

U.S. Army Corps
of Engineers
Baltimore District
PN-19-71

Public Notice

In Reply to Application Number
NAB-2018-61991 (Miller, Kenneth/Living Shoreline and Sills)

Comment Period: November 5, 2019 to November 20, 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: Mr. Kenneth Miller
9160 Quail Run Rd.
St. Michaels, MD 21663

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in Broad Creek, in St. Michaels, Talbot County, MD. (38.800, -76.257)

OVERALL PROJECT PURPOSE: To provide adequate shoreline protection to approximately 255 linear feet of shoreline along Broad Creek at 9160 Quail Run Rd., St. Michaels, MD.

PROJECT DESCRIPTION: The applicant is seeking Section 10 and 404 authorization for the following work: to construct a living shoreline all within an approximately 2,700 square foot (0.06 acre) area that includes tidal wetlands as follows: To create a marsh along 255 linear feet of shoreline by depositing approximately 20 cubic yards of sloped, clean sand fill stabilized with approximately 560 square feet of *Spartina alterniflora* to extend no more than 15 feet channelward of the approximate mean high water (MHW) shoreline, and to emplace 225 linear feet of stone sill, 9.5-feet wide at the base and 2 to 3-feet wide at the top, and 1.9-feet high (relative to MLW), with three 10-foot wide (at base) vents to extend no more than 25 feet channelward of the approximate MHW shoreline.

The proposed project would directly impact existing submerged aquatic vegetation (SAV). The existing approximately 2,700 square feet (0.06 acres) area of SAV would be converted to emergent marsh or filled.

The combined shoreline erosion control structures including the living shoreline components of the project would result in a net increase of approximately 560 square feet of new emergent intertidal wetlands. Combined, the stone sills; and marsh creation elements of the project would stabilize approximately 255 linear feet of estuarine shoreline.

The work is proposed in accordance with the enclosed plans.

EFFECTS ON AQUATIC RESOURCES:

Activity (i.e. culvert)	SAV Impact (Sq. Ft.)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)
Marsh Creation	560	0	10/404
Stone Sill	2140	0	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: Steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent possible. Compensatory mitigation is not being proposed by the applicant for impacts to the approximate 255 linear feet of shoreline since they propose to create 560 square feet of intertidal wetlands vegetated with *Spartina alterniflora* 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: The lead federal agency is responsible for Endangered Species Act coordination. 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 lead federal agency is responsible for Essential Fish Habitat coordination. 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:

The lead federal agency is responsible for historic resources coordination. 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.

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 (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 NAP-ORP-P-2018-61991.

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:

Mr. Robert Fewster
Robert.j.fewster@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, MD 21201

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 Mr. Robert Fewster, at 410-962-6144, or at Robert.j.fewster@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.



TAX MAP 22, PARCEL 202
F. TIMOTHY KASTEL
MARSHA J. KASTEL
9101 BOZMAN NEAVITT RD
ST. MICHAELS, MD 21663

MARYLAND
579

MARYLAND
33

TAX MAP 22, PARCEL 387
J. MILES REIDY
Dr. MARY ELIZABETH AICHELMANN-REIDY
9096 QUAIL RUN RD
ST. MICHAELS, MD 21663

SITE

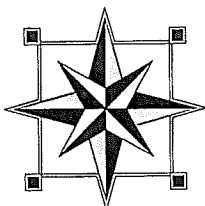
BROAD CREEK

SHEET 1 OF 5

OWNER/APPLICANT:
KENNETH M. MILLER, ttee
JULIA A. MILLER, ttee
9160 QUAIL RUN RD
ST. MICHAELS, MD 21663

VICINITY MAP
PLACE 225 L.F.± STONE MARSH EDGING
CREATE 560 SQ.FT. LIVING SHORELINE

9160 QUAIL RUN RD
ST. MICHAELS, MD 21663
TAX MAP 22, GRID 17, TAX PARCEL 201
IN THE SECOND ELECTION DISTRICT
TALBOT COUNTY, MARYLAND



FINK, WHITTEN & ASSOCIATES, LLC.

LAND SURVEYING LAND PLANNING
CIVIL ENGINEERING PERMITTING
ENVIRONMENTAL CONSULTING

EASTON CAMBRIDGE
410-228-8885, ext. 1 410-228-8885, ext. 2
113 E. Dover St., Unit C 504 Maryland Ave.
Easton, Maryland 21601 Cambridge, Maryland 21613

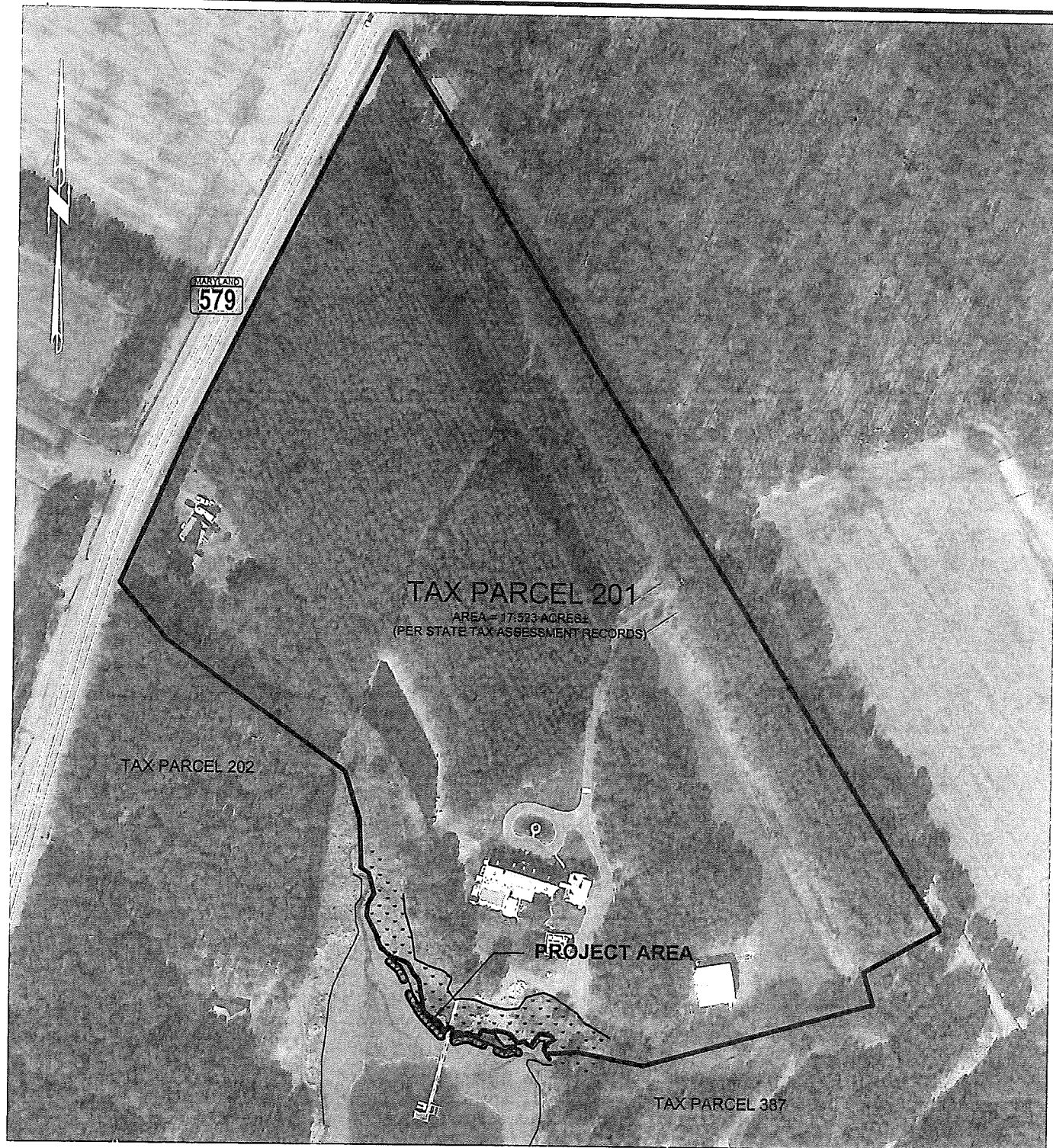
www.FINKWHITTEN.com

DATE: 10 / 25 / 2018

SCALE: 1" = 2000'

JOB No. T-22-17-201

DRAWN BY: BLW

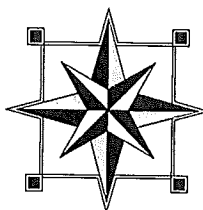


SHEET 2 OF 5

OWNER/APPLICANT:
KENNETH M. MILLER, ttee
JULIA A. MILLER, ttee
9160 QUAIL RUN RD
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PROPERTY OVERVIEW
PLACE 225 L.F.± STONE MARSH EDGING
CREATE 560 SQ.FT. LIVING SHORELINE

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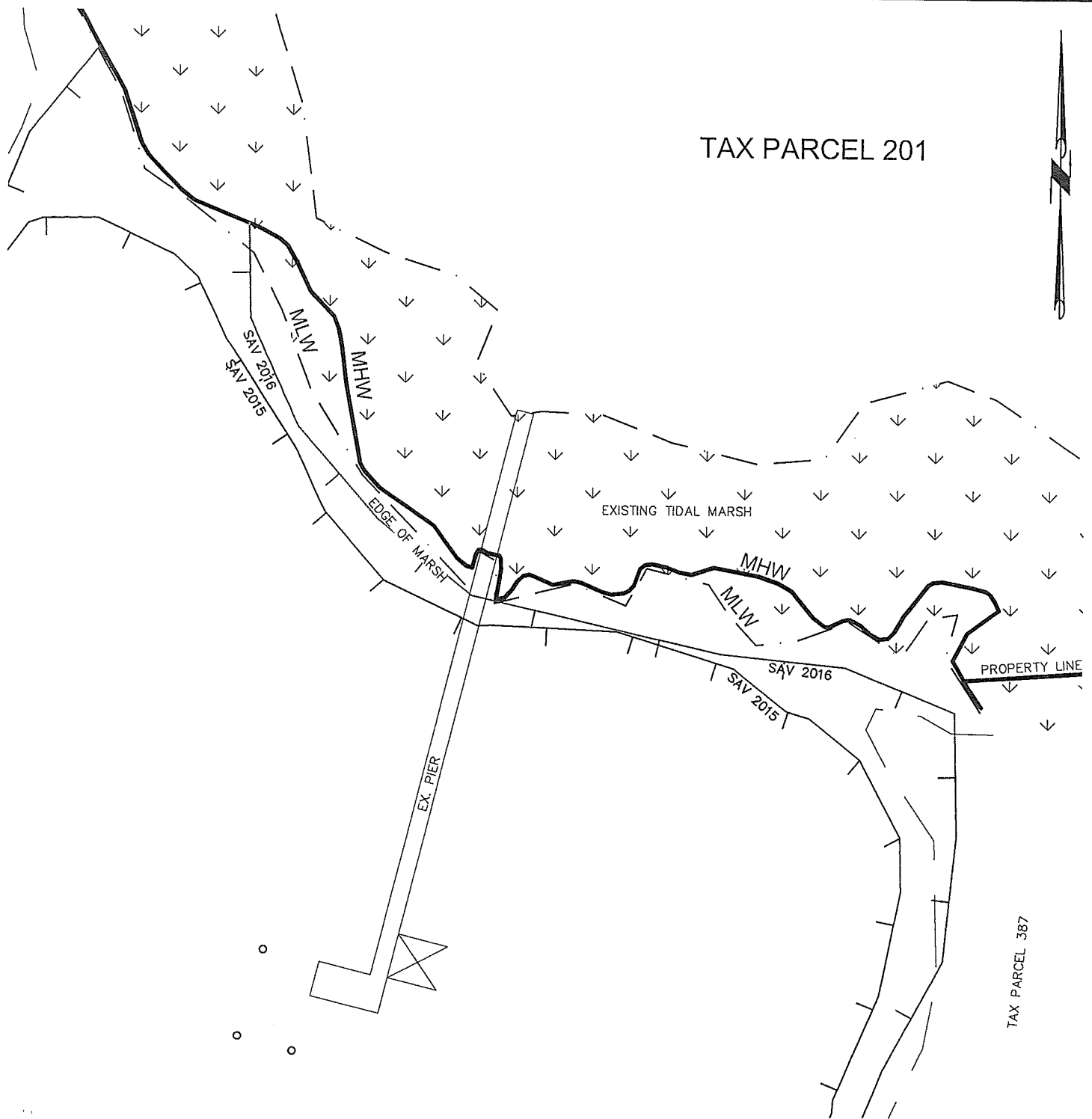
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TAX PARCEL 201



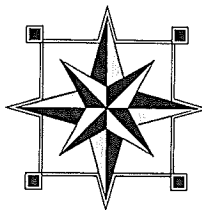
NOTES: 1) SOUNDINGS ARE IN FEET AND ARE REFERENCED TO MEAN LOW WATER

SHEET 3 OF 5

OWNER/APPLICANT:
KENNETH M. MILLER, ttee
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 9160 QUAIL RUN RD
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EXISTING CONDITIONS
 PLACE 225 L.F.± STONE MARSH EDGING
 CREATE 560 SQ.FT. LIVING SHORELINE

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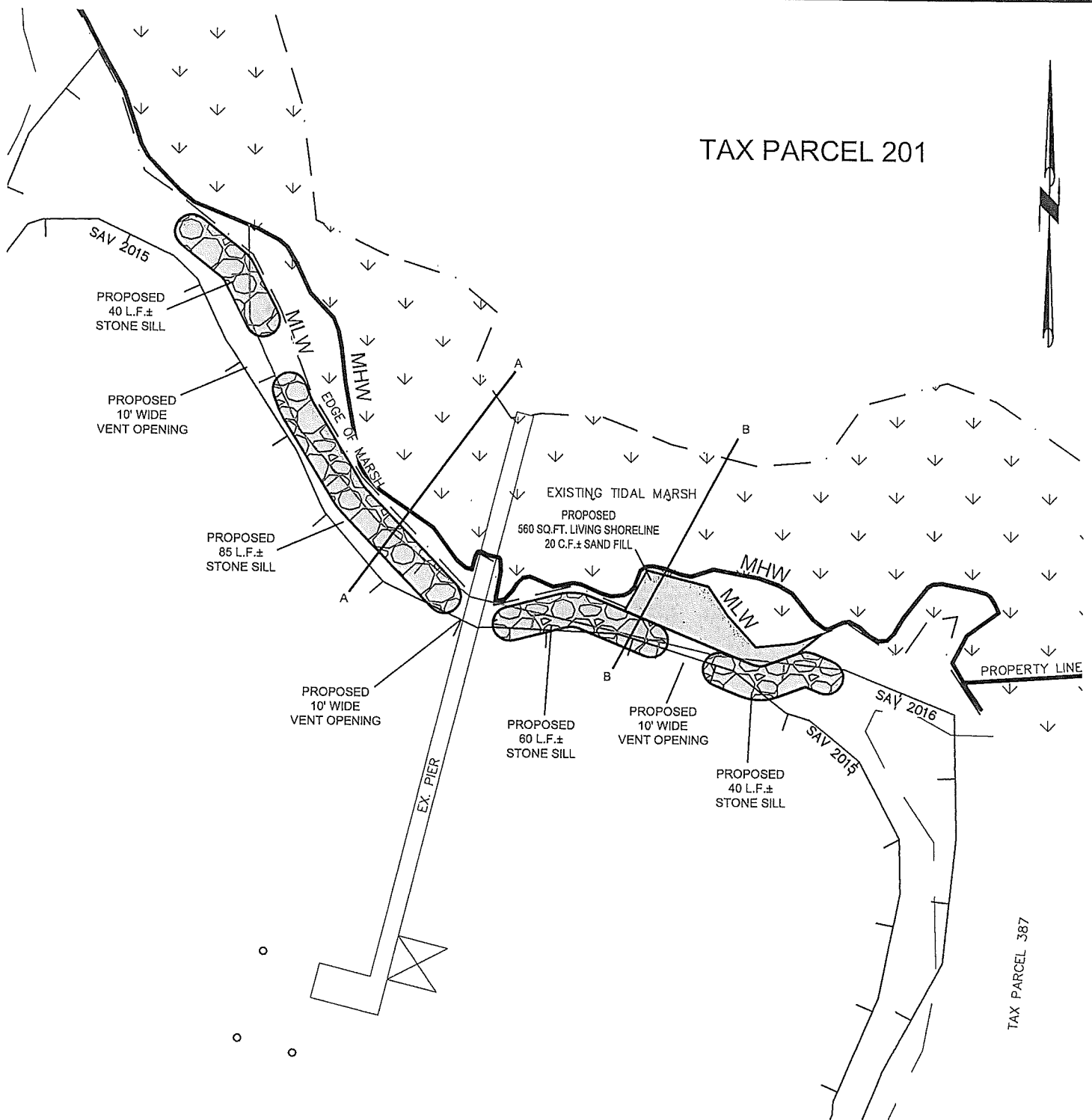
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SCALE: 1" = 40'

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TAX PARCEL 201



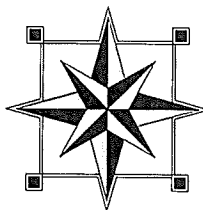
NOTES: 1) SOUNDINGS ARE IN FEET AND ARE REFERENCED TO MEAN LOW WATER

SHEET 4 OF 5

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PROPOSED CONDITIONS
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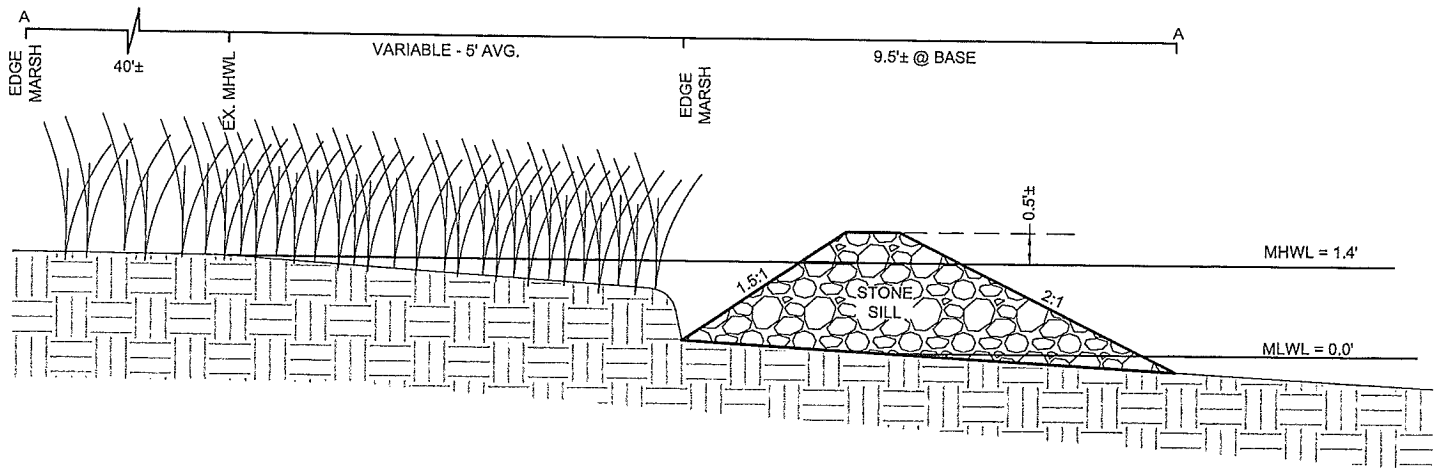
www.FINKWHITTEN.com

DATE: 10 / 25 / 2018

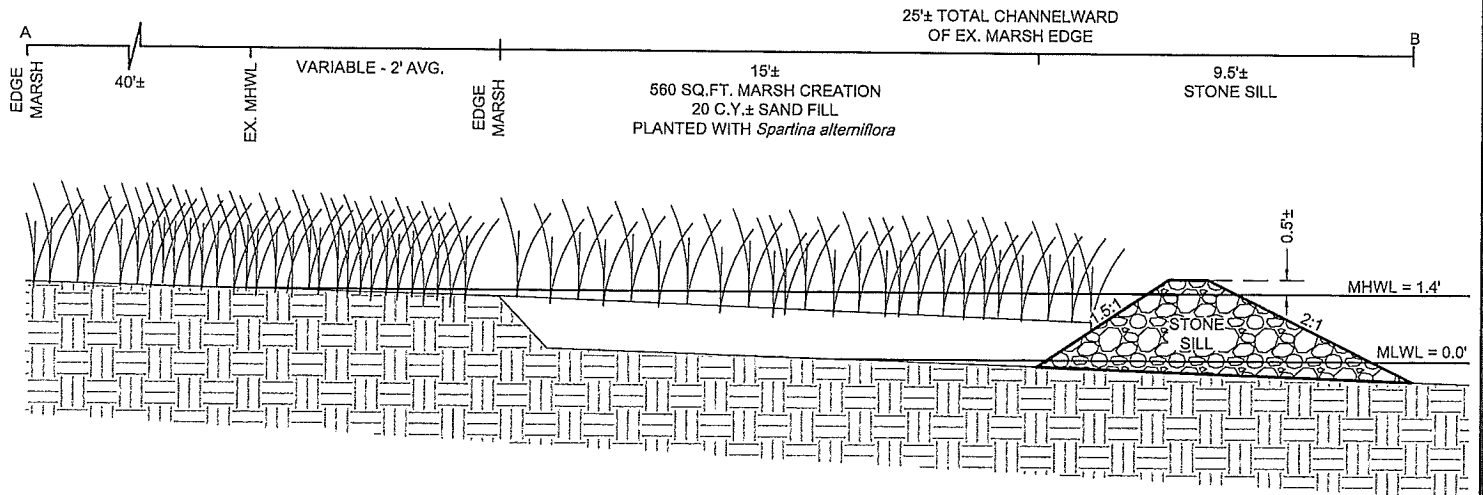
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CROSS-SECTION: A-A
NOT TO SCALE



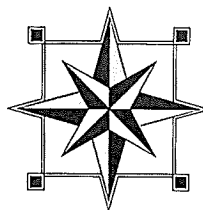
CROSS-SECTION: B-B
NOT TO SCALE

OWNER/APPLICANT:
KENNETH M. MILLER, ttee
JULIA A. MILLER, ttee
9160 QUAIL RUN RD
ST. MICHAELS, MD 21663

TYPICAL CROSS-SECTIONS
PLACE 225 L.F.± STONE MARSH EDGING
CREATE 560 SQ.FT. LIVING SHORELINE

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ST. MICHAELS, MD 21663
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TALBOT COUNTY, MARYLAND

SHEET 5 OF 5



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