



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

Public Notice

In Reply to Application Number

NAB-2019-60880 (Airedele Road, LLC/Living Shoreline, Sill,
and Intake Pipes)

PN 19-49

Comment Period: July 31, 2019 to August 30, 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.

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: Mr. Patrick Hudson
Airedele Road, LLC
49944 Airedele Road
Ridge, Maryland 20680

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in St. Jeromes creek at 49944 Airedele Road in Ridge, St. Mary's County, Maryland.

PROJECT WORK DESCRIPTION: The applicant proposes to construct a 6-foot wide by 210-foot long stone sill for marsh edging to extend no more than 28 feet channelward of the approximate mean high water (MHW) shoreline; to create approximately 16,320 square feet of marsh by depositing approximately 900 cubic yards of clean sloped sand fill to be planted with *Spartina alterniflora* all to extend no more than 25 feet channelward of the approximate MHW shoreline; to construct a 6-foot wide by 680-foot long stone sill and; and to install six 2.5-inch intake pipes with one 6-inch discharge pipe to provide water for upland aquaculture operations to extend no more than 100 feet channelward of the approximate MHW shoreline. All work is proposed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or Erica.Schmidt@usace.army.mil.

To purposes of the project are to stabilize the shoreline, protect existing marsh, and provide water for upland aquaculture operations.

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 wetland impacts are proposed. No compensatory mitigation is proposed by the applicant. The existing tidal wetlands would be enhanced and expanded. No submerged aquatic vegetation SAV is located at the project site.

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 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: Mrs. Erica Schmidt, CENAB-OPR-M], 2 Hopkins Plaza, Baltimore, Maryland 21201 or Erica.Schmidt@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 the St. Jeromes River complex for EFH as described under the MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; *Raja eglanteria* (clearnose skate) juvenile and adult; *Leucoraja ocellata* (winter skate) adult; *Clupea harengus* (atlantic herring) juvenile and adult; *Leucoraja erinacea* (little skate) adult; and the eggs, larvae, juvenile, and adult stages of *Urophycis chuss* (red hake) 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. 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. The project area is not a Habitat Area of Particular Concern (HAPC).

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 may affect but is not likely to adversely effect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended because the proposed work does not extend into water depths sufficient for listed species within the marsh stabilization and creation locations and the proposed intakes are small and would be covered with mesh. As the

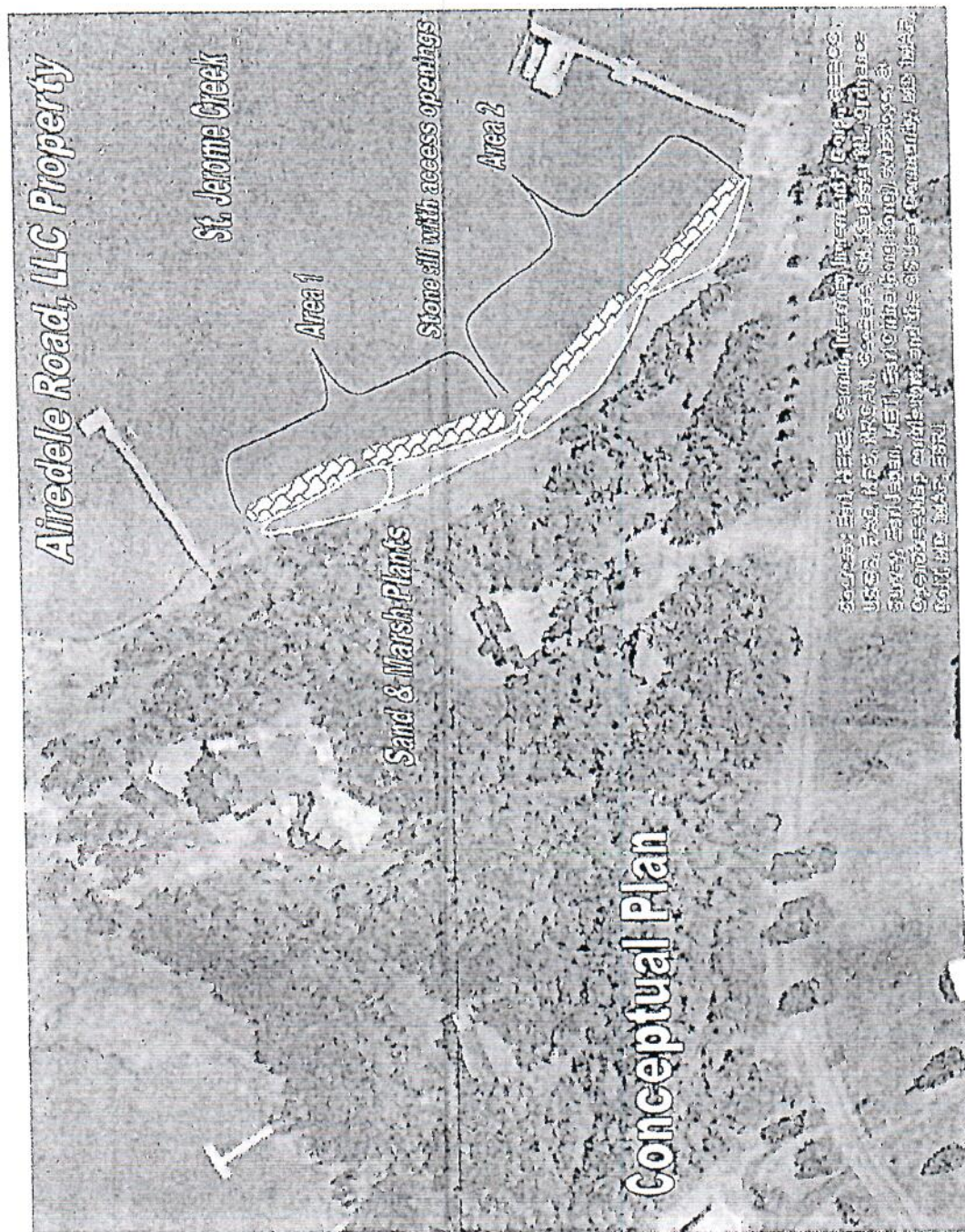
evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.

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.

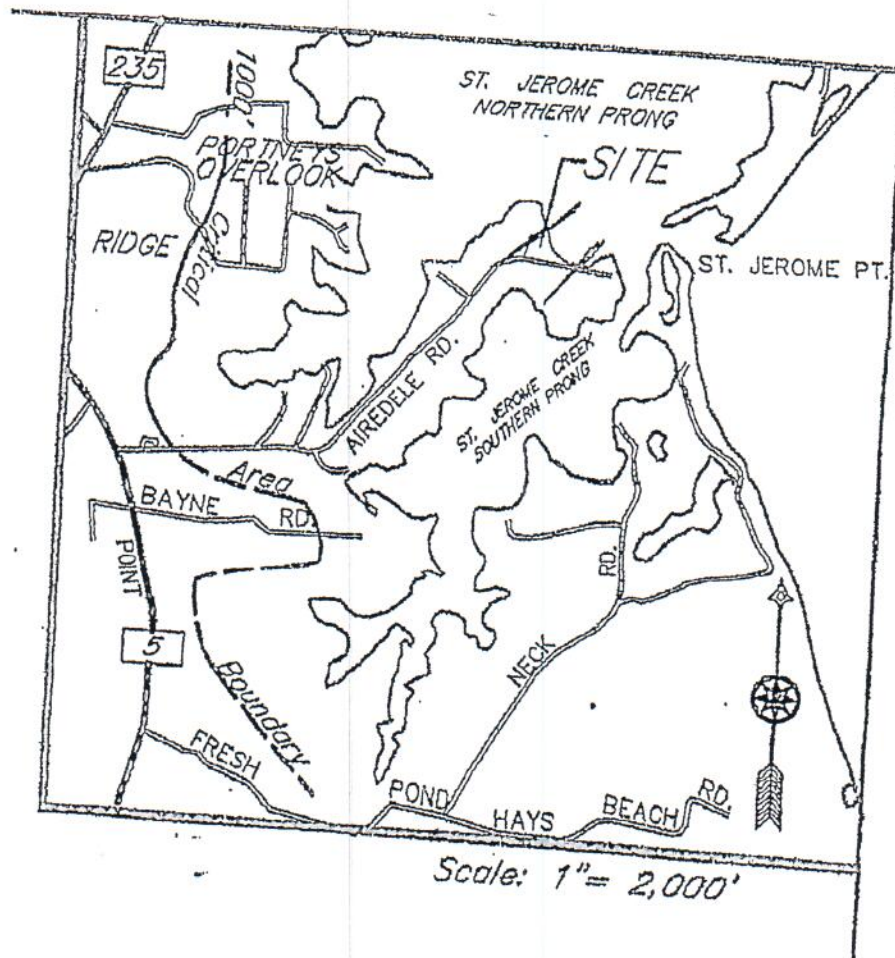
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice. If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or Erica.Schmidt@usace.army.mil.

This public notice is issued by the Chief, Regulatory Branch.

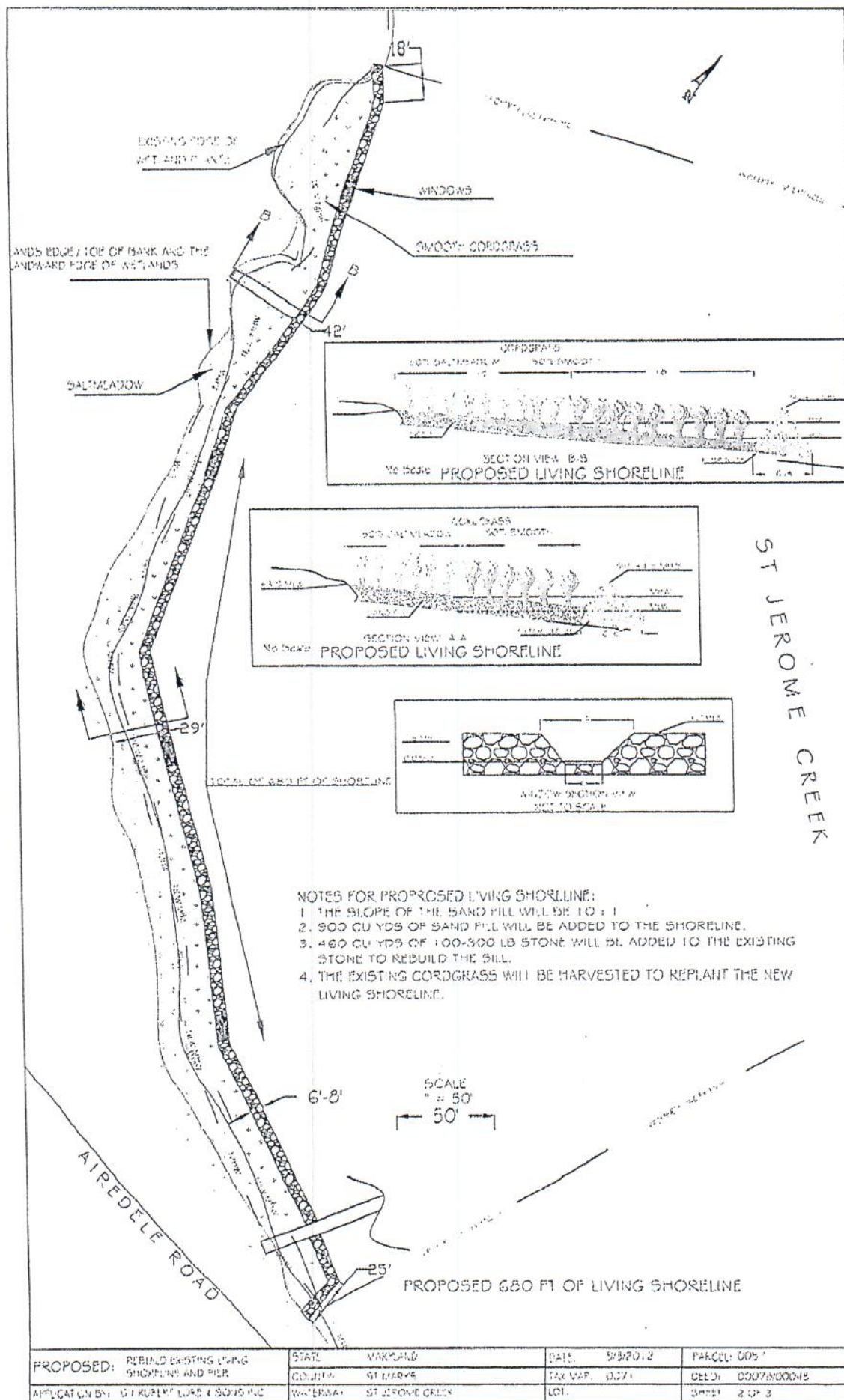


... is not statistically significant and is used to generate an approximate cost estimate.

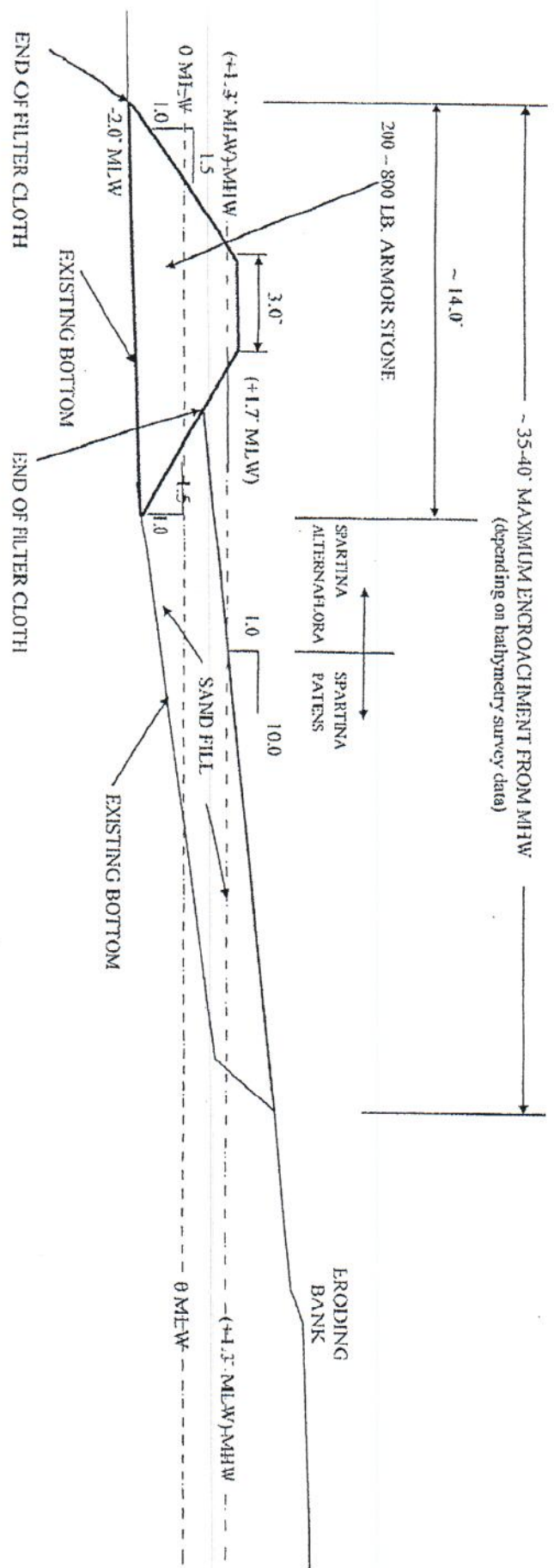
Note: The above-shown placement, location, and description of the project is entirely conceptual and is used to generate an appropriate conceptual design. A detailed topographic hydrographic survey will be needed to generate a formal design resulting in formal construction bid documents.



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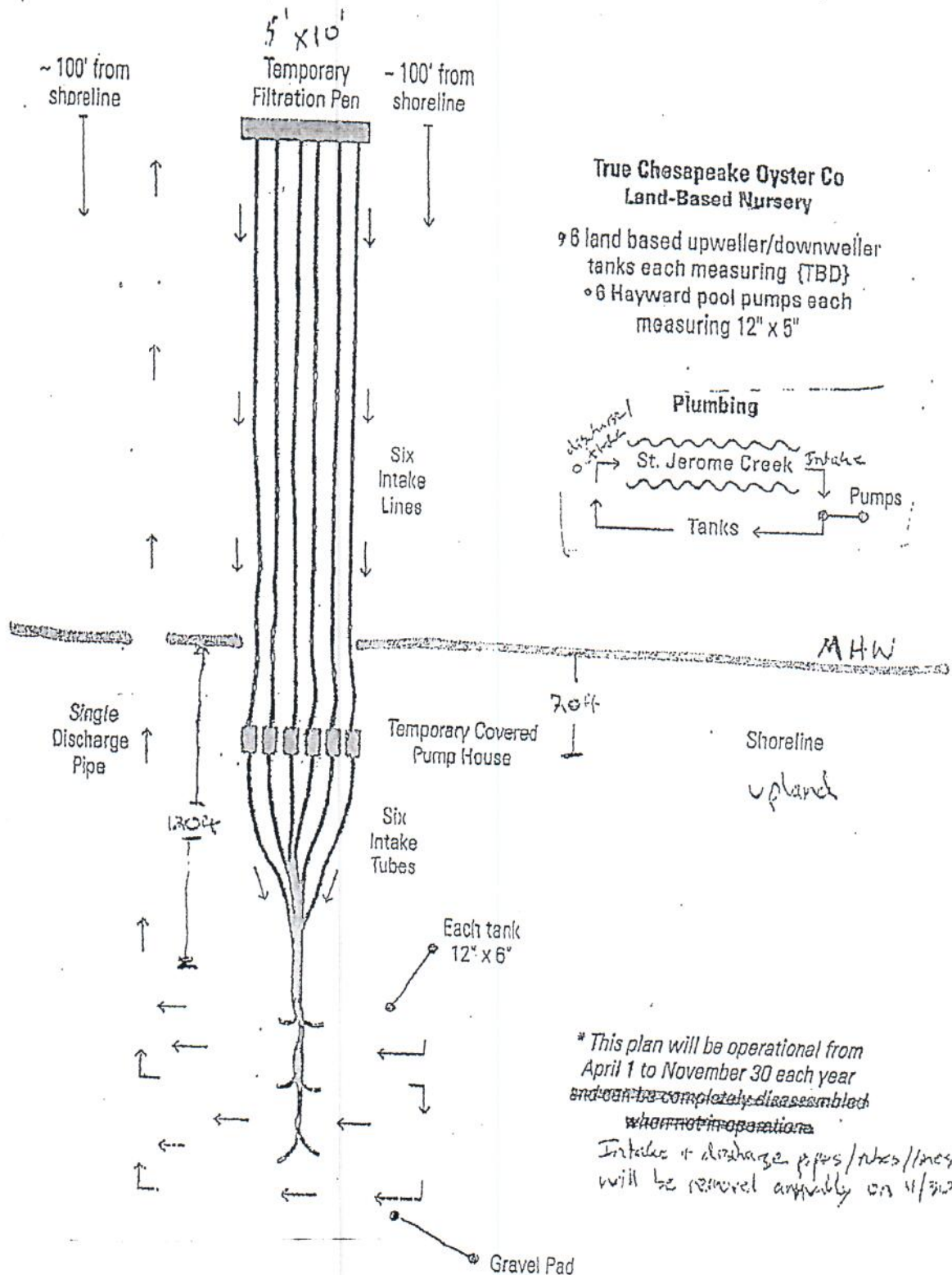
AIREDELE ROAD, LLC. (HUDSON), ST MARY'S COUNTY
 SPLIT POINT, ST JEROME CREEK
 LIVING SHORELINE
 TYPICAL SECTION - AREA 1
 STONE SILL WITH ACCESS OPENINGS, CLEAN SAND & MARSH PLANTS



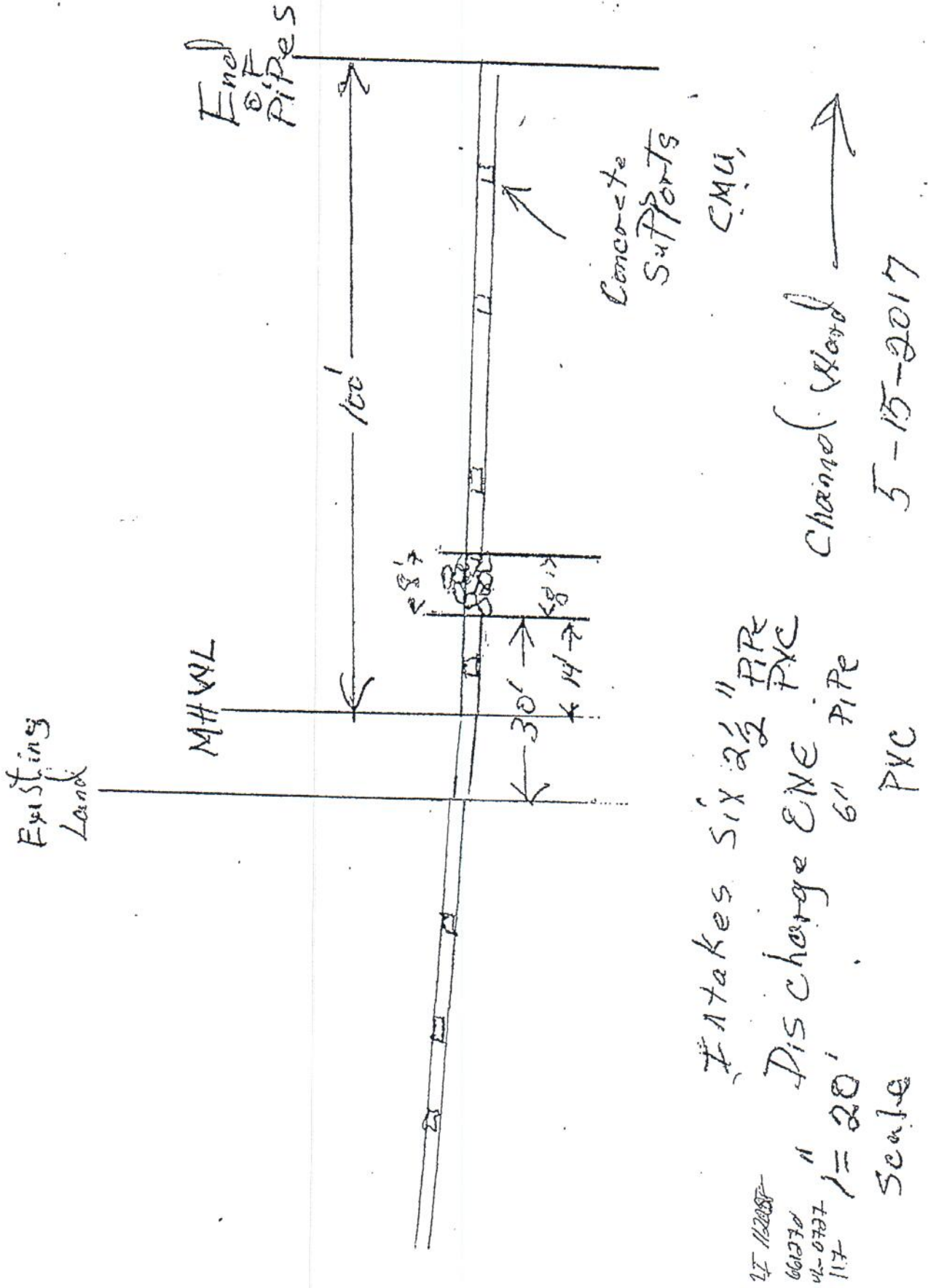
DNR
 Shoreline Conservation Service
 March 1, 2018

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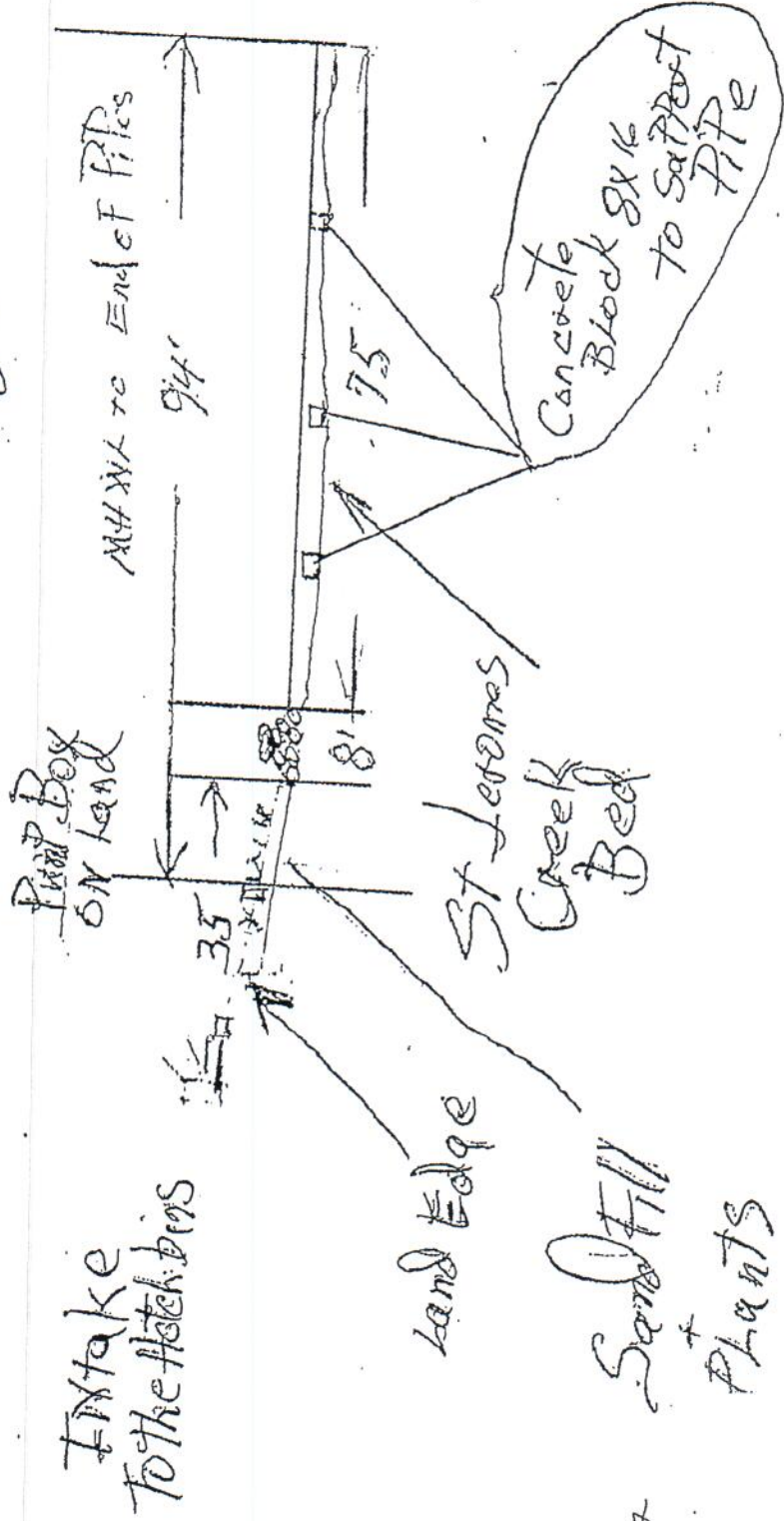




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