

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2018-60852 (MEYERHOFF, JACK)

PN 19-01

Comment Period: January 14, 2019 – February 14, 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.

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/or Section 404 of the Clean Water Act (33. U.S.C. 1344)**, as described below:

APPLICANT: Mr. Jack Meyerhoff
8788 Marengo Farm Road
Easton, Maryland 21601

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in tidal wetlands in Darmands Creek, Easton, Talbot County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a living shoreline all within an approximately 9,250 square foot (0.21 acre) area that includes tidal wetlands as follows: To create a marsh along 278 linear feet of shoreline by depositing approximately 391 cubic yards of sloped, clean sand fill stabilized with approximately 2,641 square feet of *Spartina patens* and 2,641 square feet of *Spartina alterniflora* to extend no more than 19 feet channelward of the approximate mean high water (MHW) shoreline, and to emplace 248 linear feet of stone sill, 16-feet wide at the base and 2 to 4-feet wide at the top, and 2.8-feet high (relative to MLW), with three 10-foot wide (at base) vents to extend no more than 35 feet channelward of the approximate MHW shoreline.

The proposed project would directly impact existing wetland vegetation and existing submerged aquatic vegetation (SAV). The approximately 6-foot wide by 278-feet long (1,168 square feet) area of existing wetland vegetation located at the edge of the shoreline would be filled. The existing approximately 7,582 square feet (0.17 acres) area of mapped SAV would be converted to emergent marsh or filled.

The combined shoreline erosion control structures including the living shoreline components of the project would result in a net increase of approximately 4,114 square feet of new emergent intertidal wetlands. Combined, the stone revetments; stone groins; marsh edging; and marsh creation elements of the project would stabilize

approximately 278 linear feet of estuarine shoreline. The applicant has not proposed compensatory mitigation to offset unavoidable losses to aquatic resources. It is anticipated once functionally mature, that the constructed living shoreline would compensate for aquatic resource losses on-site and within the watershed. The purpose of the work is to stabilize eroding shoreline.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Robert Fewster, Project Manager, at 410-962-6144 or Robert.J.Fewster@usace.army.mil.

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 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.: Mrs. Erica Schmidt, CENAB-OPR-M, 2 Hopkins Plaza, Baltimore, Maryland 21201 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 Darmands Creek for EFH as described under MSFCMA

for *Pomatomus saltatrix* (Bluefish) juvenile and adult, *Stenotomus chrysops* (Scup) juvenile and adult, *Paralichthys dentatus* (Summer Flounder) larvae, juvenile and adult, *Centropristis striata* (Black Sea Bass) juvenile and adult, *Leucoraja eglanteria* (Little Skate) adult, *Clupea harengus* (Atlantic Herring) juvenile and adult, *Urophycis chuss* (Red Hake) eggs, larvae, juvenile and adult, *Scopthalmus aquosus* (Windowpane Flounder) juvenile and adult, *Leucoraja erinacea* (Winter Skate) adult, and *Raja eglanteria* (Cleargnose Skate) juvenile and adult.

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. In addition, the site is located in mapped beds of submerged aquatic vegetation. 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 a Habitat 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 have no effect on Federal listed threatened or endangered species or their critical habitat since the depth of the water at the project site is less than 3-feet mean low water, 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.

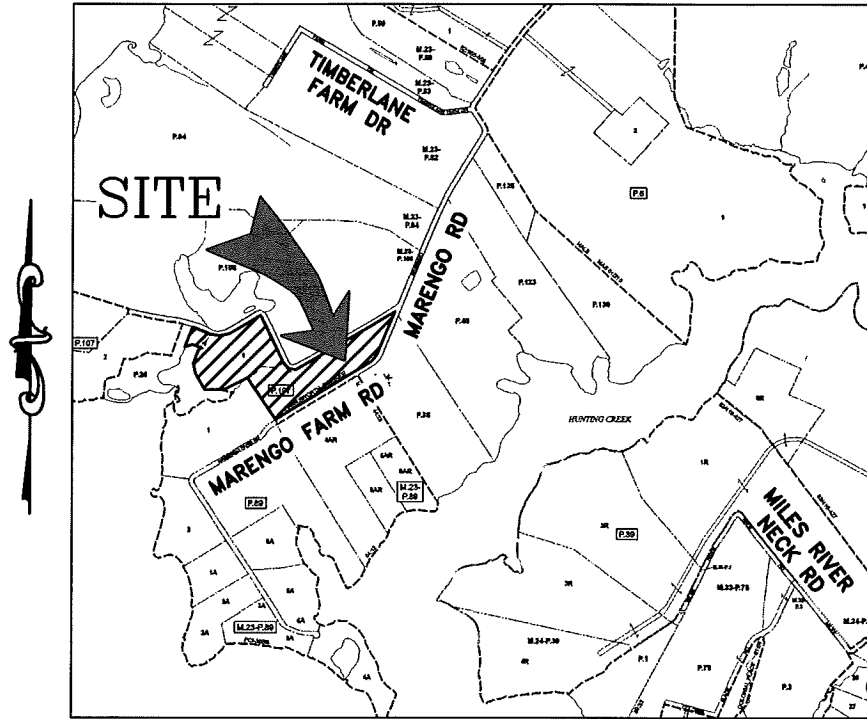
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Mrs. Erica Schmidt, Project Manager, Maryland Section Southern, 2 Hopkins Plaza, Baltimore, Maryland 21201, 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

**TIDAL WETLAND PERMIT DRAWINGS
PREPARED FOR
JACK MEYERHOFF
IN THE FIRST 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

JACK MEYERHOFF
JILL MEYERHOFF
8788 MARENGO FARM ROAD
EASTON, MD 21601-5101

PROJECT LOCATION

8796 MARENGO FARM ROAD
EASTON, MD 21601

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	05/16/18	DSW				

FILE NO. 3783	JOB NO. 180113	SCALE: AS NOTED	DATE: AS NOTED	SHEET NO. 1 OF 7	TITLE SHEET	Lane Engineering, LLC 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
					ON THE LANDS OF	
					JACK MEYERHOFF & JILL MEYERHOFF	
					EASTON, MARYLAND	
					IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY	
					TAX MAP 23, GRID 24, PARCEL 107, LOT 1	

LEGEND & ABBREVIATIONS

MLW MEAN LOW WATER
MHW MEAN HIGH WATER
TYP TYPICAL
EX EXISTING
APPROX APPROXIMATE

PROPERTY LINE

APPROX TREE LINE

SPOT ELEVATION $x-2.15$


SPARTINA ALTERNIFLORA

SPARTINA PATENS

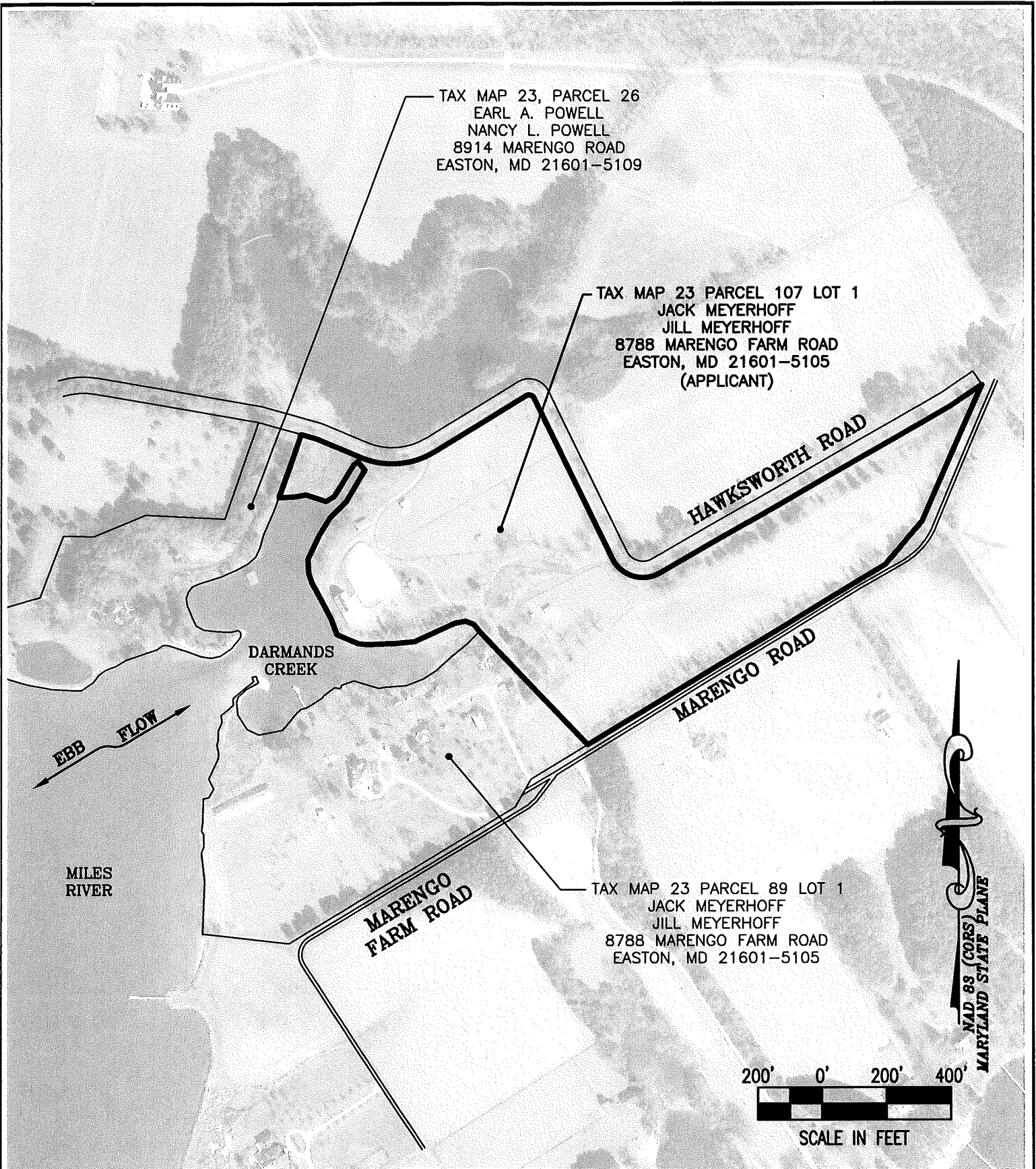
PROJECT NOTES:

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 = 1.80'
4. LOT SIZE = 22.77 AC±
5. LOT DEPTH = 1,700'±
6. ROAD FRONTAGE = PRIVATE: 2,676'±
PUBLIC: 1,711'±
7. LOT WIDTH AT SHORELINE = 1,398'±
8. DISTANCE TO CHANNEL CENTERLINE = 138'±
9. MAXIMUM CHANNELWARD ENCROACHMENT = 35'±
10. ZONING CLASSIFICATION = RC (RURAL CONSERVATION DISTRICT)
11. 911 ADDRESS = 8796 MARENGO FARM ROAD EASTON, MD 21601

AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN ON THIS PLAN, WITH LATERAL LINES, SETBACKS AND SHORELINE ARE TAKEN FROM DEED, PLAT AND AERIAL PHOTO INTERPRETATION. A PROPERTY LINE SURVEY WAS NOT PERFORMED. SOUNDINGS SHOWN HEREON WERE PROVIDED BY ENVIRONMENTAL LAND IMPROVEMENTS, INC. THE INFORMATION SHOWN HEREON WAS ALSO TAKEN FROM 1972 1"=200' STATE OF MARYLAND WETLANDS MAPS, AERIAL PHOTOGRAPHS, TAX MAPS AND A SITE SKETCH. 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.

FILE NO. 3783	JOB NO. 180113	SCALE: AS NOTED	DATE: AS NOTED	SHEET NO. 2 OF 7	SITE & PROJECT NOTES		Lane Engineering, LLC 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. Centreville, MD 21617 (410) 758-2095
					ON THE LANDS OF JACK MEYERHOFF & JILL MEYERHOFF EASTON, MARYLAND		
					IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY TAX MAP 23, GRID 24, PARCEL 107, LOT 1		

Date: 05/16/2018 - 1:52pm User: dwalton Project Manager: DSW Drawing Path: J:\2018\0100\180113\Civil3D-180113\Draw\Plots\HMP-PLTS-180113.dwg | Sheet 2 LANE ENGINEERING, LLC
XREF File(s): GBS-BASE-180113/RAR-BASE-180113/RLD-BASE-180113/CSP-BASE-180113



SITE OVERVIEW

ON THE LANDS OF
JACK MEYERHOFF & JILL MEYERHOFF
 EASTON, MARYLAND

IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY
 TAX MAP 23, GRID 24, PARCEL 107, LOT 1

Lane Engineering, LLC

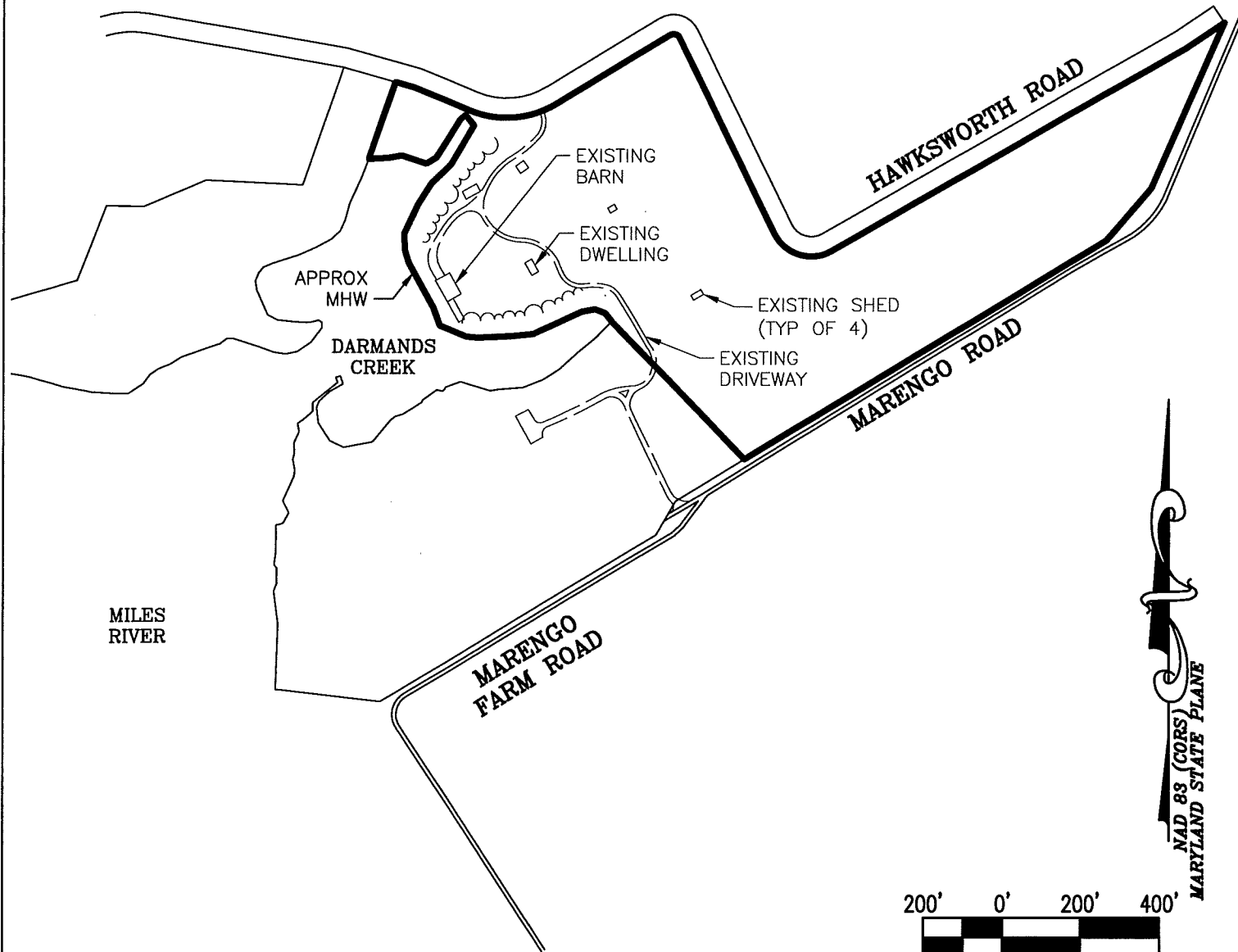
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LANE ENGINEERING, LLC

SHEET No.
3 OF 7
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 180113
 FILE No. 3783



EXISTING CONDITIONS OVERVIEW

ON THE LANDS OF
JACK MEYERHOFF & JILL MEYERHOFF
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SHEET No.
4 OF 7

DATE: AS NOTED

SCALE: AS NOTED

JOB No. 180113

FILE No. 3783

50' 0' 50' 100'



SCALE IN FEET



HAWKSWORTH ROAD

EXISTING SHED
(TYP OF 4)

EXISTING
DRIVEWAY

EXISTING DWELLING

EXISTING
BARN

APPROX EX MLW

APPROX EX MHW

CHANNEL
CENTERLINE

CHANNEL
QUARTERLINE

LATERAL LINE (TYP)

DARMANDS
CREEK

EXISTING CONDITIONS

ON THE LANDS OF
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EASTON, MARYLAND

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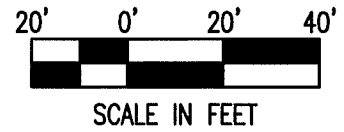
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SHEET No.
5 OF 7
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LIKELY SCOUR
AREA (TYP OF 3)

APPROX EX MLW

APPROX EX MHW

EXISTING
DRIVEWAY

EXISTING BARN

10.0'
(TYP)

APPROX PROPOSED MLW

APPROX PROPOSED MHW

PROPOSED STONE SILL (TYP OF 4)
3,968 SF±/750 CY±

PROPOSED SAND FILL & MARSH PLANTINGS
TOTAL: 5,282 SF±/391 CY±
SPARTINA PATENS: 2,641 SF±
SPARTINA ALTERNIFLORA: 2,641 SF±

CHANNEL QUARTERLINE

CHANNEL CENTERLINE

CHANNEL QUARTERLINE

SEE LIVING SHORELINE
DETAIL ON SHEET 7 FOR
EXISTING WATER DEPTHS

PROPOSED IMPROVEMENTS

ON THE LANDS OF
JACK MEYERHOFF & JILL MEYERHOFF
EASTON, MARYLAND

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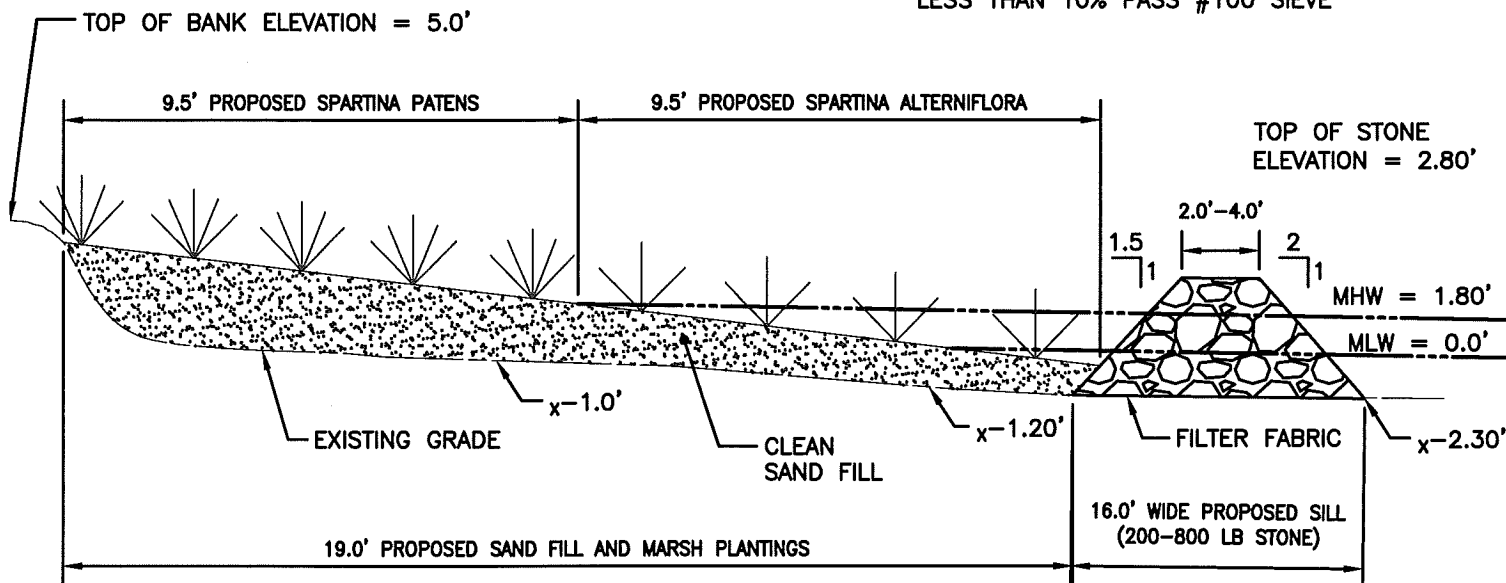


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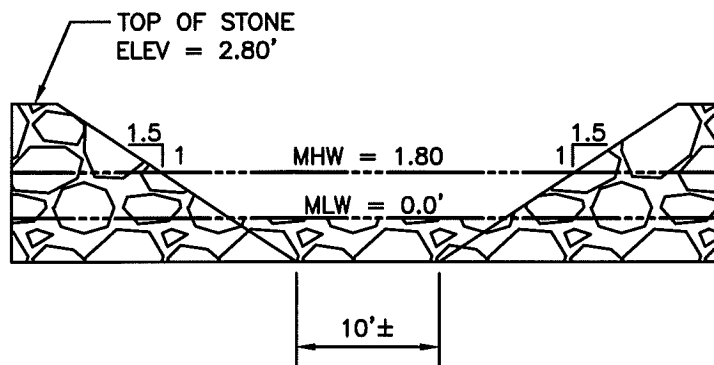
SHEET NO.
6 OF 7
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JOB NO. 180113
FILE NO. 3783

SOUNDINGS SHOWN HEREON PROVIDED BY
ENVIRONMENTAL LAND IMPROVEMENTS, INC.
FOR PERMITTING PURPOSES ONLY

MINIMUM 2' PROPOSED SAND FILL
 $D_{50}=0.6\text{MM}\pm 0.25\text{MM}$
LESS THAN 10% PASS #100 SIEVE



LIVING SHORELINE DETAIL
NOT TO SCALE



STONE SILL WINDOW DETAIL
NOT TO SCALE

SHEET No.
7 OF 7
DATE: AS NOTED
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DETAILS

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