

U.S. Army Corps of Engineers Baltimore District PN-19-13

## **Public Notice**

In Reply to Application Number
NAB-2018-61862 (CHRISTOPHER AND CARTER

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

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FORM 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:** Messrs. Christopher and Carter Bradshaw

c/o Dani Walton, Lane Engineering, LLC

117 Bay Street

Easton, Maryland 21601

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** In Hunting Creek at Easton, Talbot County, Maryland.

**PROPOSED WORK AND PURPOSE:** The applicant proposes to repair approximately 275 linear feet of riprap revetment to extend no more than 5 feet channelward of the approximate mean high water (MHW) shoreline; to deposit approximately 69 cubic yards of sloped, clean select sand fill, averaging 27-feet wide as beach nourishment, to extend no more than 27 feet channelward of the approximate MHW shoreline stabilized with 95 linear feet of segmented stone sill, 8-feet wide at the base and 2-feet wide at the top, to extend no more than 35 feet channelward of the approximate MHW shoreline; to create marsh along 135 linear feet of shoreline by depositing approximately 35 cubic yards of sloped, clean select sand fill in unvegetated areas, stabilized with 1,257 square feet of Spartina alterniflora to extend no more than 27 feet channelward of the approximate MHW shoreline; to emplace 135 linear feet of lowprofile stone sill, 8-feet wide at the base and 2-feet wide at the top, to extend no more than 35 feet channelward of the approximate MHW shoreline; to emplace 2-feet wide by 85 linear feet of stone tidal marsh edging along the existing un-vegetated marsh face to extend no more than 16 feet channelward of the approximate MHW shoreline; to emplace 3-feet wide by 50 linear feet of stone tidal marsh edging along the existing unvegetated marsh face to extend no more than 13 feet channelward of the approximate MHW shoreline; to enhance approximately 819 square feet of tidal marsh as follows: to emplace approximately 11 cubic yards of clean sand fill, stabilized with 189 square feet of S. alterniflora, to extend no more than 10 feet channelward of the approximate MHW shoreline and to emplace approximately 20 cubic yards of clean sand fill, stabilized with 630 square feet of S. alterniflora; to create marsh along 935 linear feet of shoreline by depositing approximately 779 cubic yards of sloped, clean select sand fill in unvegetated areas, stabilized with 7,012.5 square feet of Spartina alterniflora and 7,012.5 square feet of Spartina patens to extend no more than 23 feet channelward of the approximate MHW shoreline, to emplace 125 linear feet of low-profile stone sill, 8feet wide at the base and 2-feet wide at the top, to extend no more than 23 feet channelward of the approximate MHW shoreline, and to emplace 810 linear feet of segmented, low-profile stone sill, 8-feet wide at the base and 2-feet wide at the top, to extend no more than 23 feet channelward of the approximate MHW shoreline to completely remove an existing 5-foot wide by 100 foot long pier with a 15-foot wide by 20-foot long "L" head platform; and to construct a 5-foot wide by 45-foot long walkway to a 6-foot wide by 67-foot long pier with a 10-foot wide by 20-foot long "L" head platform, to install 2 personal watercraft lifts, one 4-pile boat lift, and to install 4 mooring piles, all to extend no more than 128 feet channelward of the approximate MHW shoreline. All work is proposed in accordance with the attached plans dated October 12, 2018 and revised on February 5, 2019. If you have any questions concerning this matter, please contact Jessica Miller at (410) 820-8629 or Jessica.d.miller@usace.army.mil.

The purposes of the project are shoreline erosion control, beach nourishment, and navigational access.

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 630 square feet of tidal vegetated wetlands, 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 630 square feet of tidal wetland vegetation would be buried or altered, the project would maintain approximately 16,101 square feet of enhanced intertidal wetlands vegetated with high and low marsh 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, 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 Chesapeake Bay, Mainstream complex for EFH as described under the MSFCMA for Scopthalmus aquosos (windowpane flounder) juvenile; Pomatomus saltatrix (blue fish) juvenile and adult; Stenotomus chrysops (scup) juvenile and adult; Paralicthys dentatus (summer flounder) larvae, 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.

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.

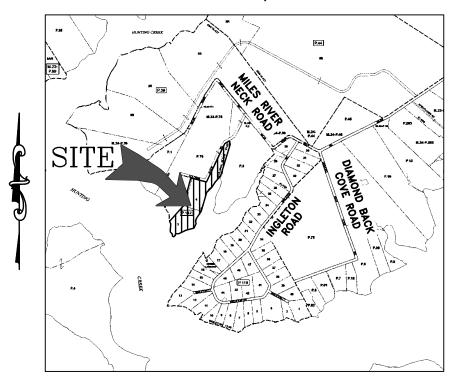
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, 218 N. Washington Street, Suite 304 Easton, MD 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 know 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 CHRISTOPHER E. BRADSHAW & CARTER G. BRADSHAW 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

CHRISTOPHER E. BRADSHAW CARTER G. BRADSHAW 2777 YULUPA AVE #187 SANTA ROSA, CA 95405

#### **PROJECT LOCATION**

26325 MILES RIVER ROAD EASTON, MD 21601

ISSUE FOR:	DATE: BY:	No. DATE:	REVISION:	BY:
MDE SUBMITTAL	10/12/18 DSW			
MDE SUBMITTAL	12/21/18 DSW			
USACE SUBMITTAL	02/05/19 DSW			

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#### TITLE SHEET

ON THE LANDS OF CHRISTOPHER E. BRADSHAW & CARTER G. BRADSHAW

IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY TAX MAP 33, GRID 2, PARCEL 142, LOTS 3 & 4

#### 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

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#### LEGEND & ABBREVIATIONS

MEAN HIGH WATER MHW MLW MEAN LOW WATER **EXISTING** EX

APPROX APPROXIMATE

x - 3.0SPOT ELEVATION

717 NON-TIDAL WETLAND NON TIDAL WETLAND -NTW-

TIDAL WETLAND -TW-

LIMITS OF 2016 MAPPED SAV -SAV16 -

LIMITS OF 2017 MAPPED SAV -SAV17 —

PROPERTY LINE

TOP OF BANK 

APPROXIMATE TREE LINE

EXISTING MARSH VEGETATION

PROPOSED MARSH VEGETATION

#### SITE NOTES

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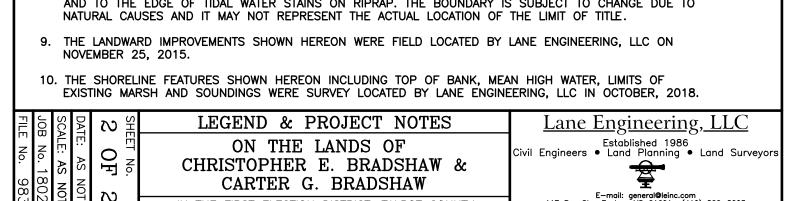
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**EXISTING TREES** 

- 1. LOT SIZE: LOT 3 =  $5.797 \text{ AC} \pm / \text{ LOT 4} = 11.09 \text{ AC} \pm$
- LOT DEPTH: LOT  $3 = 1,200' \pm / LOT 4 = 610' \pm$
- 3. ROAD FRONTAGE: LOT  $3 = 30'\pm/$  LOT  $4 = 1,958'\pm$
- LOT WIDTH AT SHORELINE: LOT  $3 = 1,307'\pm/$  LOT  $4 = 883'\pm$
- MAXIMUM CHANNELWARD ENCROACHMENT = 35' (BEACH NOURISHMENT) 23'-35' (LIVING SHORELINE) 13'-16' (MARSH EDGING)

128' (PIER)

- 6. ZONING CLASSIFICATION: RC (RURAL CONSERVATION DISTRICT)
- 7. THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA AS SHOWN ON THE TALBOT COUNTY CRITICAL AREA MAPS IN ACCORDANCE WITH TALBOT COUNTY BILL NO. 1295, ENACTED AUGUST 12, 2014.
- 8. MEAN HIGH WATER WAS NOT ESTABLISHED BY THIS SURVEY. MEAN HIGH WATER IS DEFINED BY ELEVATION REFERENCED TO A TIDAL BENCH MARK. THE SHORELINE WAS LOCATED TO THE EDGE OF TIDAL VEGETATION AND TO THE EDGE OF TIDAL WATER STAINS ON RIPRAP. THE BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND IT MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.



MHHW = 1.64MHW = 1.40 MTW 0.96 NAVD 88 = 0.39MLW = 0.00MLLW = -0.20NGVD 29 = -0.37

### VERTICAL DATUM COMPARISON CHART

SCALE: 1"=1'

NOTE: MEAN LOW WATER (MLW) AND RELATIVE TIDAL INFORMATION WAS OBTAINED FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND THE NATIONAL OCEANIC SERVICE (NOS) AND ARE BASED UPON TIDAL BENCH MARK ST. MICHAELS TIDAL EPOCH 1960-1978 AND ADJUSTED 0.22 HIGHER FOR THE EPOCH 1983-2001. USING PRIMARY BENCH MARK NO 4 1942 AND BENCH MARK 7 1969 MLW WAS DETERMINED -0.39 NAVD 1988 DATUM AS ESTABLISHED BY GPS METHODOLOGY TO CORS STATIONS HNPT (PID Al3494) COMBINED FACTOR: 0.99996650 & LOYG (NGS CERTIFICATE PENDING).

IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY TAX MAP 33, GRID 2, PARCEL 142, LOTS 3 & 4

