

U.S. Army Corps of Engineers

Baltimore District PN-19-76

Public Notice

In Reply to Application Number NAB-2019-61300 (FISHING CREEK FARM HOA, INC. / LIVING SHORELINE)

Comment Period: November 13, 2019 to December 04, 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: Fishing Creek Farm Homeowners Association, Inc.

Attn: Mr. Robert Booth 1222 Cherrytree Lane Annapolis, Maryland 21403

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in the South River/Cherrytree Cove, in Annapolis, Anne Arundel County, Maryland. Latitude: 38.924961; Longitude: -76.485865

OVERALL PROJECT PURPOSE: To provide shoreline erosion protection and environmental restoration along 3,305 linear feet of the South River and Cherrytree Cove shoreline in the Fishing Creek Farm community in Annapolis, Anne Arundel County Maryland.

PROJECT DESCRIPTION: The Fishing Creek Farm Homeowners Association Inc. has applied to construct a living shoreline along 3,305 linear feet of the South River and Cherrytree Cove community shoreline as follows:

- To construct 393 linear feet of low-profile stone sill to an elevation of +0.5 feet mean low water (MLW);
- To construct 693 linear feet of segmented sill to an elevation of +2.0 feet MLW;
- To construct 532 linear feel of segmented sill to an elevation of +3.0 feet MLW;
- To construct 473 linear feet of stone breakwater to an elevation of +3.0 feet MLW;
- To construct 125 linear feet of stone vent to an elevation of 0.0 feet MLW;
- To construct 691 linear feet of segmented sill to an elevation of +2.5' MLW.

• To emplace clean sand into an approximate 109,643 square foot area, and plant approximately 91,197 square feet of marsh plantings landward of the stone structures.

All structures will extend a maximum of 116 feet channelward of the existing mean high water shoreline. All work is to be conducted channelward of the existing mean high water shoreline. The proposed work will be completed as shown on the enclosed project plans dated July 2019.

EFFECTS ON AQUATIC RESOURCES:

Activity	WoUS Impact	Authority
Fill / stone structures	2,760 LF	Section 10/404
Fill / sand placement	109,643 SF	Section 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: The proposed project is a living shoreline and would result in a net increase of tidal wetlands. Approximately 91,197 square feet of tidal wetlands will be created. The applicant designed the project to the minimal footprint necessary to achieve the project purpose successfully. It is anticipated that once functionally mature, the tidal wetland component of the constructed living shoreline project would compensate for aquatic resource losses on-site and within the watershed. No compensatory mitigation is proposed by the applicant.

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 effecton 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.

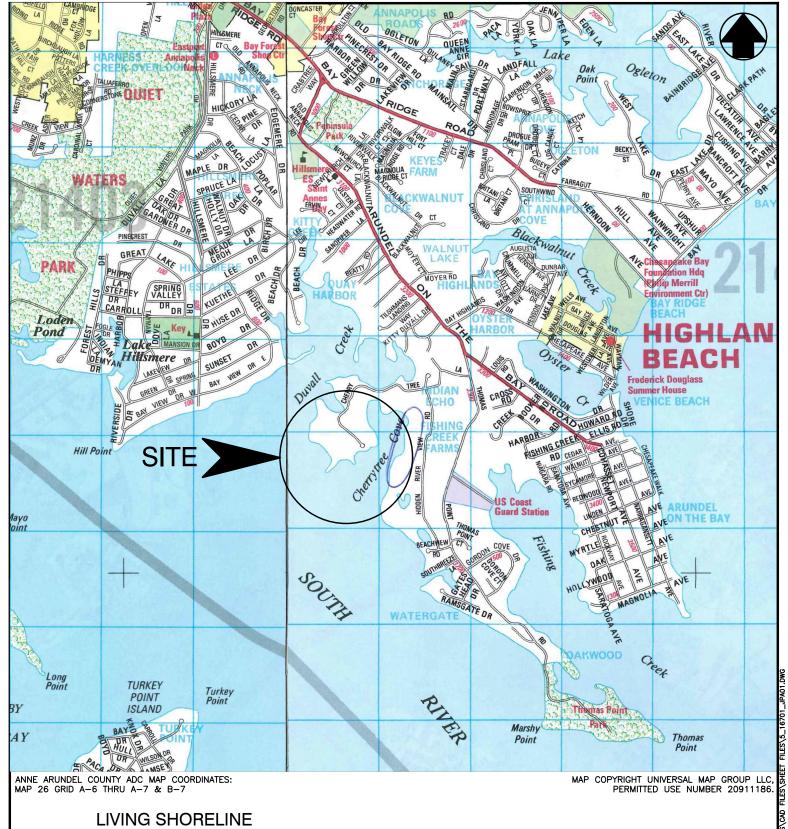
Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number: NAB-2019-61300.

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. Richard Kibby
richard.kibby@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Attn: Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 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. Richard Kibby at 410-962-0694 or e-mail: richard.kibby@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.



FISHING CREEK FARM

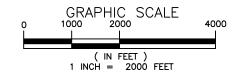
ANNE ARUNDEL COUNTY, MD

APPL. BY: FISHING CREEK FARM

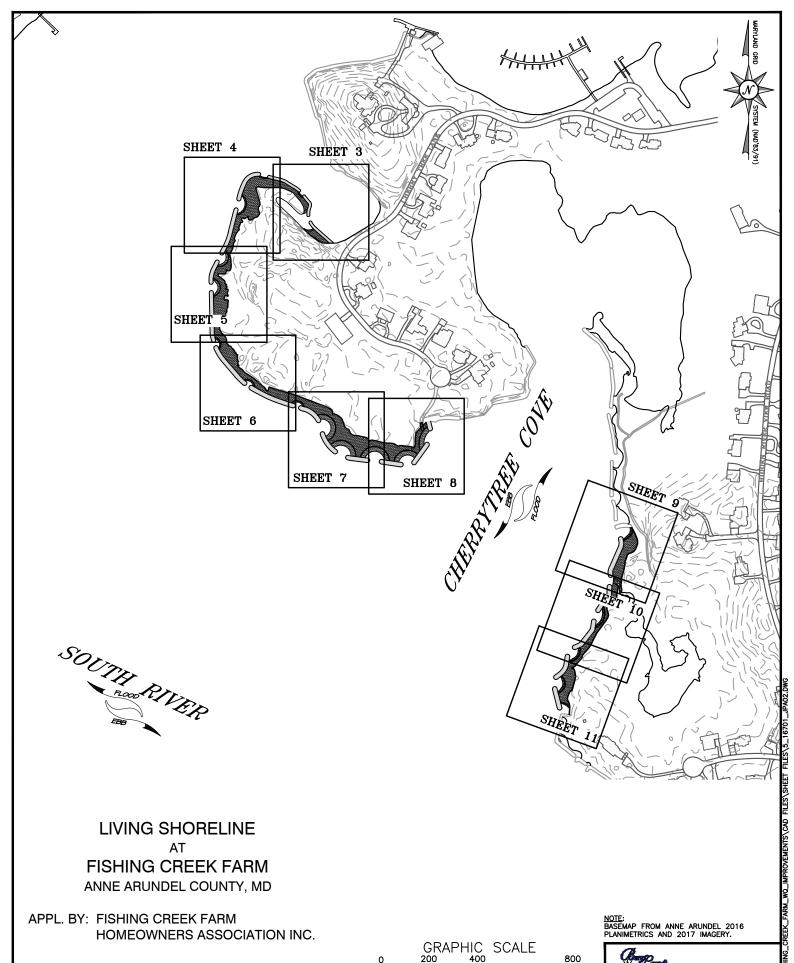
HOMEOWNERS ASSOCIATION INC.

VICINITY MAP

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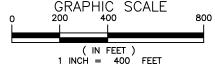




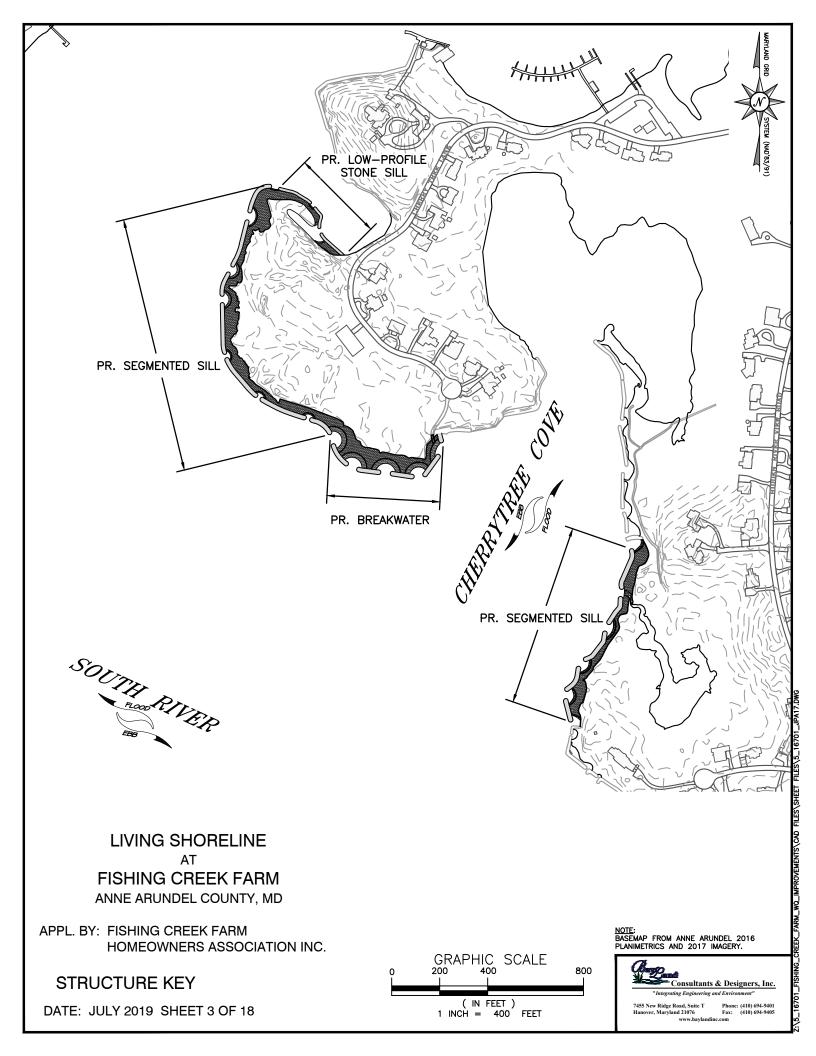


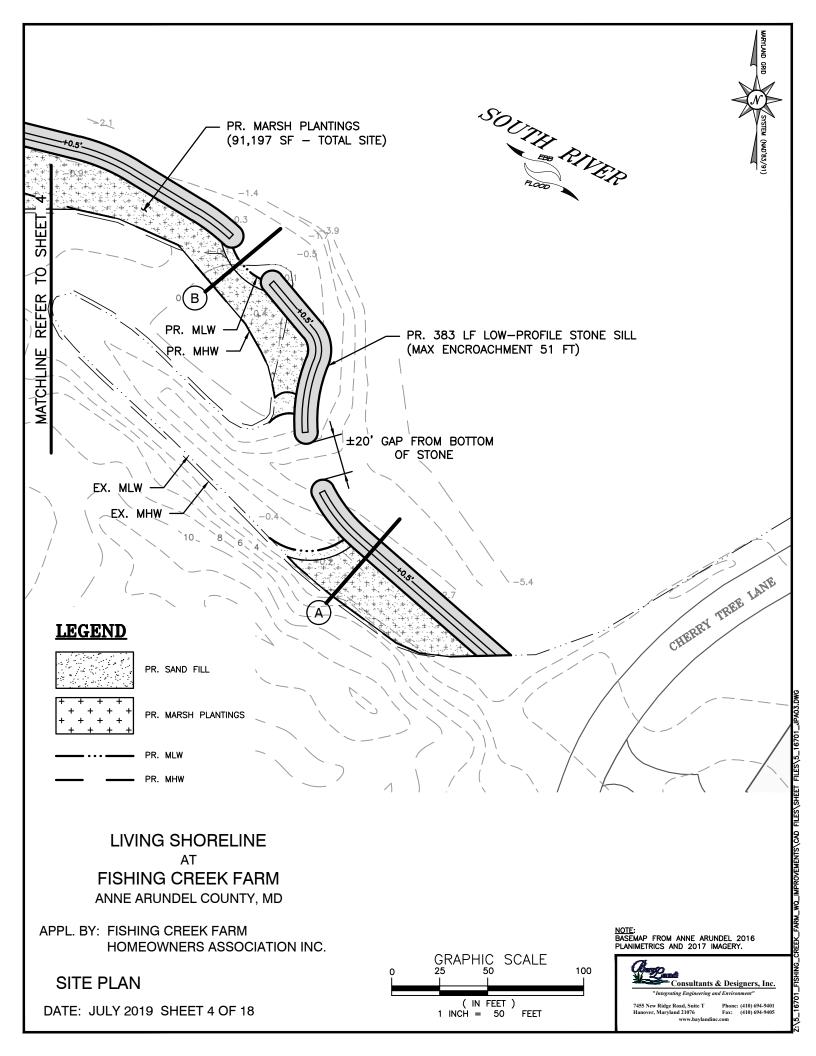
KEY SHEET

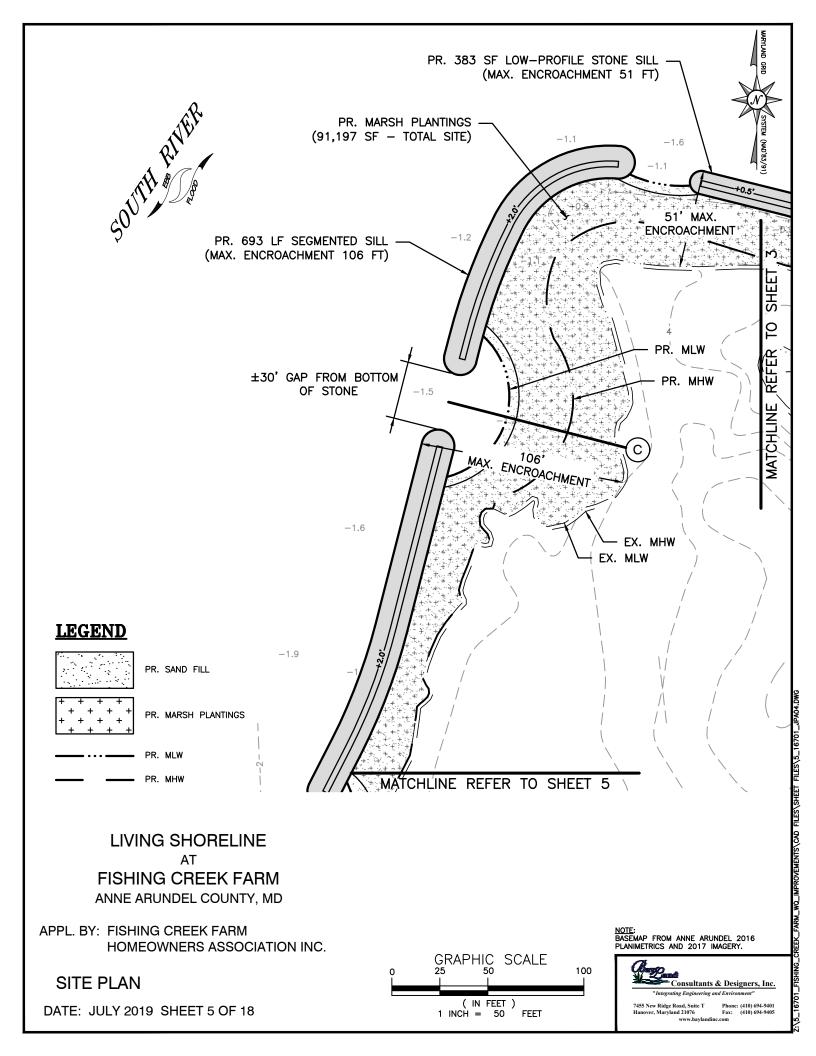
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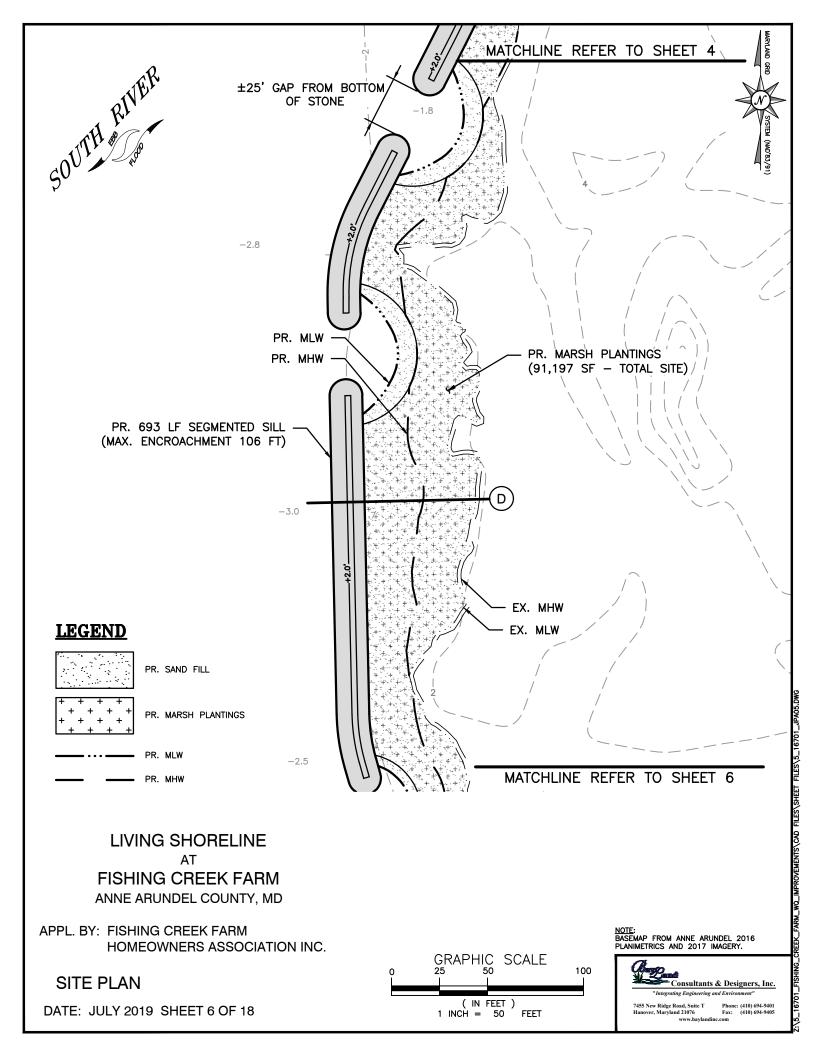


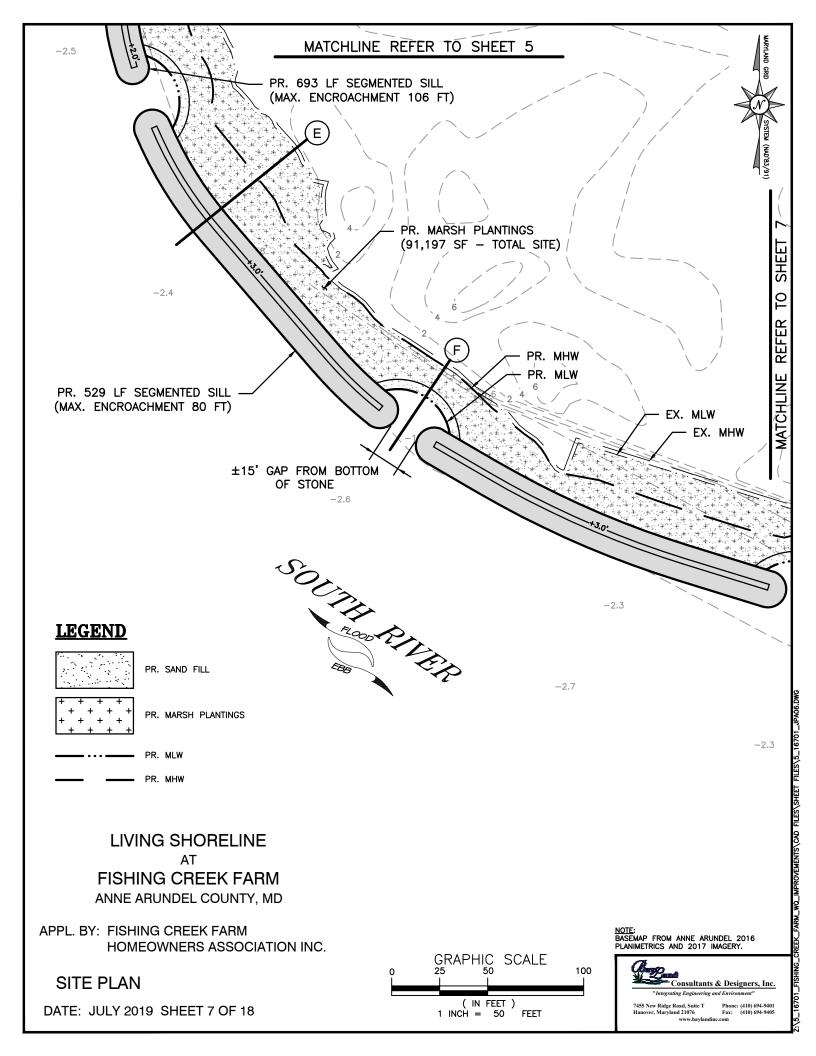


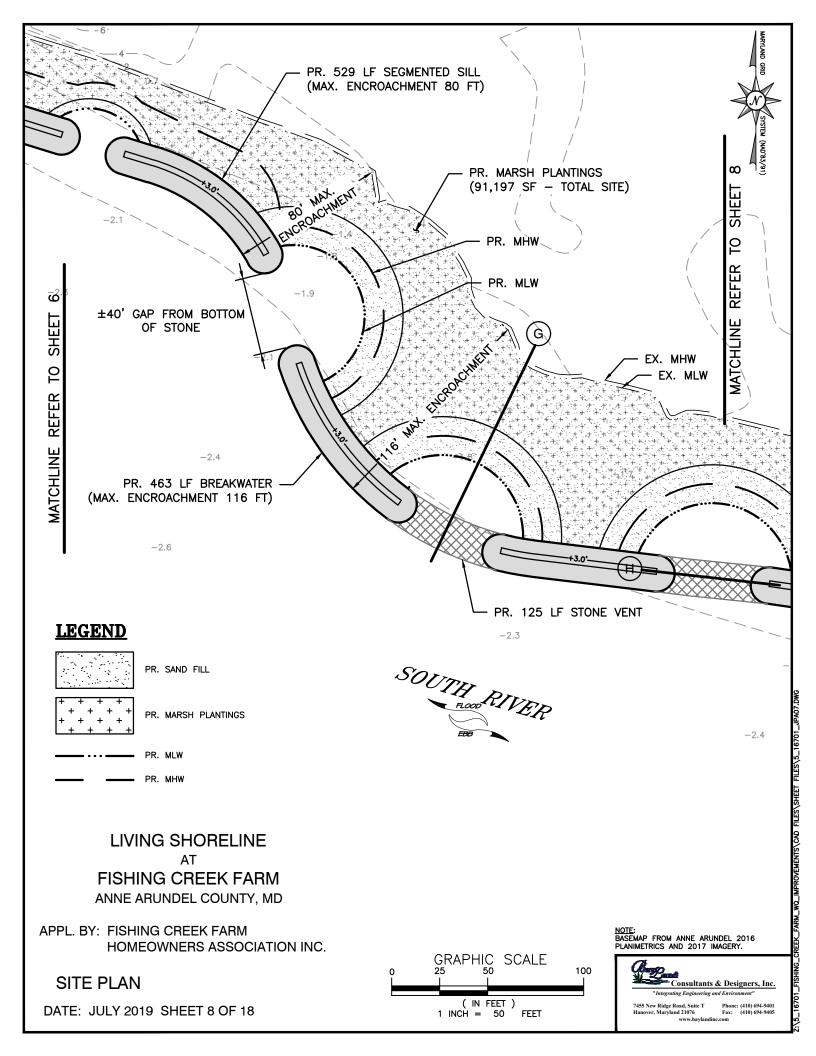


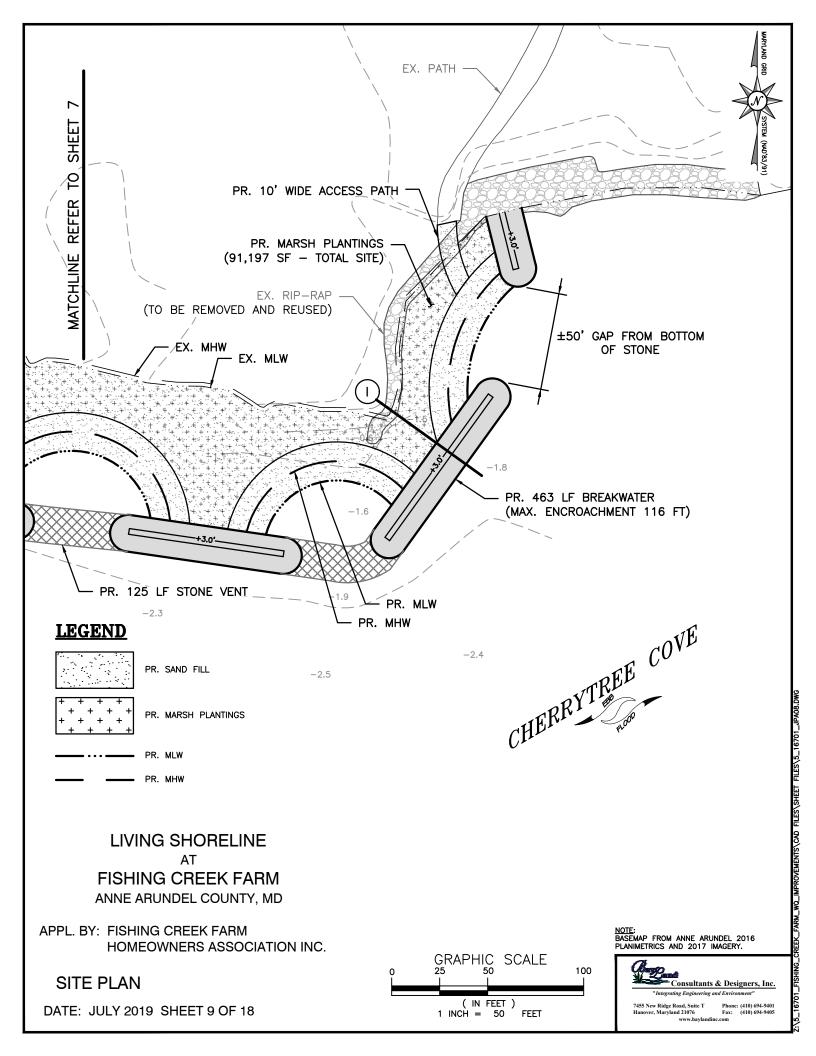


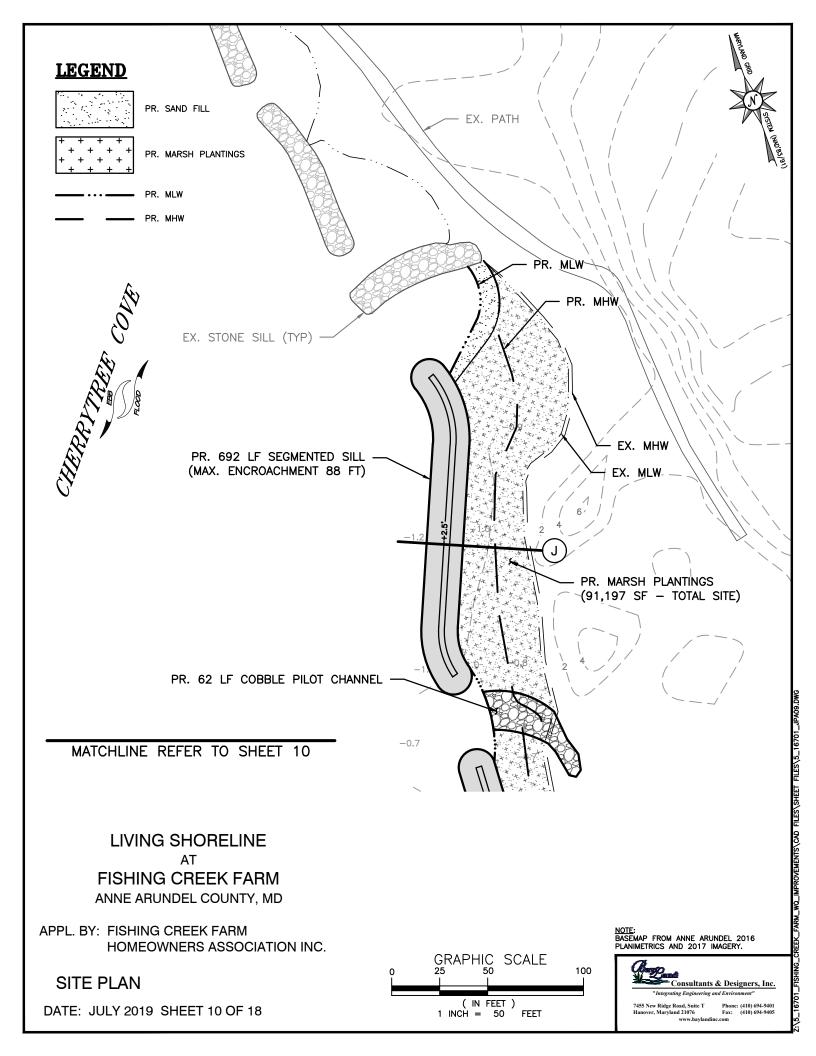


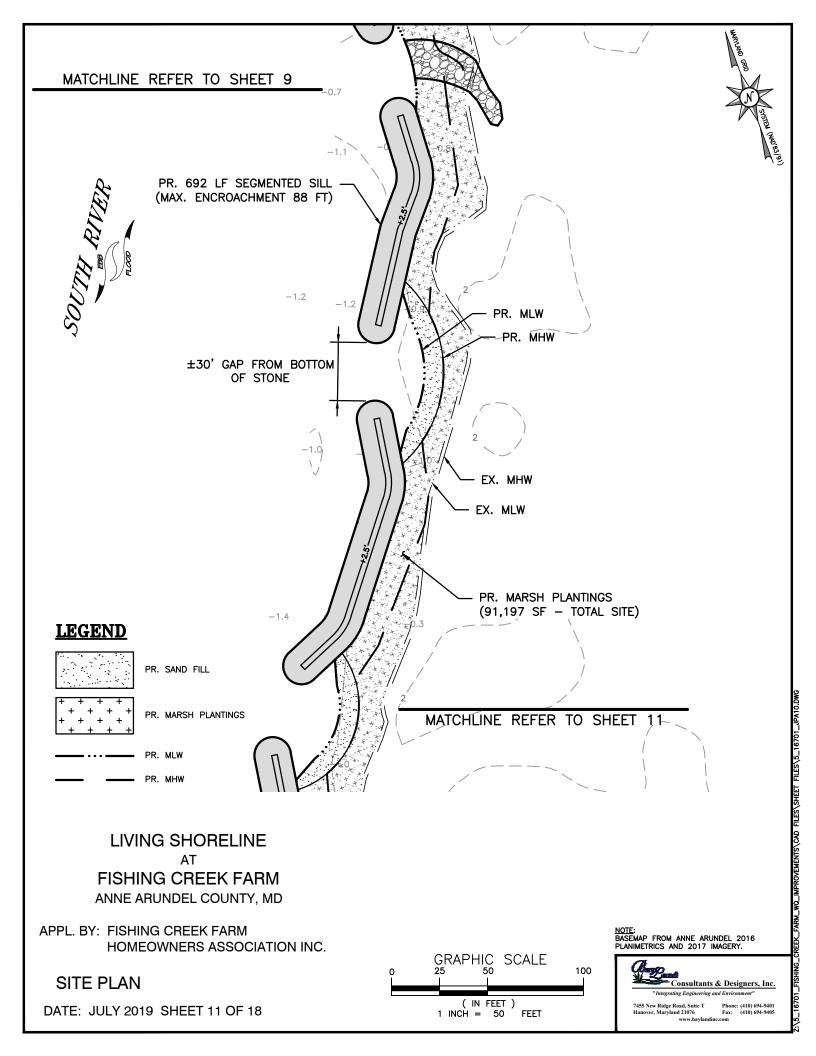


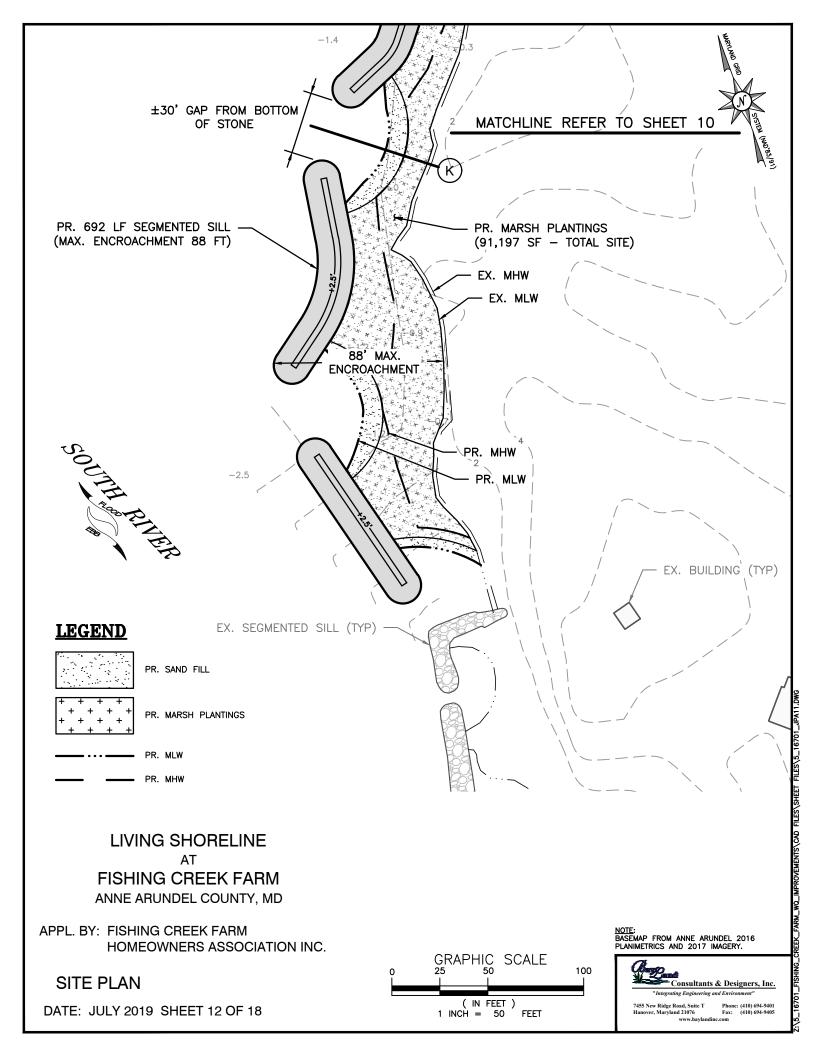




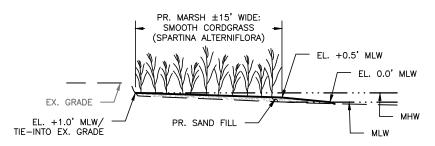




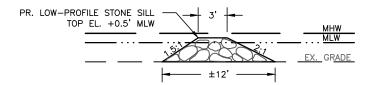




PR. MARSH ±24' WIDE:



SECTION "B": VENT SCALE: 1" = 10'



TYPICAL LOW-PROFILE STONE SILL SCALE: 1" = 10'

LIVING SHORELINE AT FISHING CREEK FARM ANNE ARUNDEL COUNTY, MD

APPL. BY: FISHING CREEK FARM HOMEOWNERS ASSOCIATION INC.

SITE DETAILS

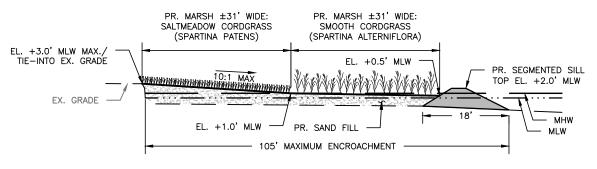
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EX. GRADE



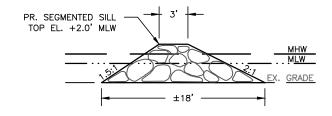
7455 New Ridge Road, Suite T Hanover, Maryland 21076 www.baylandinc.com

SECTION "C": VENT



SECTION "D": SEGMENTED SILL

SCALE: 1" = 20'



+2.0' TOP OF CREST SEGMENTED SILL

SCALE: 1" = 10'

LIVING SHORELINE AT FISHING CREEK FARM ANNE ARUNDEL COUNTY, MD

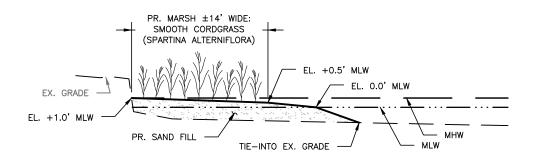
APPL. BY: FISHING CREEK FARM HOMEOWNERS ASSOCIATION INC.

SITE DETAILS

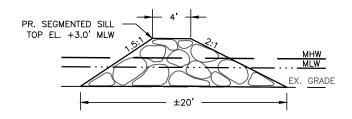
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SECTION "E": SEGMENTED SILL SCALE: 1" = 20'



SECTION "F" : VENT



LIVING SHORELINE AT FISHING CREEK FARM ANNE ARUNDEL COUNTY, MD

APPL. BY: FISHING CREEK FARM HOMEOWNERS ASSOCIATION INC.

SITE DETAILS

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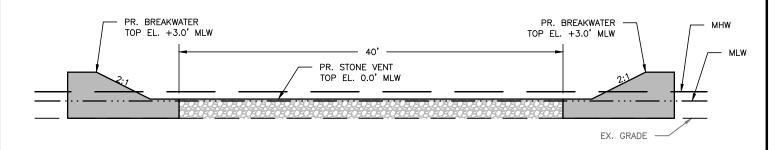
+3.0' TOP OF CREST SEGMENTED SILL

SCALE: 1" = 10

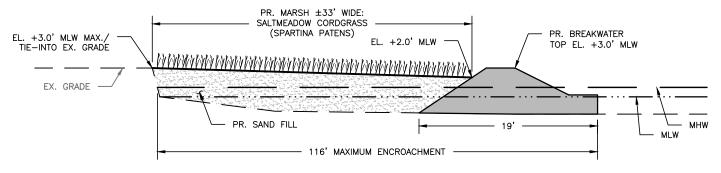


PR. MARSH ±37' WIDE: EL. 0.0' MLW SALTMEADOW CORDGRASS EL. +3.0' MLW MAX./ EL. +2.0' MLW (SPARTINA PATENS) - TIE INTO EX. GRADE TIE-INTO EX. GRADE karan ka FX. GRADE PR. SAND FILL - 116' MAXIMUM ENCROACHMENT

SECTION "G": STONE VENT SCALE: 1" = 20'



SECTION "H": BREAKWATER SCALE: 1" = 10'



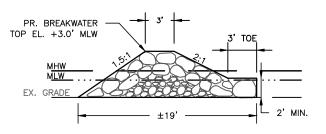
"I" : BREAKWATER SECTION SCALE: 1" = 10'

LIVING SHORELINE AT FISHING CREEK FARM ANNE ARUNDEL COUNTY, MD

APPL. BY: FISHING CREEK FARM HOMEOWNERS ASSOCIATION INC.

SITE DETAILS

DATE: July 2019 SHEET 16 OF 18



TYPICAL BREAKWATER

SCALE: 1" = 10'



7455 New Ridge Road, Suite T Hanover, Maryland 21076 www.baylandinc.com

SECTION "J" : SEGMENTED SILL SCALE: 1" = 10'

PR. MARSH ±13' WIDE:
SALTMEADOW CORDGRASS
(SPARTINA PATENS)

EL. +1.0' MLW

EL. +2.0' MLW/
TIE-INTO EX. GRADE

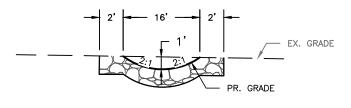
PR. SAND FILL

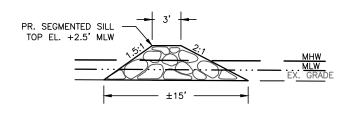
TIE INTO EX. GRADE

MIW

MHW

SECTION "K" : VENT





PILOT CHANNEL TYPICAL SECTION

SCALE: NTS

+2.5' TOP OF CREST SEGMENTED SILL

SCALE: 1" = 10'

LIVING SHORELINE AT FISHING CREEK FARM ANNE ARUNDEL COUNTY, MD

APPL. BY: FISHING CREEK FARM HOMEOWNERS ASSOCIATION INC.

SITE DETAILS

DATE: JULY 2019 SHEET 17 OF 18



PROJECT SUMMARY

PROPOSED STRUCTURES:

LOW-PROFILE STONE SILL - 383 LF; MAX. ENCROACHMENT 51 FT SEGMENTED SILL - 1,914 LF TOTAL; MAX. ENCROACHMENT 106 FT

+2.0' MLW TOP OF CREST SEGMENTED SILL - 693 LF; MAX. ENCROACHMENT 106 FT

 \pm 2.5' MLW TOP OF CREST SEGMENTED SILL \pm 692 LF; MAX. ENCROACHMENT 88 FT \pm 3.0' MLW TOP OF CREST SEGMENTED SILL \pm 529 LF; MAX. ENCROACHMENT 80 FT

H3.0 MLW 10P OF CREST SEGMENTED SILL — 529 LF; MAX. ENCROACH BREAKWATER — 463 LF; MAX. ENCROACHMENT 116 FT STONE VENT — 125 LF; MAX. ENCROACHMENT 116 FT

COBBLE PILOT CHANNEL — 62 LF; MAX. ENCROACHMENT 35 FT

TOTAL LENGTH OF STRUCTURES - 2,760 LF TOTAL LENGTH OF GAPS/VENTS - 545 LF

MARSH PLANTINGS - 91,197 SF TOTAL

SAND FILL - 109,643 SF TOTAL

TOTAL AREA OF IMPACT FROM MHW INTO TIDAL WATERS - 160,207 SF (3.68 ACRES)

NOTES

- 1. BASEMAP COMPILED FROM ANNE ARUNDEL COUNTY 2016 PLANIMETRICS AND 2017 IMAGERY.
- 2. SOUNDINGS AND CONTOURS ARE IN FEET AND REFER TO MLW.
- 3. TIDAL RANGE 0.97 FEET.
- 4. BATHYMETRIC SURVEY WAS PERFORMED BY BAYLAND ON 01/11/2018.
- 5. THESE ARE PERMIT DRAWINGS ONLY AND SUBJECT TO CHANGE DURING THE PERMIT PROCESS. DESIGN DRAWINGS ARE TO BE PREPARED SEPARATELY.

LIVING SHORELINE AT FISHING CREEK FARM ANNE ARUNDEL COUNTY, MD

APPL. BY: FISHING CREEK FARM

HOMEOWNERS ASSOCIATION INC.

SITE NOTES

DATE: JULY 2019 SHEET 18 OF 18

