



U.S. Army Corps
of Engineers

Baltimore District
PN 19-29

Public Notice

In Reply to Application Number
NAB-2018-61808-P09 (Robertson, John and Georgia/Living
Shoreline)

Comment Period: May 17, 2019 – June 16, 2019

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore 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: John & Georgia Robertson
23830 Mt. Misery Road
St. Michael's, MD 21663

WATERWAY AND LOCATION: All work is proposed in Broad Creek, in St. Michael's, Talbot County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes, in accordance with the attached plans, to construct 140 linear feet of living shoreline comprised of 6,201 square feet of sand fill with marsh plantings protected by two segmented stone sills. The applicant proposes to use 99 cubic yards of rip rap to construct 126 linear feet (1,260 square feet) of a segmented stone sill channelward of an eroding marsh currently vegetated with *Phragmites australis*, which will be removed by spraying prior to construction. The eroding marsh will be filled with 172 cubic yards of clean sand, then planted with *Spartina alterniflora*.

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. No compensatory mitigation is proposed since no wetland fill impacts are proposed.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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, economics, 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, 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 U.S. Army 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 U.S. Army 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 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: Matthew Gall, CENAB-OPR-P], 1631 South Atherton Street, Suite 101, State College, Pennsylvania 16801 or matt.gall@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 affect Essential Fish Habitat (EFH). The project site lies in or adjacent to EFH as described under MSFCMA for juvenile Windowpane Flounder; adult Little Skate and Winter Skate; juvenile and adult Bluefish, Summer Flounder, Atlantic Herring, and Clearnose Skate; and, adult, eggs, larvae and juvenile stages of Red Hake, all managed species under the MSFCMA

The project has the potential to adversely affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 0.029 acre of EFH as described under the MSFCMA for the species and life stages identified above. According to the Virginia Institute of Marine Science survey maps; there was submerged aquatic vegetation (SAV) within the area, and approximately 202 square feet of SAV would be impacted by the proposed project. Since the area is habitat for juvenile and adult stages of Summer Flounder, and SAV is present in the proposed project area, the area is considered a Habitat Area of Particular Concern. 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 at this time to minimize adverse effects on EFH. This preliminary determination may be modified if additional information indicates otherwise and could change the US. Army Corps of Engineer's preliminary determination.

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 Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Blvd., Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

COASTAL ZONE MANAGEMENT PROGRAM: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Tidal Wetlands Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that the MDE has a statutory limit of 6 months in which 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 may affect, but is not likely to adversely 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 requested permit.

The evaluation of the impact of the work described above 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 District Engineer must receive the request, which must be in writing, to the U.S. Army Corps of Engineers, Baltimore District, 1631 South Atherton Street, Suite 101 State College, Pennsylvania 16801, within the comment period as specified as above to receive consideration. Also, it must clearly state the interest that may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing 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.

If you have any questions concerning this matter, please contact the U.S. Army Corps of Engineers project manager, Mr. Matt Gall, by phone at 814-235-1762 or by e-mail at matt.gall@usace.army.mil; or submit them in writing by mailing to U.S. Army Corps of Engineers, Baltimore District; Regulatory Branch, Pennsylvania Section; ATTN: Mr. Matthew Gall, 1631 South Atherton Street, Suite 101, State College, PA 16801.

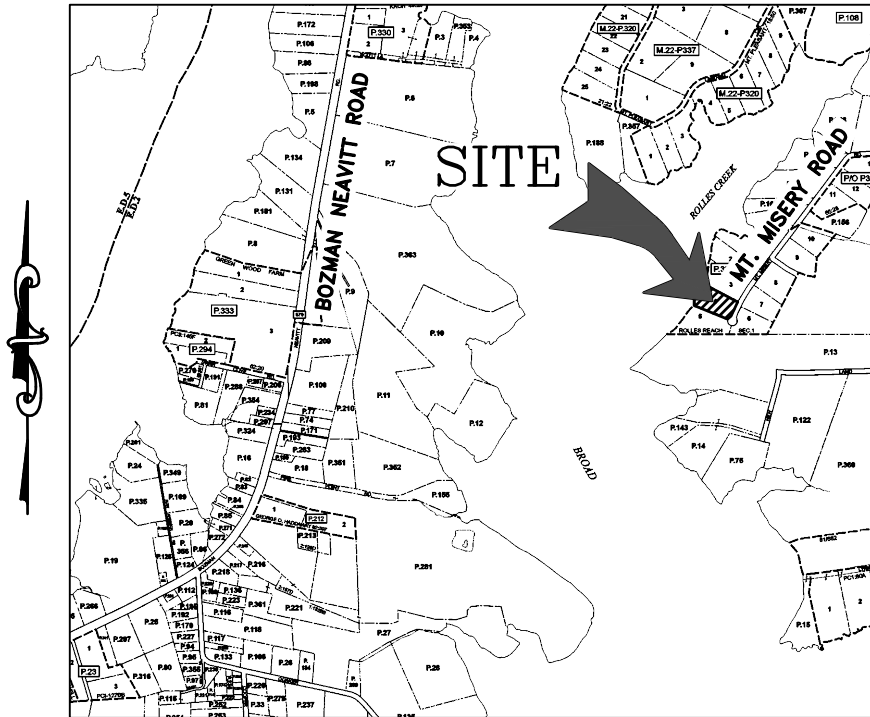
FOR THE DISTRICT ENGINEER:

Wade B. Chandler
Chief, Pennsylvania Section
Regulatory Branch

TIDAL WETLAND PERMIT DRAWINGS

PREPARED FOR JOHN ROBERTSON

IN THE SECOND 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

JOHN ROBERTSON
GEORGIA ROBERTSON
23830 MT. MISERY ROAD
ST. MICHAELS, MD 21663-2520

PROJECT LOCATION

23830 MT. MISERY ROAD
ST. MICHAELS, MD 21663

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	08/10/18	DSW				
MDE SUBMITTAL	02/07/19	DSW				
MDE SUBMITTAL	04/30/19	DSW				

TITLE SHEET

**ON THE LANDS OF
JOHN ROBERTSON & GEORGIA ROBERTSON
ST. MICHAELS, MARYLAND**

**IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 31, GRID 6, PARCEL 320, LOT 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

SHEET No. 1 OF 6
 DATE: AS NOTED
 SCALE: AS NOTED
 JOB No. 170371
 FILE No. 1146

LEGEND & ABBREVIATIONS

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

PROPERTY LINE



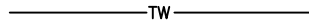
APPROX TREE LINE



APPROX LIMITS OF MAPPED SAV



LIMITS OF TIDAL WETLANDS



TIDAL WETLANDS



SPARTINA ALTERNIFLORA



SPOT ELEVATION

x -2.15

EXISTING RIPRAP



PROPOSED RIPRAP



MHHW = 1.83

MHW = 1.62

MSL = 0.80

NAVD 88 = 0.90

MLW = 0.00

MLLW = -0.21

NGVD 29 = 0.16

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 CAMBRIDGE (STATION ID: 8571892) TIDAL EPOCH 1983-2001.

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. MEAN TIDAL RANGE = 1.62'
3. LOT SIZE = 2.00 AC.±
4. LOT DEPTH = 421'±
5. ROAD FRONTAGE = 210'±
6. LOT WIDTH AT SHORELINE = 234'±
7. DISTANCE TO CHANNEL CENTERLINE = 779'±
8. MAXIMUM CHANNELWARD ENCROACHMENT = 100'±
9. ZONING CLASSIFICATION = RR (RURAL RESIDENTIAL DISTRICT)
10. 911 ADDRESS = 23830 MT. MISERY ROAD ST. MICHAELS, MD 21663-2520

AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN HEREON, WITH LATERAL LINES AND SETBACKS ARE TAKEN FROM GENERAL MAPS, DEED, PLAT, SITE SKETCH AND AERIAL PHOTO INTERPRETATION. A PROPERTY LINE SURVEY WAS NOT PERFORMED. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A PORTION OF THE SHORELINE FEATURES SHOWN HEREON WERE SURVEY LOCATED BY LANE ENGINEERING, LLC IN JANUARY 2018. REMAINING SHORELINE FEATURES AND EXISTING CONDITIONS SHOWN HEREON WERE TAKEN FROM AERIAL PHOTO INTERPRETATION. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING CONDITIONS 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.

SITE & PROJECT NOTES

ON THE LANDS OF
JOHN ROBERTSON & GEORGIA ROBERTSON
ST. MICHAELS, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 31, GRID 6, PARCEL 320, LOT 4

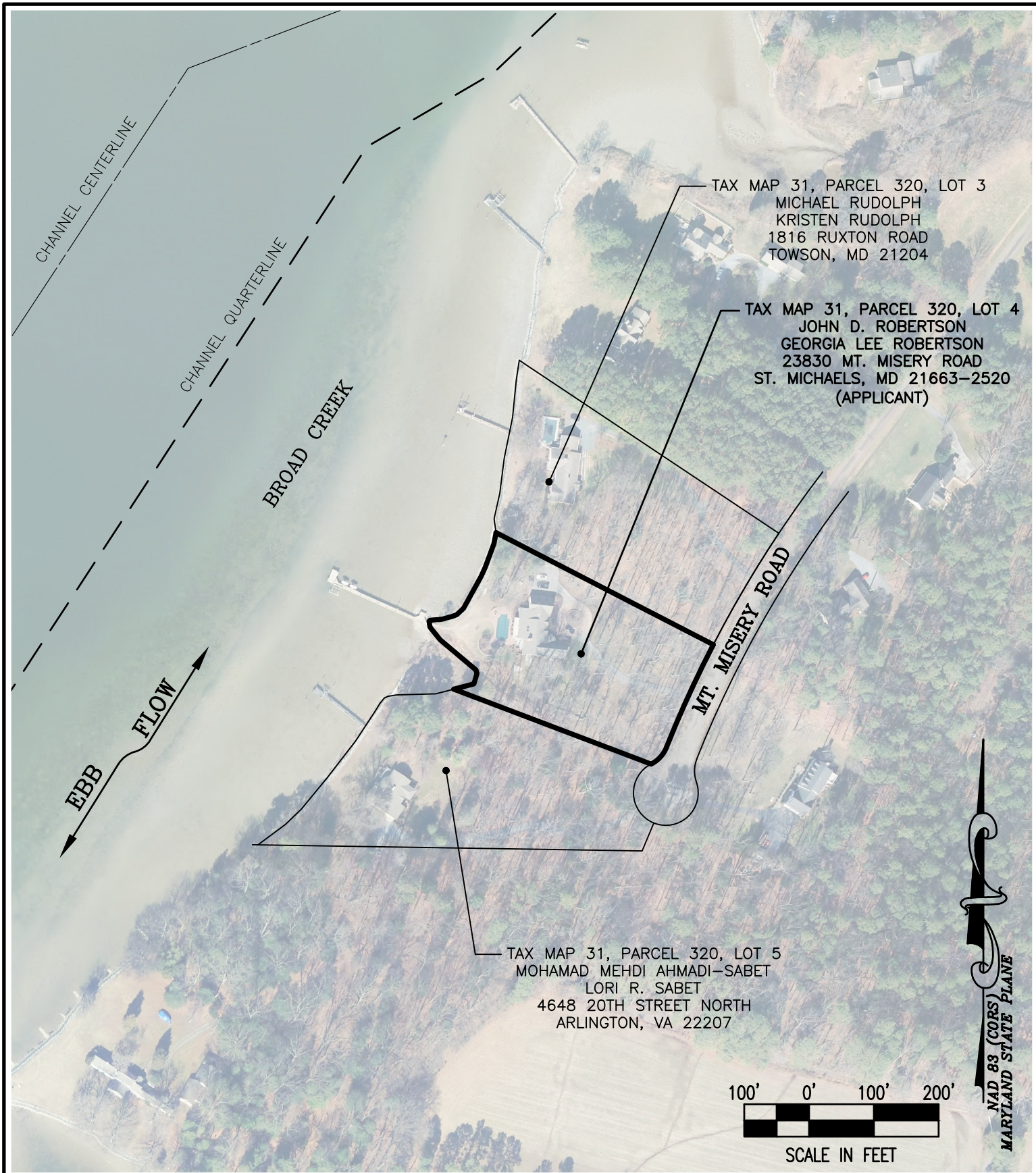
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FILE No. 1146
JOB No. 170371
SCALE: AS NOTED
DATE: AS NOTED
SHEET No. 2 OF 6



SHEET No.
3 OF 6

DATE: AS NOTED

SCALE: AS NOTED

JOB No. 170371

FILE No. 1146

SITE OVERVIEW

ON THE LANDS OF
JOHN ROBERTSON & GEORGIA ROBERTSON
ST. MICHAELS, MARYLAND

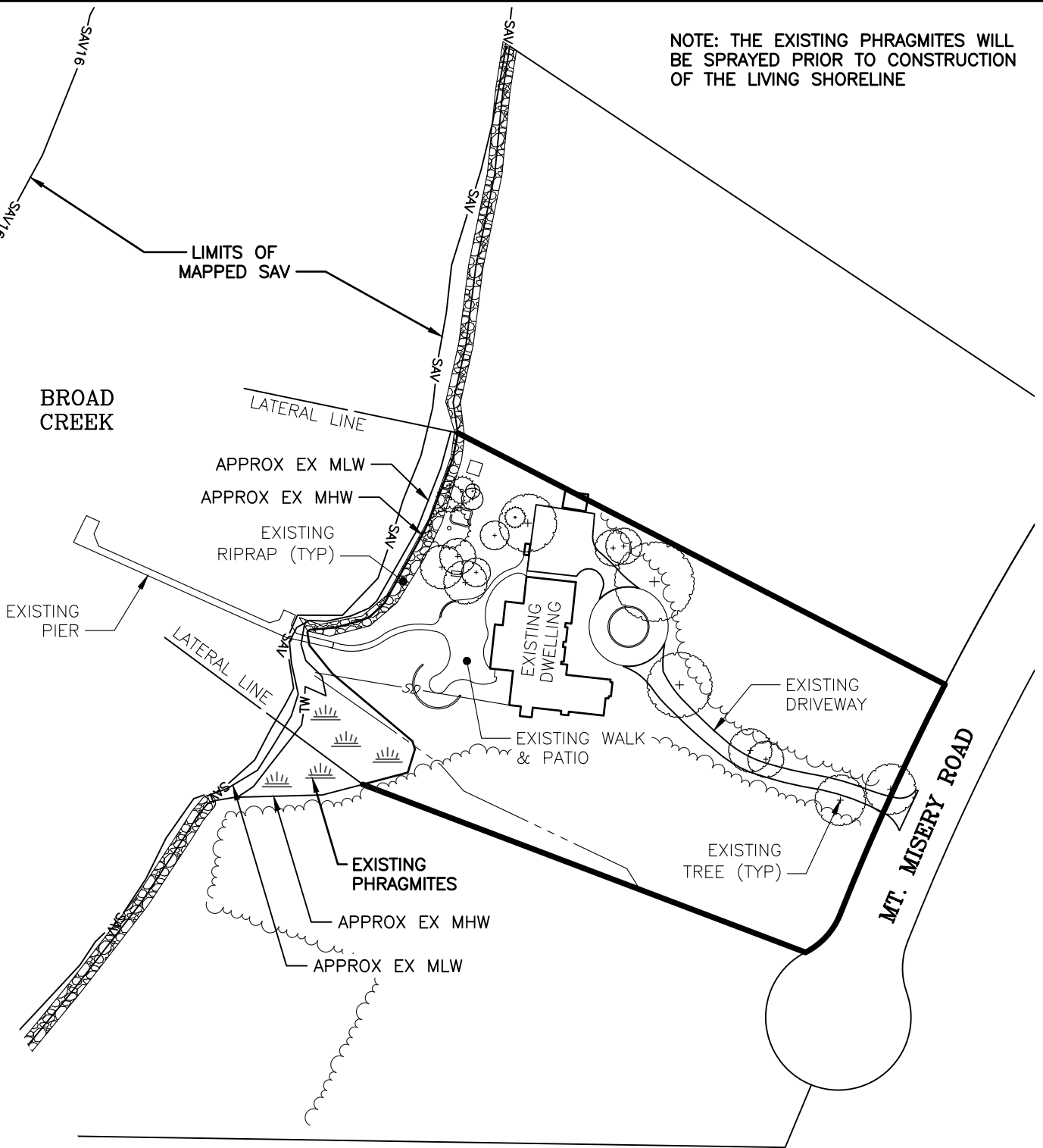
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NOTE: THE EXISTING PHRAGMITES WILL BE SPRAYED PRIOR TO CONSTRUCTION OF THE LIVING SHORELINE



25' 0' 50' 100'
SCALE IN FEET

SD ——— APPROX LOCATION OF AN UNDERGROUND DRAINAGE PIPE, CONNECTED TO DOWNSPOUT, DESIGNED TO DRAIN RAINWATER AWAY FROM DWELLING

----- APPROX LOCATION OF AN EXISTING DRAINAGE DITCH

EXISTING CONDITIONS

ON THE LANDS OF
JOHN ROBERTSON & GEORGIA ROBERTSON
ST. MICHAELS, MARYLAND

IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY
TAX MAP 31, GRID 6, PARCEL 320, LOT 4

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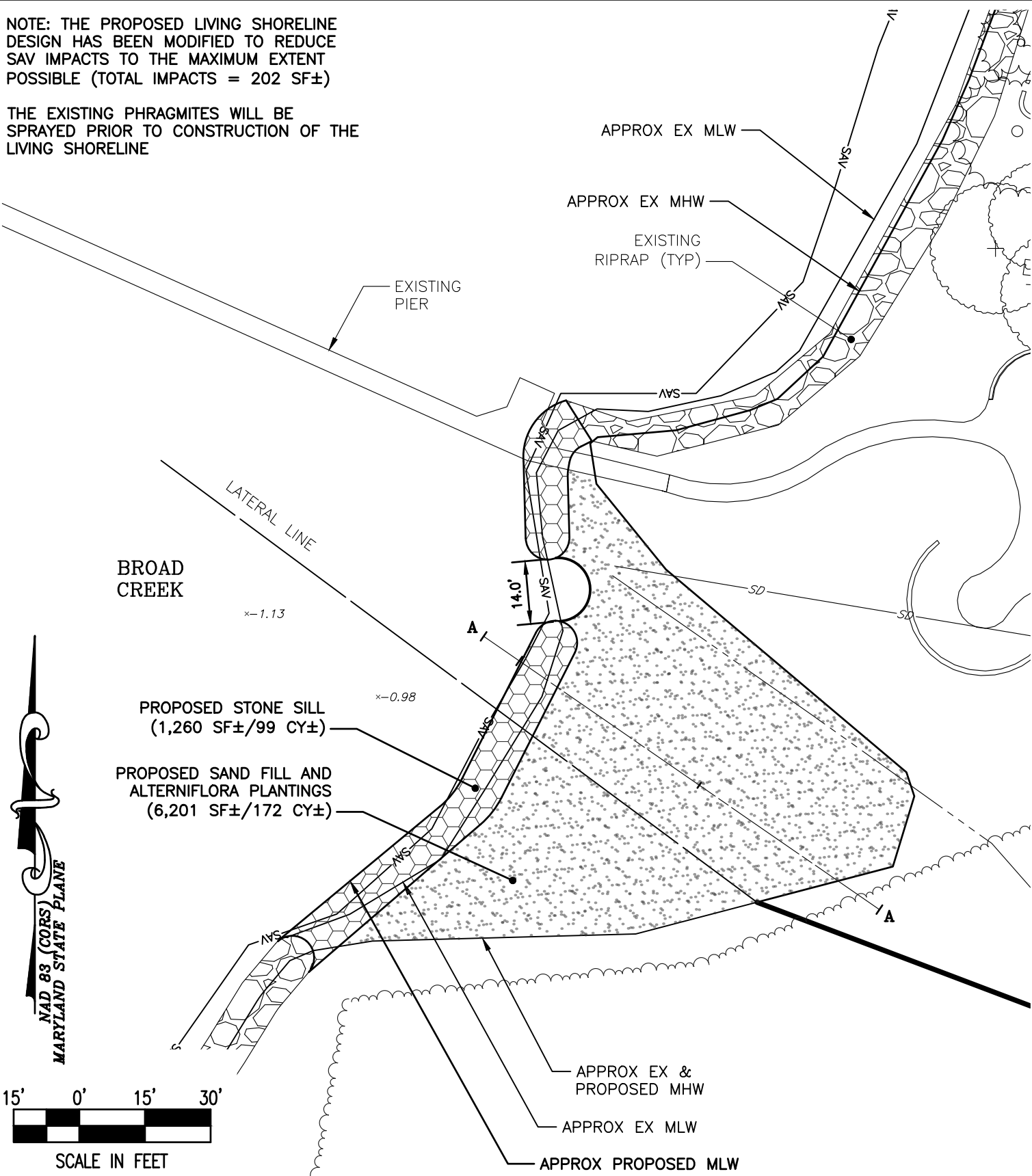


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SHEET No.
4 OF 6
DATE: AS NOTED
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NOTE: THE PROPOSED LIVING SHORELINE DESIGN HAS BEEN MODIFIED TO REDUCE SAV IMPACTS TO THE MAXIMUM EXTENT POSSIBLE (TOTAL IMPACTS = 202 SF±)

THE EXISTING PHRAGMITES WILL BE SPRAYED PRIOR TO CONSTRUCTION OF THE LIVING SHORELINE



PROPOSED IMPROVEMENTS

ON THE LANDS OF
JOHN ROBERTSON & GEORGIA ROBERTSON
ST. MICHAELS, MARYLAND

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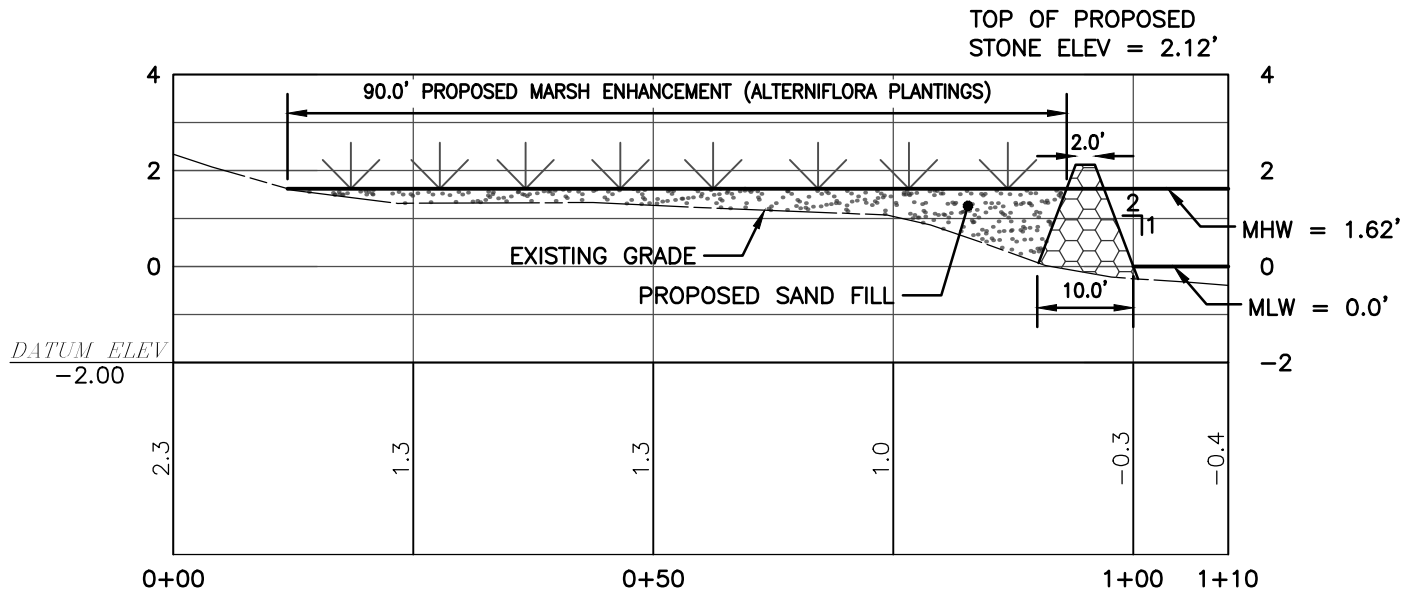
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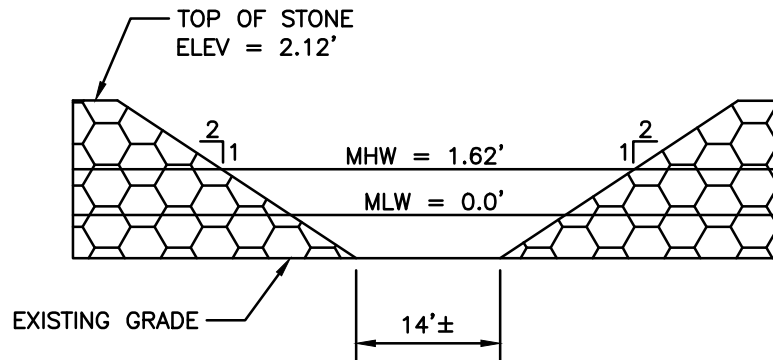
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JOB No. 170371
SCALE: AS NOTED
DATE: AS NOTED
SHEET No. 5 OF 6



SECTION A

HORIZONTAL SCALE: 1" = 20'

VERTICAL SCALE: 1" = 4'



STONE SILL WINDOW DETAIL

NOT TO SCALE

DETAILS

ON THE LANDS OF
JOHN ROBERTSON & GEORGIA ROBERTSON
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