

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2019-60680 (6184 Shipyard Lane LLC.)

PN 19-36

Comment Period: June 12, 2019 – July 3, 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 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: 6184 Shipyard Lane LLC.
52 Rolling Road
Rehoboth Beach, Delaware 19971

WATERWAY AND LOCATION: In the Tred Avon River, at 6184 Shipyard Lane, Easton, Talbot County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes, in accordance with the attached plans, to create a marsh along 450 linear feet of shoreline by depositing approximately 90 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *Spartina patens*, to extend no more than 18.5 feet channelward of the approximate mean high water (MHW) shoreline; and to construct 450 linear feet of stone containment sill 2.0 to 2.5 feet above mean low water elevation and with a 7 to 10-foot wide base, with four 10-foot vents, to extend no more than 25 feet channelward of the approximate MHW shoreline. All work is proposed in accordance with the attached plans dated April 1, 2019. If you have any questions concerning this matter, please contact Ms. Laura Coleman at (410) 853-2051 or Lamuelle.L.Coleman@usace.army.mil.

The MDSPGP5 does not authorize the placement of fill material in submerged aquatic vegetation (SAV) for the purpose of creating a living shoreline with stone sills. Therefore the project must be processed as a standard permit.

The purpose of the work is shoreline erosion control.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. No compensatory mitigation is

proposed since no wetland fill impacts are proposed and the applicant proposes to impact approximately 23.5 square feet of SAV.

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 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 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 Laura Coleman, CENAB-OPR-M, 2 Hopkins Plaza, Baltimore, Maryland 21201 or Lamuelle.L.Coleman@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 affect Essential Fish Habitat (EFH). The project site lies in or adjacent to complex for EFH as described under the MSFCMA for *Clupea harengus* (Atlantic Herring) juvenile and adult; *Pomatomus saltatrix* (Bluefish) adult and juvenile; *Paralichthys dentatus* (Summer Flounder) juvenile and adult; *Urophycis chuss* (Red Hake) adult, eggs, larvae, and juvenile; *Leucoraja erinacea*

(Winter Skate) adult; and *Raja eglanteria* (Clearnose Skate) adult and juvenile 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 23.5 square foot 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. Determinations will be either: no effect, minimal adverse effect, more than minimal but less than substantial adverse effect, or substantial adverse effect.

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 Blvd., Suite 430, Baltimore, Maryland 21230 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.

COASTAL ZONE MANAGEMENT PROGRAM: 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 Tidal Wetlands Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that the MDE 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.

ENDANGERED SPECIES ACT: A preliminary review of this application indicates that the proposed work is not likely to adversely affect Federal listed threatened or

endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

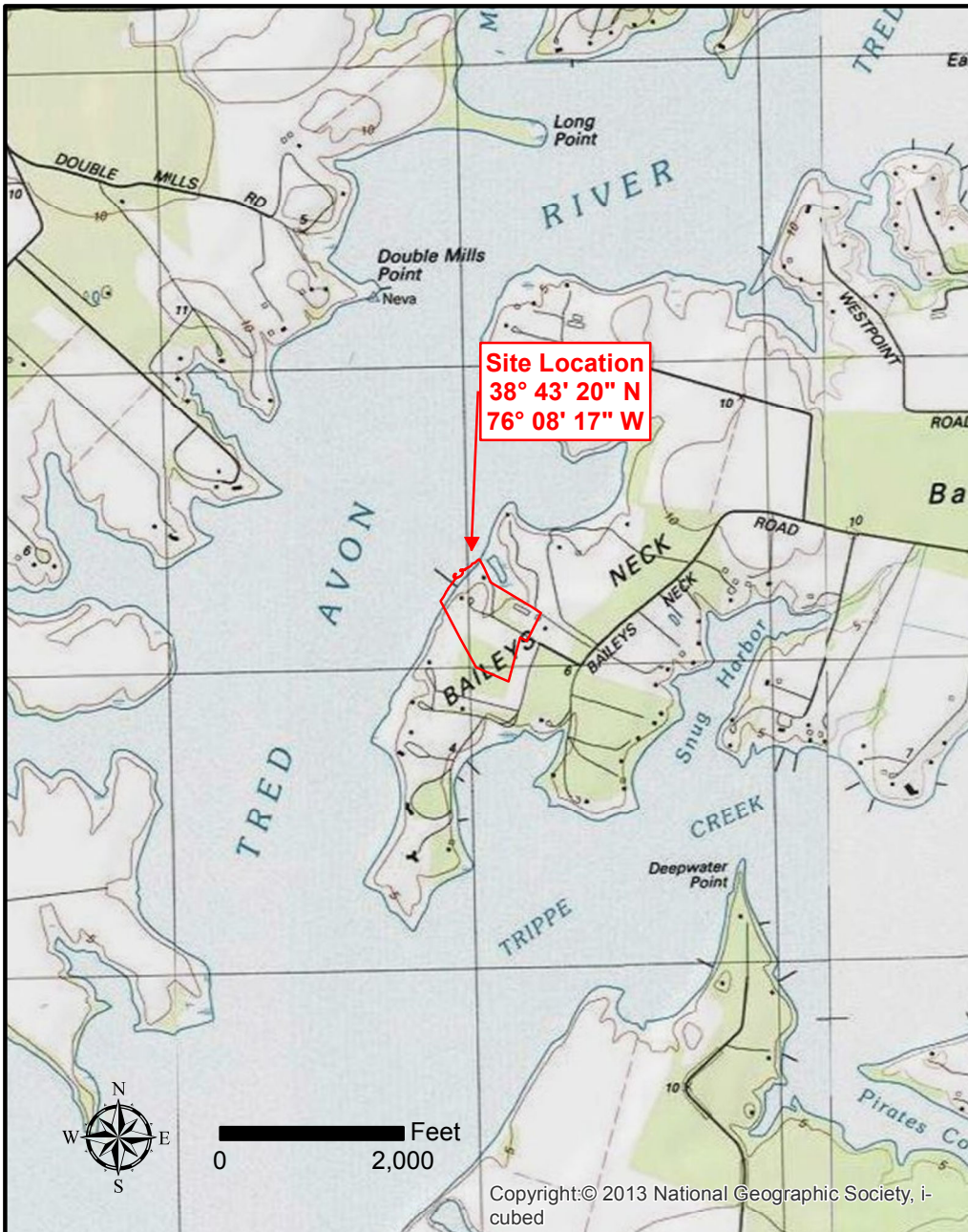
NATIONAL HISTORIC PRESERVATION ACT: Review of the latest published version of the National Register of Historic Places indicates that the subject property is not listed as eligible as a protected historical resource. The project design is to be reviewed by the Maryland Historical Trust (MHT). Currently 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 District Engineer must receive the request, which must be in writing, to the U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified as above to receive consideration. Also, it must clearly state the interest that may be adversely affected by this activity and 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:

Kathy B. Anderson
Chief, Maryland Section Southern



Weems Brothers, Inc.
Land & Marine Construction

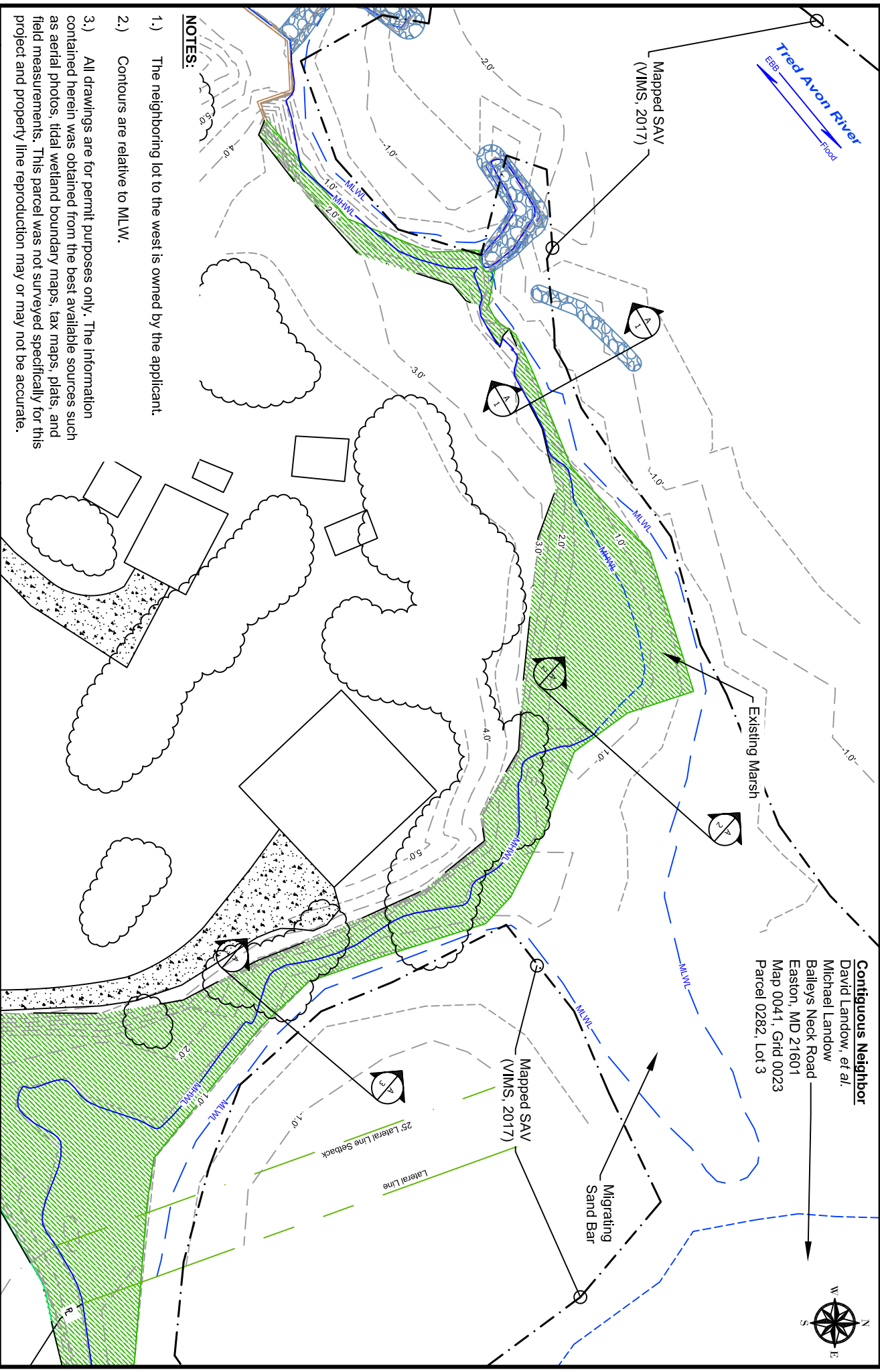
- DESIGN
- PERMITTING
- CONSTRUCTION

8626 Brooks Drive, Unit 103
 Easton, Maryland 21601

Office: 410-822-0510
 Fax: 410-822-4669
www.weemsbrothers.com

Shoreline Stabilization Project - Map View						
Project Owner : 6184 Shipyard Lane, LLC				Drawing Date : Apr. 1, 2019		
Location : 6184 Shipyard Lane, Easton, MD 21601				Scale : See Above		
County: Talbot	Map : 47	Parcel: 87	Lot :	Waterway : Tred Avon River	Job No. :	Draw Use : County Permit
© 2017 Weems Brothers, Inc. This drawing is the property of Weems Brothers, Inc. and is intended solely for the personal reference of the named project owner. Any use, review, disclosure, reproduction, display, transmission or distribution of this drawing or the information contained herein without the express written consent of Weems brothers, Inc. is strictly prohibited.						Drawn By : Chris Moore
Revision Dates						

Sheet 1 of 7



Contiguous Neighbor
 David Landow, et al.
 Michael Landow
 Baileys Neck Road
 Easton, MD 21601
 Map 0041, Grid 0023
 Parcel 0282, Lot 3

NOTES:

- 1.) The neighboring lot to the west is owned by the applicant.
- 2.) Contours are relative to MLW.
- 3.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

Sheet 3 of 7

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Land & Marine Construction

8626 Brooks Drive, Unit 103
 Easton, Maryland 21601

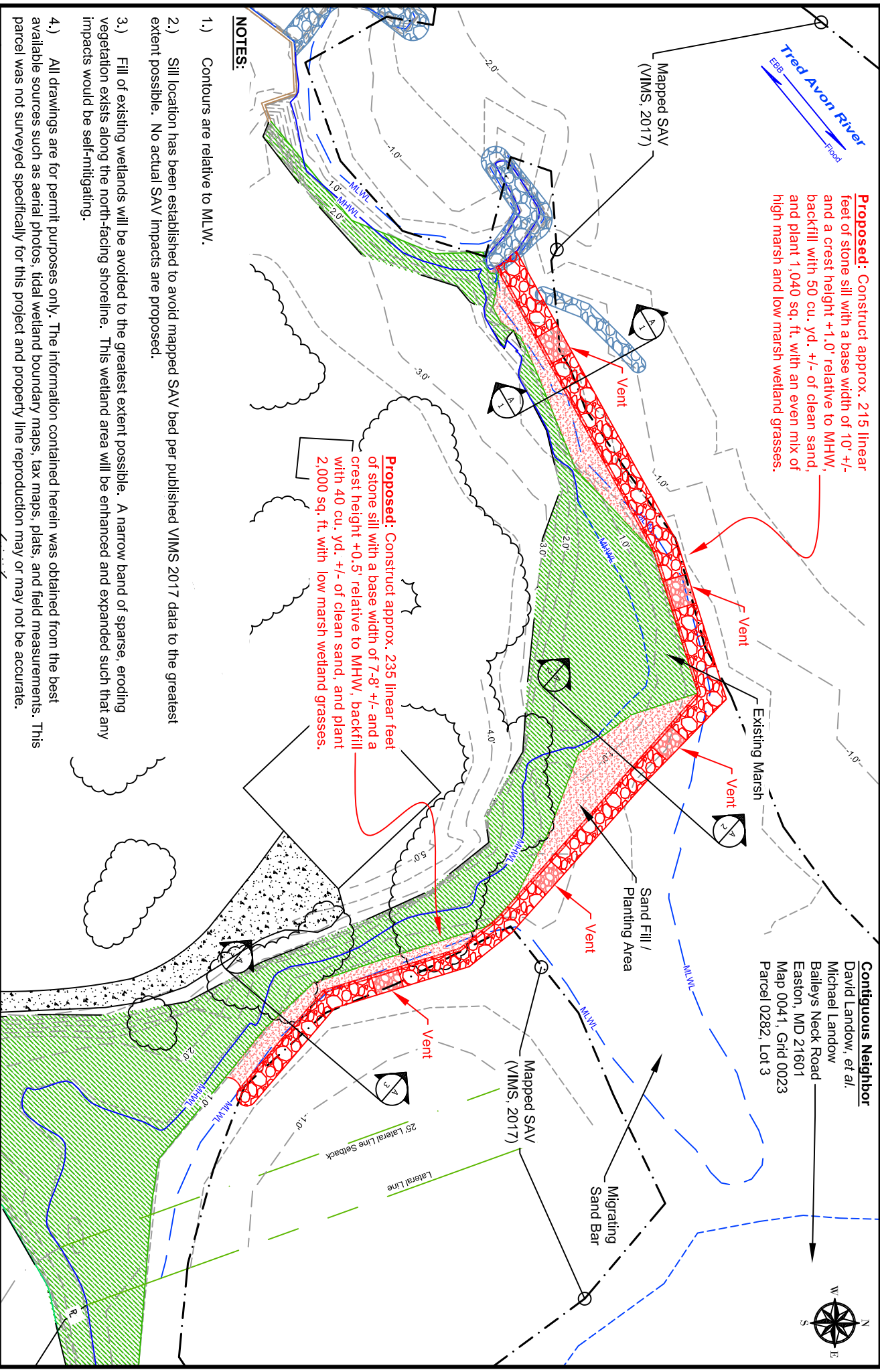
Office: 410-822-0510
 Fax: 410-822-4669
 www.weemsbrothers.com

Shoreline Stabilization Project - Proposed Plan View

Project Owner : 6184 Shipyard Lane, LLC.		Drawing Date : Apr. 1, 2019	
Location : 6184 Shipyard Lane, Easton, MD 21601		Scale : 1" = 50'	
County : Talbot	Map : 47	Parcel : 87	Lot :
Waterway : Tred Avon River		Job No. :	
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		Draw. User: Fed/State Permit	
Revision Dates			

Proposed: Construct approx. 215 linear feet of stone sill with a base width of 10' +/- and a crest height +1.0' relative to MHW, backfill with 50 cu. yd. +/- of clean sand, and plant 1,040 sq. ft. with an even mix of high marsh and low marsh wetland grasses.

Proposed: Construct approx. 235 linear feet of stone sill with a base width of 7-8' +/- and a crest height +0.5' relative to MHW, backfill with 40 cu. yd. +/- of clean sand, and plant 2,000 sq. ft. with low marsh wetland grasses.



Contiguous Neighbor
 David Lindow, et al.
 Michael Lindow
 Baileys Neck Road
 Easton, MD 21601
 Map 0041, Grid 0023
 Parcel 0282, Lot 3

NOTES:

- 1.) Contours are relative to M.L.W.
- 2.) Sill location has been established to avoid mapped SAV bed per published VIMS 2017 data to the greatest extent possible. No actual SAV impacts are proposed.
- 3.) Fill of existing wetlands will be avoided to the greatest extent possible. A narrow band of sparse, eroding vegetation exists along the north-facing shoreline. This wetland area will be enhanced and expanded such that any impacts would be self-mitigating.
- 4.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

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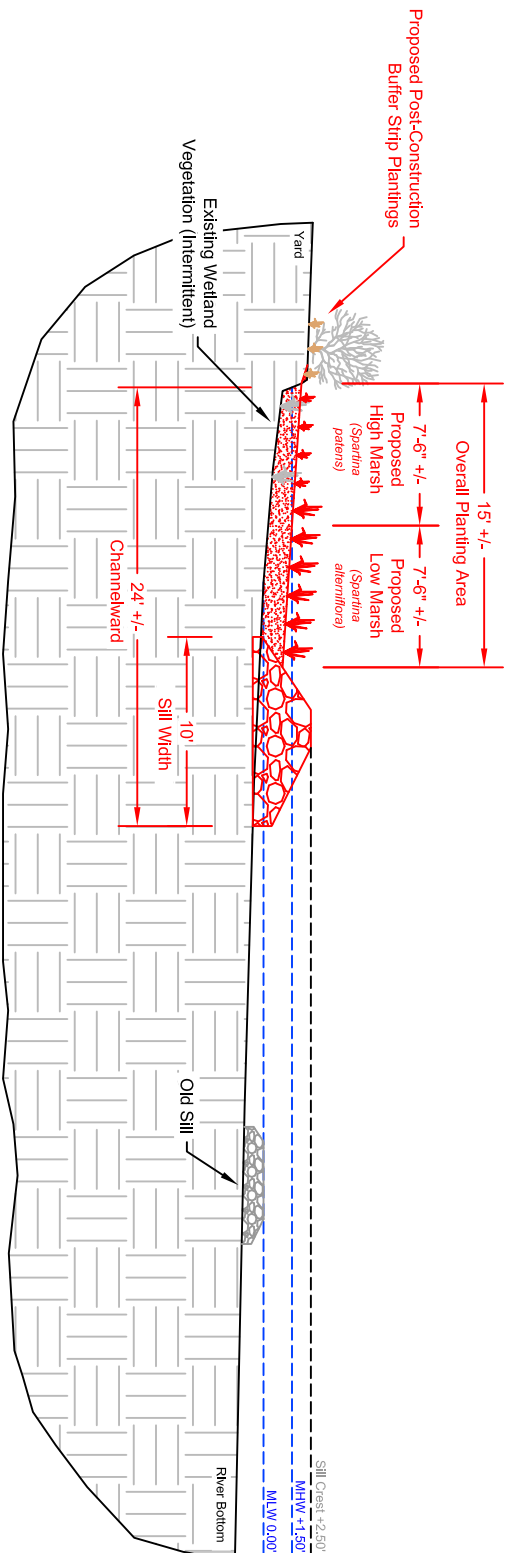
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Shoreline Stabilization Project - Proposed Plan View

Project Owner : 6184 Shipyard Lane, LLC.		Drawing Date : Apr. 1, 2019	
Location : 6184 Shipyard Lane, Easton, MD 21601		Scale : 1" = 50'	
County : Talbot	Map : 47	Parcel : 87	Lot :
Waterway : Trad Avon River	Job No. :	Drawn By : Chris Moore	Draw, User: Fed/State Permit
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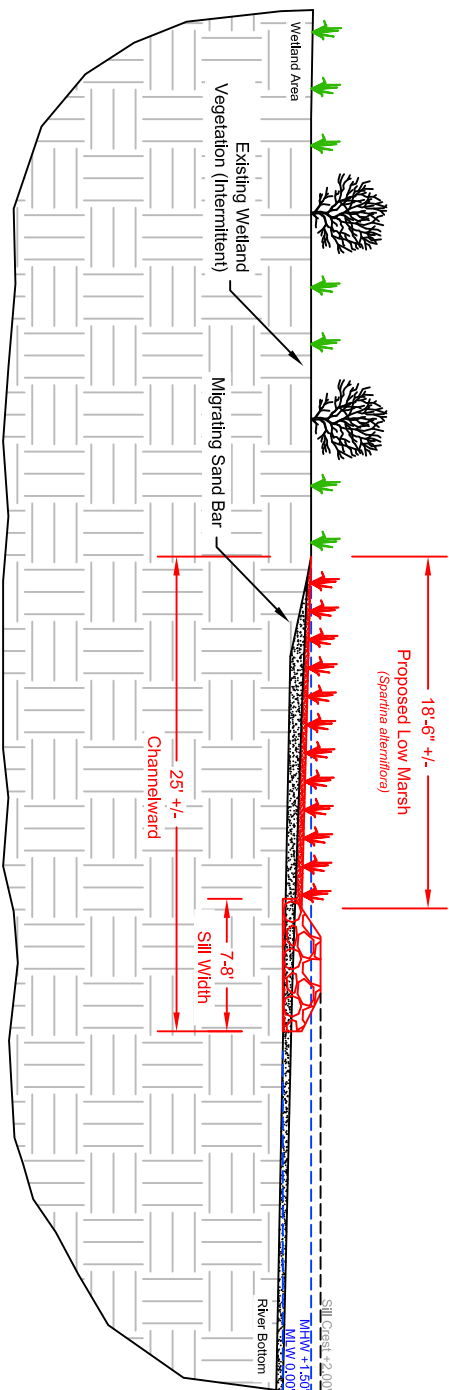
Proposed Shoreline Cross Section A1

Scale: 1" = 10'



Proposed Shoreline Cross Section A2

Scale: 1" = 10'



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Shoreline Stabilization Project - XSECS

Project Owner : 6184 Shipyard Lane, LLC

Location : 6184 Shipyard Lane, Easton, MD 21601

County : Talbot

Map : 47

Parcel : 87

Lot :

Waterway : Trad Avon River

Drawing Date : Apr. 1, 2019

Scale : 1" = 10'

Job No. :

Draw. Use: Fed/State Permit

Drawn By : Chris Moore

Revision

Dates

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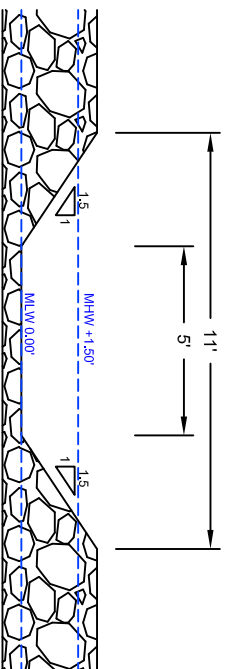
Proposed Shoreline Cross Section A3

Scale: 1" = 10'



Sill Vent Detail Typ.

Scale: 1" = 5'



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Shoreline Stabilization Project - XSECS

Project Owner : 6184 Shipyard Lane, LLC

Location : 6184 Shipyard Lane, Easton, MD 21601

County : Talbot

Map : 47

Parcel : 87

Lot :

Waterway : Trad Avon River

Drawing Date : Apr. 1, 2019

Scale : See Above

Job No. :

Draw. User: Fed/State Permit

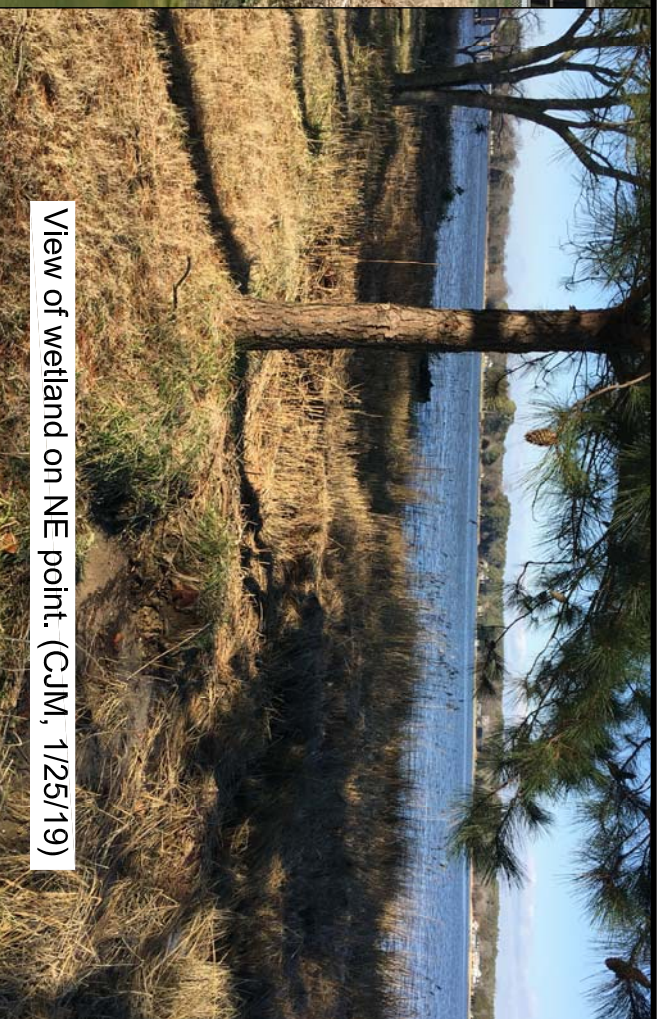
Drawn By : Chris Moore

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View of north shoreline. (JVP, 4/2/19)



View of wetland on NE point. (CJM, 1/25/19)



View of east shoreline. (CJM, 1/25/19)



View of migrating sand bar. (CJM, 1/25/19)

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Shoreline Stabilization Project - Site Photos

Project Owner : 6184 Shipyard Lane, LLC

Location : 6184 Shipyard Lane, Easton, MD 21601

County : Talbot

Map : 47

Parcel : 87

Lot :

Waterway : Trad Avon River

Drawing Date : Apr. 1, 2019

Scale : Not to Scale

Job No. :

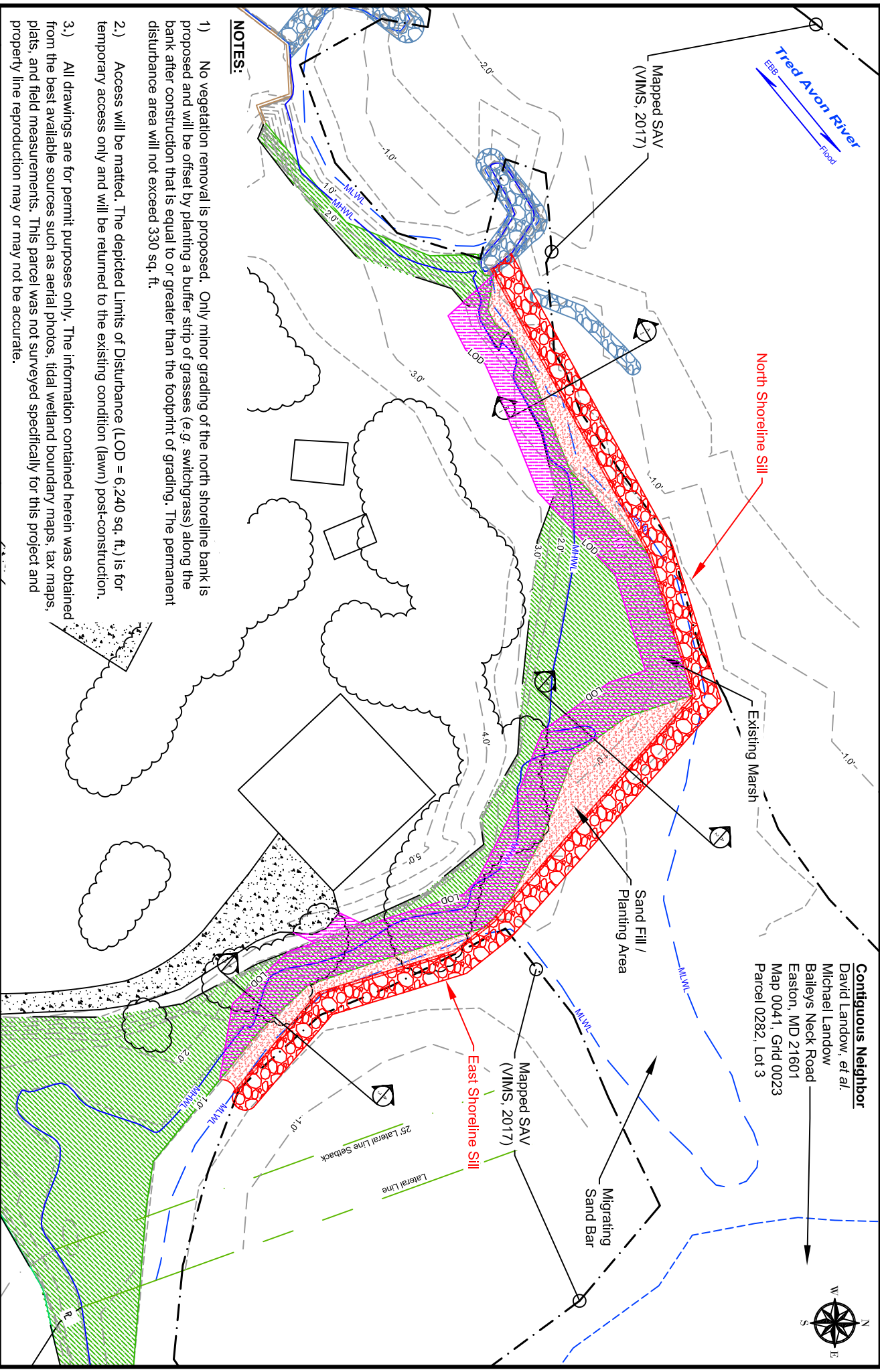
Drawn By : Chris Moore

Revision Dates

Draw. Use: Fed/State Permit

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Tred Avon River
 Flood
 EBB



Contiguous Neighbor
 David Landow, et al.
 Michael Landow
 Baileys Neck Road
 Easton, MD 21601
 Map 0041, Ghd 0023
 Parcel 0282, Lot 3

NOTES:

- 1) No vegetation removal is proposed. Only minor grading of the north shoreline bank is proposed and will be offset by planting a buffer strip of grasses (e.g. switchgrass) along the bank after construction that is equal to or greater than the footprint of grading. The permanent disturbance area will not exceed 330 sq. ft.
- 2) Access will be matted. The depicted Limits of Disturbance (LOD = 6,240 sq. ft.) is for temporary access only and will be returned to the existing condition (lawn) post-construction.
- 3) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

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Shoreline Stabilization Project - DRAFT BMP

Project Owner : 6184 Shipyard Lane, LLC.		Drawing Date : Apr. 1, 2019	
Location : 6184 Shipyard Lane, Easton, MD 21601		Scale : 1" = 50'	
County : Talbot	Map : 47	Parcel : 87	Lot :
Waterway : Tred Avon River		Job No. :	
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		Draw. User: Fed/State Permit	
Revision Dates			