



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2019-60892-M12 (TLS Enterprises/Tidal Marsh
Creation)

PN 19-47

Comment Period: July 29, 2019 to August 29, 2019

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AT THIS TIME AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

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 Section 404 of the Clean Water Act (33. U.S.C. 1344)** as described below:

APPLICANT: TLS Enterprises, LLC
Attn: Sue Ann Russ
24579 Deep Neck Road
Royal Oak, Maryland 21662

WATERWAY AND LOCATION OF THE PROPOSED WORK: All work is proposed in Irish Creek, Royal Oak, Talbot County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct 675 linear feet of tidal living shoreline and, maintain 25 feet of existing stone revetment. The construction of the living shoreline would require the discharge of 906 cubic yards of clean sand into an approximate 16,294 square foot area that would be planted with *Spartina alternifolia* and *Spartina patens*. The filled areas would be contained with 8 segmented stone sills that would extend a maximum of 27 feet from the approximate mean high water shoreline (MHW) where stone would be discharged into an approximate 4,270 square foot area in Irish Creek. The maintenance of the revetment as proposed would require the discharge of stone into an approximate 100 square foot area with the stone extending a maximum of 2 feet channelward of the approximate MHW shoreline.

All work would be completed in accordance with the attached plans dated June 26, 2019. If you have any questions concerning this matter, please contact Steve Elinsky at 410.962.4503 or, Steve.Elinsky@usace.army.mil.

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.

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 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, 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.

SUBMISSION OF COMMENTS: 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: Steve Elinsky, CENAB-OPR-M], 2 Hopkins Plaza, Regulatory Branch, Baltimore, MD 21201 or, Steve.Elinsky@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 the Chesapeake Bay complex for EFH as described under the MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile; Black sea bass (*Centropristus striata*)

juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; Paralichthys dentatus (summer flounder) juvenile and adult; Clupea harengus (Atlantic herring) juvenile and adult; Raja eglanteria (clearnose skate) juvenile and adult; Leucoraja erinacea (little skate) adult; Leucoraja ocellata (winter skate) adult; and the eggs, larvae, juvenile, and adult stages of Urophycis chuss (red hake), Sciaenops ocellatus (red drum), Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (Spanish mackerel), and Rachycentron canadum (cobia), managed species under the MSFCMA., 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. The project may have an adverse effect on EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly mud substrate which does not support SAV. The project area is not a Habitat Area of Particular Concern (HAPC). According to the Virginia Institute of Marine Science (VIMS) survey maps, there was SAV within the area from 1984 to 2016. 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. 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, Montgomery Park Business Center, 1800 Washington Boulevard, 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 approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months 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 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

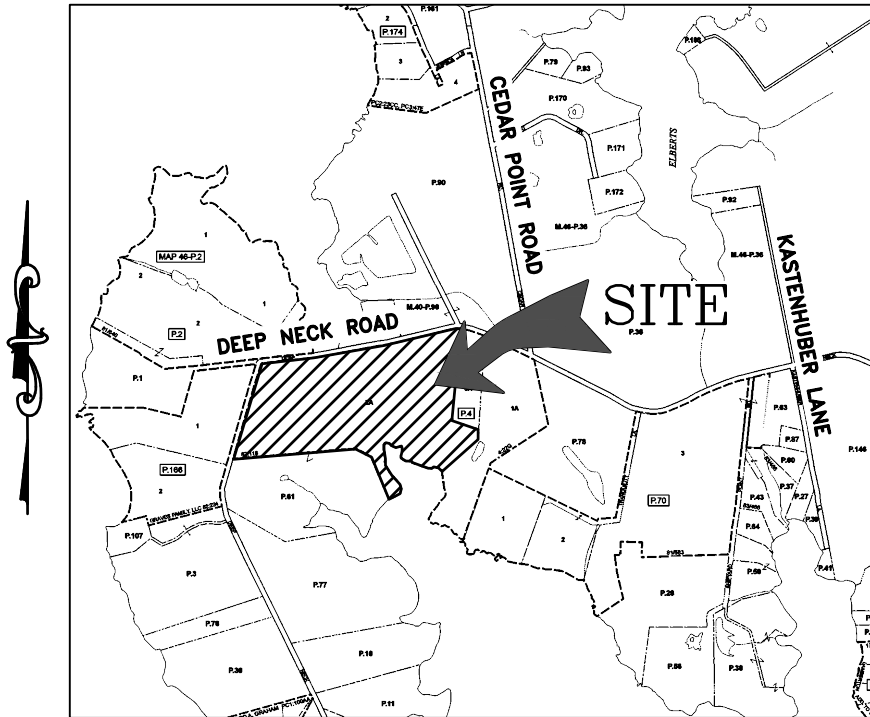
become available which could modify this preliminary determination.

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 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, 2 Hopkins Plaza, Baltimore, MD 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 known by you to be interested and not being known to this office, who did not receive a copy of this notice. This public notice is issued by the Chief, Regulatory Branch.

TIDAL WETLAND PERMIT DRAWINGS
PREPARED FOR
TLS ENTERPRISES, LLC
IN THE SECOND ELECTION DISTRICT
TALBOT COUNTY, MARYLAND



VICINITY MAP
SCALE: 1" = 2,000'

ENGINEER

Lane Engineering, LLC
117 BAY STREET
EASTON, MARYLAND 21601
(410) 822-8003

OWNER/DEVELOPER

TLS ENTERPRISES, LLC
C/O SUE RUSS
24579 DEEP NECK ROAD
ROYAL OAK, MD 21662

PROJECT LOCATION

24579 DEEP NECK ROAD
ROYAL OAK, MD 21662

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	03/22/19	DSW				
MDE & USACE SUBMITTAL	06/26/19	DSW				

TITLE SHEET

ON THE LANDS OF
TLS ENTERPRISES, LLC
ROYAL OAK, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 46, GRID 2, PARCEL 4, LOT 2A

Lane Engineering, LLC

Established 1986
Civil Engineers • Land Planning • Land Surveyors



E-mail: general@leinc.com
117 Bay St. Easton, MD 21601 (410) 822-8003
15 Washington St. Cambridge, MD 21613 (410) 221-0818
354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

SHEET No.
1 OF 10
DATE: AS NOTED
SCALE: AS NOTED
JOB No. 190036
FILE No. A412

LEGEND & ABBREVIATIONS

MLW MEAN LOW WATER (APPROX)
MHW MEAN HIGH WATER (APPROX)
EX EXISTING
PROP PROPOSED
TYP TYPICAL
APPROX APPROXIMATE

PROPERTY LINE

APPROX TREE LINE

LIMITS OF 2017 MAPPED SAV

SAV17

LIMITS OF 2016 MAPPED SAV

SAV16

LIMITS OF 2015 MAPPED SAV

SAV15

LIMITS OF TIDAL WETLANDS

TW

PROPOSED TURBIDITY CURTAIN

X X X

MARSH VEGETATION



EXISTING TREE



SPOT ELEVATION

X-2.15

SITE NOTES:

1. TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
2. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
3. MEAN TIDAL RANGE = 1.62'
4. LOT SIZE = 62.024 AC±
5. LOT DEPTH = 1,643'±
6. ROAD FRONTAGE = 3,076'±
7. LOT WIDTH AT SHORELINE = 1,536'±
8. MAXIMUM CHANNELWARD ENCROACHMENT = 27'±
9. ZONING CLASSIFICATION = RC (RURAL CONSERVATION DISTRICT)
10. 911 ADDRESS = 24579 DEEP NECK ROAD ROYAL OAK, MD 21662

AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN HEREON, WITH LATERAL LINES, SETBACKS AND SHORELINE ARE TAKEN FROM GENERAL MAPS, DEED, PLAT, SITE SKETCH AND AERIAL PHOTO INTERPRETATION. A PROPERTY LINE SURVEY WAS NOT PERFORMED. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING FEATURES INCLUDING PROPERTY LINES, SHORELINES, EXISTING PIERS, OTHER STRUCTURES, AND SOUNDINGS HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC. THIS SKETCH IS FOR PERMIT PURPOSES ONLY AND IS NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

SITE & PROJECT NOTES

ON THE LANDS OF
TLS ENTERPRISES, LLC
ROYAL OAK, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 46, GRID 2, PARCEL 4, LOT 2A

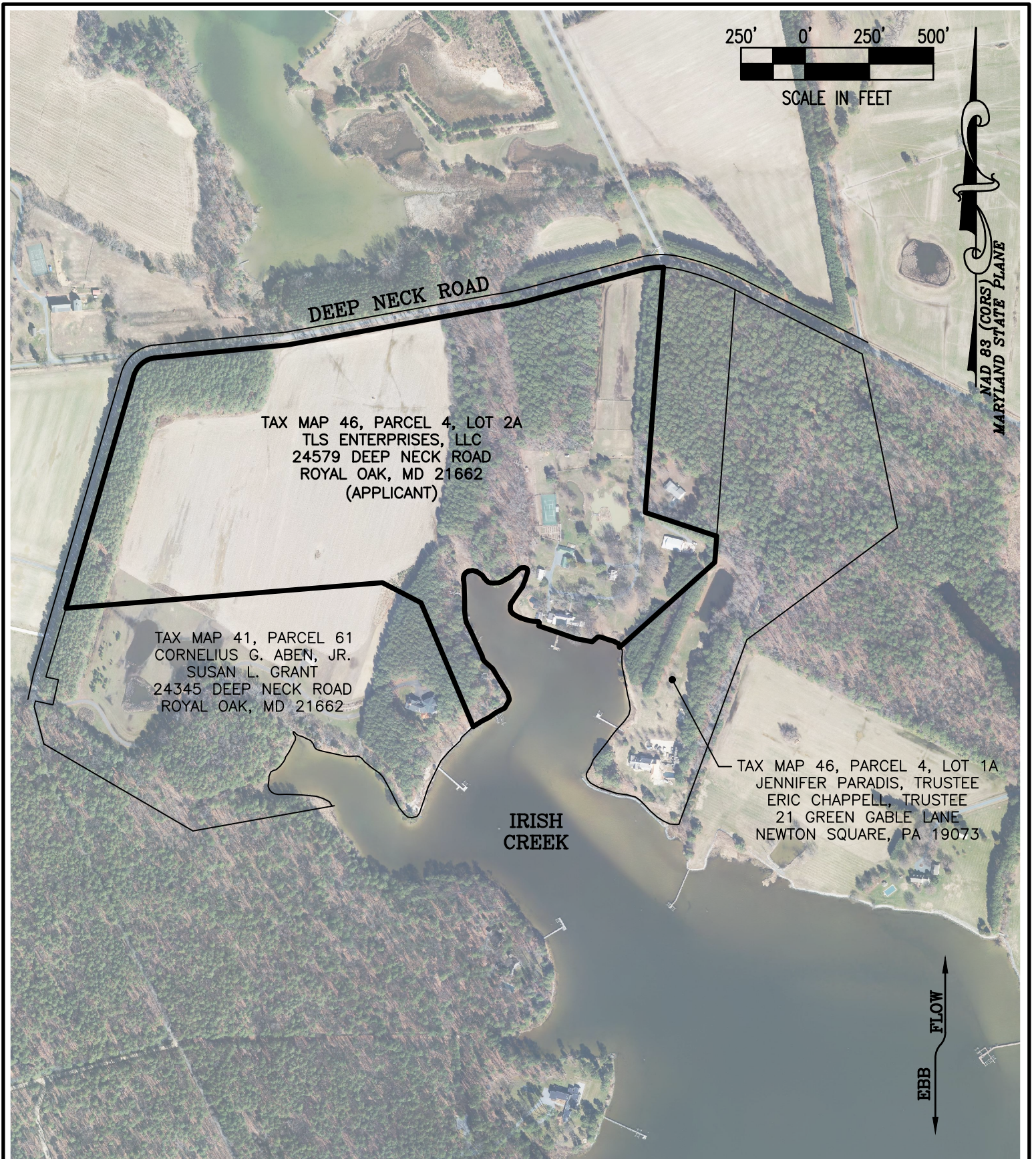
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SITE OVERVIEW

ON THE LANDS OF
 TLS ENTERPRISES, LLC
 ROYAL OAK, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
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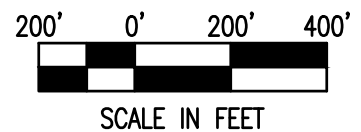
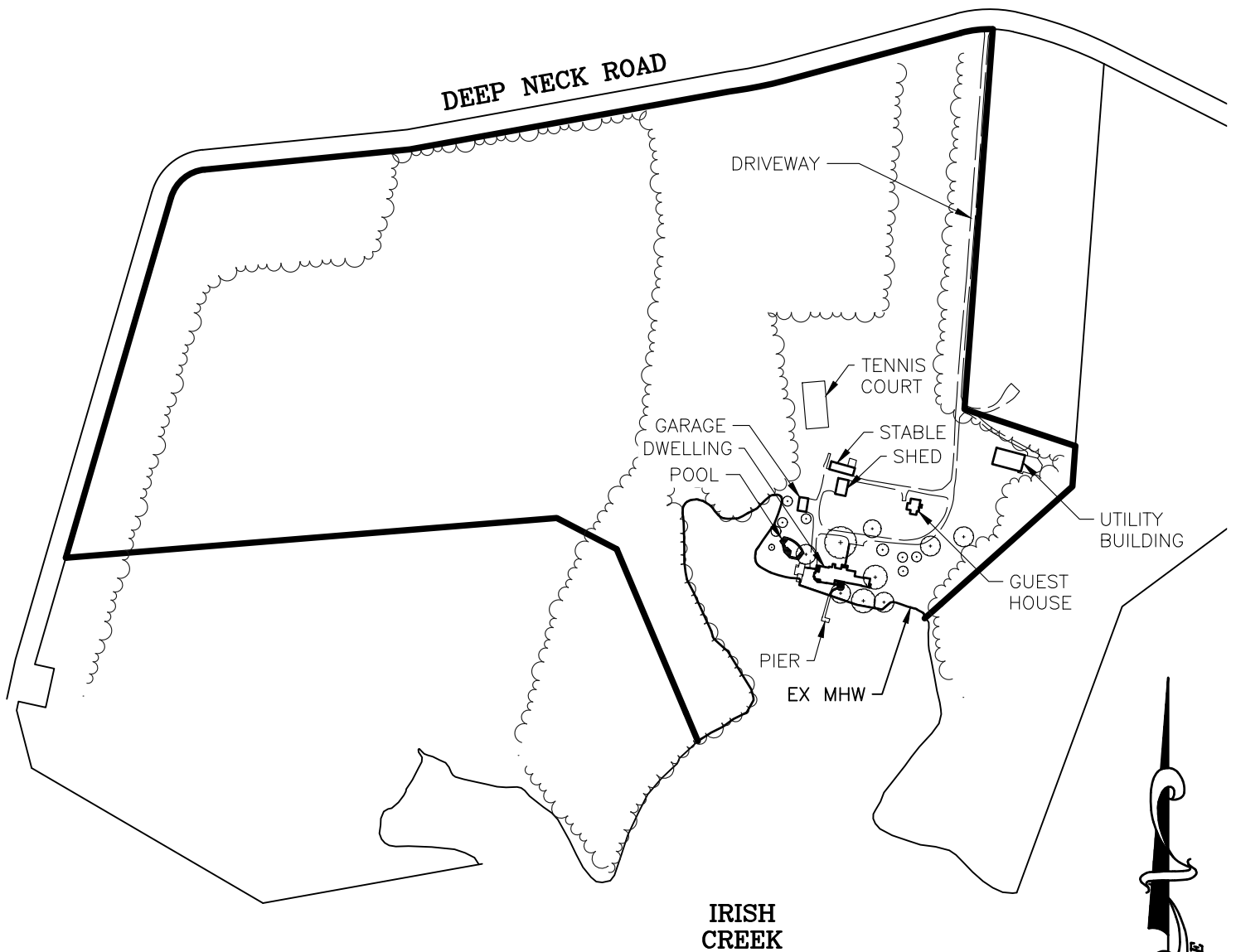
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NOTE: INDIVIDUAL TREES ARE ONLY SHOWN IN WORK AREAS

NAD 83 (CORS)
MARYLAND STATE PLANE

EXISTING CONDITIONS OVERVIEW

ON THE LANDS OF
TLS ENTERPRISES, LLC
ROYAL OAK, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 46, GRID 2, PARCEL 4, LOT 2A

Lane Engineering, LLC

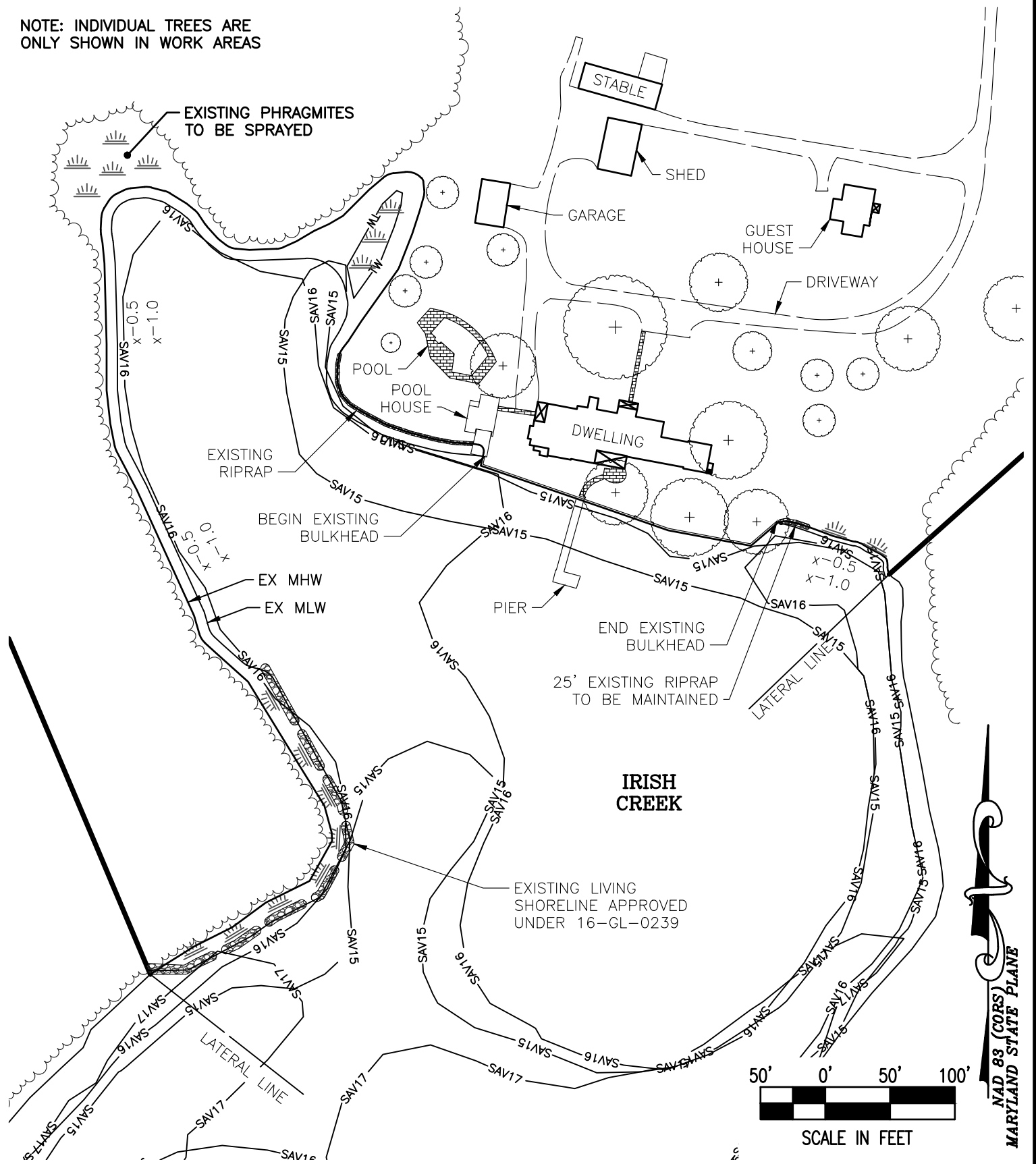
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EXISTING CONDITIONS

ON THE LANDS OF

TLS ENTERPRISES, LLC

ROYAL OAK, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY

TAX MAP 46, GRID 2, PARCEL 4, LOT 2A

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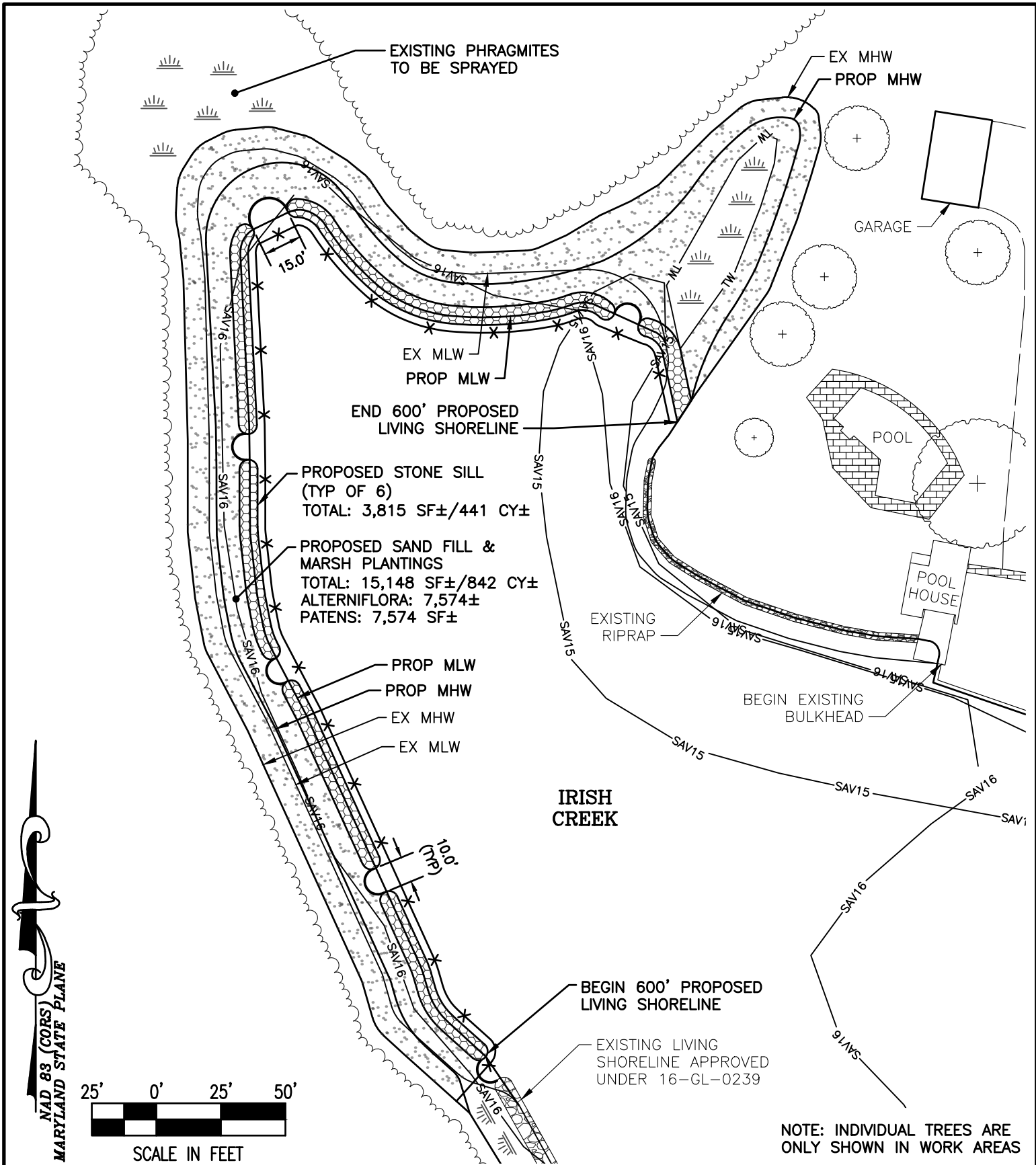


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PROPOSED IMPROVEMENTS (WEST)

ON THE LANDS OF
TLS ENTERPRISES, LLC
ROYAL OAK, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 46, GRID 2, PARCEL 4, LOT 2A


Lane Engineering, LLC

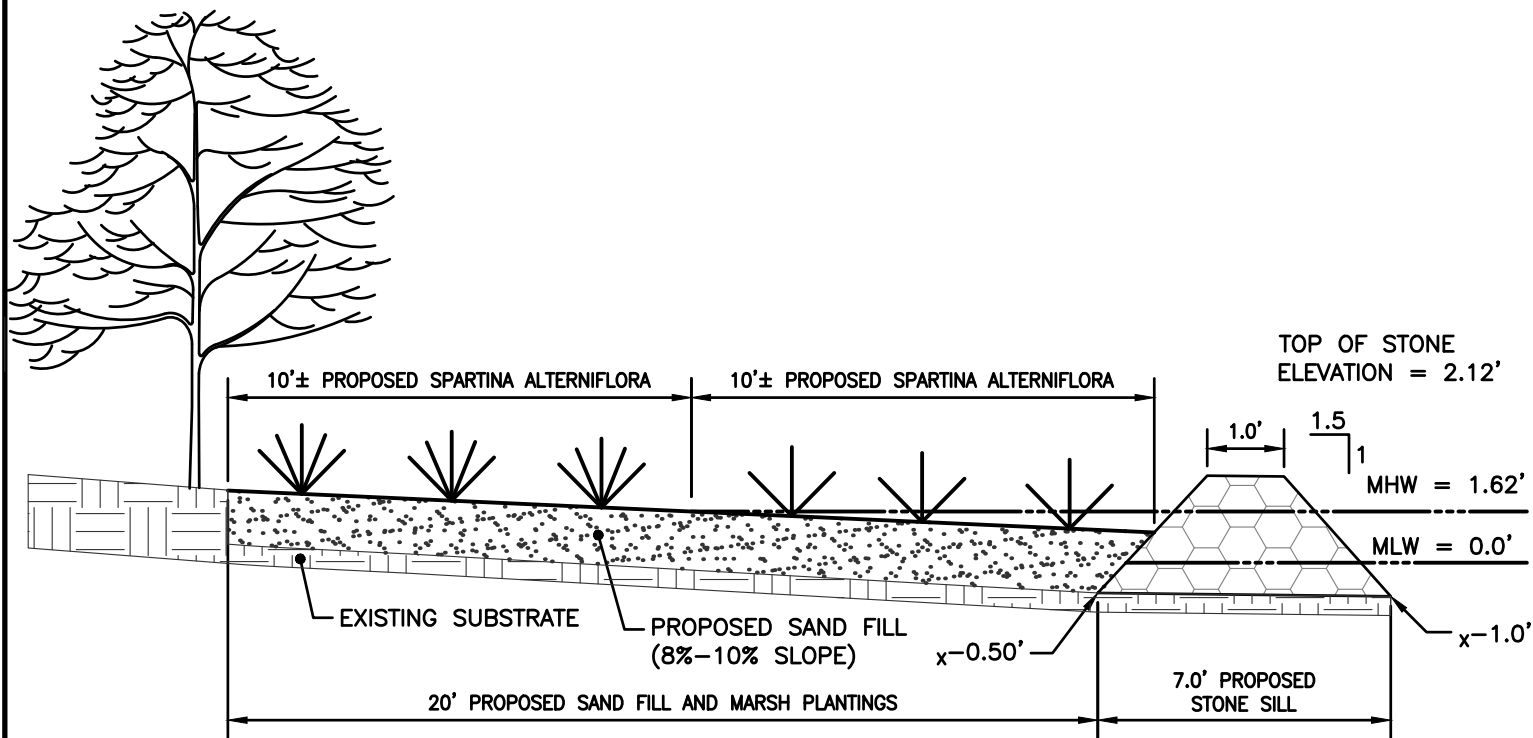
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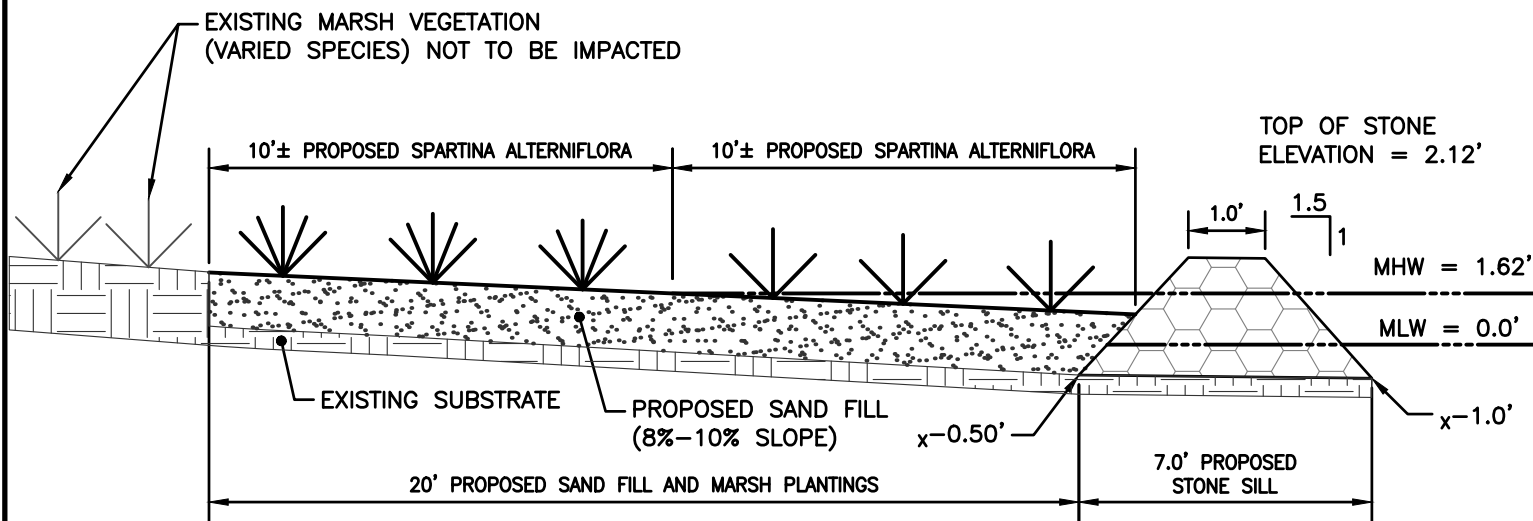
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SHEET No. 7 OF 10	PROPOSED IMPROVEMENTS (EAST)		Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyors 	
	ON THE LANDS OF TLS ENTERPRISES, LLC ROYAL OAK, MARYLAND		E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095	
	IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY TAX MAP 46, GRID 2, PARCEL 4, LOT 2A			
Date: 06/26/2019 - 3:45pm User: dwalton Project Manager: JSC Drawing Path: J:\2019\0000\190036\Civil3D-190036\Drawg\Plots\HMP-PLTS-190036.dwg Sheet 7 of 10 XREF File(s): GBS-BASE-LETR-190036/RAR-BASE-190036/RDL-BASE-190036/CSP-BASE-MARINE-190036				




LIVING SHORELINE DETAIL
NOT TO SCALE

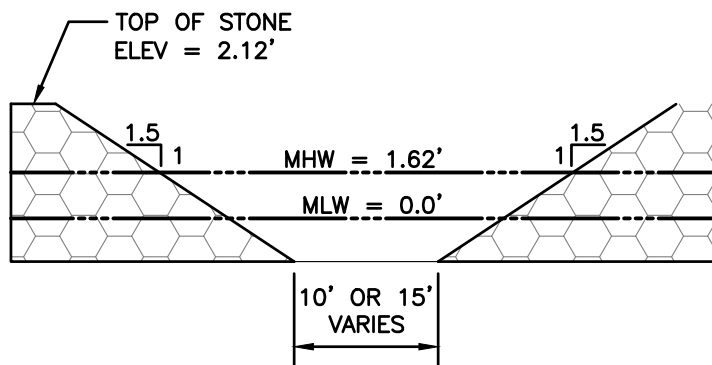
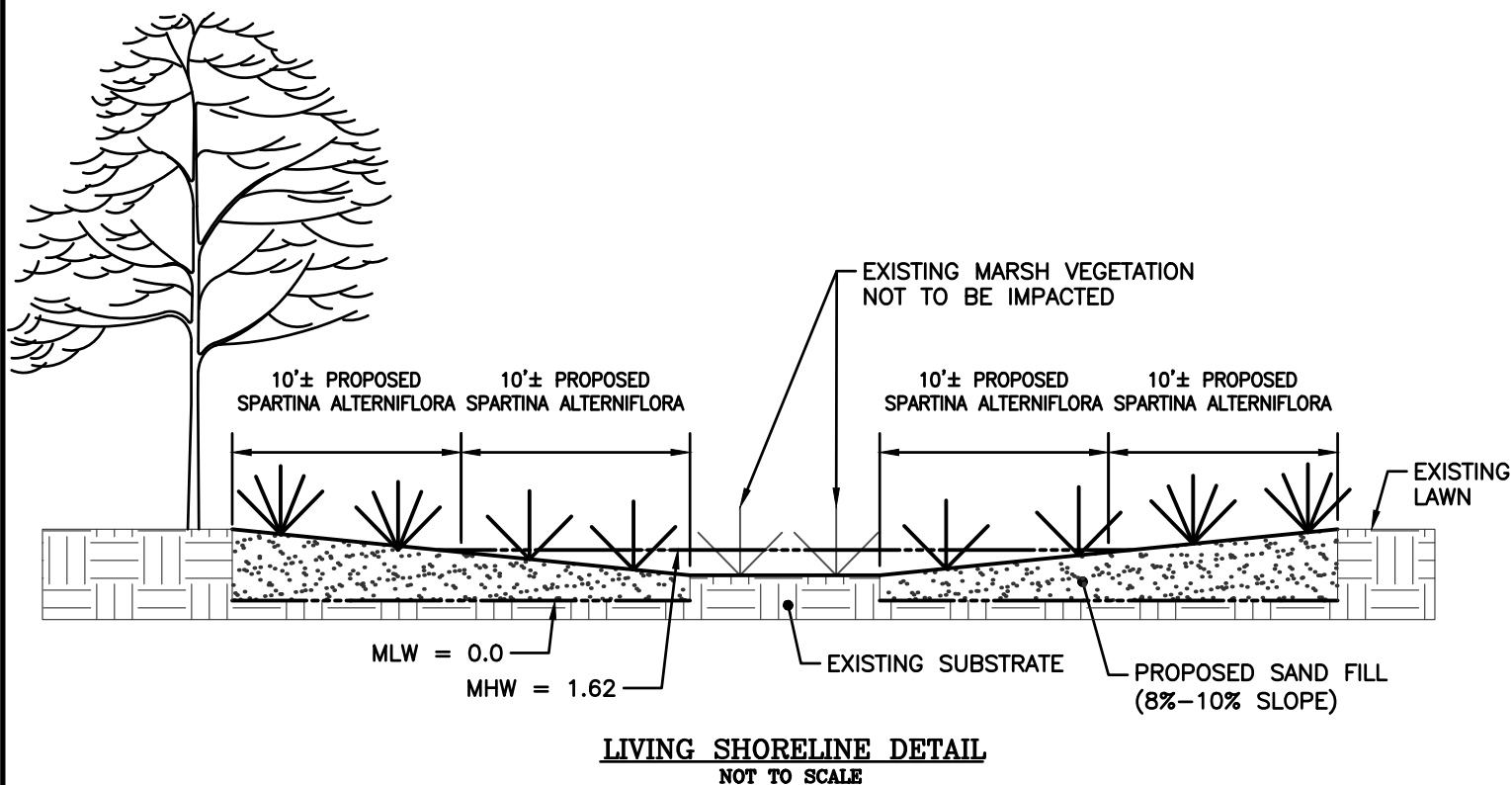


LIVING SHORELINE ADJACENT TO MARSH DETAIL
NOT TO SCALE

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DETAILS
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ROYAL OAK, MARYLAND
IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 46, GRID 2, PARCEL 4, LOT 2A

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DETAILS

**ON THE LANDS OF
TLS ENTERPRISES, LLC
ROYAL OAK, MARYLAND**

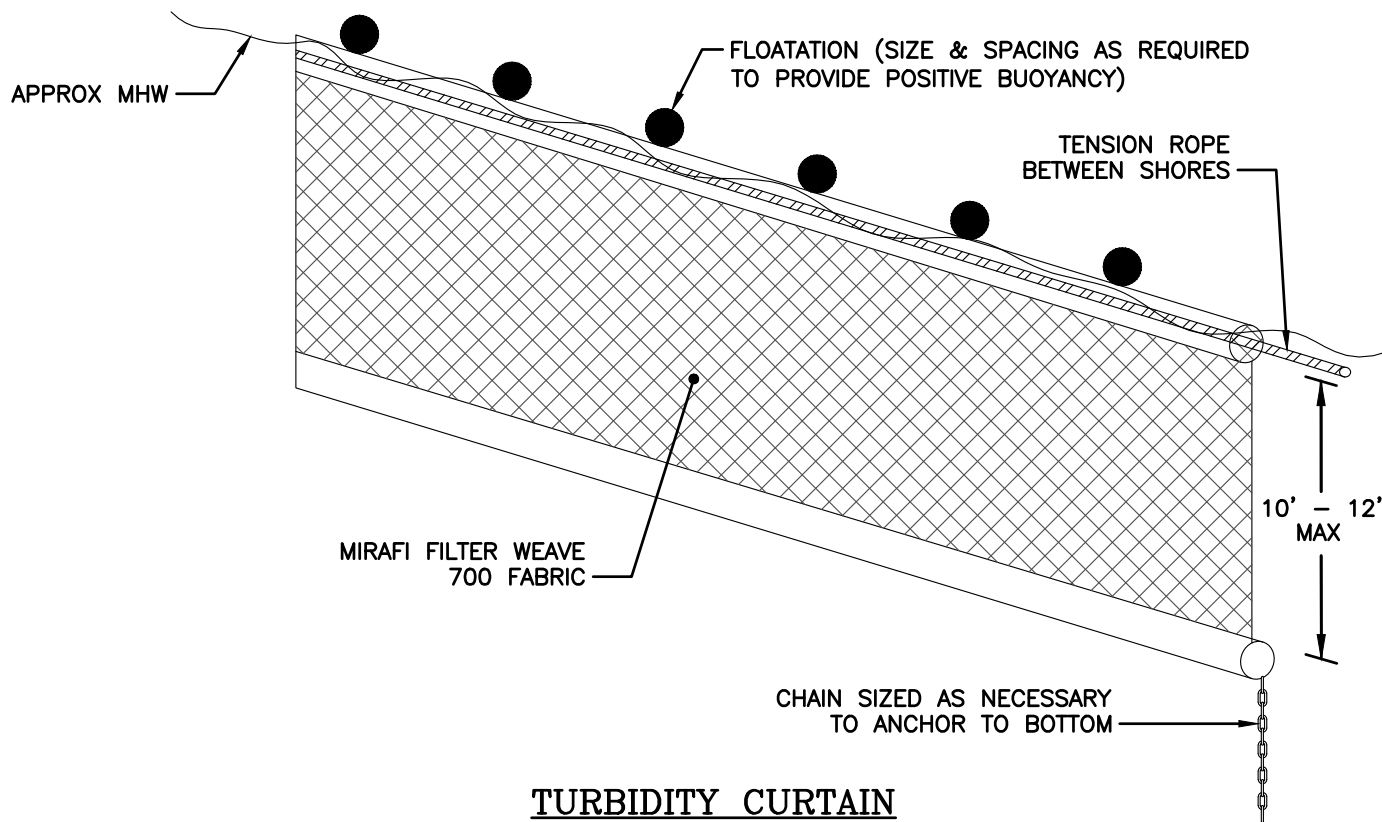
**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 46, GRID 2, PARCEL 4, LOT 2A**

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DETAILS

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ROYAL OAK, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
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