

Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN 20-30

In Reply to Application Number
NAB-2020-60570 (Tan, Robert and Nora/ Marsh Creation and Pier)

Comment Period: May 22, 2020 to June 5, 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:

Robert Tan & Nora Colleen Beck Tan
143 Seneca Shores Road
Perryville, Maryland 21903

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in Rolles Creek, in St. Michaels, Talbot County, Maryland. 38.78164° N, 76.25511° W

OVERALL PROJECT PURPOSE:

To provide shoreline erosion control and access to Rolles Creek.

PROJECT DESCRIPTION:

To create marsh along 130 linear feet of shoreline by depositing approximately 60 cubic yards of clean select sand fill stabilized with *Spartina alterniflora* and *S. patens* to extend no more than 25 feet channelward of the approximate mean high water (MHW) shoreline creating approximately 2,154 square feet of new tidal marsh impacting approximately 1,200 square feet of tidal wetlands and 1,400 square feet of SAV; to construct 120 linear feet of segmented low profile stone sill containment structure with a 10-foot wide base by 60-foot long segments to extend no more than 25 feet channelward of the approximate MHW shoreline impacting approximately 852 square feet of submerged aquatic vegetation (SAV); to construct a 3-foot by 23-foot walkway over tidal wetlands attached to a 6-foot by 141-foot pier to extend no more than 65 feet channelward of the approximate tidal marsh/open water interface impacting approximately 57 square feet of tidal wetlands and shading approximately 862 square feet of SAV.

EFFECTS ON AQUATIC RESOURCES:

Activity	Aquatic Resource	SAV Impact (Sq. Ft.)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)

			Ft.)	
Marsh Creation	Intertidal/Subtidal	1,400	1,200	10/404
Low Profile Sill	Subtidal	852	-	10/404
Pier	Intertidal/Subtidal	862	57	10

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 applicant has proposed to use a living shoreline for shoreline erosion control which is tailored to the shoreline conditions at the project site. The applicant reduced shoreline encroachment to reduce the impacts to the subtidal and intertidal zones. The walkway would be constructed with a maximum 3-foot wide decking, 3 feet above the marsh substrate over tidal wetlands, and the pier would be constructed 4 feet above the approximate MHW elevation to reduce the effects of shading on the SAV. The applicant is not proposing any mitigation for 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 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 (2020-60570).

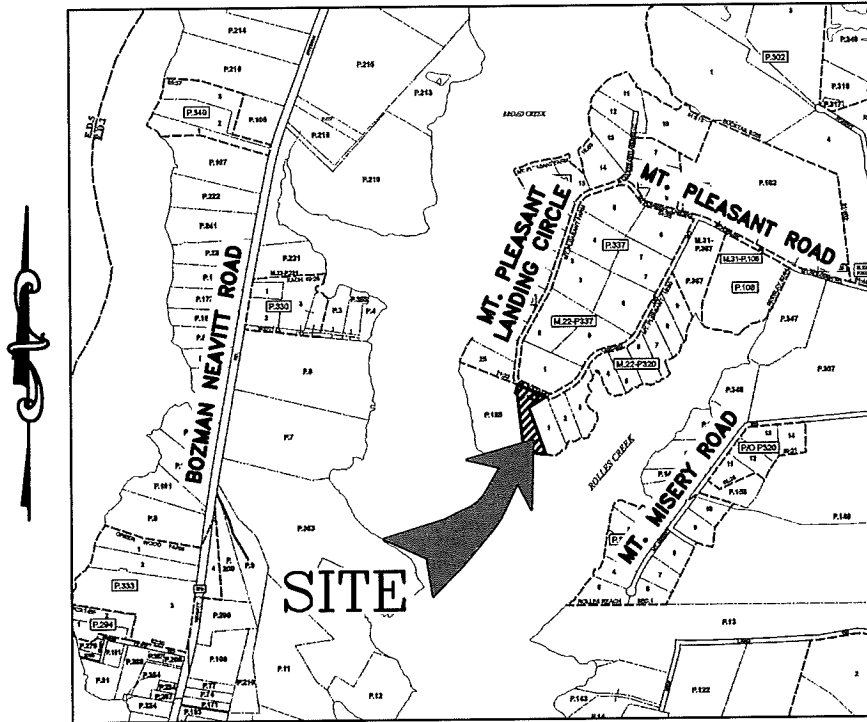
PUBLIC HEARING REQUESTS: Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also it must clearly set 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. Josh Gaimaro
(Josh.Gaimaro@usace.army.mil)
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201-2930

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. Josh Gaimaro at 410-949-6072 or Josh.Gaimaro@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.

TIDAL WETLAND PERMIT DRAWINGS
PREPARED FOR
ROBERT J. TAN
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

ROBERT J. TAN
 NORA COLLEEN BECK TAN
 143 SENECA SHORES ROAD
 PERRYVILLE, MD 21903

PROJECT LOCATION










MT. PLEASANT LANDING CIRCLE
 ST. MICHAELS, MD 21663

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	03/30/20	DSW				

SHEET No. 1 OF 8	DATE: AS NOTED SCALE: AS NOTED JOB No. 200070 FILE No. 2202	<p>TITLE SHEET</p> <p>ON THE LANDS OF ROBERT J. TAN & NORA COLLEEN BECK TAN</p> <p>IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY TAX MAP 31, GRID 5, PARCEL 357, LOT 1</p>	<p><u>Lane Engineering, LLC</u></p> <p>Established 1986 Civil Engineers • Land Planning • Land Surveyors</p> <p>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. Centreville, MD 21617 (410) 758-2095</p>
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LEGEND & ABBREVIATIONS

EX EXISTING
 MHW MEAN HIGH WATER (APPROXIMATE)
 MLW MEAN LOW WATER (APPROXIMATE)
 TBR TO BE REMOVED

PROPERTY LINE 
 MAPPED SAV (2015)  SAV15
 MAPPED SAV (2016)  SAV16
 MAPPED SAV (2017)  SAV17
 MAPPED SAV (2018)  SAV18
 TIDAL WETLANDS  TW
 TREE LINE 
 TREE 
 SPOT ELEVATION  x^{-2.15}

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 = 3.085 AC±
5. LOT DEPTH = 790'±
6. ROAD FRONTAGE = 335'±
7. LOT WIDTH AT SHORELINE = 314'±
8. DISTANCE TO CHANNEL CENTERLINE = 600'±
9. MAXIMUM CHANNELWARD ENCROACHMENT = PIER: 150'±
LIVING SHORELINE: 25'±
10. ZONING CLASSIFICATION = RR (RURAL RESIDENTIAL)
11. 911 ADDRESS = MT. PLEASANT LANDING CIRCLE ST. MICHAELS, MD 21663

THE PROPERTY BOUNDARY AND LANDWARD EXISTING CONDITIONS SHOWN HEREON WERE TAKEN FROM AN EXISTING CONDITIONS SURVEY PREPARED BY LANE ENGINEERING, LLC, DATED 10/08/19. THE SHORELINE FEATURES IN THE WORK AREA WERE SURVEY LOCATED BY LANE ENGINEERING, LLC ON 03/04/20. THIS SKETCH IS FOR PERMIT PURPOSES ONLY AND IS NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

SHEET No. 2 OF 8
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 200070
 FILE No. 2202

SITE & PROJECT NOTES

ON THE LANDS OF
 ROBERT J. TAN &
 NORA COLLEEN BECK TAN

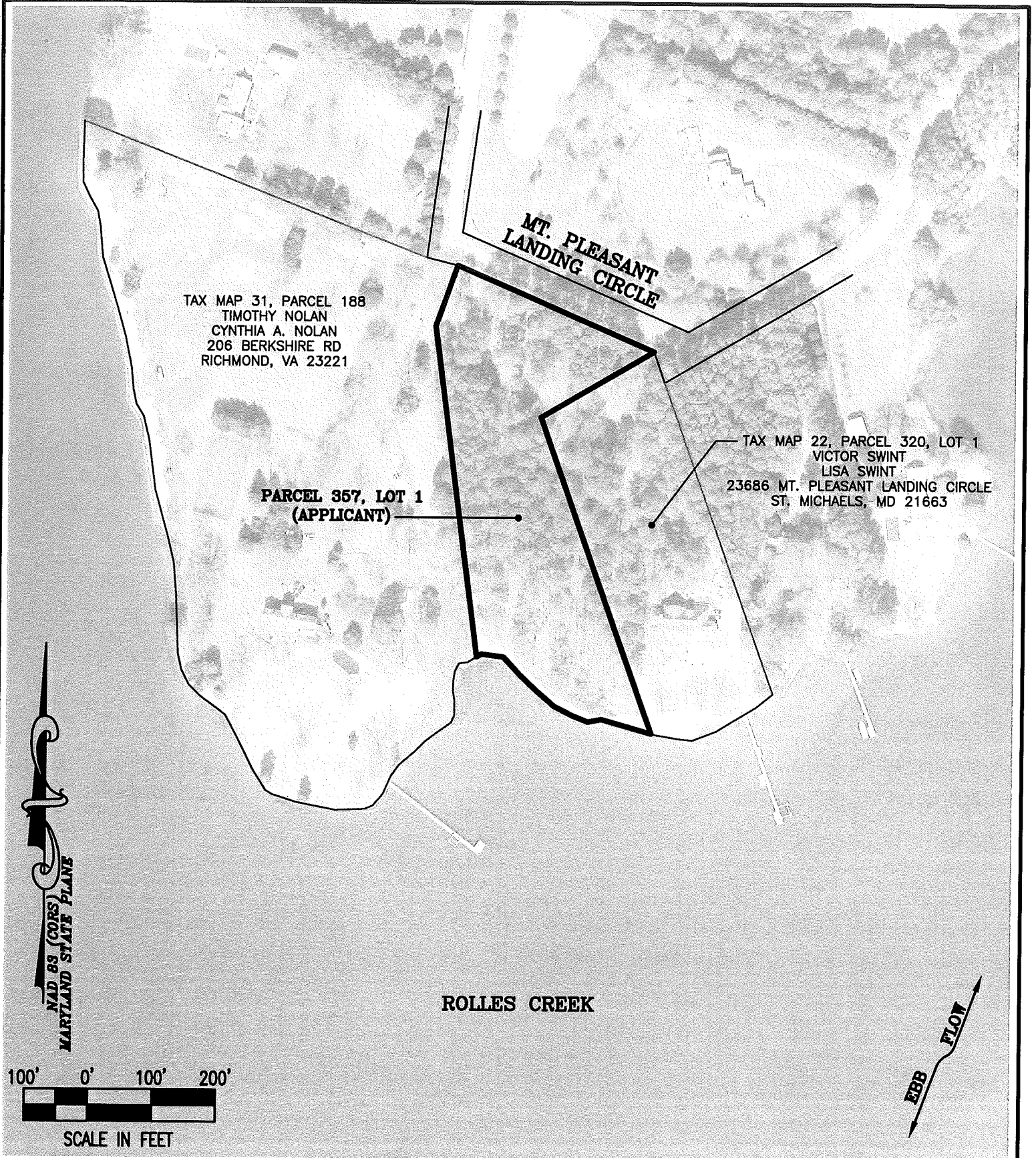
IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 31, GRID 5, PARCEL 357, LOT 1

Lane Engineering, LLC

Established 1986
 Civil Engineers • Land Planning • Land Surveyors



E-mail: general@leinc.com
 117 Boy 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



TAX MAP 31, PARCEL 188
 TIMOTHY NOLAN
 CYNTHIA A. NOLAN
 206 BERKSHIRE RD
 RICHMOND, VA 23221

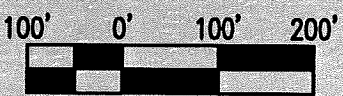
MT. PLEASANT
 LANDING CIRCLE

PARCEL 357, LOT 1
 (APPLICANT)

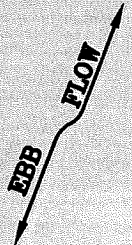
TAX MAP 22, PARCEL 320, LOT 1
 VICTOR SWINT
 LISA SWINT
 23686 MT. PLEASANT LANDING CIRCLE
 ST. MICHAELS, MD 21663

ROLLES CREEK

NAD 83 (GORS) 88
 MARYLAND STATE PLANE



SCALE IN FEET

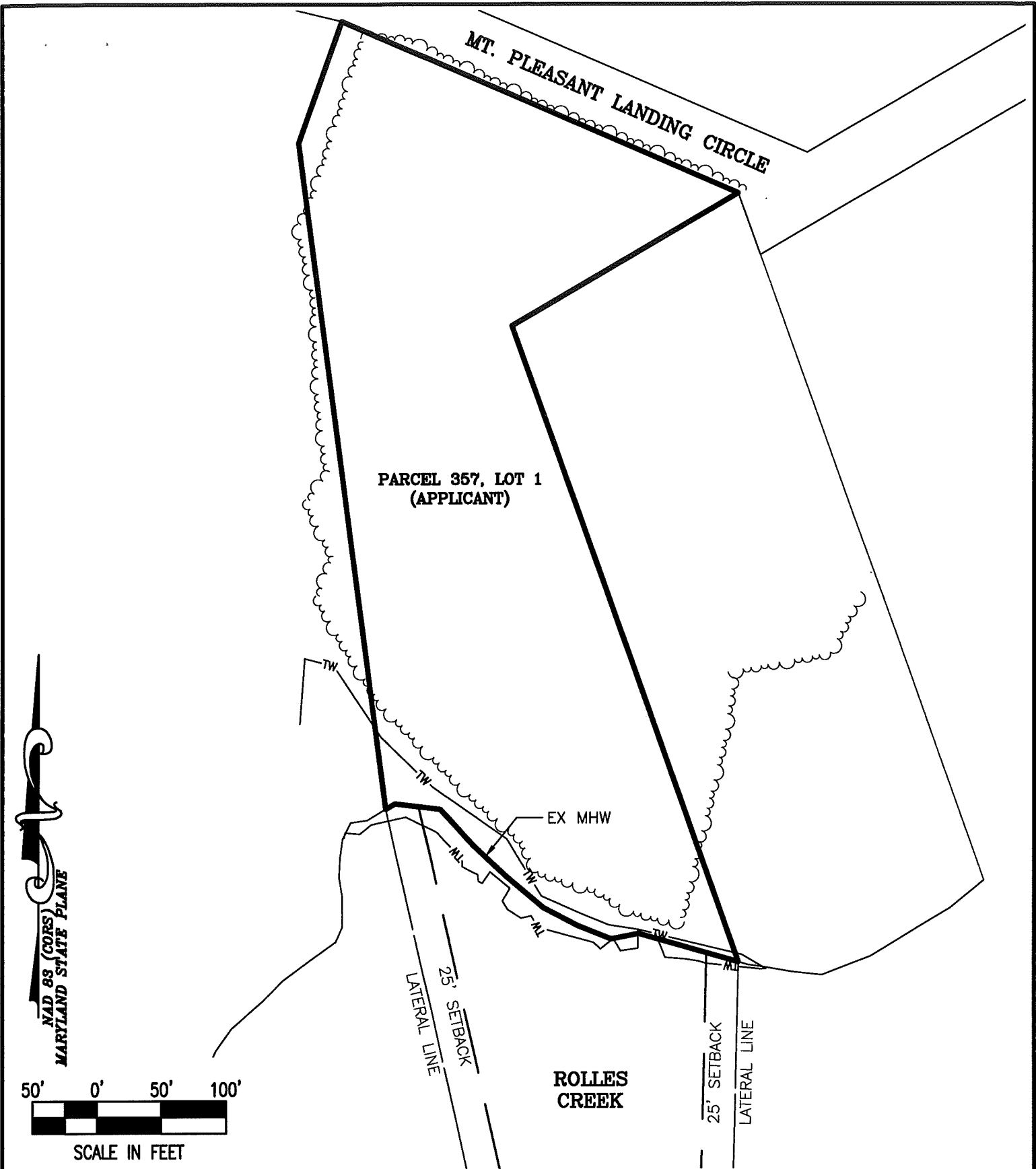


FILE No. 2202
 JOB No. 200070
 SCALE: AS NOTED
 DATE: AS NOTED
 SHEET No. 3 OF 8

SITE OVERVIEW
ON THE LANDS OF
ROBERT J. TAN &
NORA COLLEEN BECK TAN
 IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 31, GRID 5, PARCEL 357, LOT 1

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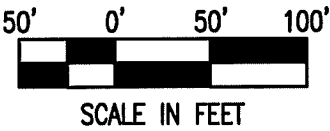


PARCEL 357, LOT 1
(APPLICANT)

MT. PLEASANT LANDING CIRCLE

ROLLES CREEK

NAD 83 (CORS)
MARYLAND STATE PLANE



EXISTING CONDITIONS

**ON THE LANDS OF
ROBERT J. TAN &
NORA COLLEEN BECK TAN**

**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 31, GRID 5, PARCEL 357, LOT 1**

Lane Engineering, LLC

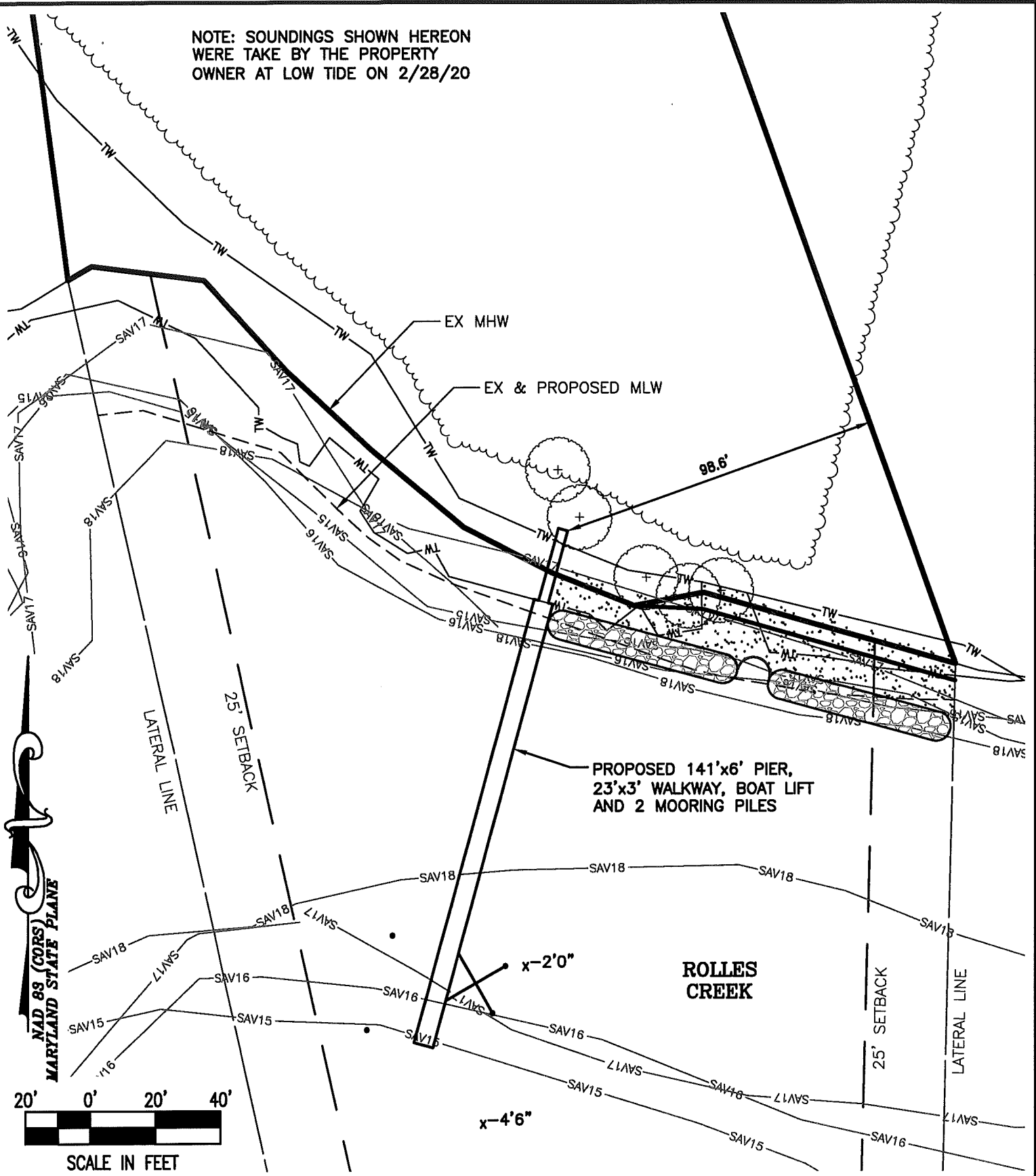
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SHEET No. **4 OF 8**
DATE: AS NOTED
SCALE: AS NOTED
JOB No. 200070
FILE No. 2202

NOTE: SOUNDINGS SHOWN HEREON
WERE TAKE BY THE PROPERTY
OWNER AT LOW TIDE ON 2/28/20



PROPOSED PIER

**ON THE LANDS OF
ROBERT J. TAN &
NORA COLLEEN BECK TAN**

**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 31, GRID 5, PARCEL 357, LOT 1**

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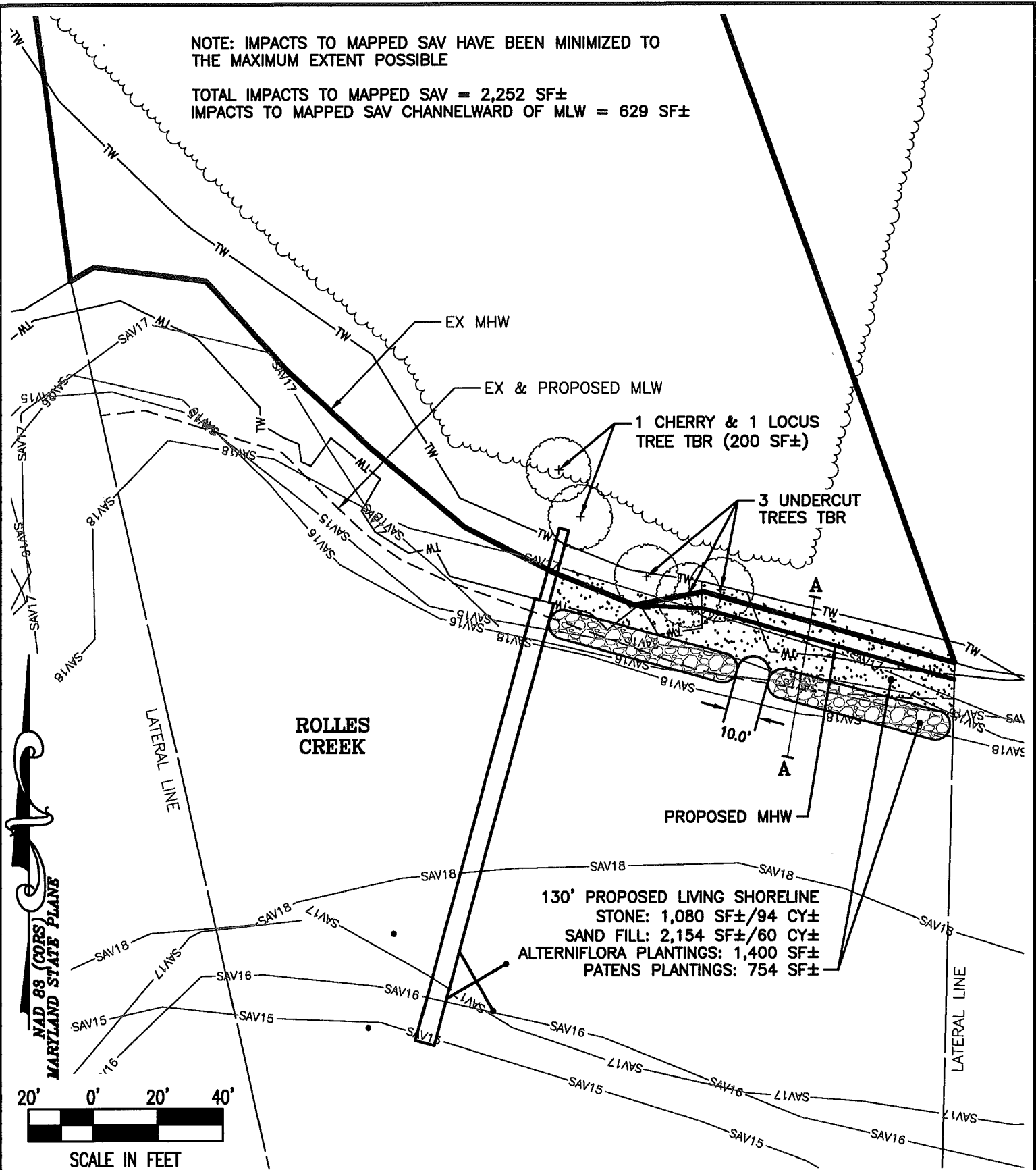


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FILE No. 2202
JOB No. 200070
SCALE: AS NOTED
DATE: AS NOTED
SHEET No. 5 OF 8

NOTE: IMPACTS TO MAPPED SAV HAVE BEEN MINIMIZED TO THE MAXIMUM EXTENT POSSIBLE

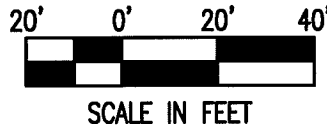
TOTAL IMPACTS TO MAPPED SAV = 2,252 SF±
 IMPACTS TO MAPPED SAV CHANNELWARD OF MLW = 629 SF±



ROLLES CREEK

130' PROPOSED LIVING SHORELINE
 STONE: 1,080 SF±/94 CY±
 SAND FILL: 2,154 SF±/60 CY±
 ALTERNIFLORA PLANTINGS: 1,400 SF±
 PATENS PLANTINGS: 754 SF±

NAD 83 (CORS)
 MARYLAND STATE PLANE



PROPOSED LIVING SHORELINE

**ON THE LANDS OF
 ROBERT J. TAN &
 NORA COLLEEN BECK TAN**

**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 31, GRID 5, PARCEL 357, LOT 1**

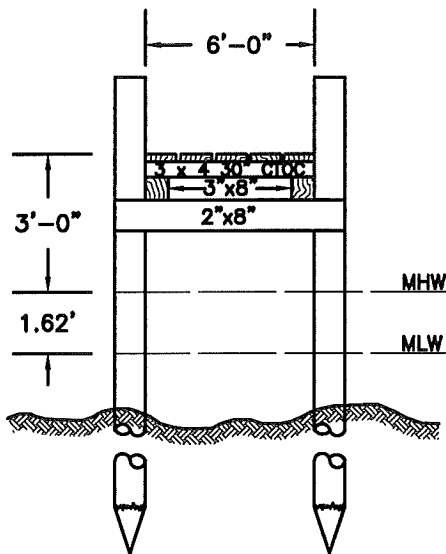
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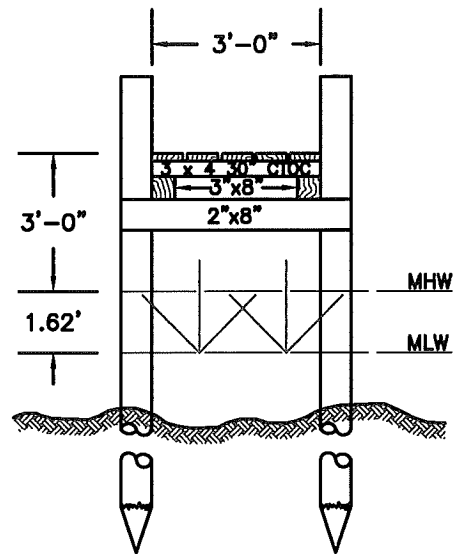


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 117 Bay St. Easton, MD 21601 (410) 822-8003
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 354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095

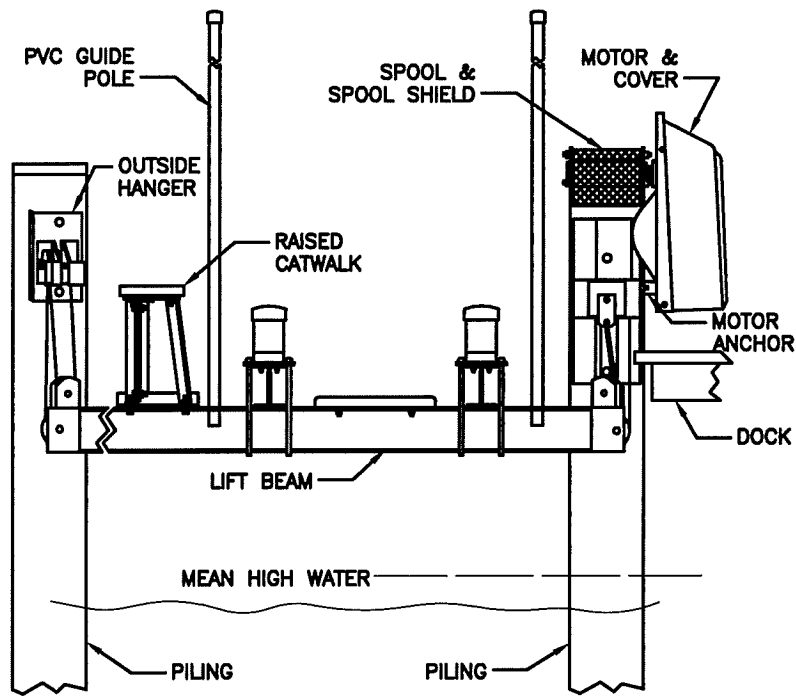
FILE No. 2202	JOB No. 200070	SCALE: AS NOTED	DATE: AS NOTED	SHEET No. 6 OF 8
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PIER SECTION
NOT TO SCALE



WALKWAY SECTION
NOT TO SCALE



BOAT LIFT DETAIL
NOT TO SCALE

PIER DETAILS

**ON THE LANDS OF
ROBERT J. TAN &
NORA COLLEEN BECK TAN**

**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 31, GRID 5, PARCEL 357, LOT 1**

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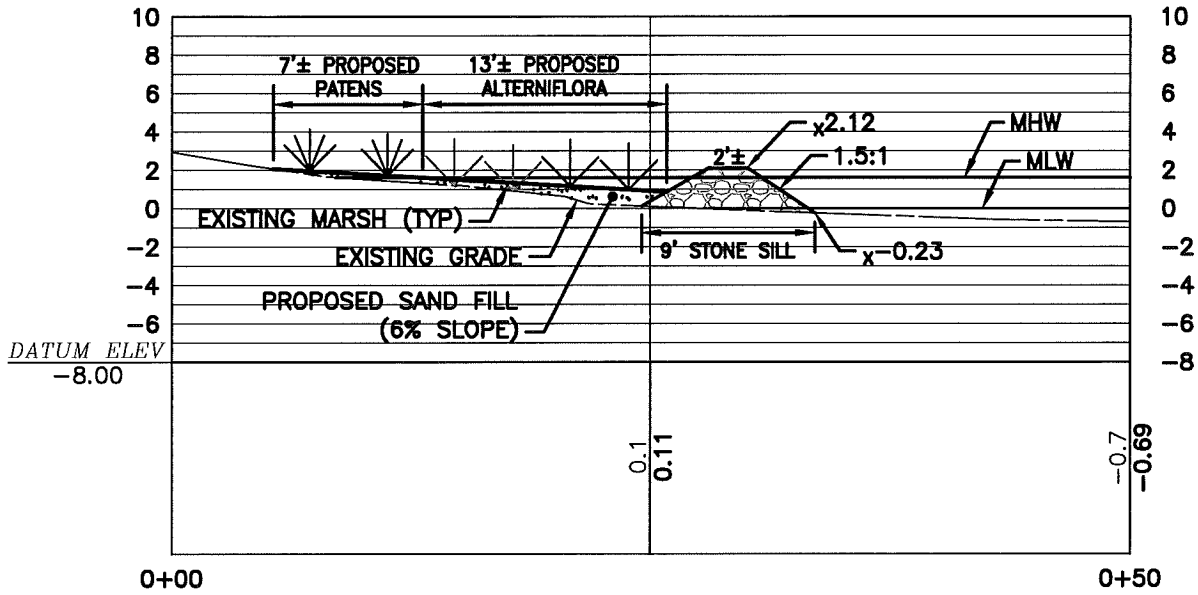
SHEET No.
7 OF 8

DATE: AS NOTED

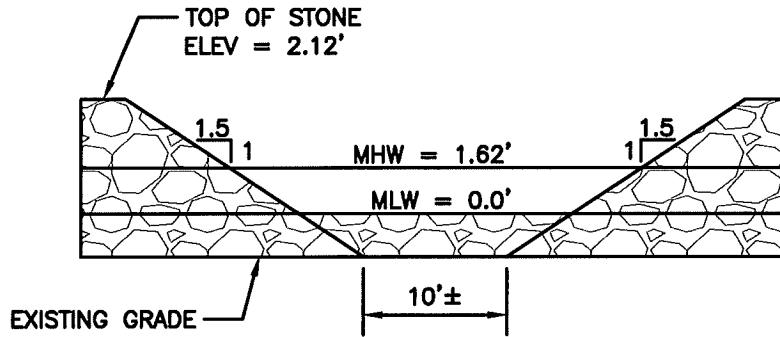
SCALE: AS NOTED

JOB No. 200070

FILE No. 2202



LIVING SHORELINE (SECTION A-A)
NOT TO SCALE




STONE SILL VENT DETAIL
NOT TO SCALE

FILE No. 2202
JOB No. 200070
SCALE: AS NOTED
DATE: AS NOTED
SHEET No.
8 OF 8

LIVING SHORELINE DETAILS
ON THE LANDS OF
ROBERT J. TAN &
NORA COLLEEN BECK TAN
IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 31, GRID 5, PARCEL 357, LOT 1

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