

U.S. Army Corps  
of Engineers

Baltimore District  
PN-19-12

# Public Notice

In Reply to Application Number  
**NAB-2019-60021 (SO PLANNING DEAL ISLAND LIVING  
SHORELINE)**

Comment Period: March 1, 2019 to March 22, 2019

---

**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. 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 of 1899 and Section 404 of the Clean Water Act (33. U.S.C. 1344)** as described below:

**APPLICANT:** Mr. Gary Pusey, Planning Director  
11916 Somerset Avenue  
Princess Anne, Maryland 21853

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** In Tangier Sound at the end of Crowell Road at Deal Island, Somerset County, Maryland.

**PROPOSED WORK AND PURPOSE:** The applicant proposes to create marsh along approximately 1,100 linear feet of shoreline by depositing approximately 8,490 cubic yards of sloped, clean select sand fill, stabilized with approximately 62,300 square feet of *Spartina patens* and beach grass to extend no more than 110 feet channelward of the approximate MHW shoreline, to construct a 250 linear foot stone breakwater of varying height, approximately 25-feet wide at the base and 6-feet wide at the top, to extend no more than 130 feet channelward of the approximate MHW shoreline, to construct a 160 linear foot stone breakwater of varying height, approximately 25-feet wide at the base and 6-feet wide at the top, to extend no more than 110 feet channelward of the approximate MHW shoreline, to construct a 180 linear foot stone breakwater of varying height, approximately 25-feet wide at the base and 6-feet wide at the top, to extend no more than 100 feet channelward of the approximate MHW shoreline, and to construct a 200 linear foot stone breakwater of varying height, approximately 25-feet wide at the base and 6-feet wide at the top, to extend no more than 135 feet channelward of the approximate MHW shoreline. All work is proposed in accordance with the attached plans dated July 17, 2018. If you have any questions concerning this matter, please contact Jessica Miller at (410) 820-8629 or [Jessica.d.miller@usace.army.mil](mailto:Jessica.d.miller@usace.army.mil).

The purposes of the proposed project are to create and improve habitat, beach nourishment, and erosion control.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions and previously authorized work. Because the project would involve the deposition of fill within approximately 18,750 square feet of

tidal vegetated wetlands, impacts over ½ acre of un-vegetated shallow waters and extends more than 50 feet channelward of the approximate mean high water line, it does not qualify for authorization pursuant to the MD-SPGP-5 and is being processed as a standard permit.

No compensatory mitigation is proposed. Although approximately 18,750 square feet of tidal wetland vegetation would be buried or altered, the project would create approximately 62,300 square feet of enhanced intertidal wetlands vegetated with high marsh and beach grasses.

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 reasonably 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 impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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. 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 District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Jessica Miller, CENAB-OPR-M], 218 N. Washington Street, Suite 304 Easton, MD 21601 or [jessica.d.miller@usace.army.mil](mailto:jessica.d.miller@usace.army.mil), within the comment period specified above.

**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 effect Essential Fish Habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for the Tangier/Pocomoke Sound, Maryland complex for EFH as described under the MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; *Centropristus striata* (black sea bass) juvenile and adult; *Leucoraja erinacea* (little skate) adult; *Clupea harengus* (Atlantic herring) juvenile and adult; *Leucoraja ocellata* (winter skate) adult; *Raja eglanteria* (clearnose skate) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Urophycis chuss* (red hake), *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA., all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. The Baltimore District has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination. The project area is not a Habitat Area of Particular Concern (HAPC).

**WATER QUALITY CERTIFICATION:** The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the **Maryland Department of the Environment**. Any written comments concerning the work described above which relate to water quality certification must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

**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. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

**ENDANGERED SPECIES ACT:** A preliminary review of this application indicates that the proposed work will not affect Federal 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.

**NATIONAL HISTORIC PRESERVATION ACT:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently

unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.



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 by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, 218 N. Washington Street, Suite 304 Easton, MD 21601, 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.

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

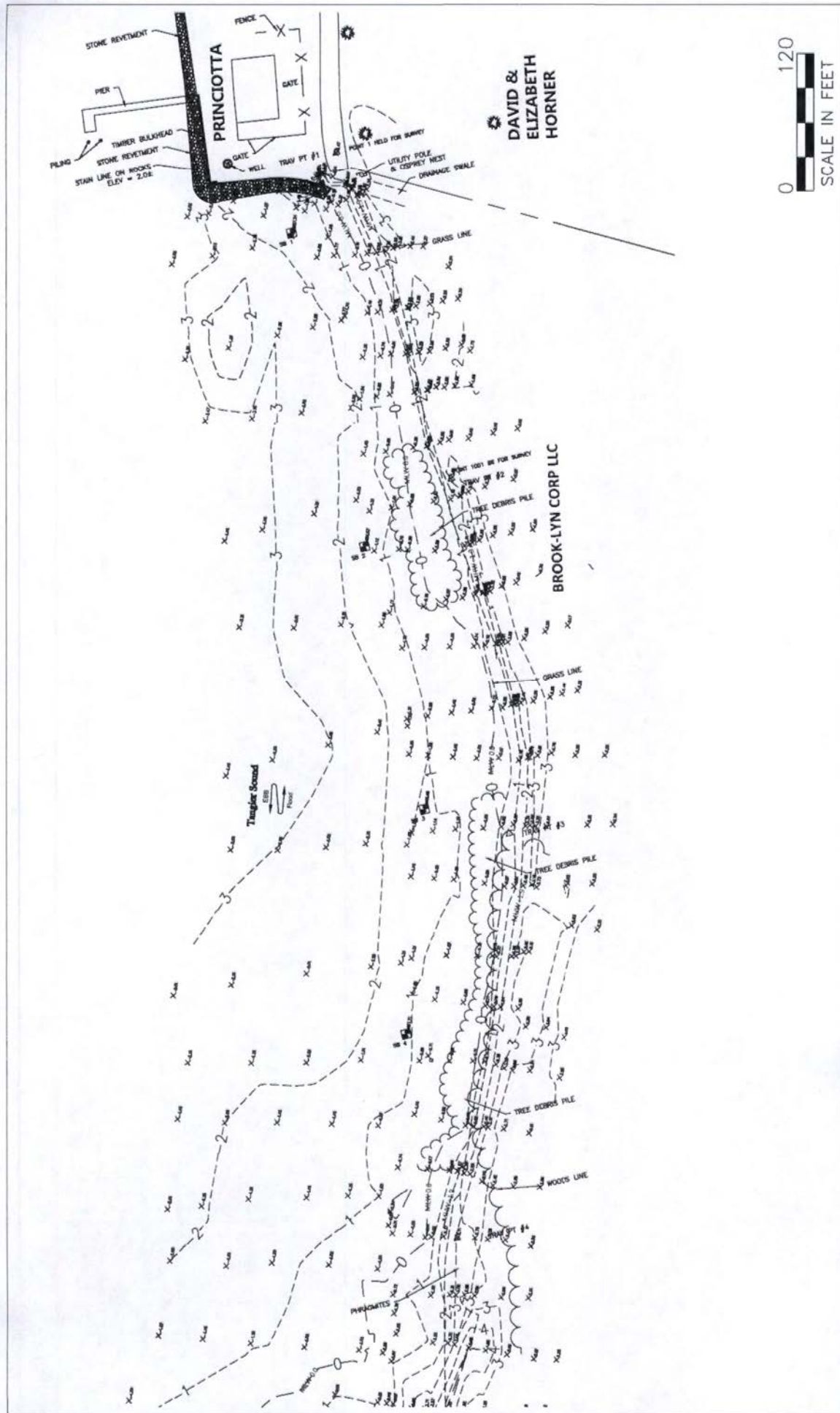
FOR THE DISTRICT ENGINEER:

Kathy B. Anderson  
Chief, Maryland Section Southern



<b>COASTLINE DESIGN, P.C.</b>  P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2158	 <b>DATUM: MEAN LOW WATER</b>	<b>LIVING SHORELINE PROJECT AT DEAL ISLAND</b> LOCATION MAP <b>AT: CROWELL ROAD, DEAL ISLAND</b> <b>IN: SOMERSET COUNTY, MARYLAND</b>	<b>APPLICATION BY:</b> <b>SOMERSET COUNTY</b> <b>DATE: JULY 17, 2018</b> <b>SHEET 1 OF 7</b>
--	---	--	---

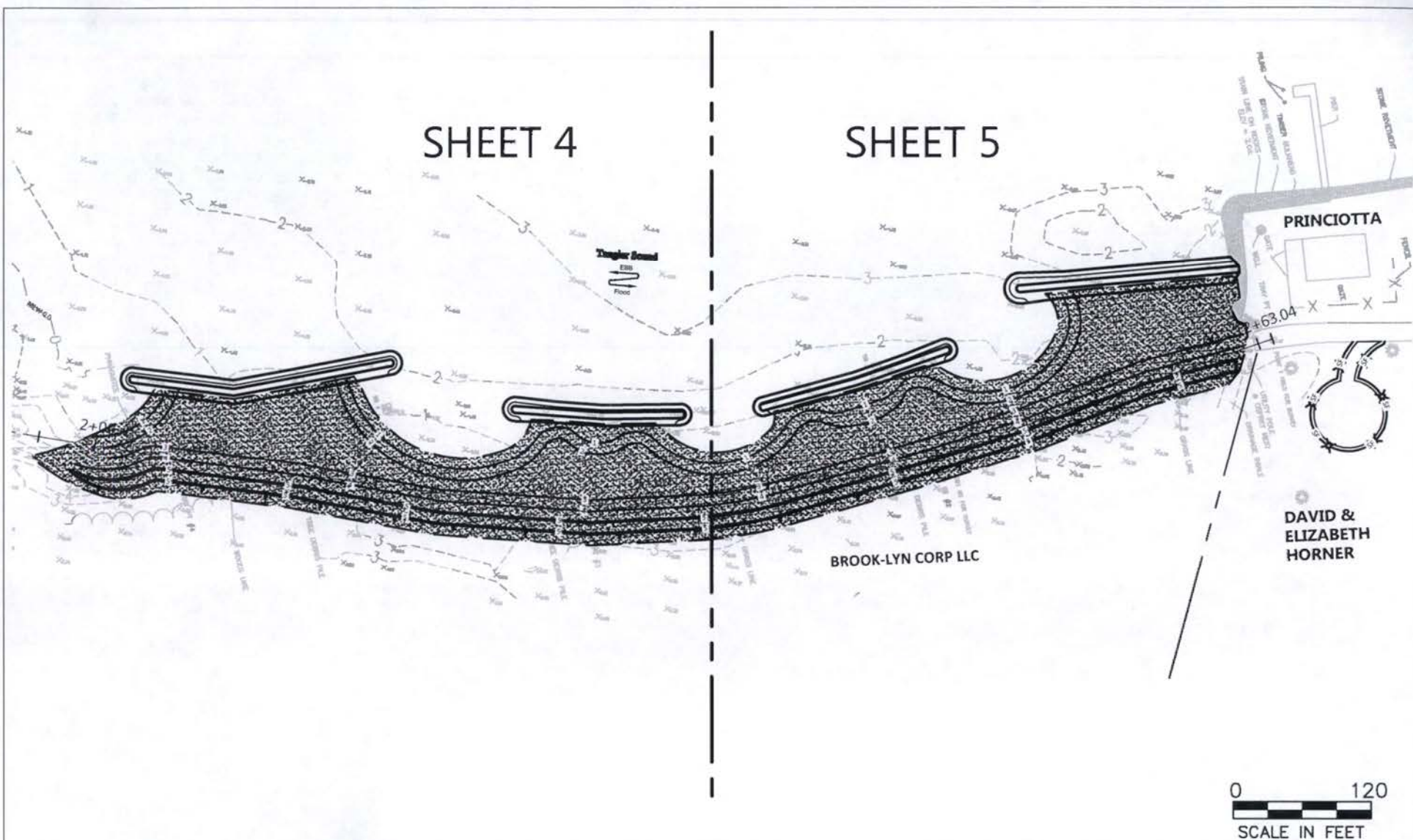




<b>COASTLINE DESIGN, P.C.</b> P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2158		<b>LIVING SHORELINE PROJECT AT DEAL ISLAND</b> EXISTING CONDITIONS		APPLICATION BY: <b>SOMERSET COUNTY</b>
<b>AT: CROWELL ROAD, DEAL ISLAND</b> <b>IN: SOMERSET COUNTY, MARYLAND</b>	<b>PURPOSE: COASTAL RESILIENCY</b>	DATE: JULY 17, 2018 SHEET 2 OF 7		DATUM: MEAN LOW WATER

SHEET 4

SHEET 5



COASTLINE DESIGN, P.C.



P.O. BOX 157  
ACHILLES, VIRGINIA 23001  
(804) 642-2158

DATUM: MEAN LOW WATER

# LIVING SHORELINE PROJECT AT DEAL ISLAND

## OVERALL LAYOUT

AT: CROWELL ROAD, DEAL ISLAND  
IN: SOMERSET COUNTY, MARYLAND

PURPOSE: COASTAL RESILIENCY

APPLICATION BY:  
SOMERSET COUNTY

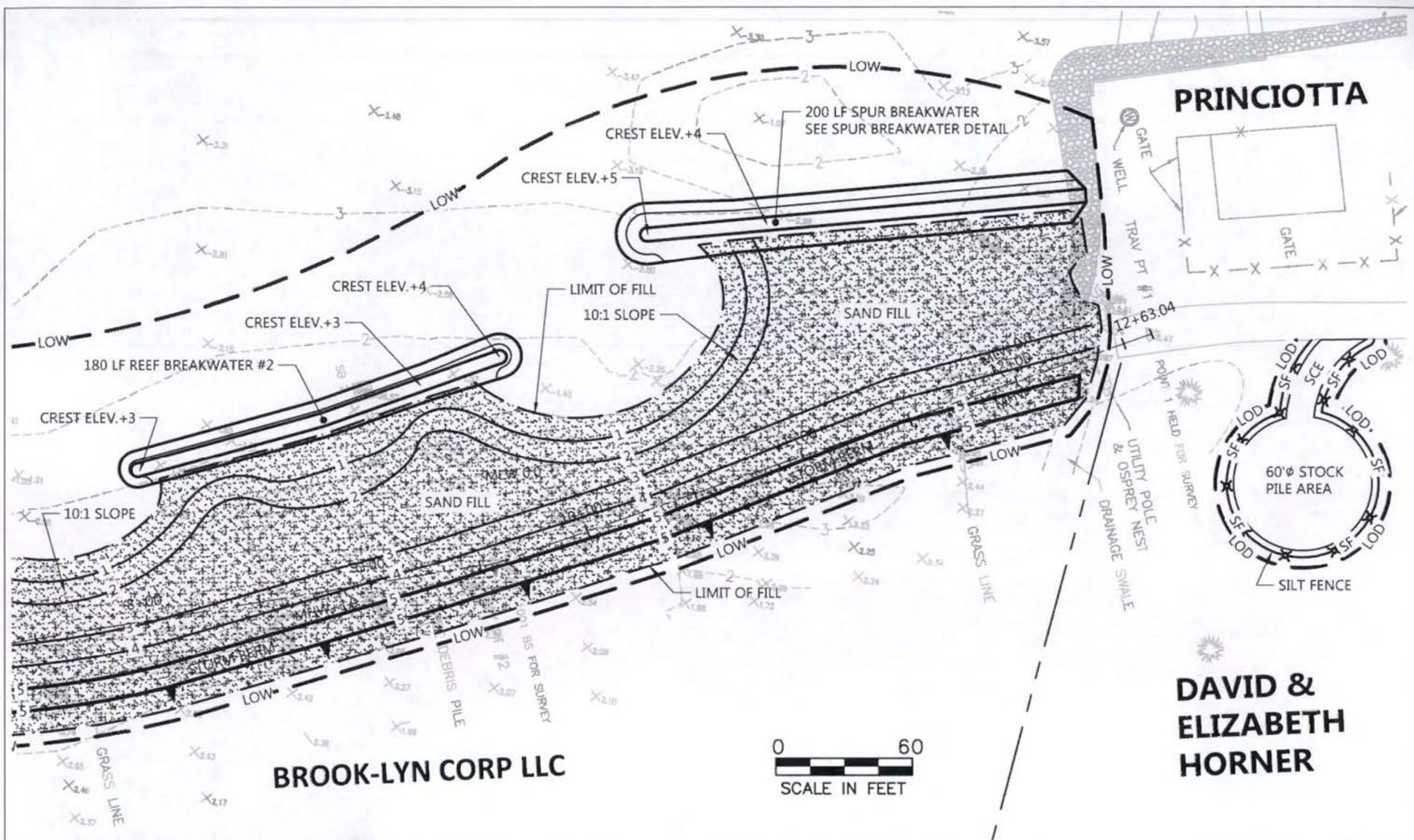
DATE: JULY 17, 2018

SHEET 3 OF 7









**COASTLINE DESIGN, P.C.**

P.O. BOX 157  
ACHILLES, VIRGINIA 23001  
(804) 642-2158



DATUM: MEAN LOW WATER

## LIVING SHORELINE PROJECT AT DEAL ISLAND

### SHORELINE LAYOUT

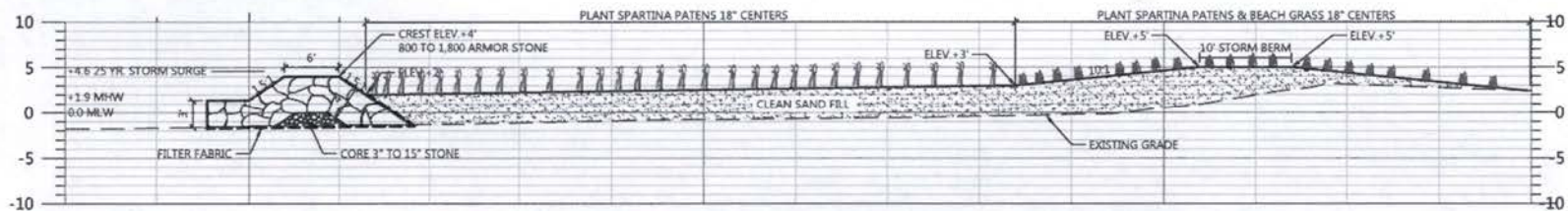
AT: CROWELL ROAD, DEAL ISLAND  
IN: SOMERSET COUNTY, MARYLAND

PURPOSE: COASTAL RESILIENCY

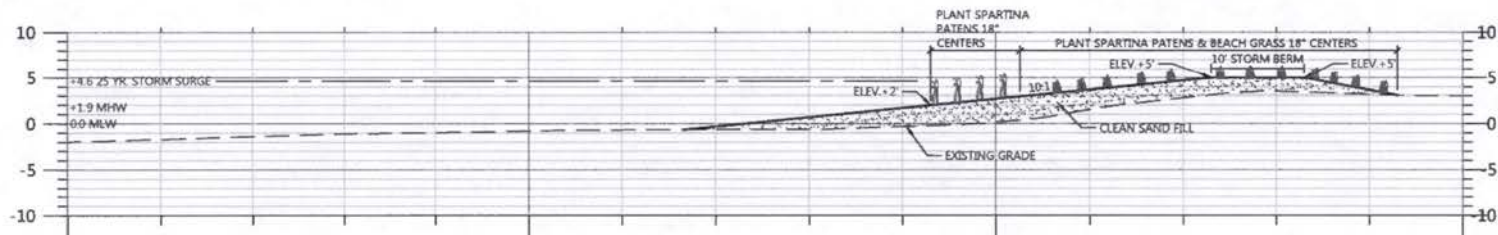
APPLICATION BY:  
SOMERSET COUNTY

DATE: JULY 17, 2018

SHEET 5 OF 7



**SECTION A-A HEADLAND BREAKWATER**



**SECTION B-B**



**COASTLINE DESIGN, P.C.**

P.O. BOX 157  
ACHILLES, VIRGINIA 23001  
(804) 642-2158



**DATUM: MEAN LOW WATER**

**LIVING SHORELINE PROJECT AT DEAL ISLAND**

**SECTION A-A & B-B**

**AT: CROWELL ROAD, DEAL ISLAND**  
**IN: SOMERSET COUNTY, MARYLAND**

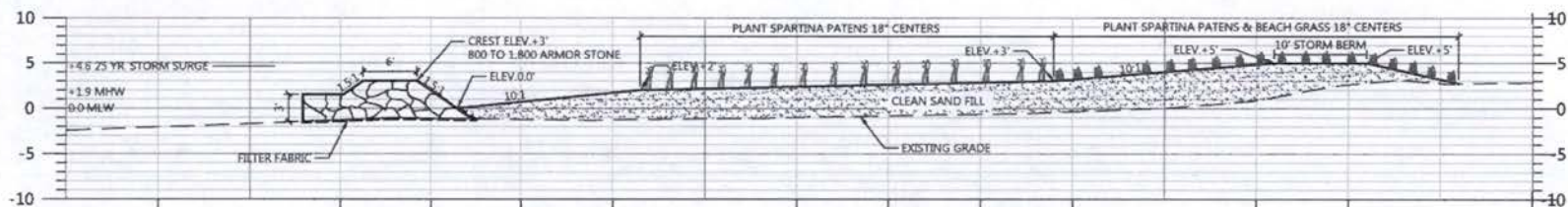
**PURPOSE: COASTAL RESILIENCY**

**APPLICATION BY:**  
**SOMERSET COUNTY**

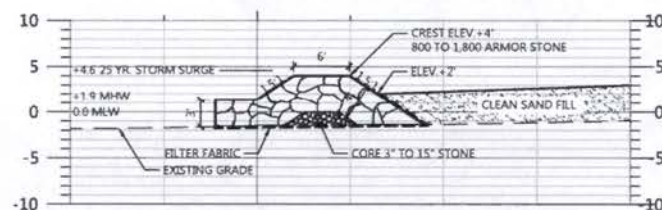
**DATE: JULY 17, 2018**

**SHEET 6 OF 7**





**SECTION C-C REEF BREAKWATER**



**SPUR BREAKWATER**

0 20  
SCALE IN FEET

**COASTLINE DESIGN, P.C.**

P.O. BOX 157  
ACHILLES, VIRGINIA 23001  
(804) 642-2158



**DATUM: MEAN LOW WATER**

**LIVING SHORELINE PROJECT AT DEAL ISLAND**

**SECTION C-C & SPUR BREAKWATER**

**AT: CROWELL ROAD, DEAL ISLAND**

**IN: SOMERSET COUNTY, MARYLAND**

**PURPOSE: COASTAL RESILIENCY**

**APPLICATION BY:  
SOMERSET COUNTY**

**DATE: JULY 17, 2018**

**SHEET 7 OF 7**