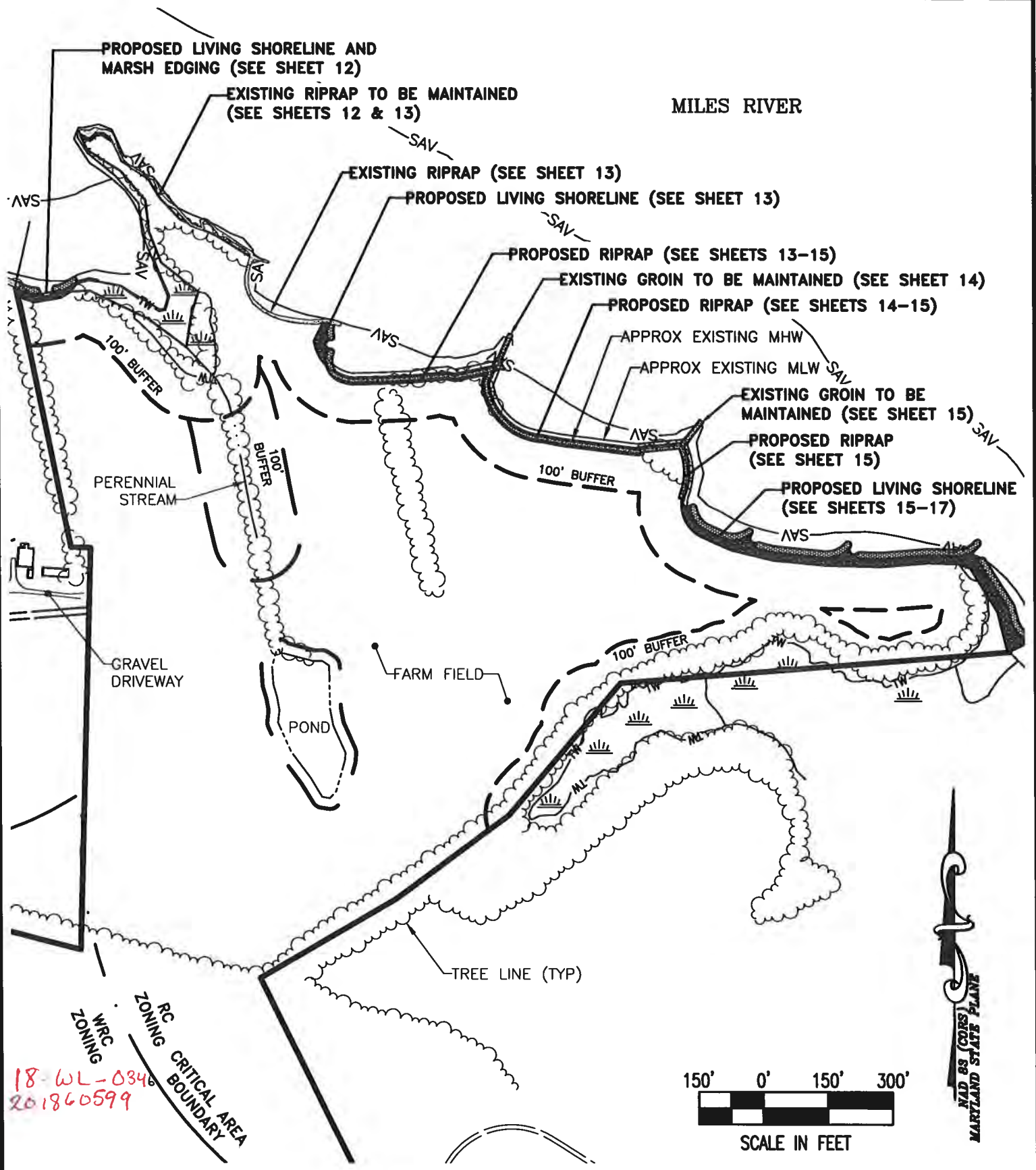


SHEET No. 4 OF 21
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 170307
 FILE No. 5102

EXISTING CONDITIONS OVERVIEW
 ON THE LANDS OF
 MYSONS LEGACY, LLC
 ST. MICHAELS, MARYLAND
 TALBOT COUNTY, MARYLAND
 TAX MAP 32, GRID 17, PARCEL 101

Lane Engineering, LLC
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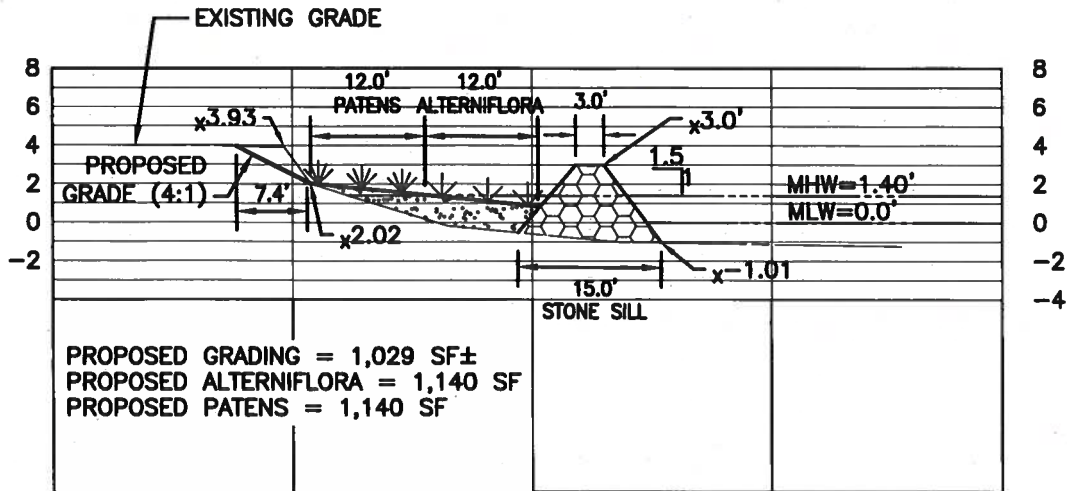


18-WL-0346
201860599

FILE No. 5102
JOB No. 170307
SCALE: AS NOTED
DATE: AS NOTED
SHEET No. 11 OF 21

PROPOSED IMPROVEMENTS OVERVIEW
ON THE LANDS OF
MYSONS LEGACY, LLC
ST. MICHAELS, MARYLAND
TALBOT COUNTY, MARYLAND
TAX MAP 32, GRID 17, PARCEL 101

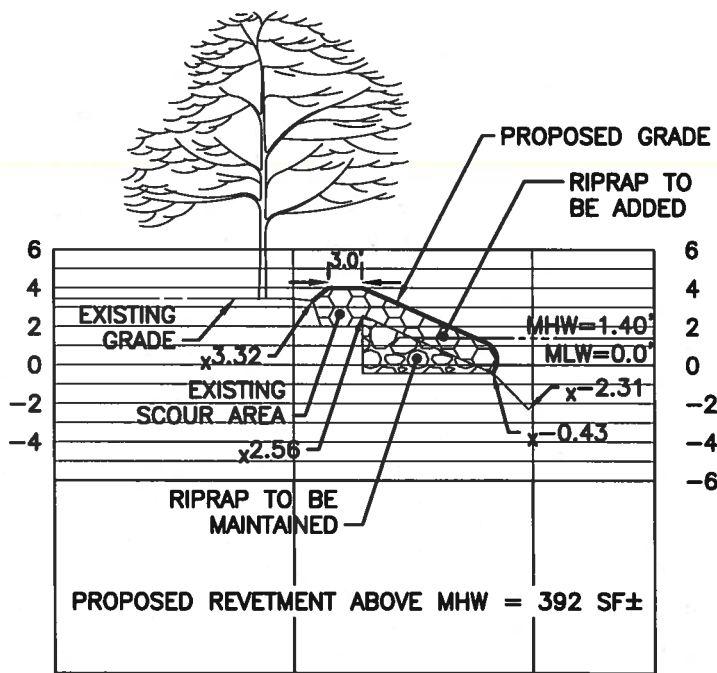
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SECTION A - LIVING SHORELINE

HORIZONTAL SCALE: 1" = 20'

VERTICAL SCALE: 1" = 10'



SECTION B - HIGH PROFILE RIPRAP MAINTENANCE

HORIZONTAL SCALE: 1" = 20'

VERTICAL SCALE: 1" = 10'

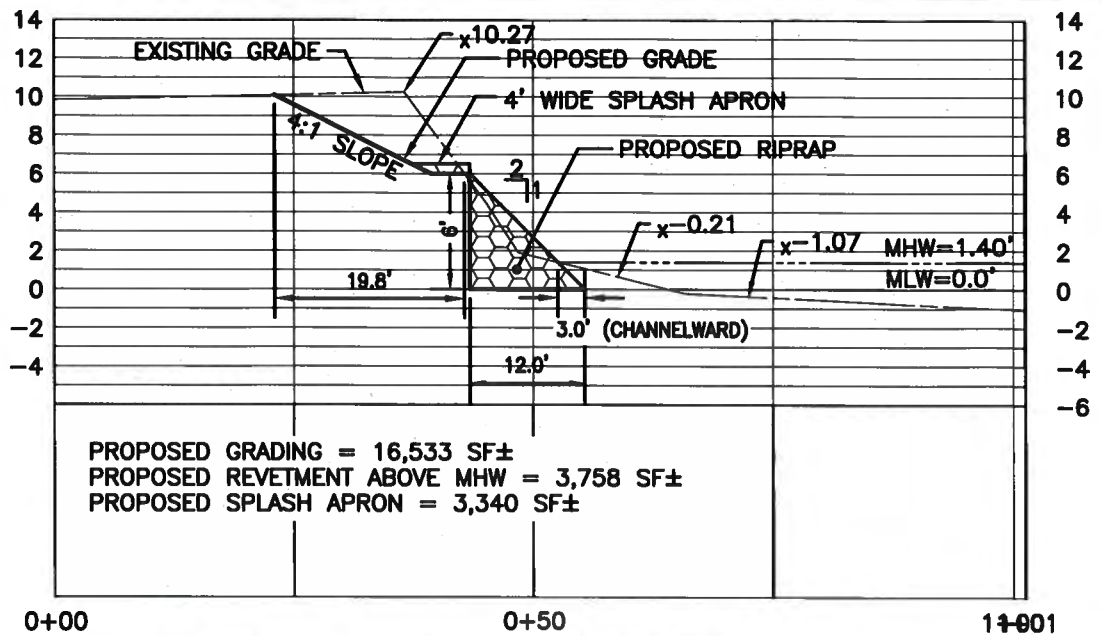
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201860599
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SHEET No.
18 OF 21
DATE: AS NOTED
SCALE: AS NOTED
JOB No. 170307
FILE No. 5102

DETAILS
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ST. MICHAELS, MARYLAND
TALBOT COUNTY, MARYLAND
TAX MAP 32, GRID 17, PARCEL 101

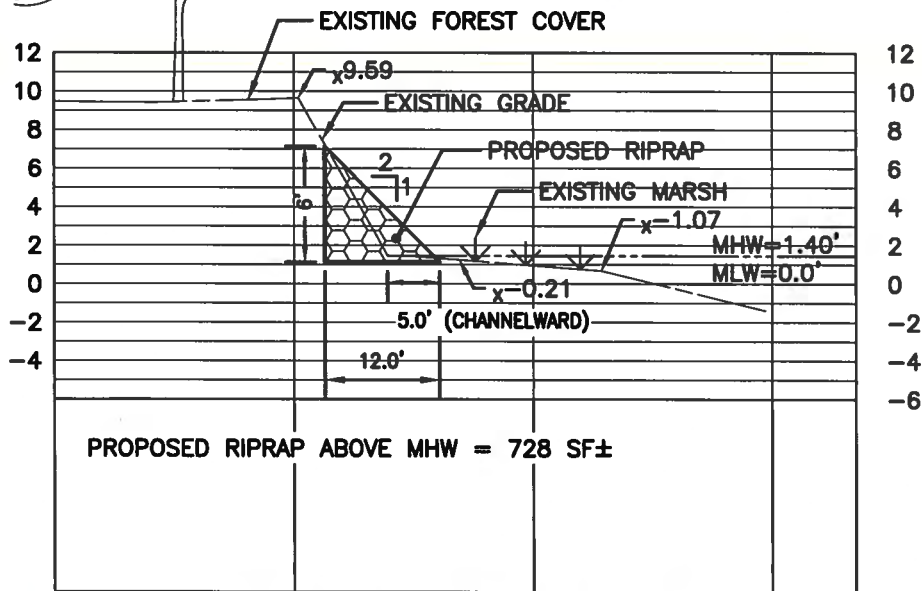
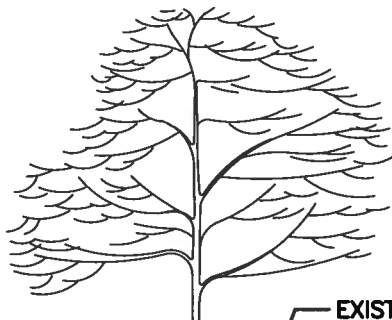
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SECTION C - HIGH PROFILE RIPRAP

HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 10'



SECTION D - HIGH PROFILE RIPRAP

HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 10'

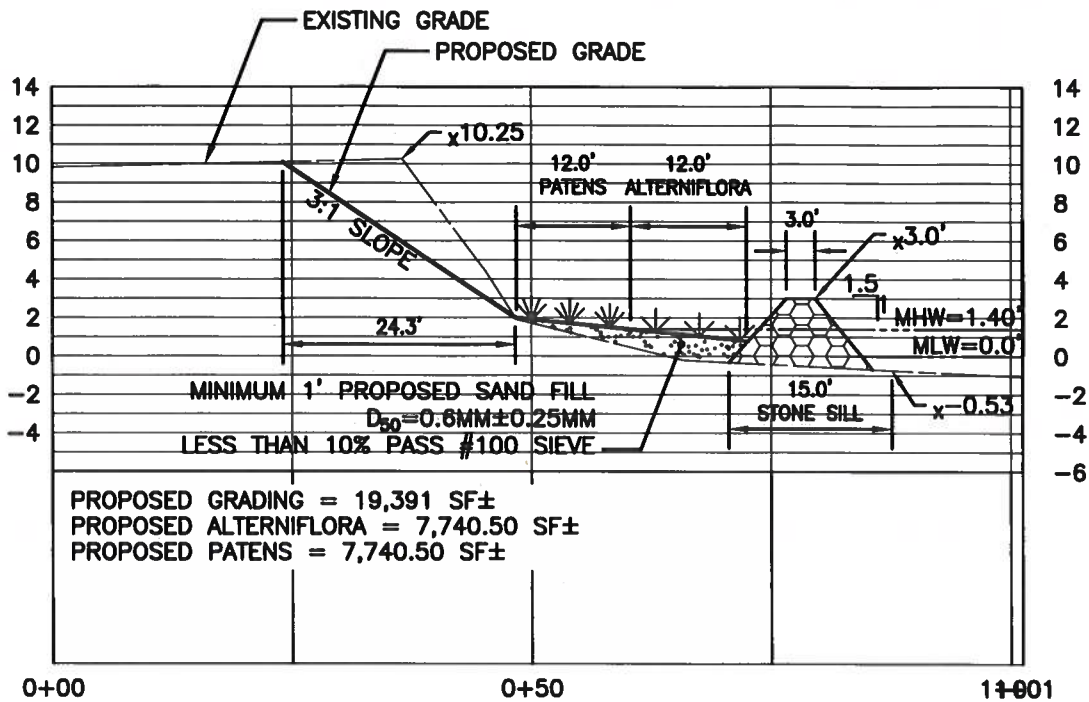
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SHEET No. 19 OF 21
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 170307
 FILE No. 5102

DETAILS
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 MYSONS LEGACY, LLC
 ST. MICHAELS, MARYLAND
 TALBOT COUNTY, MARYLAND
 TAX MAP 32, GRID 17, PARCEL 101

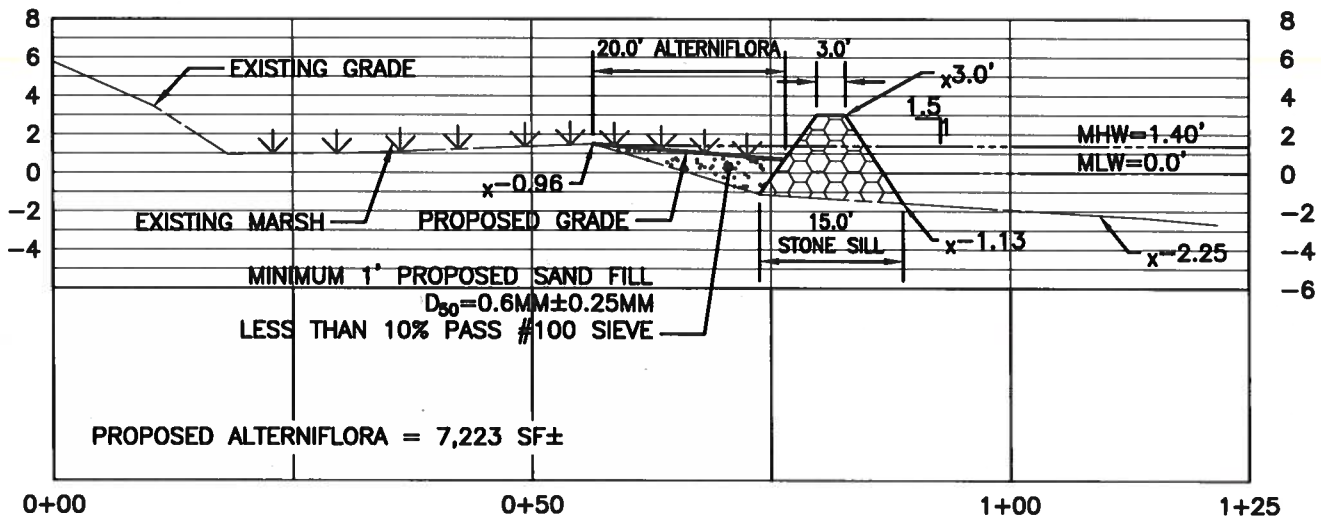
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SECTION E - LIVING SHORELINE

HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 10'



SECTION F - LIVING SHORELINE

HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 10'

18-WL-0346
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FILE No. 5102
 JOB No. 170307
 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No. 20 OF 21

DETAILS

**ON THE LANDS OF
 MYSONS LEGACY, LLC
 ST. MICHAELS, MARYLAND**

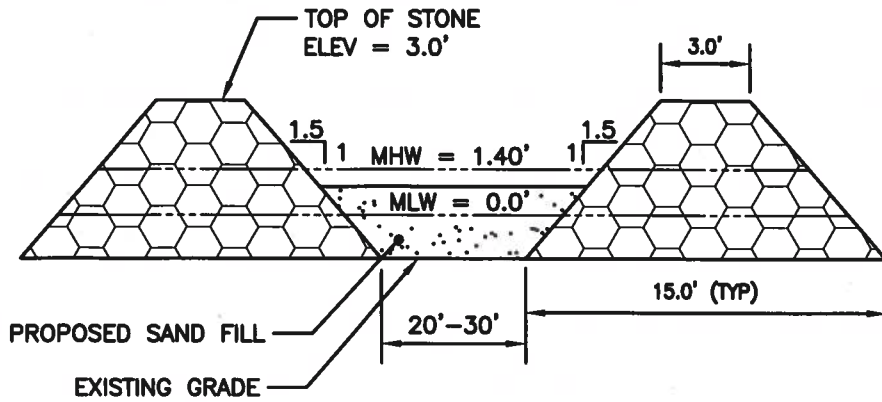
TALBOT COUNTY, MARYLAND
 TAX MAP 32, GRID 17, PARCEL 101

Lane Engineering, LLC

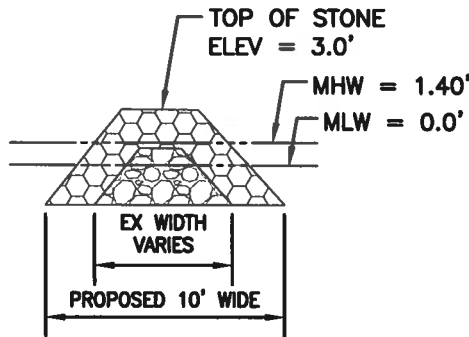
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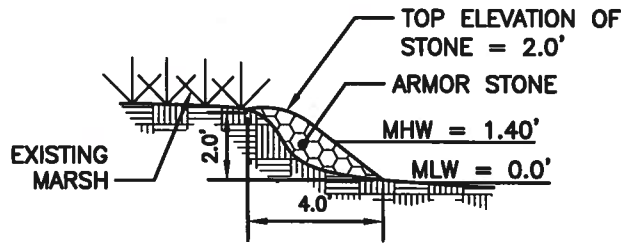
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 117 Bay St. Easton, MD 21801 (410) 822-8003
 15 Washington St. Cambridge, MD 21813 (410) 221-0818
 354 Pennsylvania Ave. Centreville, MD 21817 (410) 758-2095



STONE SILL WINDOW DETAIL
NOT TO SCALE



GROIN END VIEW
MAINTENANCE DETAIL
NOT TO SCALE



MARSH EDGING DETAIL
NOT TO SCALE

18-WL-0346
201860599
160845

SHEET No.
21 OF 21
DATE: AS NOTED
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FILE No. 5102


DETAILS

**ON THE LANDS OF
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ST. MICHAELS, MARYLAND**

**TALBOT COUNTY, MARYLAND
TAX MAP 32, GRID 17, PARCEL 101**

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