

# Public Notice

U.S. Army Corps  
of Engineers

In Reply to Application Number  
NAB-2020-60125-P30 (Jonathan Jarow and Jennifer Bragg-Living  
Shoreline)

Baltimore District  
PN- 20-14

Comment Period: February 24, 2020 to March 25, 2020

**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:** Jonathan Jarow and Jennifer Bragg

**WATERWAY AND LOCATION OF THE PROPOSED WORK:**

The proposed project is located in Maxmore Creek, in Royal Oak, Talbot County, Maryland (38.745161°N, -76.14362°W).

**OVERALL PROJECT PURPOSE:**

To provide shoreline erosion control and protection for the property.

**PROJECT DESCRIPTION:**

To construct a 455 linear foot living shoreline, extending no further than 35 feet channelward of the Mean High Water Line (MHW). The living shoreline would include the construction of a 3,280 square foot stone sill and placement of 7,464 square feet of sand fill (415 cubic yards) behind the stone sill within the MHW. Plantings, including *Spartina alterniflora* and *Spartina patens* are proposed to be installed to create marsh habitat within the sand fill area. The project would impact approximately 3,896 square feet of submerged aquatic vegetation (SAV) within the 10,744 square foot impact area.

Please refer to the table below for a summary of aquatic resource impacts.

**EFFECTS ON AQUATIC RESOURCES:**

Activity (i.e. culvert)	Tidal Water Impact (lf)	Tidal Water Impact (Sq. Ft.)	Authority (Section 10/404/408)
Living Shoreline	455	10,744	Section 10 and 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 project has been designed to accomplish the purpose and need of the project. A living shoreline design has been proposed due to Maryland’s requirement for shoreline erosion

protection to utilize natural erosion controls rather than structural designs (i.e. bulkhead, revetments etc.). Vents in the stone sill are proposed to allow openings in the sill and reducing the footprint of the sill. The marsh creation would utilize approved erosion and sediment control Best Management Practices during construction. Mitigation has not been proposed by the applicant to off-set impacts.

#### **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 is not likely to adversely affect 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 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 adverse 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.

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-2020-60125.

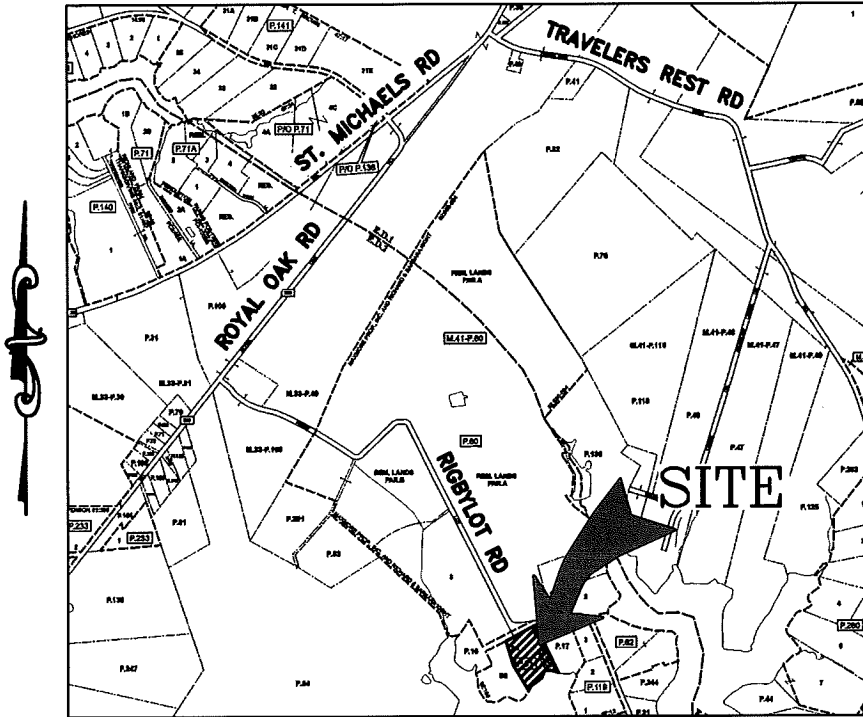
**PUBLIC HEARING REQUESTS:** Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also it must clearly 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:

Shawn R. Gill  
Shawn.r.gill@usace.army.mil  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
TIOGA-HAMMOND AND COWANESQUE FIELD OFFICE  
710 IVES RUN LANE  
TIOGA, PA 16946-8643

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. Shawn Gill, (570) 835-4263, shawn.r.gill@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.

**TIDAL WETLAND PERMIT DRAWINGS  
PREPARED FOR  
JONATHAN JAROW  
IN THE SECOND ELECTION DISTRICT  
TALBOT COUNTY, MARYLAND**



**VICINITY MAP**  
SCALE: 1" = 2,000'

**ENGINEER**

**Lane Engineering, LLC**  
117 BAY STREET  
EASTON, MARYLAND 21601  
(410) 822-8003


**OWNER/DEVELOPER**

JONATHAN P. JAROW  
JENNIFER L. BRAGG  
5501 MONTGOMERY STREET  
CHEVY CHASE, MD 20815

**PROJECT LOCATION**










26921 RIGBYLOT ROAD  
ROYAL OAK, MD 21662

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	01/15/20	DSW				

SHEET No. <b>1 OF 7</b>	<b>TITLE SHEET</b>  <b>ON THE LANDS OF JONATHAN P. JAROW &amp; JENNIFER L. BRAGG</b>  <b>IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY TAX MAP 41, GRID 4, PARCEL 61, LOT A2</b>	<b>Lane Engineering, LLC</b> Established 1986 Civil Engineers • Land Planning • Land Surveyors  E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095
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# LEGEND & ABBREVIATIONS

MHW MEAN HIGH WATER (APPROXIMATE)  
 MLW MEAN LOW WATER (APPROXIMATE)  
 SAV SUBMERGED AQUATIC VEGETATION  
 TYP TYPICAL

PROPERTY LINE   
 TREE LINE   
 MAPPED 2015 SAV   
 MAPPED 2016 SAV   
 TIDAL WETLANDS   
 TIDAL WETLANDS   
 NONTIDAL WETLANDS   
 NONTIDAL WETLANDS   
 SPOT ELEVATION x -2.15  
 WELL 

## PROJECT NOTES:

1. TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
2. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
3. MEAN TIDAL RANGE = 1.62'
4. LOT SIZE = 4.55 AC±
5. LOT DEPTH = 547'±
6. LOT WIDTH AT SHORELINE = 455'±
7. MAXIMUM CHANNELWARD ENCROACHMENT = 35'±
8. ZONING CLASSIFICATION = RR (RURAL RESIDENTIAL)
9. 911 ADDRESS = 26921 RIGBYLOT ROAD ROYAL OAK, MD 21662

AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN HEREON, WITH LATERAL LINES, SETBACKS AND SHORELINE ARE TAKEN FROM GENERAL MAPS, DEED, PLAT, SITE SKETCH AND AERIAL PHOTO INTERPRETATION. A PROPERTY LINE SURVEY WAS NOT PERFORMED. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING FEATURES INCLUDING PROPERTY LINES, SHORELINES, EXISTING PIERS, OTHER STRUCTURES, AND SOUNDINGS HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC. THIS SKETCH IS FOR PERMIT PURPOSES ONLY AND IS NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

SHEET No. 2 OF 7  
 DATE: AS NOTED  
 SCALE: AS NOTED  
 JOB No. 200009  
 FILE No. 6745

### SITE & PROJECT NOTES

ON THE LANDS OF  
 JONATHAN P. JAROW &  
 JENNIFER L. BRAGG

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY  
 TAX MAP 41, GRID 4, PARCEL 61, LOT A2

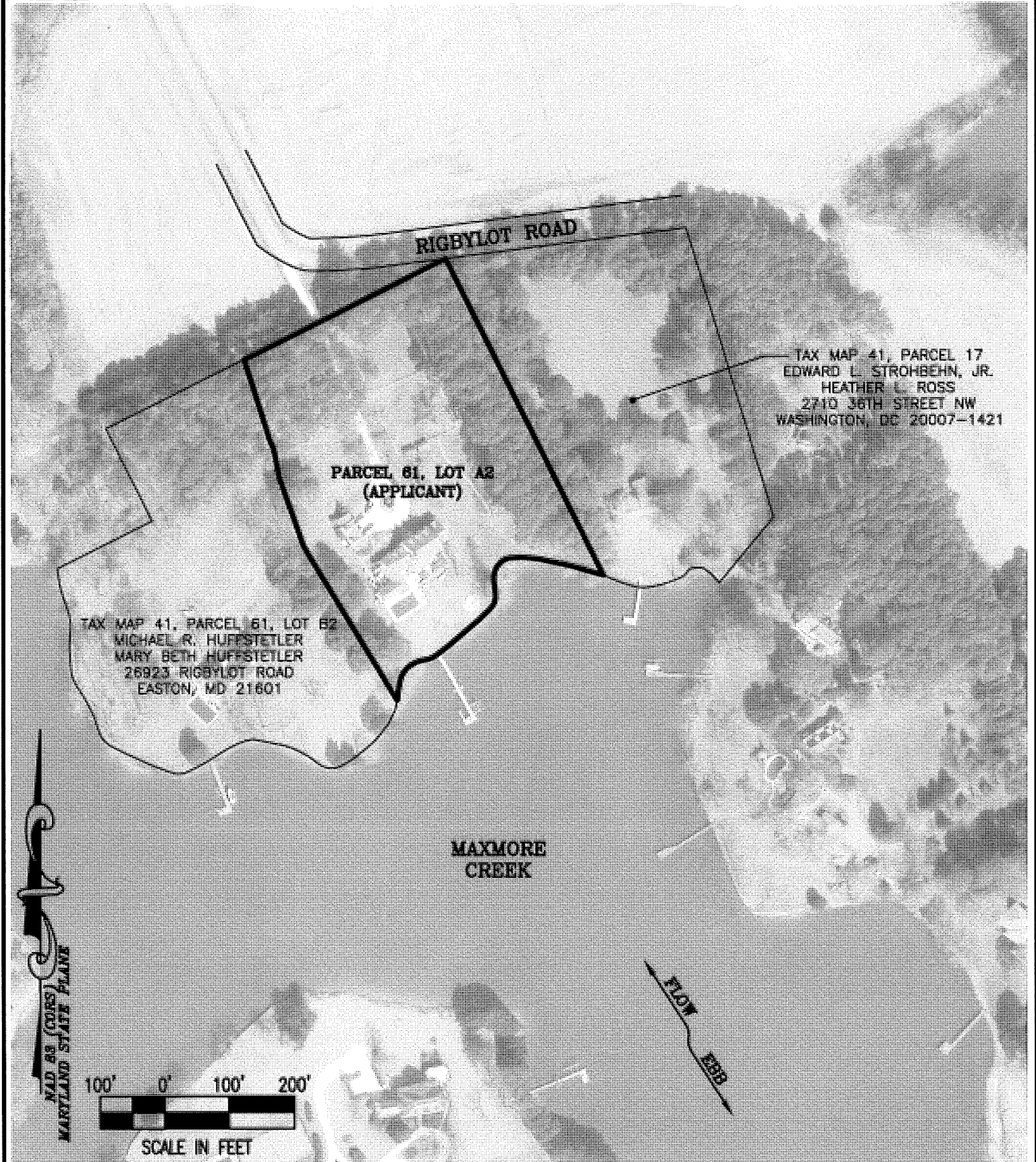
### Lane Engineering, LLC

Established 1986  
 Civil Engineers • Land Planning • Land Surveyors



E-mail: general@lane.com  
 117 Bay St. Easton, MD 21601 (410) 822-8003  
 15 Washington St. Cambridge, MD 21613 (410) 221-0818  
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095





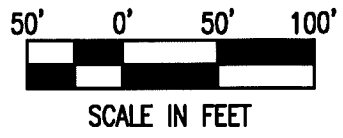
FILE No. 6745  
 JOB No. 200009  
 SCALE: AS NOTED  
 DATE: AS NOTED  
 SHEET No.  
**3 OF 7**

**SITE OVERVIEW**  
**ON THE LANDS OF**  
**JONATHAN P. JAROW &**  
**JENNIFER L. BRAGG**  
**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY**  
**TAX MAP 41, GRID 4, PARCEL 61, LOT A2**

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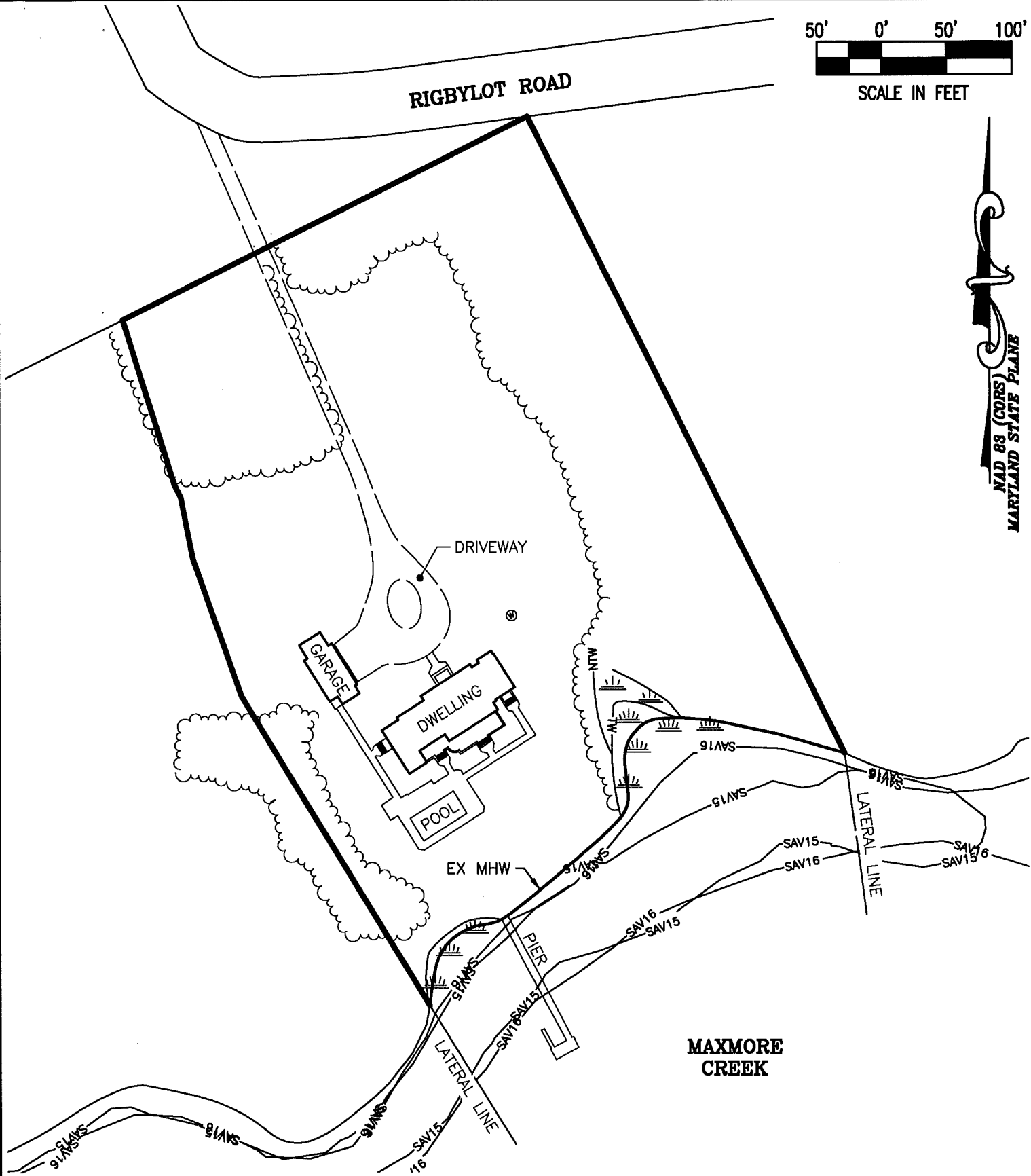


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NAD 88 (CORS)  
 MARYLAND STATE PLANE

RIGBYLOT ROAD



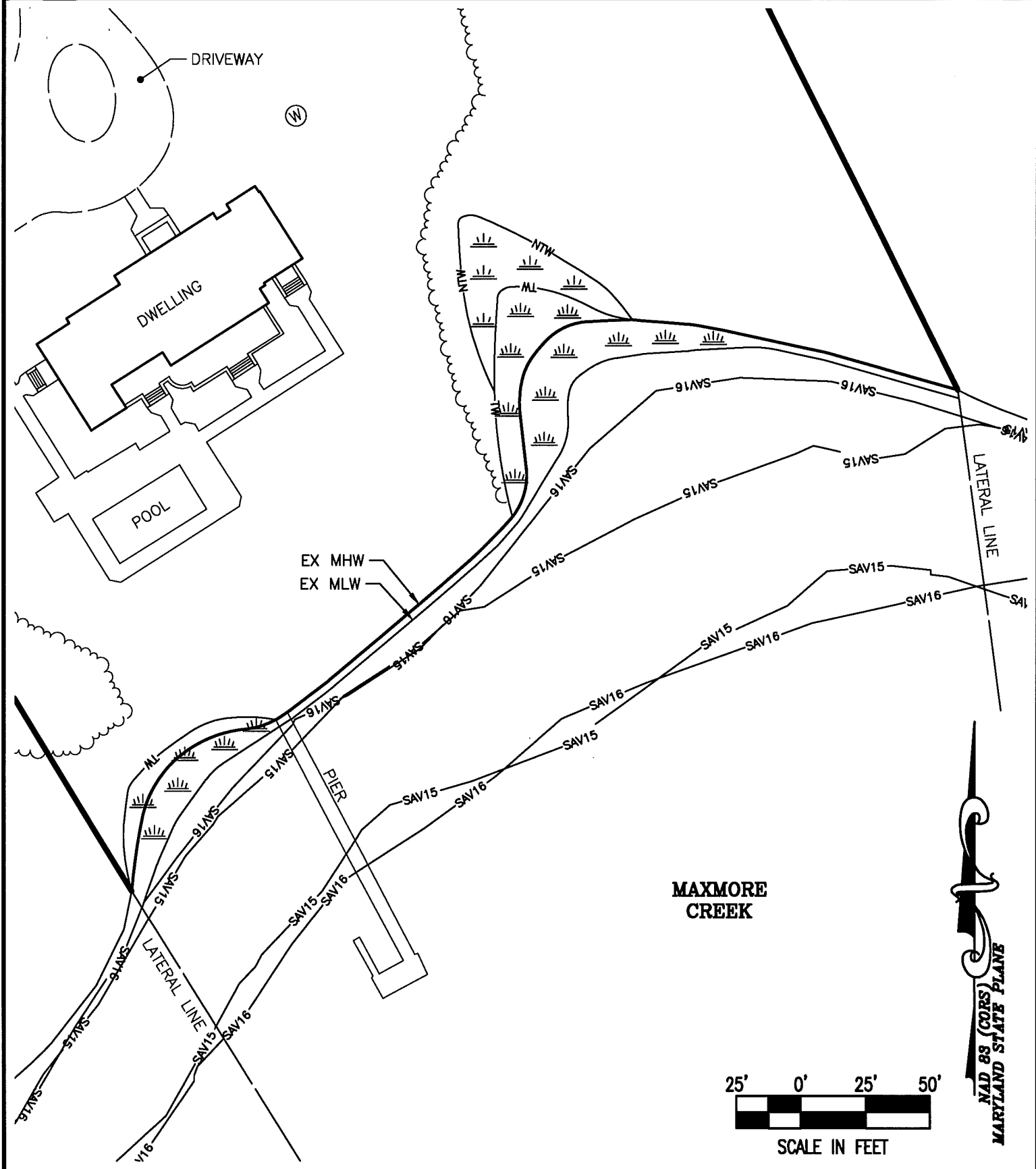
SHEET No.  
**4 OF 7**  
 DATE: AS NOTED  
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**EXISTING CONDITIONS OVERVIEW**  
**ON THE LANDS OF**  
**JONATHAN P. JAROW &**  
**JENNIFER L. BRAGG**  
**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY**  
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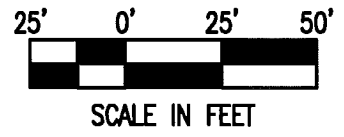
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NAD 83 (GORS) PLANE  
 MARYLAND STATE PLANE



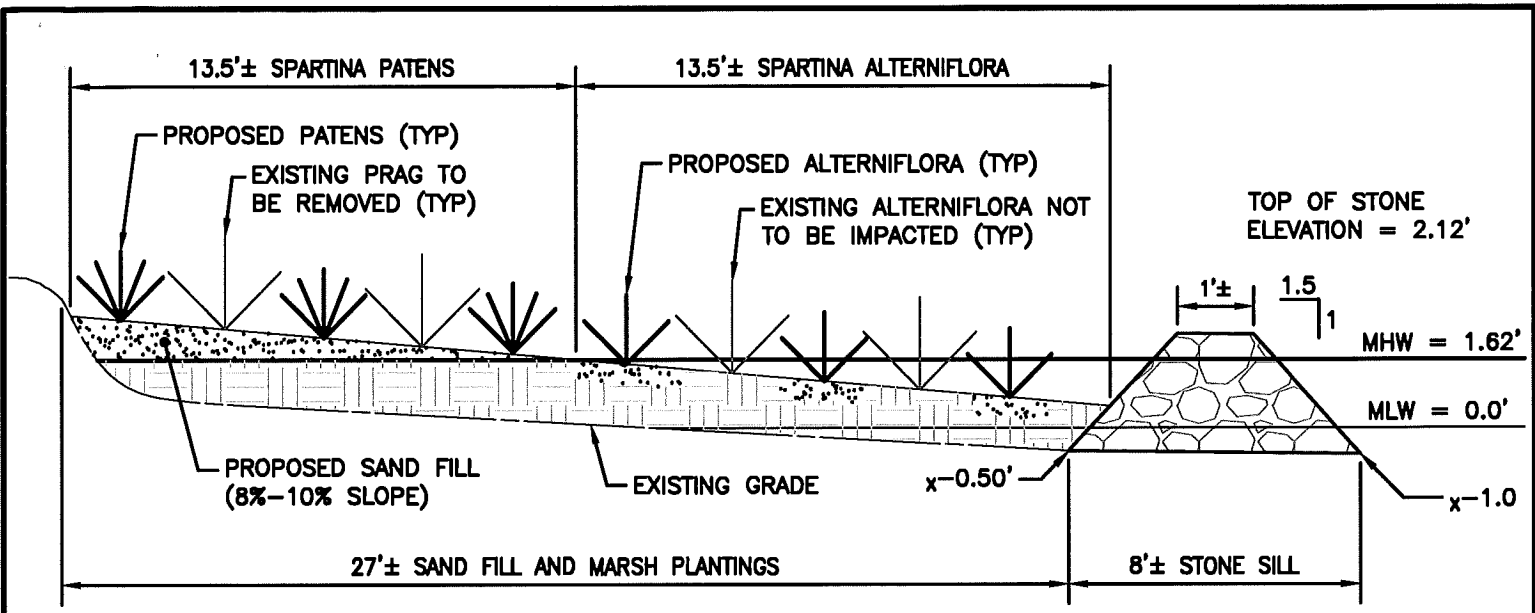
SHEET No.  
**5 OF 7**  
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**EXISTING CONDITIONS**  
**ON THE LANDS OF**  
**JONATHAN P. JAROW &**  
**JENNIFER L. BRAGG**  
 IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY  
 TAX MAP 41, GRID 4, PARCEL 61, LOT A2

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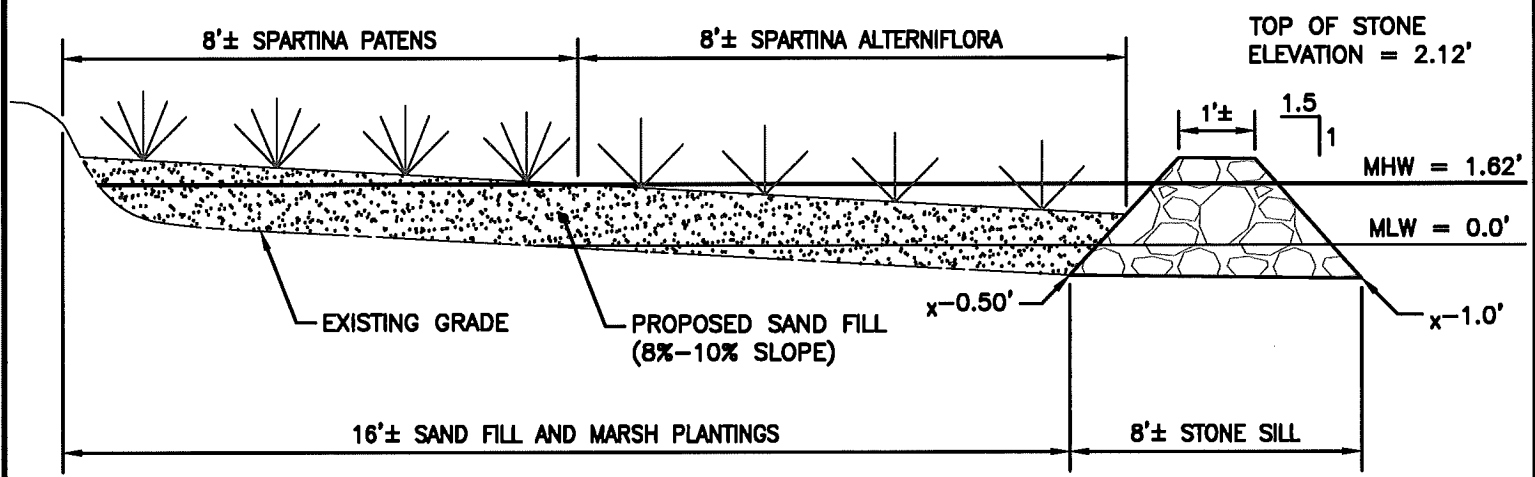
  
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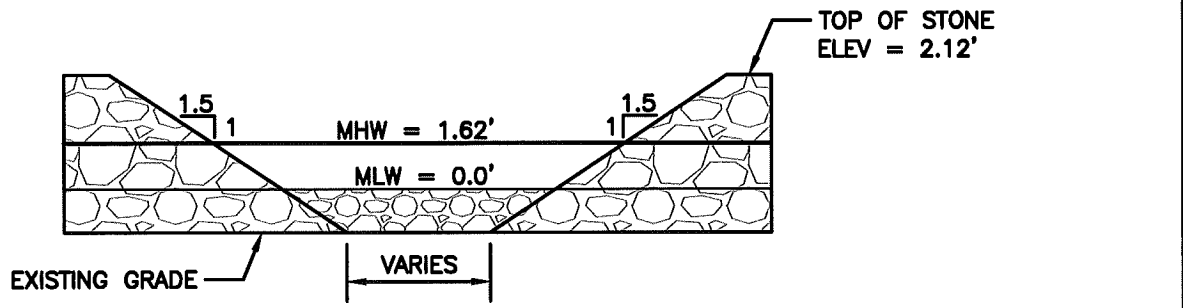
NOTE: PROPOSED SAND FILL TO BE PLACED AROUND EXISTING ALTERNIFLORA TO AVOID IMPACTS

**LIVING SHORELINE DETAIL (A-A)**  
NOT TO SCALE



MINIMUM 1.5' PROPOSED SAND FILL  
D<sub>50</sub>=0.6MM±0.25MM  
LESS THAN 10% PASS #100 SIEVE

**LIVING SHORELINE DETAIL (B-B)**  
NOT TO SCALE



**STONE SILL VENT DETAIL**  
NOT TO SCALE

FILE No. 6745  
JOB No. 200009  
SCALE: AS NOTED  
DATE: AS NOTED  
SHEET No. 7 OF 7

**DETAILS**  
**ON THE LANDS OF**  
**JONATHAN P. JAROW &**  
**JENNIFER L. BRAGG**  
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Sherrill ZANE ENGINEERING, LLC