

# Public Notice

U.S. Army Corps  
of Engineers  
Establishment)

Baltimore District  
PN 20-52

In Reply to Application Number  
NAB-2020-60606-M44 (Deale Beach Citizens Assoc/Marsh

Comment Period: August 10, 2020 to September 8, 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:**

Mr. Patrick Mehlman  
c/o: Deale Beach Citizens Association  
938 Main Street  
Deale, Maryland 20751

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

The proposed project is located along the shoreline at 953 Bay Drive, in Chesapeake Bay, in Deale, Maryland (38.783440, -76.532955).

**OVERALL PROJECT PURPOSE:**

The overall project purpose is to provide shoreline erosion protection, by constructing a living shoreline, in Chesapeake Bay, at 953 Bay Drive, Deale, Maryland.

**PROJECT DESCRIPTION:**

To construct two 75-foot long by 25-foot wide sand containment structures that are 2.8' above mean high water; and emplace approximately 10,200 square feet of clean sand material along 175 feet of eroding shoreline. Additionally, the applicant proposes to plant 3,000 square feet of marsh vegetation and 5,400 square feet of dune vegetation. The living shoreline will extend a maximum of 85-feet channelward from the approximate mean high water shoreline.

**EFFECTS ON AQUATIC RESOURCES:**

Activity (i.e. culvert)	WoUS Impact (Sq. Ft.)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)
Breakwater Structures (Permanent)	2,250	0	Section 10
Sand Fill	10,200	0	Section 10/ Section

(Permanent)			404
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**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. 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 any aquatic resource losses on-site and within the watershed. Compensatory mitigation is not being proposed by the applicants for impacts to open water (sub-tidal) habitat. No submerged aquatic vegetation (SAV) impacts are proposed.

**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 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 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 have no 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 NAB-2020-60606-M44.

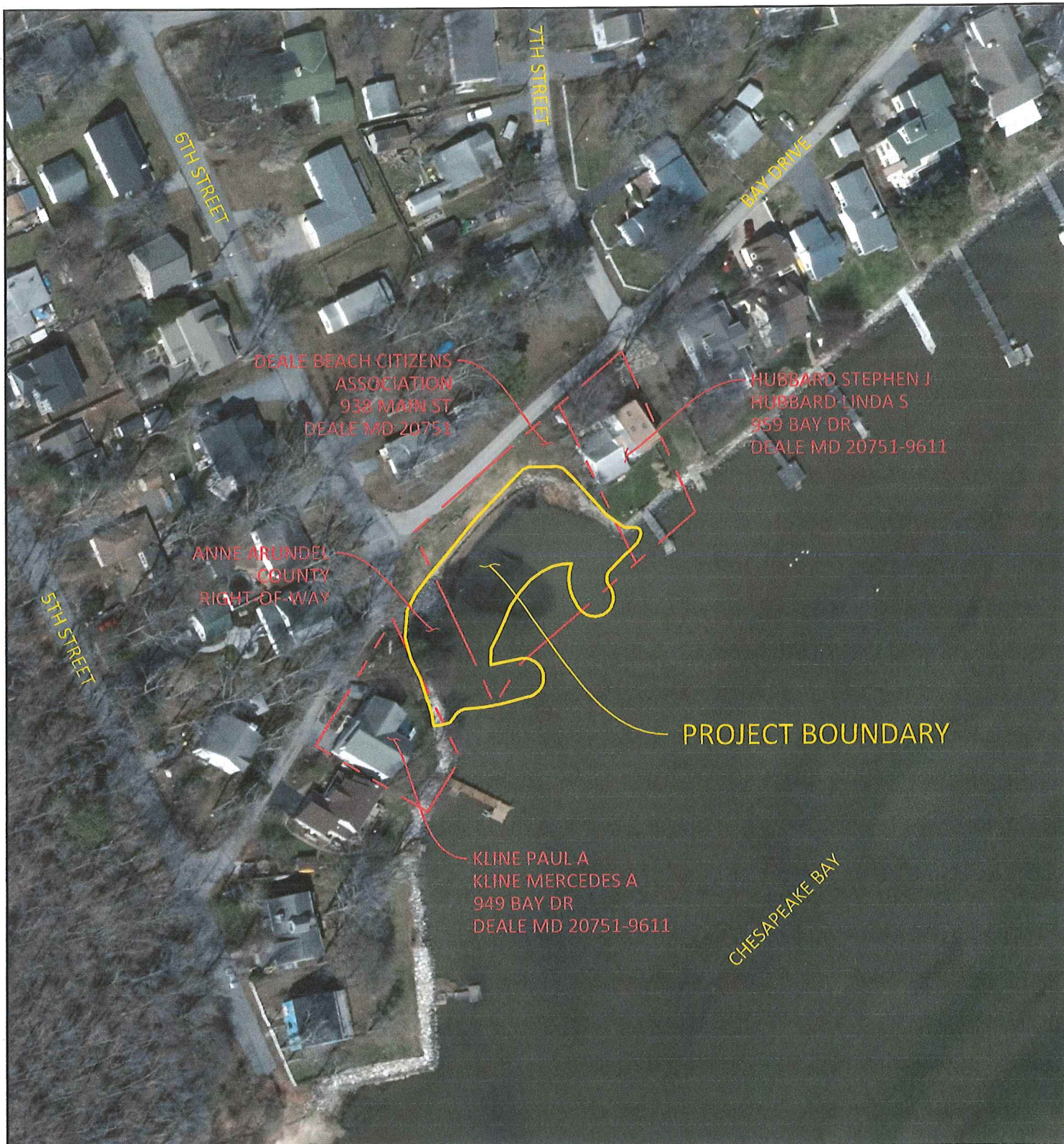
**PUBLIC HEARING REQUESTS:** Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also it must clearly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

Jamie Larkin  
(Jamie.H.Larkin@usace.army.mil)  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
2 Hopkins Plaza  
Baltimore, Maryland 21201

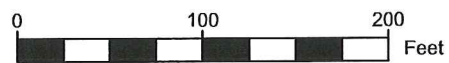
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

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 (Jamie Larkin, (410)-962-4522, and Jamie.H.Larkin@usace.army.mil). This public notice is issued by the Chief, Regulatory Branch.





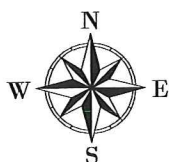
**PLAN VIEW**  
SCALE: 1" = 100'







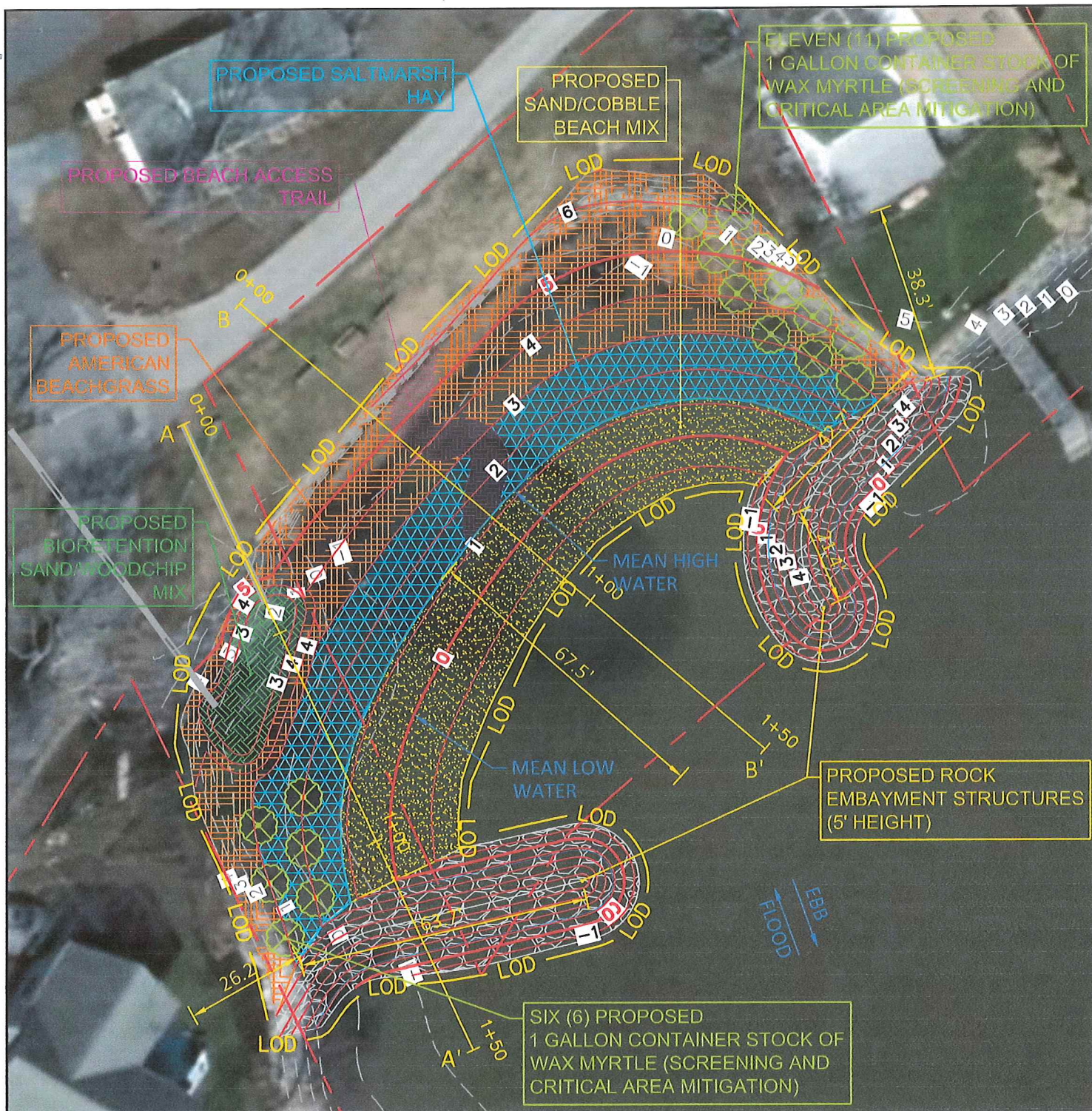
EXISTING MEAN LOW WATER = 0 ELEVATION CONTOUR  
 EXISTING MEAN HIGH WATER = 1.2 ELEVATION CONTOUR



**PLAN VIEW**  
 SCALE: 1" = 30'

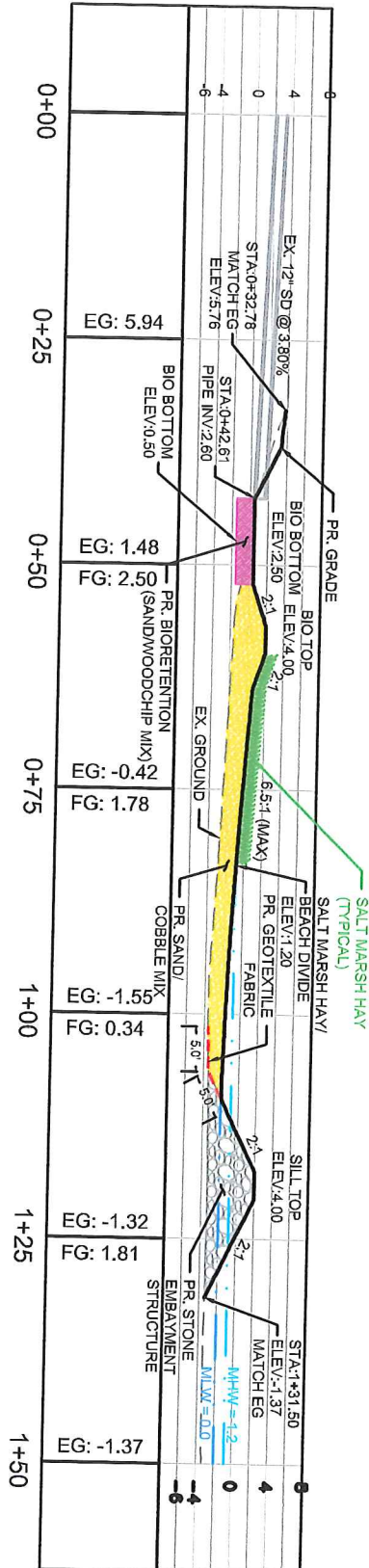






PROPOSED MEAN LOW WATER = 0 ELEVATION CONTOUR  
 PROPOSED MEAN HIGH WATER = 1.2 ELEVATION CONTOUR

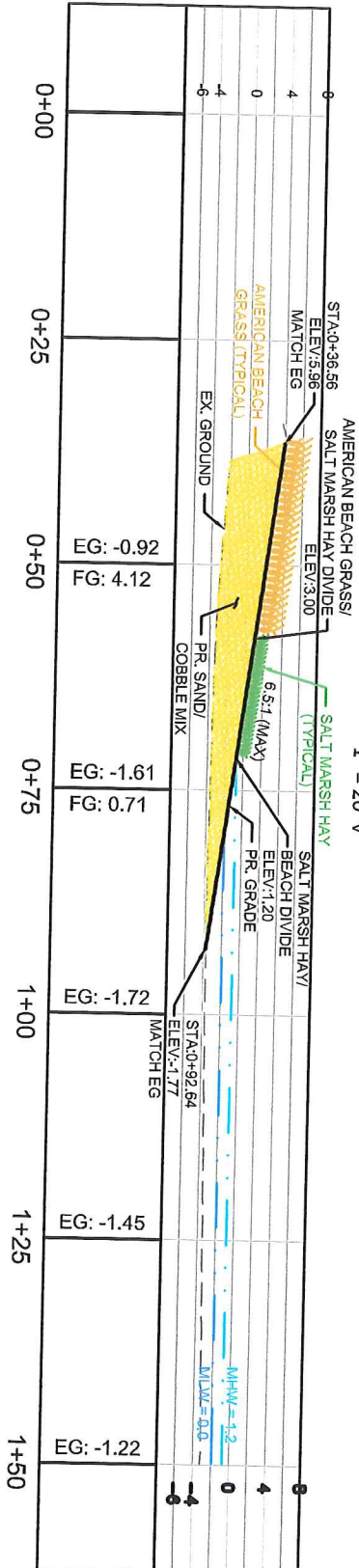




**SECTION A-A'**

SCALE: 1" = 20' H

1" = 20' V



**SECTION B-B'**

SCALE: 1" = 20' H

1" = 20' V



**CROSS SECTIONS**

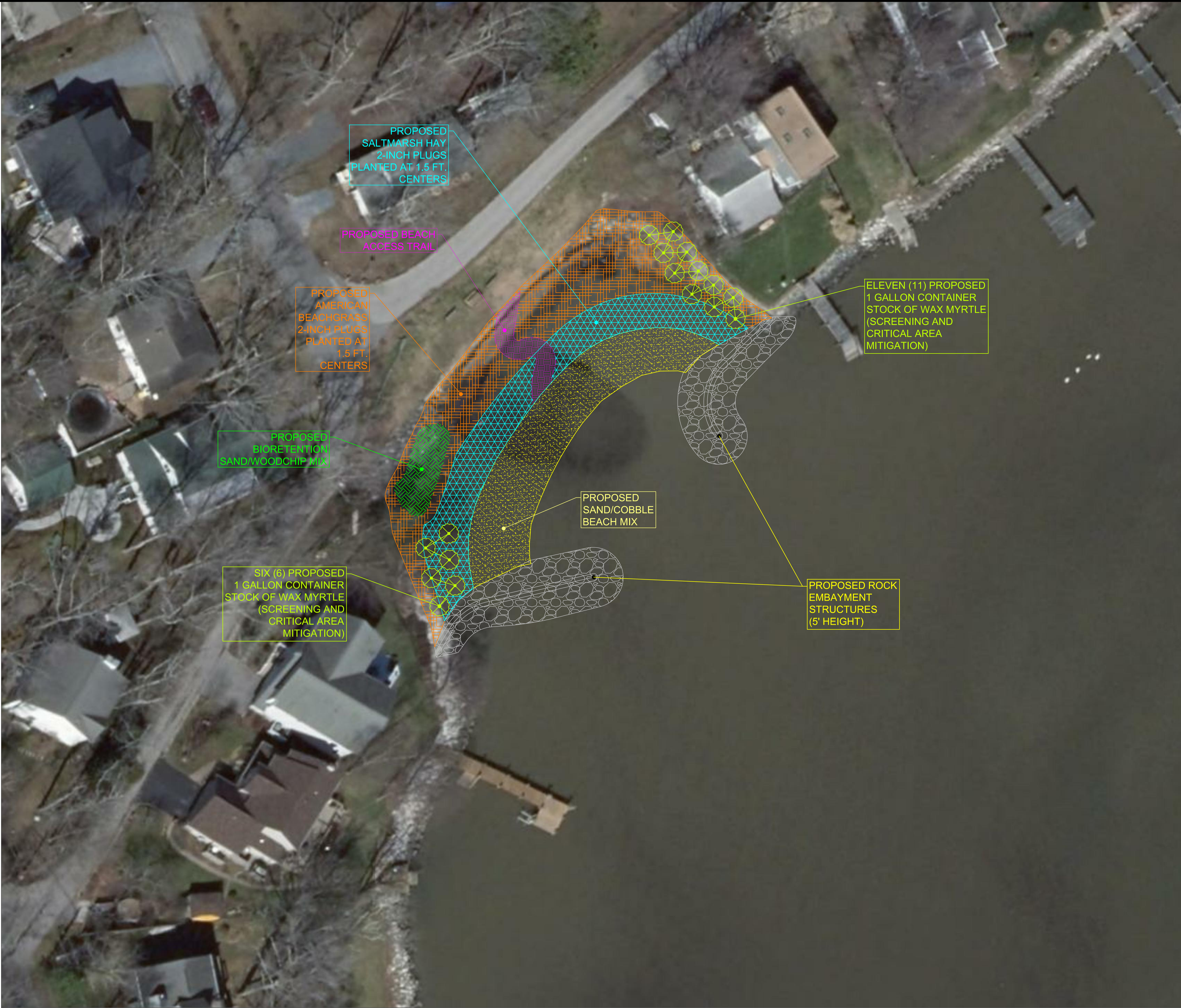
SCALE: AS SHOWN

DEALE BEACH JPA PLANS  
PREPARED FOR  
CONSULTANTS IN  
CONSERVATION

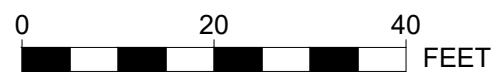
DATE	2/25/2020
SS PROJECT #	19003
SCALE	AS SHOWN
DESIGNED BY	FAM
DRAWN BY	SAM
CHECKED BY	FAM

CONSTRUCTION DETAILS



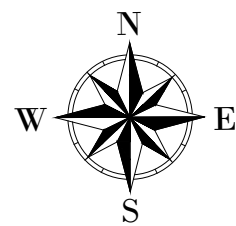


- LEGEND**
- 64 --- EXISTING MINOR CONTOUR
  - 65 --- EXISTING MAJOR CONTOUR
  - 59 --- PROPOSED MINOR CONTOUR
  - 80 --- PROPOSED MAJOR CONTOUR
  - PROPOSED SAND/COBBLE BEACH MIX
  - PROPOSED ROCK EMBAYMENT STRUCTURE
  - PROPOSED AMERICAN BEACHGRASS
  - PROPOSED SALTMARSH HAY
  - PROPOSED BEACH ACCESS TRAIL
  - PROPOSED BIORETENTION SAND/WOODCHIP MIX



**PROPOSED LAYOUT&PLANTING PLAN**

SCALE: 1" = 20'

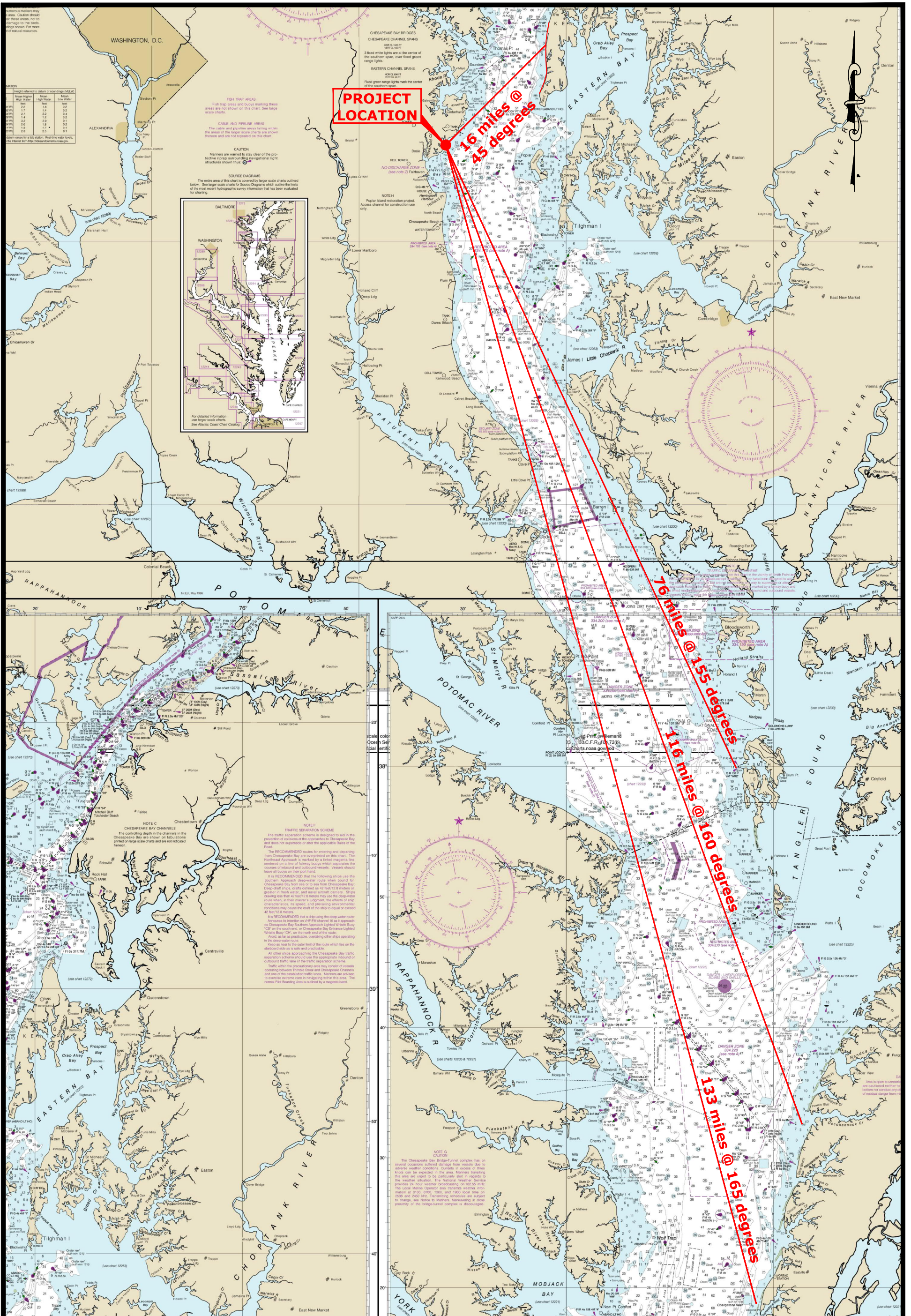


PROPOSED LAYOUT&PLANTING PLAN		 ENGINEERING SERVICES 410 S. SECOND STREET DENTON, MARYLAND 21629 PHONE: (410) 924-4316 WWW.SUSTAINABLESCIENCE.COM																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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**SUSTAINABLE SCIENCE, LLC**  
ENGINEERING SERVICES  
410 S. SECOND STREET  
DENTON, MARYLAND 21629  
PHONE: (410) 924-4316  
WWW.SUSTAINABLESCIENCE.COM

PROPOSED LAYOUT&PLANTING PLAN  
DEALE BEACH LIVING SHORELINE  
PREPARED FOR CONSULTANTS IN CONSERVATION  
ANNE ARUNDEL COUNTY MARYLAND





# FETCH & WAVE ANALYSIS

Living Shoreline Design Build Project  
Deale Beach Community

Anne Arundel County, Maryland



**SUSTAINABLE  
SCIENCE LLC**

Ecological Engineering Services  
410 S. Second Street  
Denton, Maryland 21629  
Phone: (410) 924-4316  
www.sustainable-science.com

SCALE:	1 inch = 10 miles
DRAWN BY:	A. McCullough
DATE:	January 30th, 2019
LAST REVISION:	NONE
SS PROJECT NO:	NONE

SHEET NUMBER	1 OF 2
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$$\frac{33.5'}{(2016-1994)} = 1.5'/\text{YR}$$

$$\frac{114.0'}{(1994-1934)} = 1.9'/\text{YR}$$

DEALE BEACH, ANNE ARUNDEL

HISTORIC RATE OF EROSION MAP