

Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN-19-70

In Reply to Application Number
NAB-2019-61105 (Living Shoreline -Thomas Von Goetz)

Comment Period: October 30, 2019 to November 29, 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: St. Mary's County Government
c/o Mr. Jeffrey Reed
P.O. Box 508
California, Maryland 20618

WATERWAY AND LOCATION OF THE PROPOSED WORK: In Saint Clements Bay in Avenue, St. Mary's County, Maryland.

OVERALL PROJECT PURPOSE: The purpose of the project is to protect the adjacent roadway owned by St. Mary's County and buffer the shoreline and bank, on the property of Thomas Von Goetz, from erosive wave action through establishment of natural shoreline habitat.

PROJECT DESCRIPTION:

The applicant proposes to construct a non-structural living shoreline project. The proposed work includes: 1) the installation of approximately 650-linear-feet of stone sill with six 10.1 foot wide flushing windows extending a maximum of 26.3feet channelward of the mean high water shoreline; 2) the deposition of approximately 400 cubic yards of clean sand fill behind the sill, averaging 13-feet wide; 3) planting *Spartina alterniflora* and *Spartina patens* creating approximately 7,200 square feet of tidal marsh; and 4) installing two outfall pipes. The total fill area of open water would be 17,100 square feet. The project will require the relocation of 6,100 square feet of marsh and potentially the direct filling of 17,100 square feet of Submerged Aquatic Vegetation (SAV).

All work is proposed in accordance with the attached plans dated June 2019, sheets 1 through 7.

EFFECTS ON AQUATIC RESOURCES:

Activity	River Impact (Sq. Ft.)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)
Living Shoreline	17,100	6,100	10/404

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:

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 and previously authorized work.

No compensatory mitigation is proposed. Although approximately 17,100 square feet of SAV could be impacted if SAV recolonizes its prior 2013 location, the project would stabilize an eroding shoreline, maintain approximately 8,600 square feet of enhanced intertidal wetlands vegetated with high and low marsh grasses, and establish beach habitat above the mean high water shoreline, buffering the shoreline from erosive wave energy. The creation of natural habitat would enhance the growth of plants and animals in the immediate area and would not result in seaward scour. While a hard structure (bulkhead or rip rap) landward of the historic location of SAV and existing marsh would avoid any potential direct impacts to these resources, the likely result would be indirect impacts as a result of seaward erosion and scouring, as can be seen on the adjacent property (north) that is bulkhead and has no SAV in 2013.

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 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 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 have no 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 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 National Historic Preservation Act 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.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408): All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:
<https://www.nab.usace.army.mil/section408/>.

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 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.

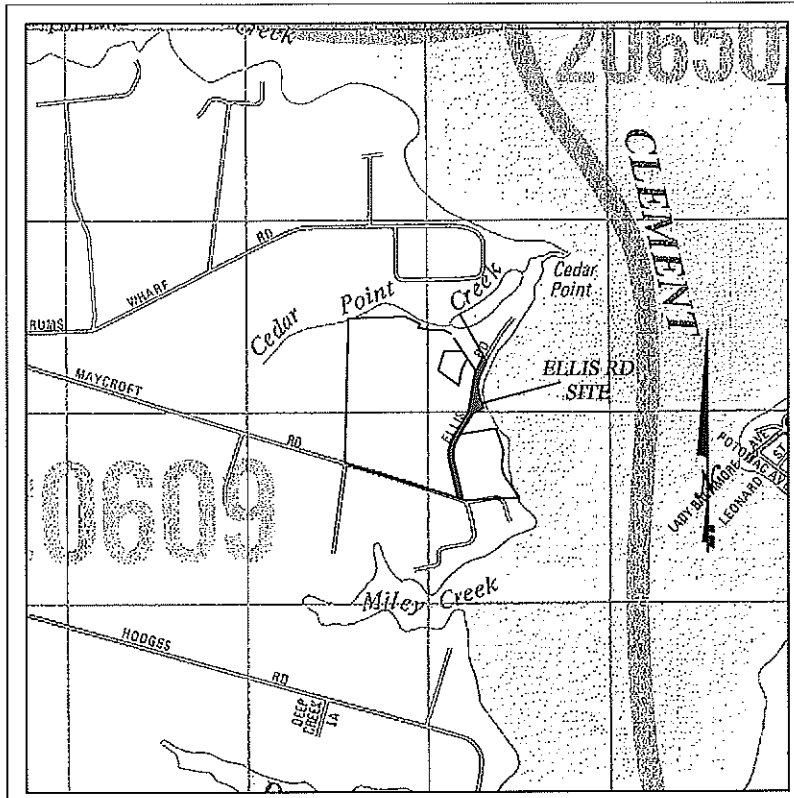
Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2019-61105.

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:

Marion Gall
Marion.gall@usace.army.mil
U.S. Army Corps of Engineers,
1631 South Atherton Street, Suite 101
State College, Pennsylvania 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 Marion Gall at marion.gall@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.



VICINITY MAP
SCALE 1" = 2000'

WILKERSON & ASSOCIATES INC.
ENGINEERS & SURVEYORS

Box 17 Dunkirk, Maryland
(410)257-3332, (301)855-8272

Typical Cross-Section Stone Sill Spur

Sheet 1 of 7

Project No. SEC 02-16 MDE # : 19-WL-0713

DRAWN BY :

WMC

CHECKED BY :

RJ

SCALE : 1" = 200'
DATE : SEPTEMBER 2019
JOB NO. : 18-20762
FILE NO. : SM83
DRAWING NO. : SM83-SP

REVISIONS	
DATE	BY

This Project is being funded by St. Mary's government Dept. of Public Works.

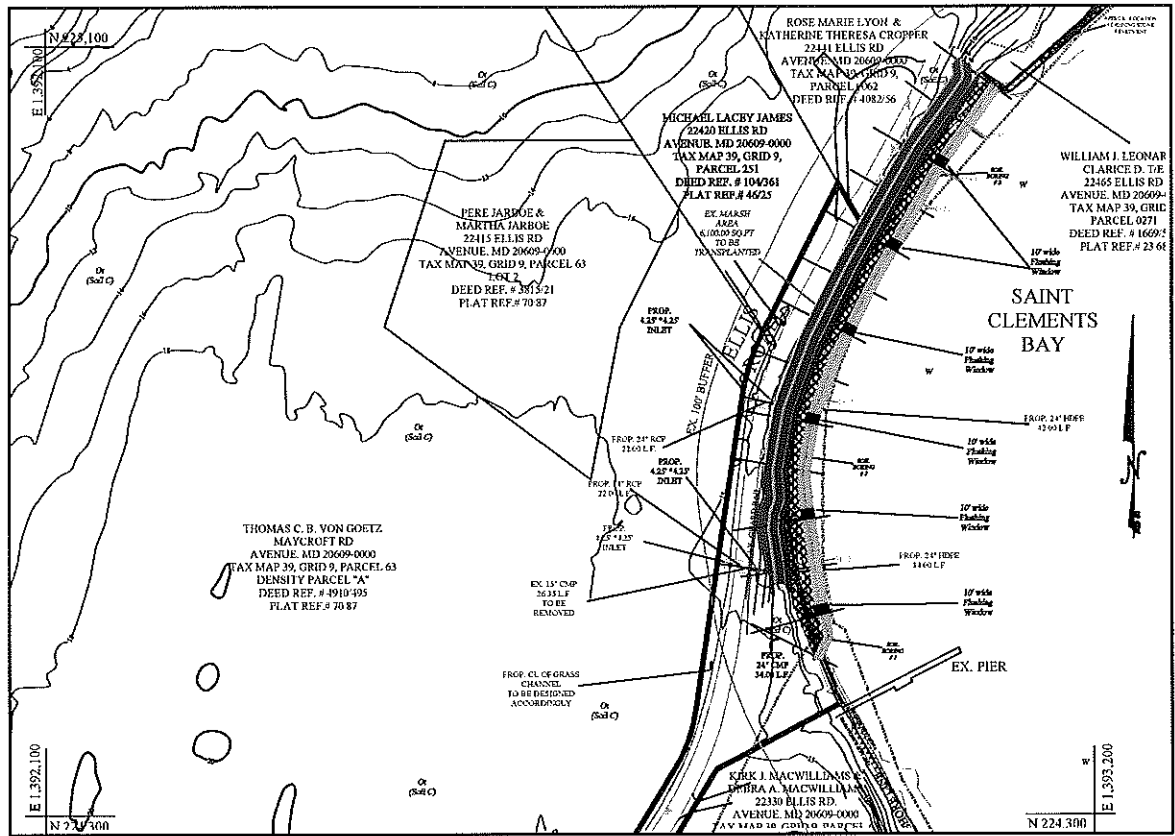
PROPOSED LIVING SHORELINE PROJECT
STONE SILL AND MARSH EDGING, WITH CLEAN SAND FILL,
AND MARSH GRASS PLANTINGS.

FOR
BROADNECK FARM-ELLIS ROAD

39156 MAYCROFT RD., AVENUE, MD 20609-0000
SCALE: AS SHOWN ZONING: RPD/RCA NAD83 ZIP CODE: 20609-0000
SEVENTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

GENERAL NOTE:

1. Topographic and Hydrographic Data shown was Obtained by Wilkerson and Associates INC., 06-20-2018
2. Horizontal control was established from a closed loop traverse. (REF: TRAVERSE/BENCHMARK DATA TABLE)
Horizontal Datum: State Plane, NAD83
Horizontal Zone: Maryland - 1900 G12A
3. Plan vertical datum and contours are in NAVD88. An additional 0.0 Mean Low Water (MLW) contour is shown on plan view, being 0.88' above 0.0 NAVD88. An additional Mean High Water (MHW) contour is also shown on plan view. An additional line for MLW & MHW also appear on all profiles and sections, with a conversion reference. Vertical and Horizontal control were established by four separate GPS observations, being four of the five listed traverse stations, with a Trimble R10 receiver corrected within the Keynet control network on 5-24-18. (The nearest geodetic control monument, HV6826, had no published elevation.)
4. The mean tidal range is 1.68 feet from MLW to MHW. This datum was established for this area using the *VDatum* software from the National Oceanic and Atmospheric Administration as the nearest tidal station with published conversions to MLW is on the Virginia side of the Potomac river.
5. The Contractor shall use the horizontal and vertical survey control points shown on these Drawings to layout the lines of work, stake out the location of the proposed structure, and test the levels of all construction.
6. Existing utilities, obstructions, site improvements and other pertinent site features are based on field determinations and best available records and shall be verified by the Contractor to his satisfaction, prior to construction. Necessary precautions and measures shall be taken to protect all properties from damage. Any damage caused by this operations to all public and private property, including utilities, roads, walks, curbs, trees, plantings, etc., shall be repaired immediately at the Contractor's expense.
7. The existing bottom profiles, bank contours and/or bank alignment shown on the Drawings were correct when surveyed. However, because of interim erosion and littoral transport, the Contractor shall satisfy himself as to all conditions at the time of bidding this project and include in his proposal any changes that would be necessary to accomplish a complete and functional project.
8. The Contractor shall confine his work to the areas delineated on these plans as limit of Disturbance (L.O.D), which is considered as the Limit of Contract.



WILKERSON & ASSOCIATES INC.
ENGINEERS & SURVEYORS

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Typical Cross-Section Stone Sill Spur

Sheet 2 of 7

Project No. SEC 02-16 MDE # : 19-WL-0713

DRAWN BY :

WMC

CHECKED BY :

RJ

SCALE : 1" = 200'
DATE : SEPTEMBER 2019
JOB NO. : 18-20762
FILE NO. : SM83
DRAWING NO. : SM83-SP

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DATE	BY

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FOR
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SCALE: AS SHOWN ZONING: RPD/RCA NAD83 ZIP CODE: 20609-0000
SEVENTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

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 AVENUE, MD 20609-0000
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10' wide

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WILKERSON & ASSOCIATES INC.
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Typical Cross-Section Stone Sill Spur

Sheet 3 of 7

Project No. SEC 02-16 MDE # : 19-WL-0713

SCALE : 1" = 40'
 DATE : SEPTEMBER 2019
 JOB NO. : 18-20762
 FILE NO. : SM83
 DRAWING NO. : SM83-SP

DRAWN BY:
 WMC

CHECKED BY:
 RJ

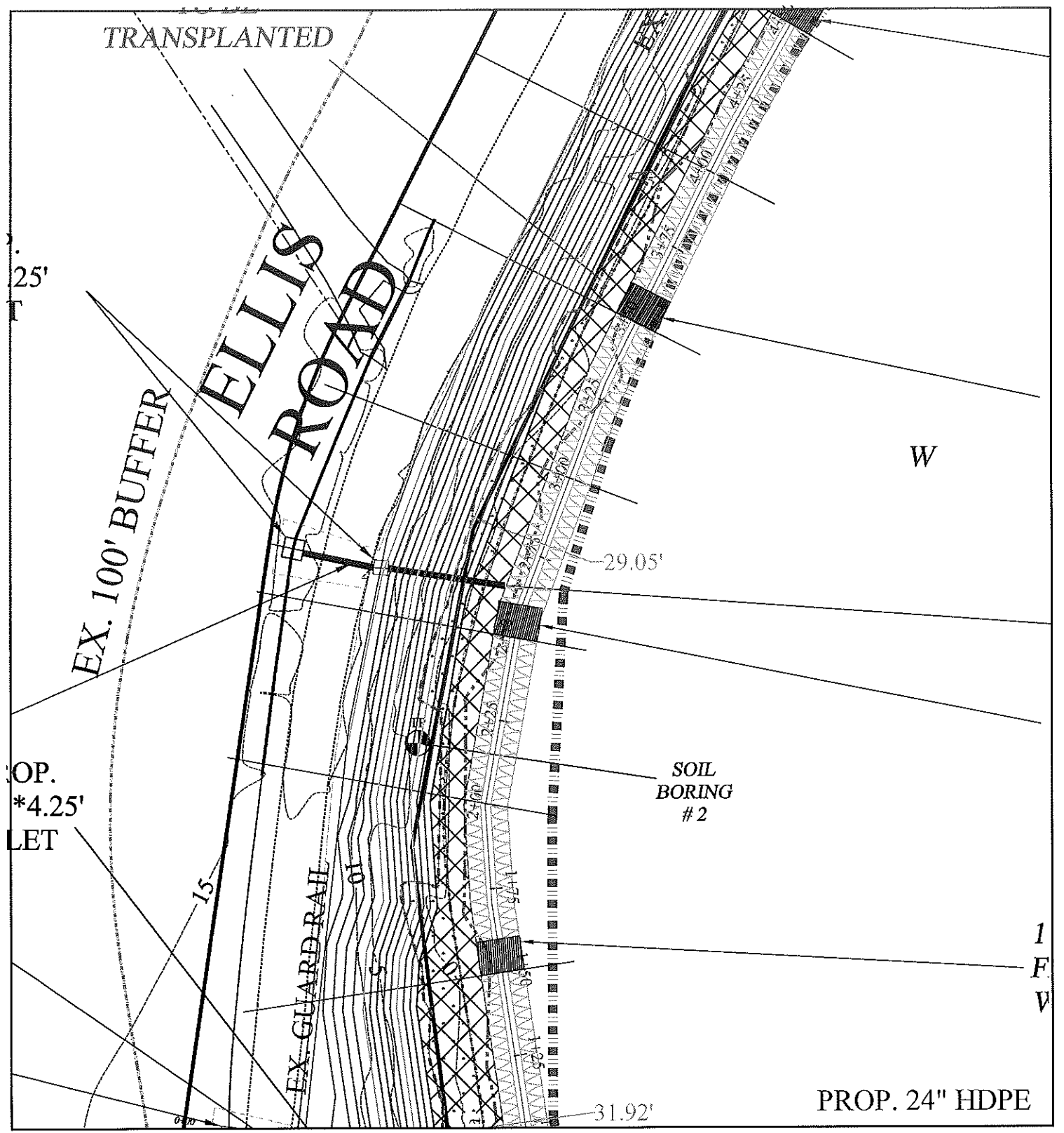
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DATE	BY

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Typical Cross-Section Stone Sill Spur

Sheet 4 of 7

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SCALE : 1" = 40'
DATE : SEPTEMBER 2019
JOB NO. : 18-20762
FILE NO. : SM83
DRAWING NO. : SM83-SP

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DATE	BY

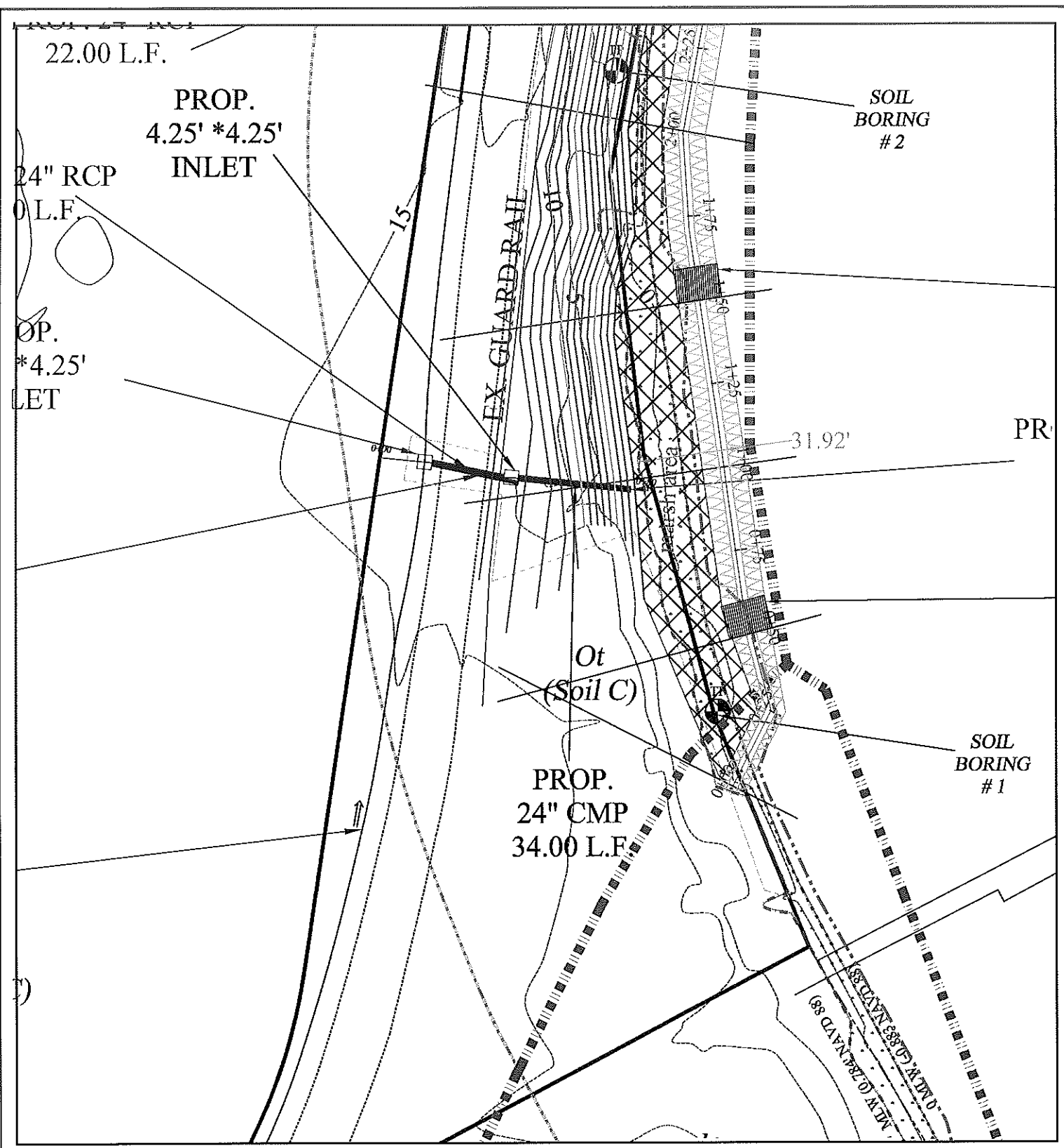
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SCALE: AS SHOWN ZONING: RPD/RCA NAD83 ZIP CODE: 20609-0000
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Typical Cross-Section Stone Sill Spur

Sheet 5 of 7

Project No. SEC 02-16 MDE # : 19-WL-0713

SCALE : 1" = 40'
DATE : SEPTEMBER 2019
JOB NO. : 18-20762
FILE NO. : SM83
DRAWING NO. : SM83-SP

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DATE	BY

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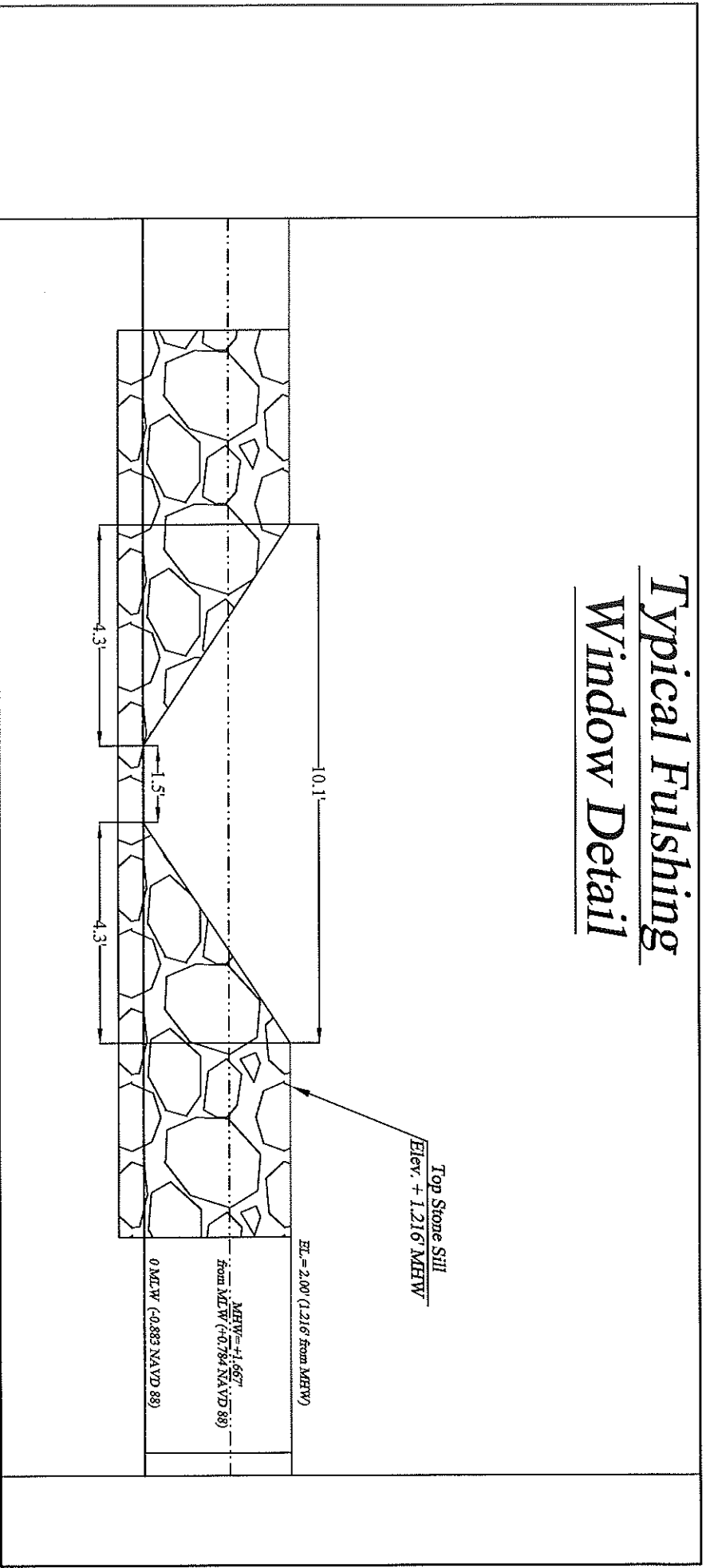
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Typical Fulshing Window Detail



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Typical Cross-Section Stone Sill Spur

Sheet 6 of 7

Project No. SEC 02-16 MDE # : 19-WL-0713

REVISIONS	
BY	DATE

SCALE : AS SHOWN
 DATE : SEPTEMBER 2019
 JOB NO. : 18-20762
 FILE NO. : SWS3
 DRAWING NO. : SWS3-SF

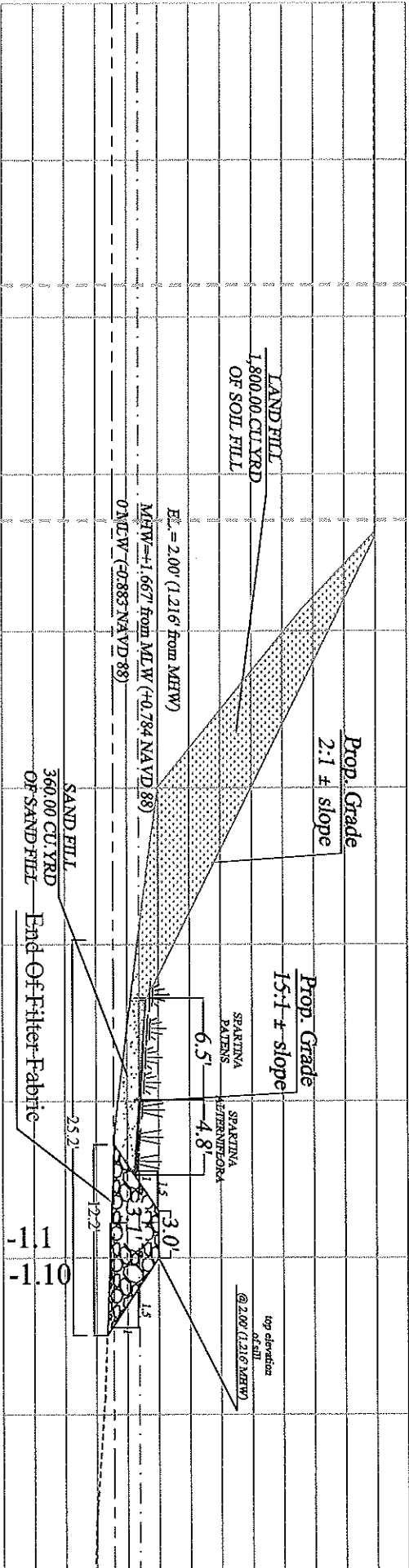
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 SEVENTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

SCALE: : 1" = 3'
 HORIZ. : 1" = 3'
 VERTICAL : 1" = 3'

ELLIS
ROAD
@ 16.00'

4+50
B



80 -60 -40 -20 0 20

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Typical Cross-Section Stone Sill Spur

Sheet 7 of 7

Project No. SEC 02-16 MDE # : 19-WL-0713

SCALE:
HORIZ. : 1" = 10'
VERTICAL : 1" = 10'

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BROADNECK FARM-ELLIS ROAD
39156 MARYCROFT RD., AVENUE, MD 20609-0000
SCALE: AS SHOWN ZONING: RPD/RCA NAD83 ZIP CODE: 20609-0000
SEVENTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

SCALE : AS SHOWN
DATE : MAY 2019
JOB NO. : 18-20762
FILES NO. : S083
DRAWING NO. : S083-SP

DATE

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