

U.S. Army Corps  
of Engineers  
Baltimore District  
PN 20-34

# Public Notice

In Reply to Application Number  
NAB-2019-61043 (Duemling, Louisa/Living Shoreline)

Comment Period: June 11, 2020 to July 2, 2020

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**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:** Ms. Louisa Duemling  
11966 Andelot Farm Lane  
Worton, Maryland 21678

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

The proposed project is located in Worton Creek in Worton, Queen Anne's County, Maryland. (39.298969, -76.174788)

**OVERALL PROJECT PURPOSE:** To provide adequate shoreline protection and eliminate a degraded non-functional boat basin.

**PROJECT DESCRIPTION:** To fill approximately 3,847 square feet (0.09 acres) of a degraded boat basin; to remove the existing bulkhead and fill approximately 1,717 square feet (0.04 acre) of shallow water to recontour the shoreline; to nourish a beach along 110 linear feet of shoreline by depositing approximately 165 cubic yards of clean select sand fill to extend no more than 28 feet channelward of the approximate mean high water (MHW) shoreline; to create a marsh along 102 linear feet of shoreline within an approximately 7,821 square foot (0.18 acre) area by depositing approximately 300 cubic yards of sloped 50/50 mixture of clean sand and cobble stabilized with approximately 3,000 square feet of high marsh planted with *Scirpus pungens*, *Spartina patens*, and *Iris versicolor* and approximately 1,400 square feet of low marsh planted with *Scirpus pungens*, *Scirpus atrovirens*, and *Iris versicolor* to extend no more than 30 feet channelward of the approximate MHW shoreline; to construct a 13-foot-11-inch-wide stone groin, tapering to 5' 5" wide to extend no more than 29 feet 10 inches channelward of the approximate MHW shoreline; and to construct a 12-foot-9-inch-wide and a 13-foot-4-inch-wide stone groin, both tapering to 5'5" wide to extend no more than 35 feet channelward of the approximate MHW shoreline.

The proposed project would directly impact approximately 4,830 square feet of existing wetland vegetation, consisting of approximately 3,800 square feet of *Phragmites* and approximately 1,030 square feet of *Spartina patens*. The existing degraded boat basin with 4-foot water depth was previously excavated in uplands. No impact to submerged

aquatic vegetation is proposed.

The work is proposed in accordance with the enclosed plans.

### EFFECTS ON AQUATIC RESOURCES:

Activity	WOUS Loss (Sq. Ft.)	Temporary WOUS Impact (Sq. Ft.)	Wetland Impact (Sq. Ft.)	Wetland replanting (Sq. Ft)	Authority (Section 10/404/408)
Fill (boat basin)	3,847	0	0	0	10/404
Fill (re-contouring shoreline)	1,717	0	0	0	10/404
Fill (Groins)	0	1,275	0	0	10/404
Wetland Vegetation Impact (Phragmites)	0	0	3,800	0	10/404
Wetland Vegetation Impact (Spartina)	0	0	1,030	0	10/404
Wetland creation (high marsh)	0	0	0	3,000	10/404
Wetland creation (low marsh)	0	0	0	1,400	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.



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Scale 1"= .25 mi



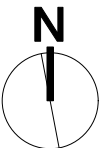
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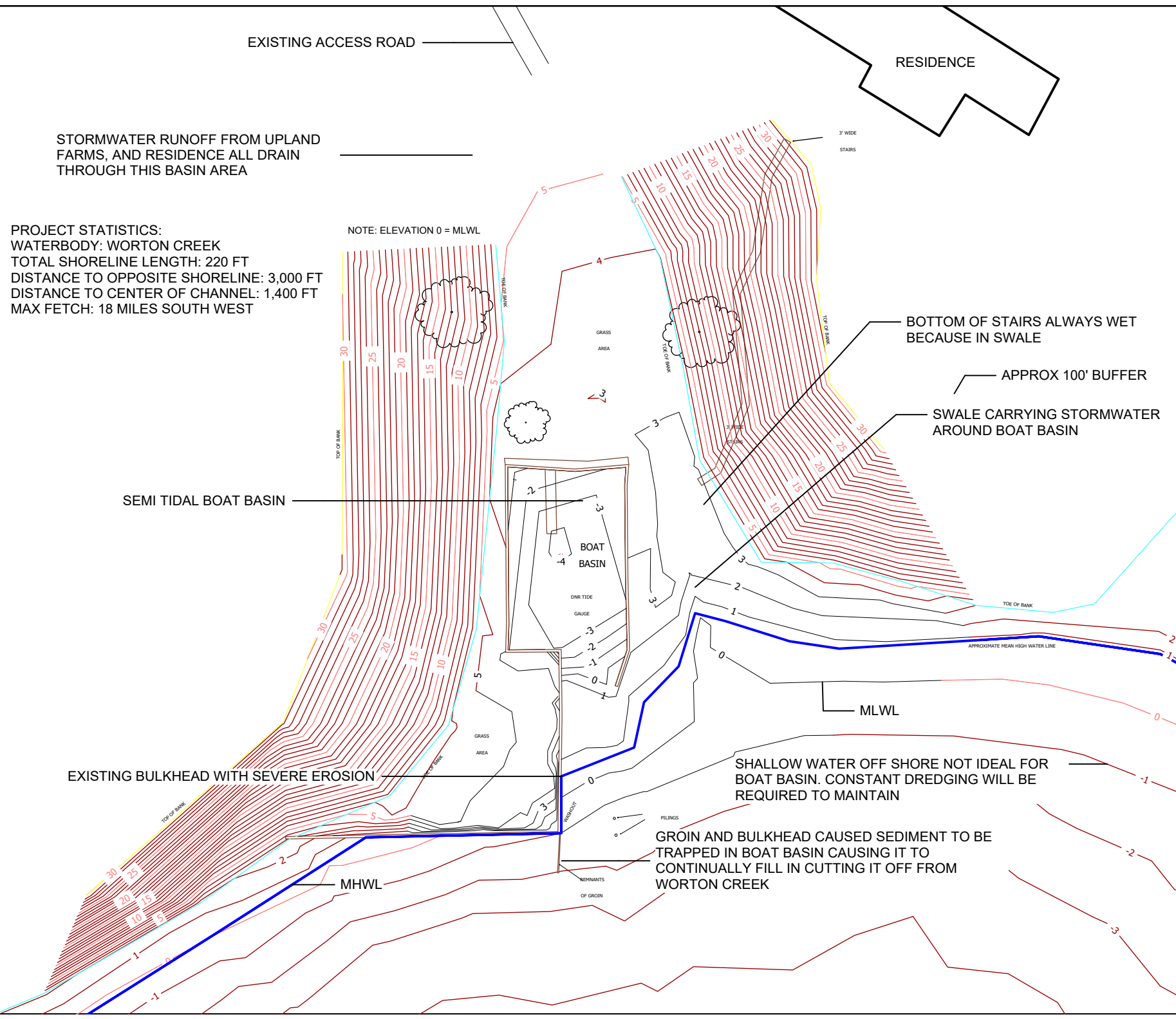
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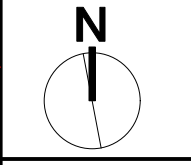
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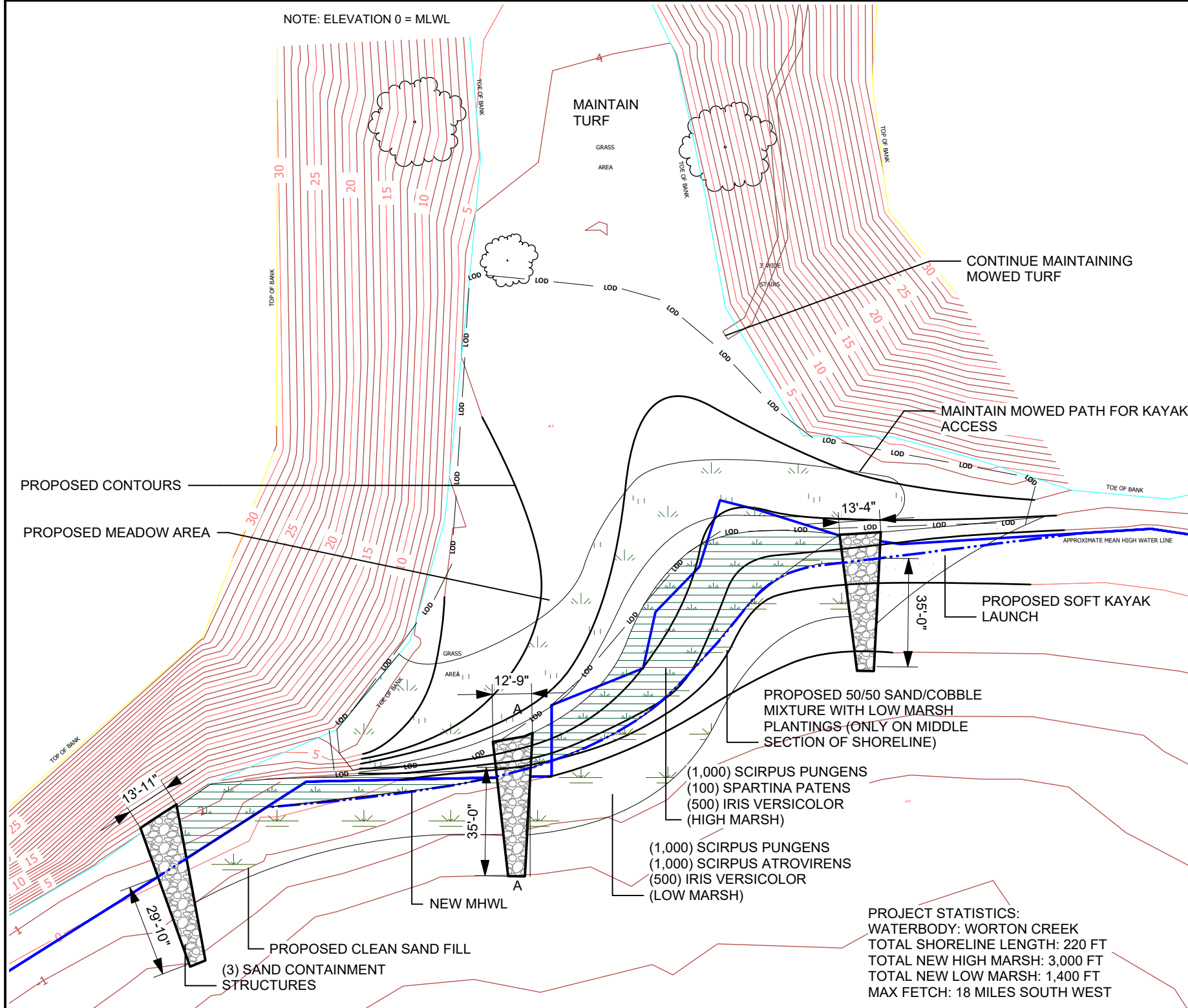
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NOTE: ELEVATION 0 = MLWL



PROPOSED CONTOURS  
PROPOSED MEADOW AREA

MAINTAIN TURF  
GRASS  
AREA

CONTINUE MAINTAINING  
MOWED TURF

MAINTAIN MOWED PATH FOR KAYAK  
ACCESS

PROPOSED SOFT KAYAK  
LAUNCH

PROPOSED 50/50 SAND/COBBLE  
MIXTURE WITH LOW MARSH  
PLANTINGS (ONLY ON MIDDLE  
SECTION OF SHORELINE)

(1,000) SCIRPUS PUNGENS  
(100) SPARTINA PATENS  
(500) IRIS VERSICOLOR  
(HIGH MARSH)

(1,000) SCIRPUS PUNGENS  
(1,000) SCIRPUS ATROVIRENS  
(500) IRIS VERSICOLOR  
(LOW MARSH)

PROPOSED CLEAN SAND FILL  
(3) SAND CONTAINMENT  
STRUCTURES

PROJECT STATISTICS:  
WATERBODY: WORTON CREEK  
TOTAL SHORELINE LENGTH: 220 FT  
TOTAL NEW HIGH MARSH: 3,000 FT  
TOTAL NEW LOW MARSH: 1,400 FT  
MAX FETCH: 18 MILES SOUTH WEST

**unity**  
design/build  
**landscape**

3621 Church Hill Road  
Church Hill, MD 21623  
410.556.6010

**DUEMLING**

11966 Andelot Farm Ln. Worton MD 21678

**PROPOSED CONDITIONS**

ISSUED FOR:

Owner Review

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Permit

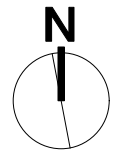
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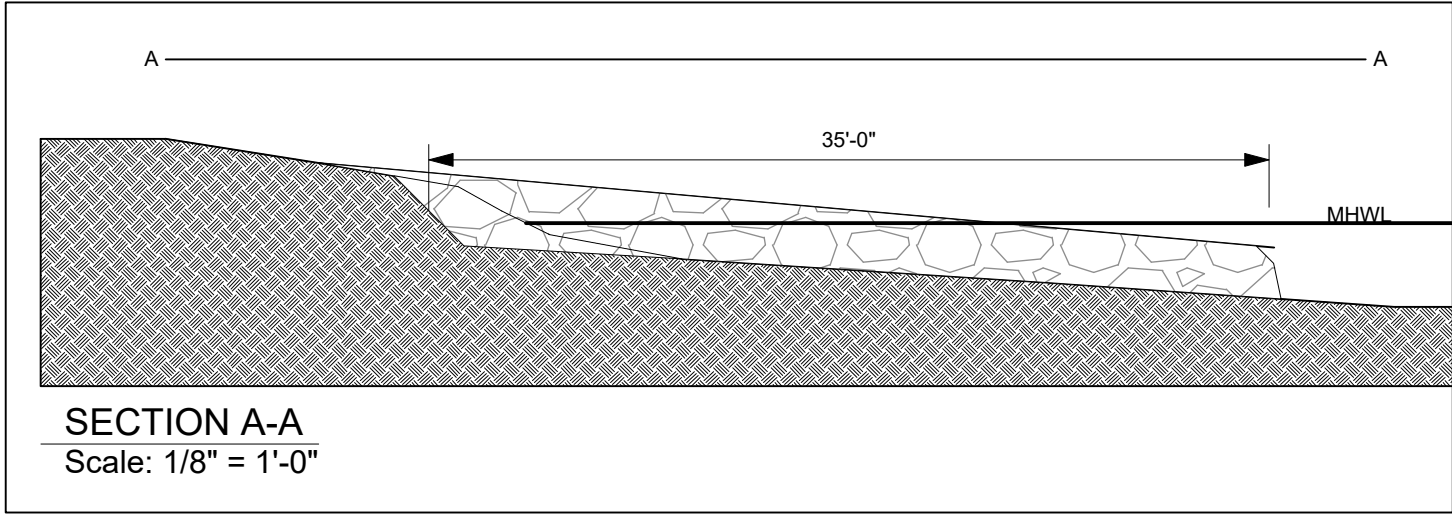
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**DUEMPLING**  
 11966 Andelot Farm Ln. Worton MD 21678

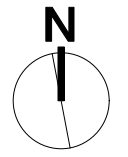
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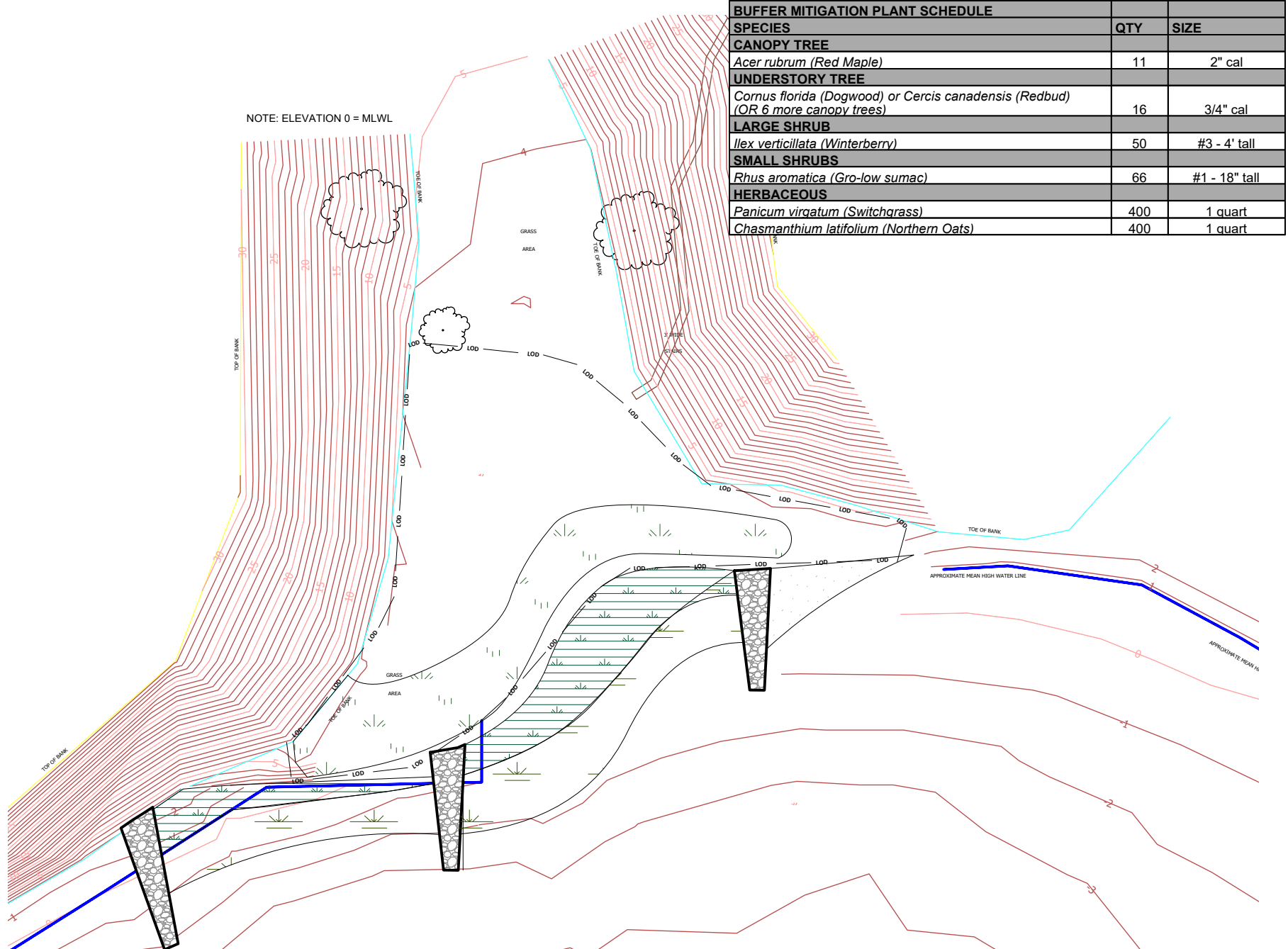
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NOTE: ELEVATION 0 = MLWL

BUFFER MITIGATION PLANT SCHEDULE		
SPECIES	QTY	SIZE
<b>CANOPY TREE</b>		
<i>Acer rubrum (Red Maple)</i>	11	2" cal
<b>UNDERSTORY TREE</b>		
<i>Cornus florida (Dogwood) or Cercis canadensis (Redbud)</i> (OR 6 more canopy trees)	16	3/4" cal
<b>LARGE SHRUB</b>		
<i>Ilex verticillata (Winterberry)</i>	50	#3 - 4' tall
<b>SMALL SHRUBS</b>		
<i>Rhus aromatica (Gro-low sumac)</i>	66	#1 - 18" tall
<b>HERBACEOUS</b>		
<i>Panicum virgatum (Switchgrass)</i>	400	1 quart
<i>Chasmanthium latifolium (Northern Oats)</i>	400	1 quart

MITIGATION		
TYPE	QTY	Mitigation Credit
Canopy Trees	11	2,200 FT
Understory Trees	16	600 FT
Large Shrubs	50	2,500 FT
Small Shrubs	66	1,650 FT
Herbaceous	400	800 FT
<b>Total</b>		<b>8,350 FT</b>

BUFFER DISTURBANCE		
TYPE	QTY	Mitigation Credit
Tree Removals (Understory)	0	0 FT
Tree Removals (Canopy)	0	0 FT
LOD of project	13,200	13,200 FT
Less area of MDE non-tidal Wetland	-4,850	-4,850 FT
<b>Total</b>		<b>8,350 FT</b>



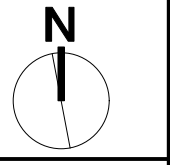
**DUEMLING**  
11966 Andelot Farm Ln. Worton MD 21678  
**BUFFER MANAGEMENT**

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