

Public Notice

U.S. Army Corps
of Engineers

In Reply to Application Number
**NAB-2019-60652 (Wicomico County Recreation and Parks/Roaring
Point Park Living Shoreline Project)**

Baltimore District

PN 19-68 Comment Period: October 17, 2019 to November 16, 2019

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

APPLICANT: Wicomico County Recreation & Parks
500 Glen Avenue
Salisbury, Maryland 21804

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in the Nanticoke River, at Roaring Point Park, off Red Hill Lane, in Wicomico County, Maryland. (Latitude: 38° 16' 2.3" N; Longitude 75° 54' 49.25" W).

OVERALL PROJECT PURPOSE: To provide adequate shoreline protection to approximately 345 linear feet of shoreline along the Nanticoke River, at the Wicomico County's Roaring Point Park.

PROPOSED WORK: The applicant is seeking Section 10 and 404 authorization for the following work: 1.) construct two 88-foot long spur breakwaters and a 119-foot long headland breakwater, all extending a maximum of 80 feet channelward of the mean high water line; and 2.) discharge and grade approximately 687 cubic yards of sand fill, and plant 7,150 square feet of *Spartina patens* and 625 square feet of *Spartina alterniflora*, along approximately 345 linear feet of eroding shoreline.

The work is proposed in accordance with the enclosed plans.

LEAD FEDERAL AGENCY: The U.S. Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION: Steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. The conceptual plans were modified to eliminate numerous segmented stone breakwaters in place of a single long breakwater that allowed for a more protective section of beach. In addition, no impacts are proposed to tidal wetlands or submerged aquatic vegetation habitat. Compensatory mitigation is not being proposed by the applicant for impacts to the approximate 345 linear feet of shoreline since they propose to create 7,775 square feet of intertidal wetlands vegetated with high and low marsh grasses as part of the project.

CORPS EVALUATION REQUIREMENTS: This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

ENDANGERED SPECIES: A preliminary review of this application indicates that the proposed work will have no effect on Federally-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.

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), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES: Pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

TRIBAL RESOURCES: Section 106 of the NHPA also requires federal agencies to consult with federally-recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. The lead federal agency is responsible for tribal coordination. Corps Tribal Consultation Policy

mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

WATER QUALITY CERTIFICATION: The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

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.

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

SUBMISSION OF COMMENTS: 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 and are subject to release to the public through the Freedom of Information 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 U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-OPR-P-2019-60652

PUBLIC HEARING REQUESTS: 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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

amy.h.elliott@usace.army.mil

Mrs. Amy Elliott
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
State College Field Office
1631 South Atherton Street
State College, PA 16801

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

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact Mrs. Amy Elliott, at 814-235-0573, or at amy.h.elliott@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.



0 1000 2000 Feet

COASTLINE DESIGN, P.C.

P.O. BOX 157
ACHILLES, VIRGINIA 23001
(804) 642-2158

ADJOINING PROPERTY OWNERS:

1. PATTI LIN PEPPER
2. VICTOR L. GUE

DATUM: MEAN LOW WATER

LIVING SHORELINE PROJECT AT ROARING POINT

LOCATION MAP

AT: ON THE NANTICOKE RIVER

IN: WICOMICO COUNTY, MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:
WICOMICO COUNTY

DATE: MARCH, 2019

SHEET 1 OF 7



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ADJOINING PROPERTY OWNERS

AT: ON THE NANTICOKE RIVER

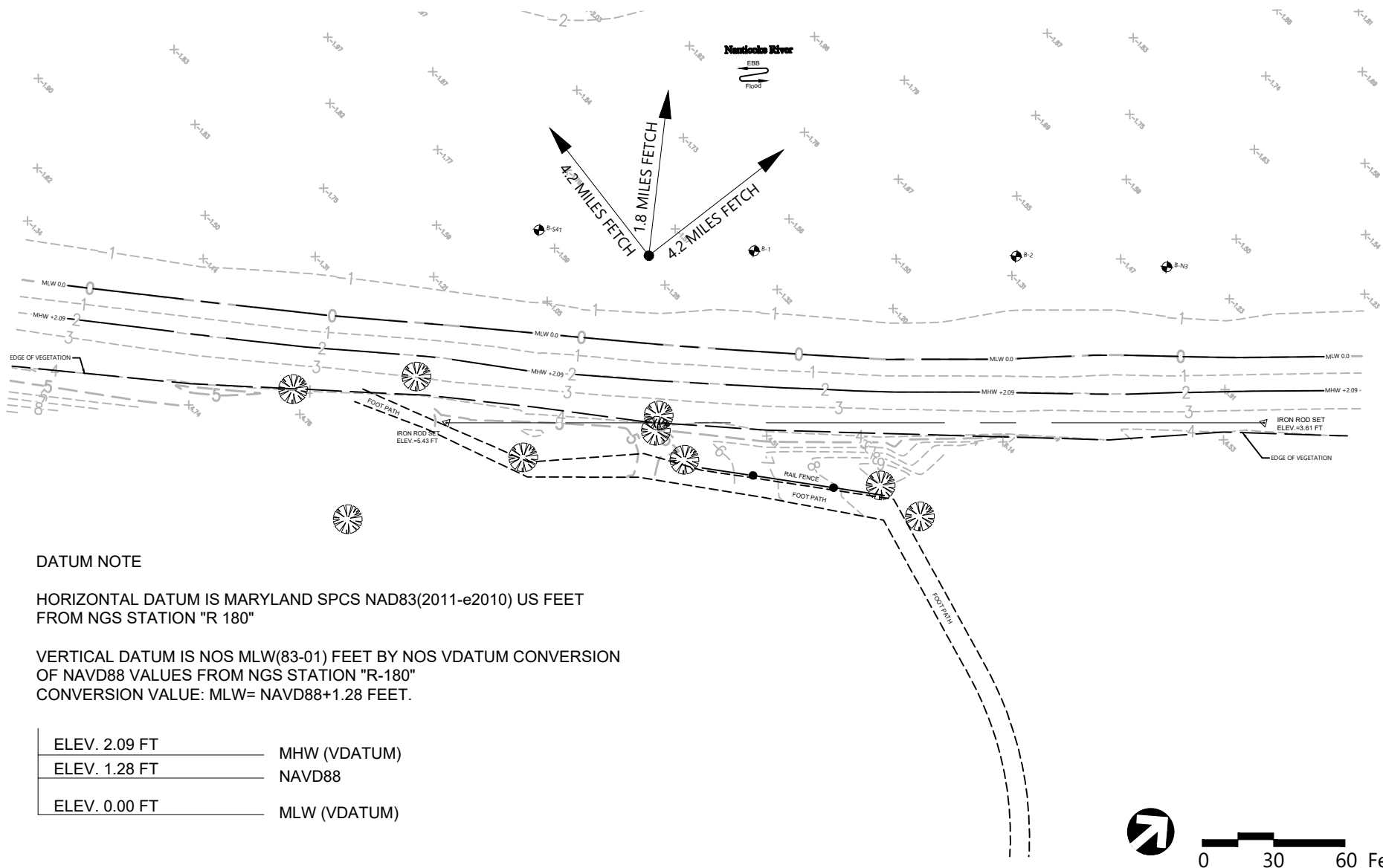
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PURPOSE: LIVING SHORELINE RESTORATION

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LIVING SHORELINE PROJECT AT ROARING POINT

EXISTING CONDITIONS

AT: ON THE NANTICOKE RIVER

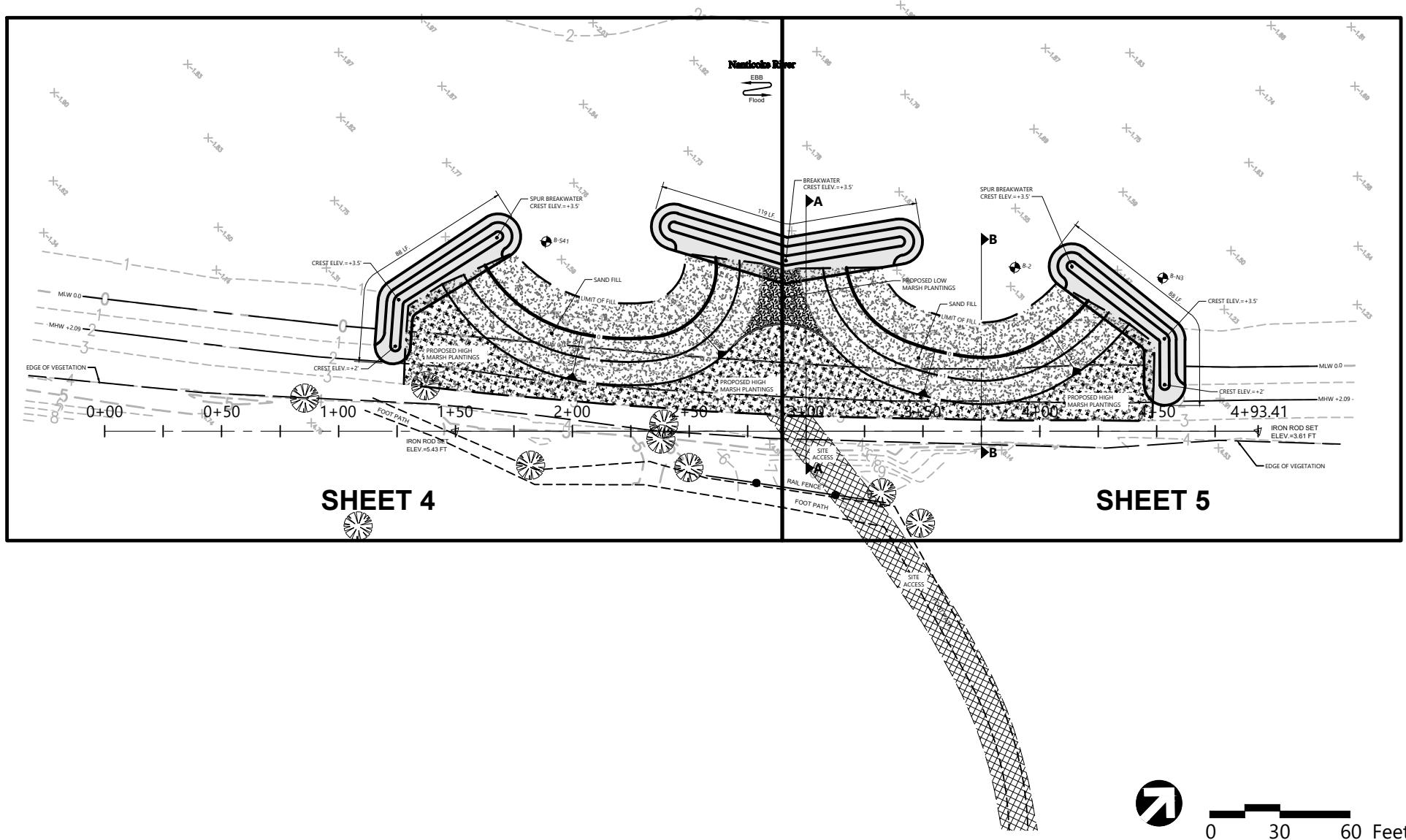
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SHEET 3 OF 7



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LIVING SHORELINE PROJECT AT ROARING POINT

OVERALL SHORELINE LAYOUT & SHEET INDEX

AT: ON THE NANTICOKE RIVER

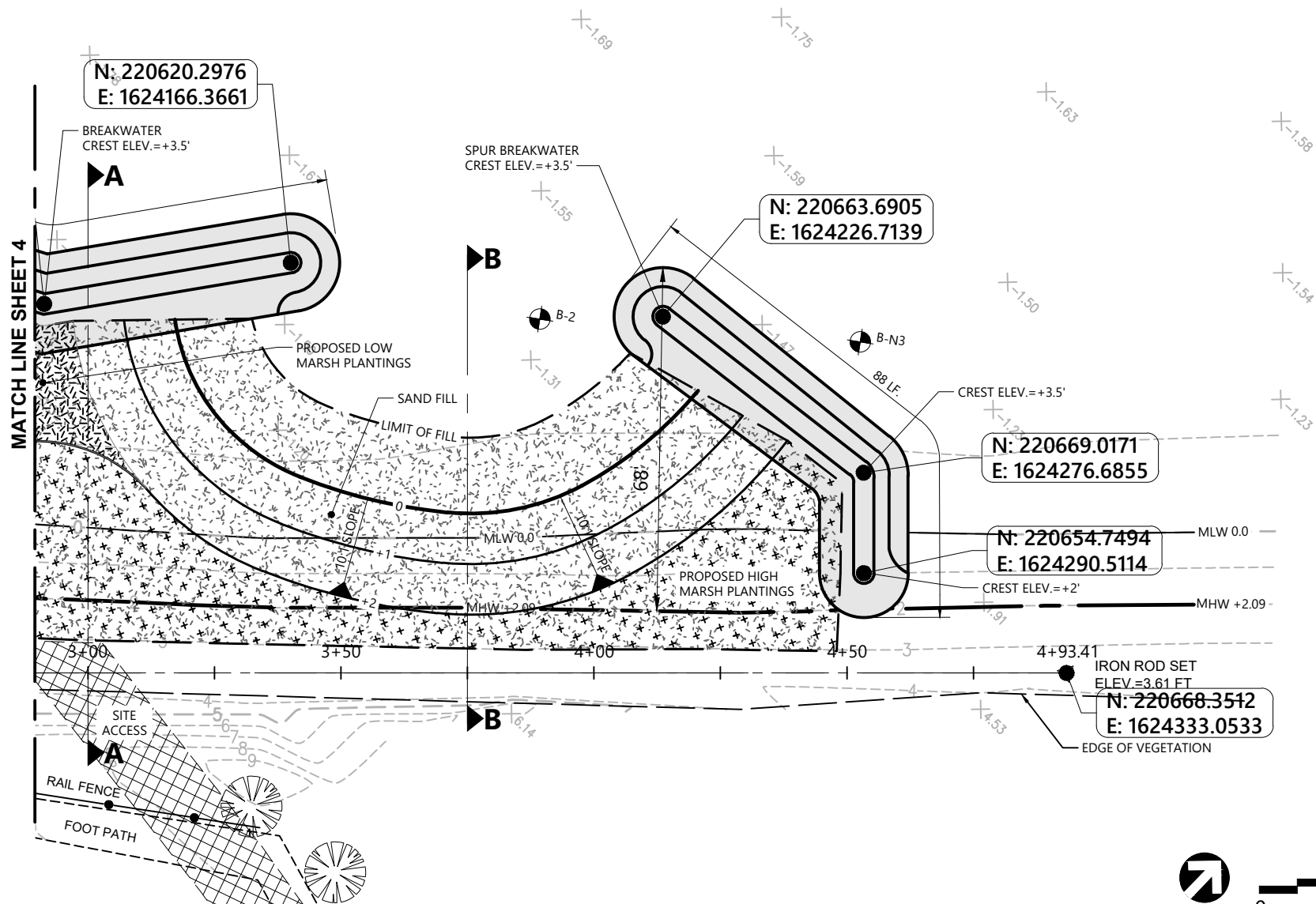
IN: WICOMICO COUNTY, MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

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SHEET 4 OF 7



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LIVING SHORELINE PROJECT AT ROARING POINT

PROPOSED SHORELINE LAYOUT

AT: ON THE NANTICOKE RIVER

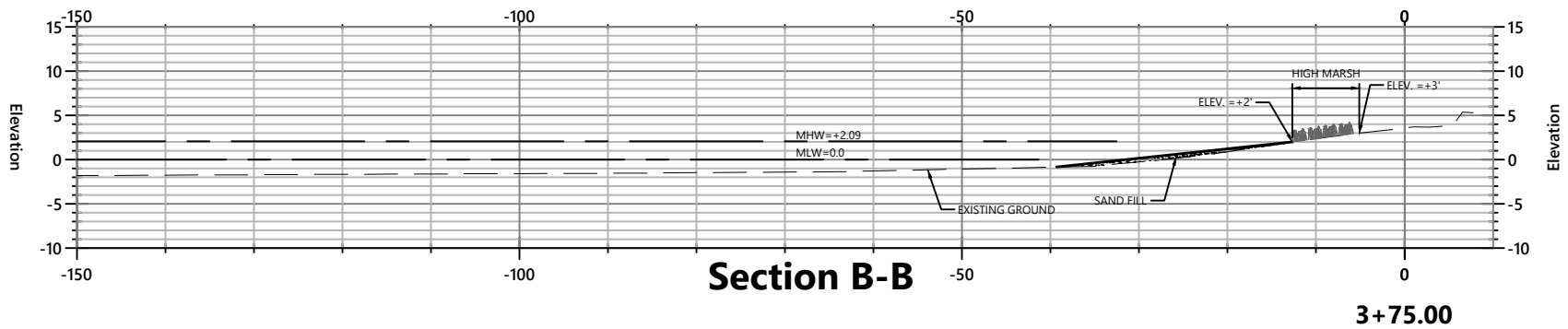
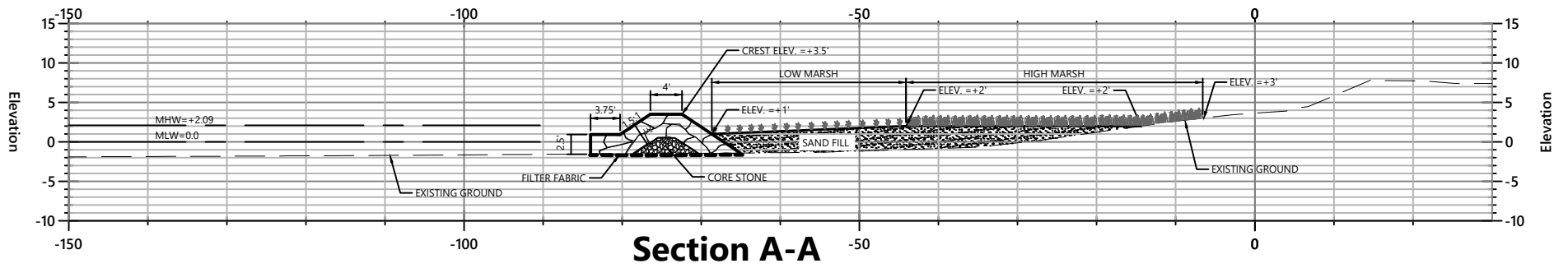
IN: WICOMICO COUNTY, MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:
WICOMICO COUNTY

DATE: MARCH, 2019

SHEET 6 OF 7



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LIVING SHORELINE PROJECT AT ROARING POINT

TYPICAL SECTIONS

AT: ON THE NANTICOKE RIVER

IN: WICOMICO COUNTY, MARYLAND

PURPOSE: LIVING SHORELINE RESTORATION

APPLICATION BY:
WICOMICO COUNTY

DATE: MARCH, 2019

SHEET 7 OF 7