

U.S. Army Corps of Engineers Baltimore District PN 20-47

Public Notice

In Reply to Application Number NAB-2020-60150 (Franklin Park/Living Shoreline)

Comment Period: July 27, 2020 to August 26, 2020

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: Maryland Park Service

Attn: Mr. Perry Otwell 580 Taylor Ave. E-3

Annapolis, Maryland 21401

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located in the Chesapeake Bay, at Franklin Point State Park, located at 5955 Shady Side Road, Shady Side, Anne Arundel County, Maryland. Latitude: 38.8120; Longitude: -76.5026

OVERALL PROJECT PURPOSE: To provide shoreline erosion protection and coastal resiliency along the property owned by the Maryland Park Service, at 5955 Shady Side Road, Shady Side, Maryland.

PROJECT DESCRIPTION: To construct a living shoreline along 1,087 linear feet on the Chesapeake Bay, to emplace approximately 10,000 cubic yards of clean sand, and plant approximately 72,200 square feet of marsh vegetation, with all work/structures extending a maximum of 170 feet channelward of the approximate mean high water shoreline. The applicant proposes to construct four sand containment structures with two vents; a 350 foot long by 20 foot wide sill (7,000 square feet); a 27 foot wide vent; a 200 foot long by 24 foot wide breakwater (4,800 square feet); a 185 foot wide vent; and a 325 foot long by 24 foot wide breakwater (7,800 square feet) that curves into a 90 foot long by 18 foot wide stone groin.

All work is proposed in accordance with the attached plans prepared by Coastline Deign, P.C., entitled "Living Shoreline Project at Franklin Point State Park", dated July 2020, sheets 1 through 6.

EFFECTS ON AQUATIC RESOURCES:

Activity	WoUS Impact	Wetland Impact	Authority (Section		
	(Sq. Ft.)	(Sq. Ft.)	10/404/408)		
Sand Containment	21,200	0	Section 10/404		
Structures					
Fill (sand	84,805	0	Section 10/404		
placement)					

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: 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.

No compensatory mitigation is proposed. No submerged aquatic or wetlands will be impacted as a result of the proposed project.

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 adverse 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 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-2020-60150-M46.

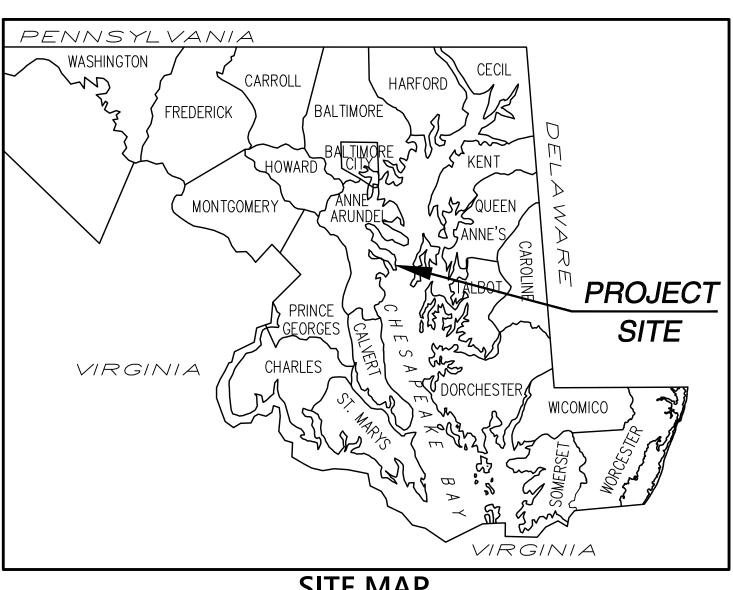
PUBLIC HEARING REQUESTS: Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it must clearly set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

Nicole Voelker
Nicole.M.Voelker@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 Nicole Voelker, Nicole.m.voelker@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.

Living Shoreline Project At Franklin Point State Park Anne Arundel County, Maryland



SITE MAP NOT TO SCALE

Index

No.	Drawing Title					
C-1	Cover Sheet					
C-2	Existing Conditions					
C-3	Proposed Shoreline Layout					
C-4	Sections					
C-5	Sediment and Erosion Control Notes & Details					

OWNER'S/DEVELOPERS CERTIFICATION:

I / We hereby certify that all clearing, grading, construction, and/or development will be done pursuant to this plan and that any responsible personnel involved in the construction project will have a certificate of attendance at a Maryland Department of the Environment approved training program for the control of erosion and sediment before beginning the project. I/We hereby authorize the right of entry for periodic on-site evaluation by appropriate inspection and enforcement authority or the State of Maryland, Department of the Environment.

Print Name and Title

Owner/Developer Signature

DESIGN CERTIFICATION

I hereby certify that this plan has been designed in accordance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, the 2000 Maryland Stormwater Design Manual, Volumes I & II including supplements, the Environment Article Sections 4-101 through 116 and Sections 4-201 and 215, and the Code of Maryland Regulations (COMAR) 26.17.01 and COMAR 26.17.02 for erosion and sediment control and stormwater management, respectively. 7/1/20

Md. Registration No 14544 <u> Glenn G. Gass</u> P.E., R.L.S., RLA, or R.A. (circle one)

PROFESSIONAL CERTIFICATION

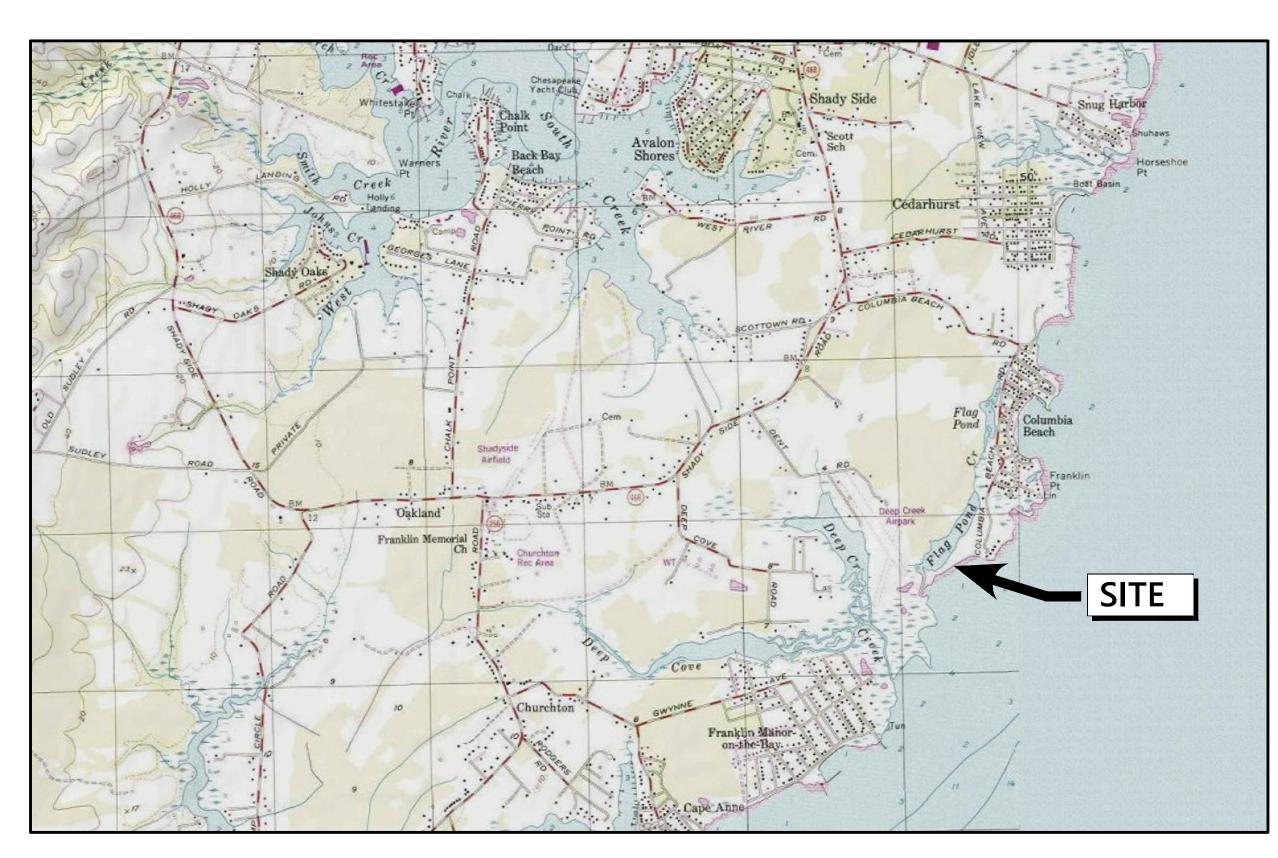
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 14544, Expiration Date: 16 August 2021."

Blenn H. Bass 7/1/20

MDE Training Card No.

STANDARD STABILIZATION NOTE: Following initial soil disturbance or re-disturbance, permanent or temporary stabilization must be completed within: a.) three (3) calendar days as to the surface of all perimeter dikes, swales, ditches

perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and b.) seven (7) calendar days as to all other disturbed or graded areas on the project site







GENERAL NOTES

- 1. Mean tidal range is 0.9 feet.
- 2. Horizontal control was established by a closed loop traverse.
- 3. Vertical control is 0.0 feet = MLW.
- 4. Topographic and hydrographic data obtained September 26, 2019. Coordinate systems is MD state plane.
- 5. Bench marks shown on plans set by MD DNR March 7, 2016
- 6. All dimensions and coordinates given in feet.
- 7. Existing topography has contour intervals every 1 ft above 0.0 MLW and every 1 ft below MLW.

CONSTRUCTION SCHEDULE FOR SEDIMENT AND EROSION CONTROL

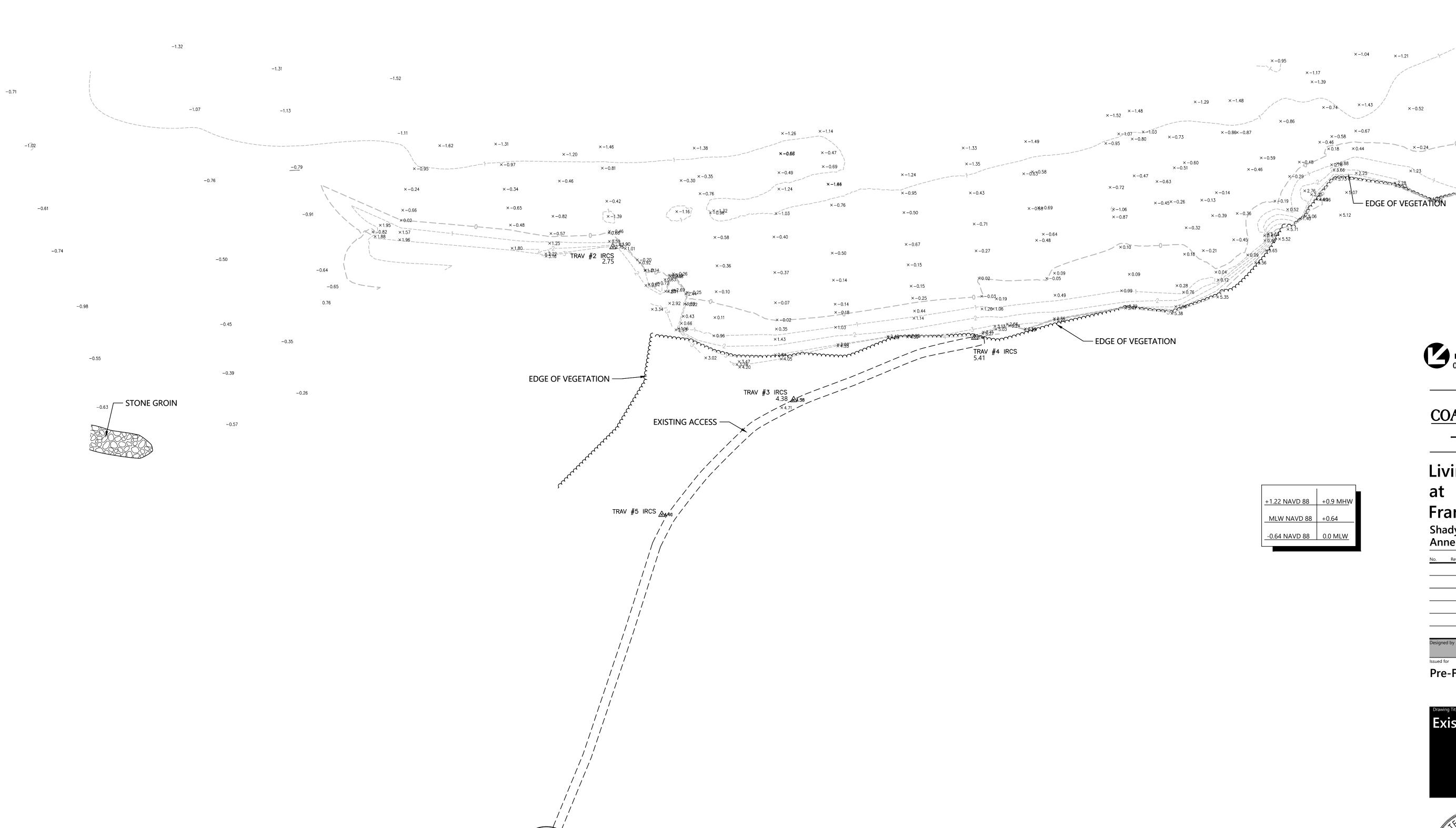
- Contractor/Developer is to notify the Maryland Department of the Environment (410-974-2641) of the date construction is to begin at least five (5) days prior to the date.(Time Frame=1 day)
- Clear for and install stabilized construction entrances. (1 day)
- Install silt fence and other erosion and sediment control practices. (1 day)
- Install turbidity curtain as needed to prevent sedimentation during construction.
- Remove all debris interfering with shoreline construction as construction proceeds. (continuous)
- Clear trees and underbrush within designated areas as construction proceeds.
- Install breakwaters, Sills, spurs, revetment, and sand nourishment . (450 days)
- Stabilize and seed all upland disturbed areas as specified.(2 days)
- 10. Remove turbidity curtain.(1 day)
- 11. After establishment of vegetative cover on site, remove silt fence and other erosion and sediment control devices after approval by Maryland Department of the Environment inspector (410-974-2641).

COASTLINE DESIGN, P.C.











COASTLINE DESIGN, P.C.



Living Shoreline Project Franklin Point State Park

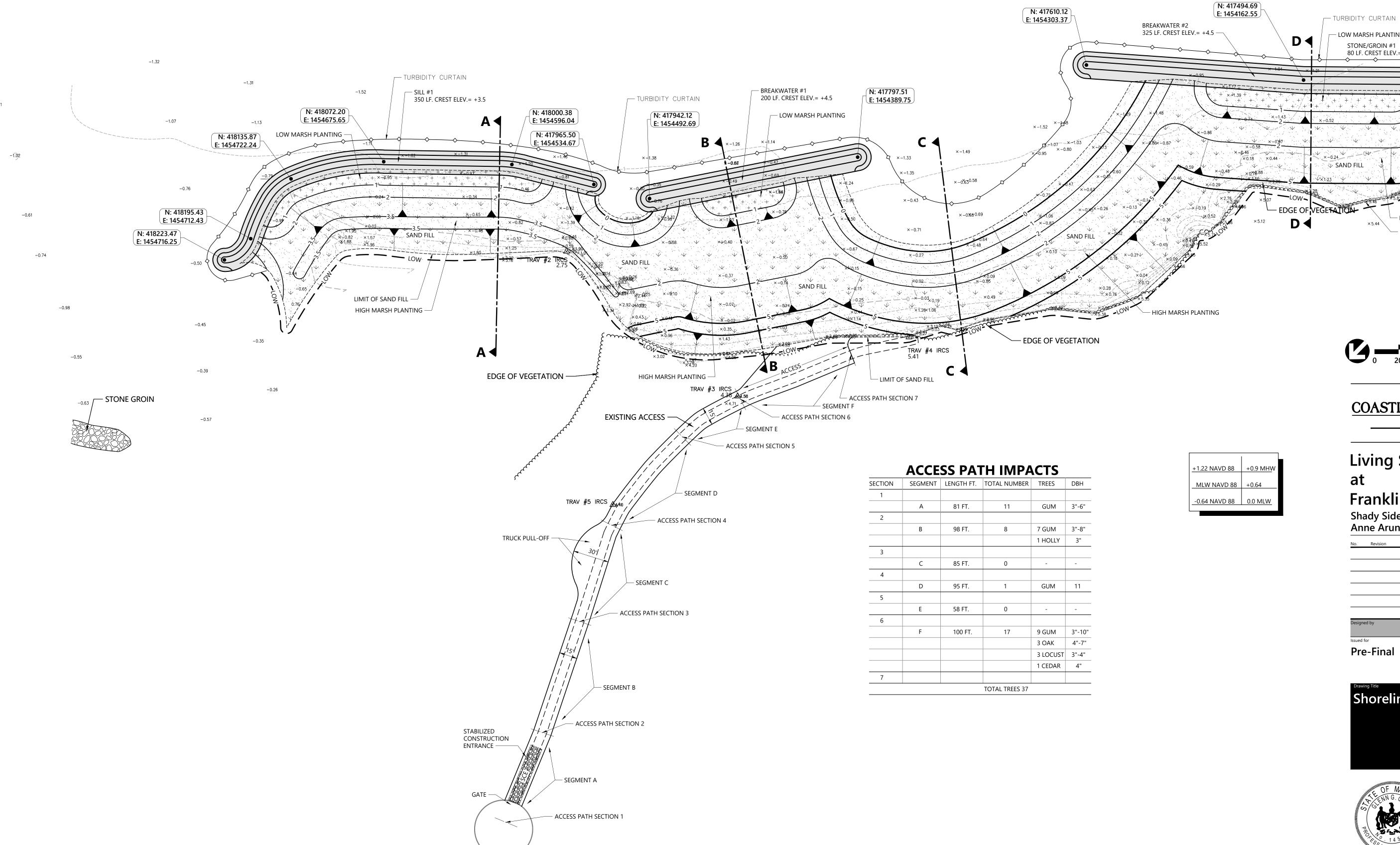
Shady Side Anne Arundel County, Maryland

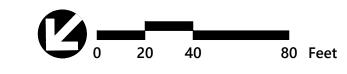
Pre-Final July, 2020





CHESAPEAKE BAY





N: 417452.87 E: 1453998.00

— HIGH MARSH PLANTING

- LIMIT OF SAND FILL

COASTLINE DESIGN, P.C.

- STONE GROIN

N: 417408.92 E: 1454067.33

STONE/GROIN #1 80 LF. CREST ELEV.= +4 → × → 0.79

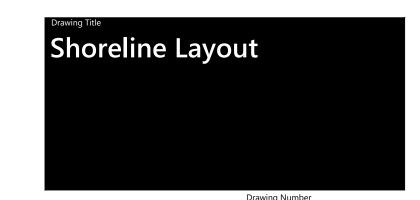
- LOW MARSH PLANTING

Living Shoreline Project at

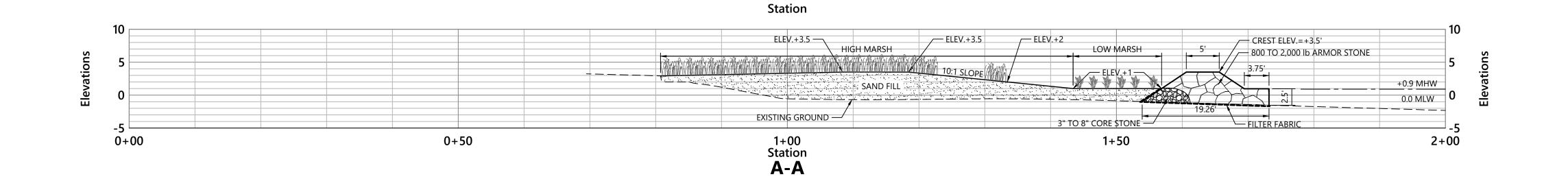
Franklin Point State Park Shady Side Anne Arundel County, Maryland

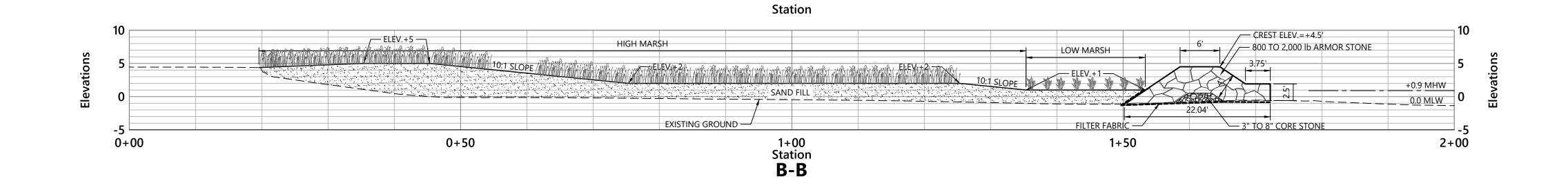
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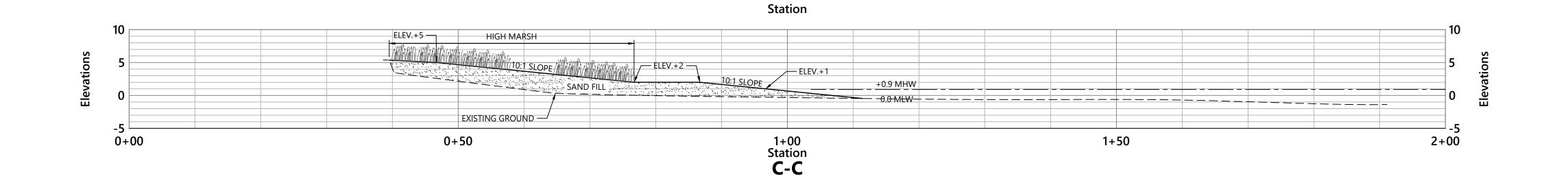
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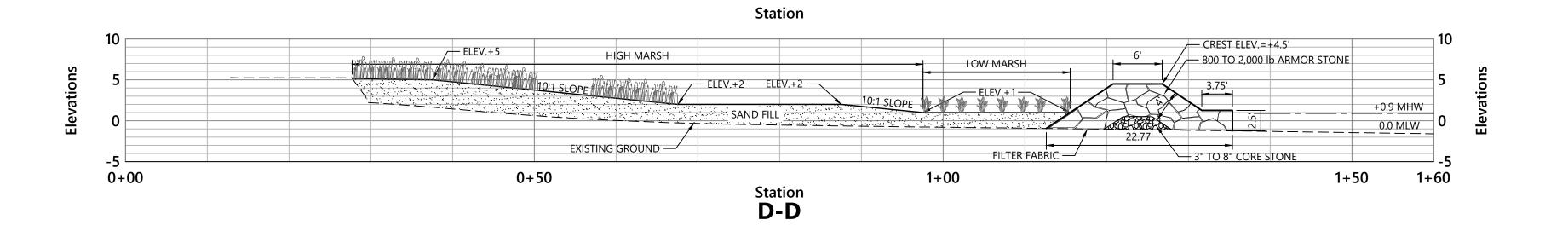














COASTLINE DESIGN, P.C.

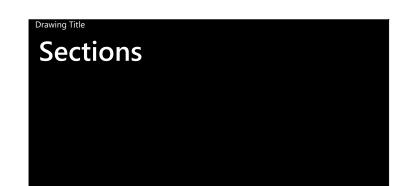
Living Shoreline Project at Franklin Point State Park

Shady Side Anne Arundel County, Maryland

No. Revision Date

Pre-Final	July, 202
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Designed by	Checked by

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Sheet of 4

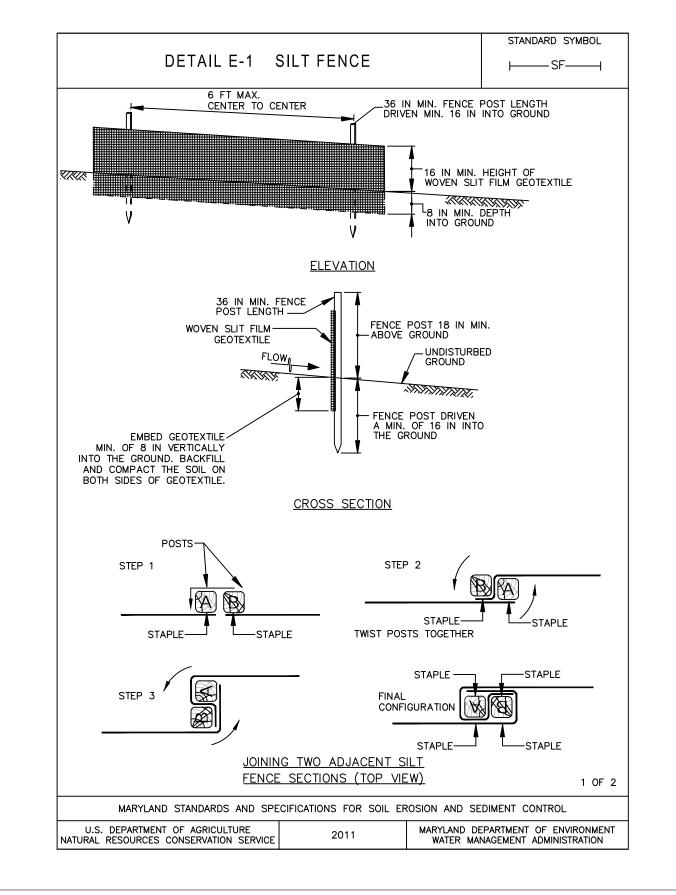
Project Number 22212 24

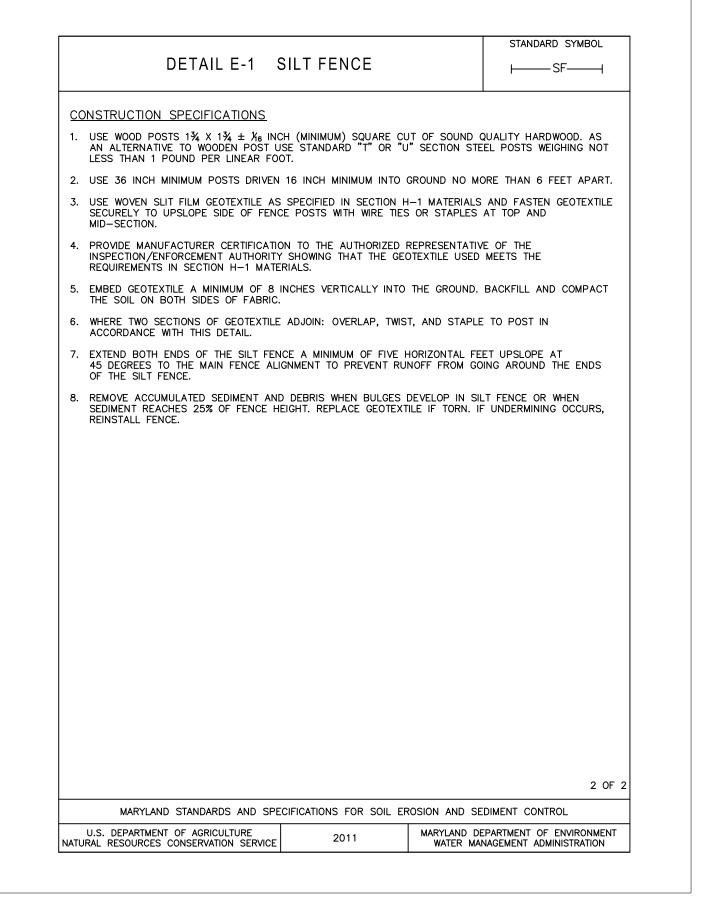
- STANDARD EROSION AND SEDIMENT CONTROL NOTES The Maryland Department of Environment requires that these notes, in their entirety, be included on the erosion and sediment control plan. It is recognized that every note may not apply to all projects. The requirement of any individual note not applicable to the subject project is not binding upon the applicant or the applicant's contractor.
- 1. The contractor shall notify the MARYLAND DEPARTMENT OF ENVIRONMENT (MDE) at (410) 537-3510 seven (7) days before commencing any land disturbing activity and, unless waived by the Administration, shall be required to hold a pre-construction meeting between project representatives and a representative of MDE.
- 2. The contractor must notify MDE in writing and by telephone at the following points:
- A. The required pre-construction meeting.
- B. Following installation of sediment control measures. C. During the installation of sediment basins (to be converted into
- stormwater management structures) at the required inspection points (see Inspection Checklist on plan). Notification prior to commencing
- construction of each step is mandatory. D. Prior to removal or modification of any sediment control
- structure(s). E. Prior to removal of all sediment control devices. F. Prior to final acceptance.
- 3. The contractor shall construct all erosion and sediment control measures per the approved plan and construction sequence and shall have them inspected and approved by the agency inspector or MDE Inspector prior to beginning any other land disturbances. Minor sediment control device location adjustments may be made in the field with the approval of the MDE Inspector. The contractor shall ensure that all runoff from disturbed areas is directed to the sediment control devices and shall not remove any erosion or sediment control measure without prior permission from MDE Inspector and agency inspector. The contractor must obtain prior agency and MDE approval for changes to the Sediment Control Plan and / or Sequence of Construction.
- 4. The contractor shall protect all points of construction ingress and egress to prevent the deposition of materials onto public roads. All materials deposited onto public roads shall be removed immediately.
- 5. The contractor shall inspect daily and maintain continuously in an effective operating condition all erosion and sediment control measures until such times as they are removed with prior permission from MDE Inspector and agency inspector.
- 6. All sediment basins, trap embankments and slopes, perimeter dikes, swales and all disturbed slopes steeper or equal to 3:1 shall be stabilized with sod or seed and anchored straw mulch, or other approved stabilization measures, as soon as possible but no later than Three (3) calendar days after establishment. All areas disturbed outside of the perimeter sediment control system must be minimized. Maintenance must be performed as necessary to ensure continued stabilization.
- (Requirement for stabilization may be reduced to immediate days for sensitive areas.)
- 7. The contractor shall apply sod or seed and anchored straw mulch, or other approved stabilization measures to all disturbed areas and stockpiles within seven (7) calendar days after stripping and grading activities have ceased in the area. Maintenance shall be performed as necessary to ensure continued stabilization. (Requirement may be reduced to immediate days for sensitive areas.)
- A. The seed mix shall be annual rye and fescue. The seed mix shall NOT contain lespedeza.
- 8. Prior to removal of sediment control measures, the contractor shall stabilize and have established permanent stabilization for all contributory disturbed areas using sod or an approved permanent seed mixture with required soil amendments and an approved anchored mulch. Wood fiber mulch may only be used in seeding season where the slope does not exceed 10% and grading has been done to promote sheet flow drainage. Areas brought to finished grade during the seeding season shall be permanently stabilized as soon as
- possible, but not later than seven (7) calendar days after establishment. When property is brought to finished grade during the months of November through February, and permanent stabilization is found to be impractical, temporary seed and anchored straw mulch shall be applied to disturbed areas. The final permanent stabilization of such property shall be applied by March 15 or earlier if ground and weather conditions allow.
- 9. The site's approval letter, approved Erosion and Sediment Control Plans, daily log books, and test reports shall be available at the site for inspection by duly authorized officials of MDE and the agency responsible for project.
- 10. Surface drainage flows over unstabilized cut and fill slopes shall be controlled by either preventing drainage flows from traversing the slopes or by installing protective devices to lower the water downslope without causing erosion. Dikes shall be installed and maintained at the top of a cut or fill slope until the slope and drainage area to it are fully stabilized, at which time they must be removed and final grading done to promote sheet flow drainage. Protective methods must be provided at points of concentrated flow where erosion is likely to
- 11. Permanent swales or other points of concentrated water flow shall be stabilized with sod or seed with an approved erosion control matting, rip-rap, or by other approved stabilization measures.
- 12. Temporary sediment control devices may be removed, with permission of MDE Inspector and agency inspectors, within thirty (30) calendar days following establishment of permanent stabilization in all contributory drainage areas. Stormwater management structures used temporarily for sediment control shall be converted to the permanent configuration within this time period as well.
- 13. No permanent cut or fill slope with a gradient steeper than 3:1 will be permitted in lawn maintenance areas. A slope gradient of up to 2:1 will be permitted in nonmaintenance areas provided that those areas are indicated on the erosion and sediment control plan with a low-maintenance ground cover specified for permanent stabilization. Slope gradient steeper than 2:1 will not be permitted with vegetative stabilization.
- 14. For finished grading, the contractor shall provide adequate gradients to prevent water from ponding for more than twenty four (24) hours after the end of a rainfall event. Drainage courses and swale flow areas may take as long as forty—eight (48) hours after the end of a rainfall event to drain. Areas designed to have standing water shall not be required to meet this requirement.
- 15. Sediment traps or basins are not permitted within 20 feet of a foundation that exists or is under construction. No structure may be

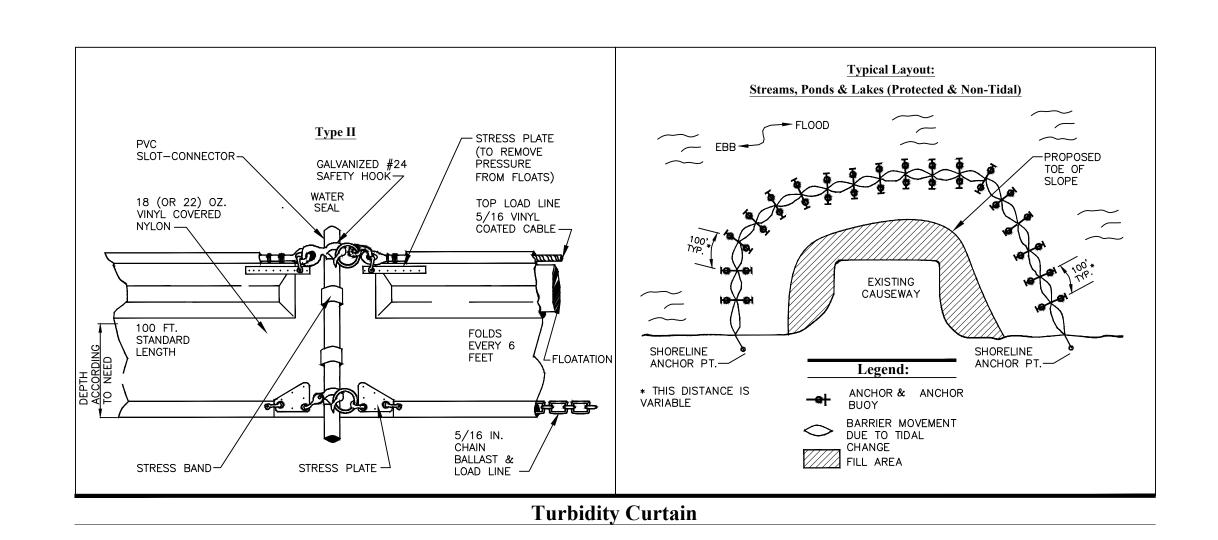
- constructed within 20 feet of an active sediment trap or basin.
- 16. The MDE Inspector has the option of requiring additional safety or sediment control measures, if deemed necessary.
- 17. All trap depth dimensions are relative to the outlet elevation. All traps must have a stable outfall. All traps and basins shall have stable inflow points.
- 18. Vegetative stabilization shall be performed in accordance with the Standards and Specifications for Soil Erosion and Sediment Control. Refer to appropriate specifications for temporary seeding, permanent seeding, mulching, sodding, and ground covers.
- 19. Sediment shall be removed and the trap or basin restored to its original dimensions when the sediment has accumulated to one quarter of the total depth of the trap or basin. Total depth shall be measured from the trap or basin bottom to the crest of the outlet.
- 20. Sediment removed from traps (and basins) shall be placed and stabilized in approved areas, but not within a floodplain, wetland or tree—save area. When pumping sediment laden water, the discharge must be directed to a sediment trapping device prior to release from the site. A sump pit may be used if sediment traps themselves are being pumped out.
- 21. All water removed from excavated areas shall be passed through a MDE approved dewatering practice or pumped to a sediment trap or basin prior to discharge to a functional storm drain system or to stable ground surface.
- 22. Sediment control for utility construction for areas outside of designed controls or as directed by engineer or MDE Inspector: A. Call "Miss Utility" at 1-800-257-7777 48 hours prior to the start
- B. Excavated trench material shall be placed on the high side of the trench
- C. Trenches for utility installation shall be backfilled, compacted, and stabilized at the end of each working day. No more trench shall be opened than can be completed the same day, unless; D. Temporary silt fence shall be placed immediately downstream of any disturbed area intended to remain disturbed for more than one
- 23. Where deemed appropriate by the engineer or inspector, sediment basins and traps may need to be surrounded with an approved safety fence. The fence must conform to local ordinances and regulations. The developer or owner shall check with local building officials on applicable safety requirements. Where safety fence is deemed appropriate and local ordinances do not specify fencing sizes and types, the following shall be used as a minimum standard: The safety fence must be made of welded wire and at least 42 inches high, have posts spaced no farther apart than 8 feet, have mesh openings no greater than 2 inches in width and 4 inches in height with a minimum of 14 gauge wire. Safety fence must be maintained and in good condition at all times.
- 24. Off—site spoil or borrow areas on State or federal property must have prior approval by MDE and other applicable State, federal, and local agencies; otherwise approval must be granted by the local authorities. All waste and borrow areas off—site must be protected by sediment control measures and stabilized.
- 25. Sites where infiltration devices are used for the control of stormwater, extreme care must be taken to prevent runoff from unstabilized areas from entering the structure during construction. Sediment control devices placed in infiltration areas must have bottom elevations at least two (2) feet higher than the finish grade bottom elevation of the infiltration practice. When converting a sediment trap to an infiltration device, all accumulated sediment must be removed and disposed of prior to final grading of infiltration device.
- 26. When a storm drain system outfall is directed to a sediment trap or sediment basin and the system is to be used for temporarily conveying sediment laden water, all storm drain inlets in non-sump areas shall have temporary asphalt berms constructed at the time of base paving to direct gutter flow into the inlets to avoid surcharging and overflow of inlets in sump areas.

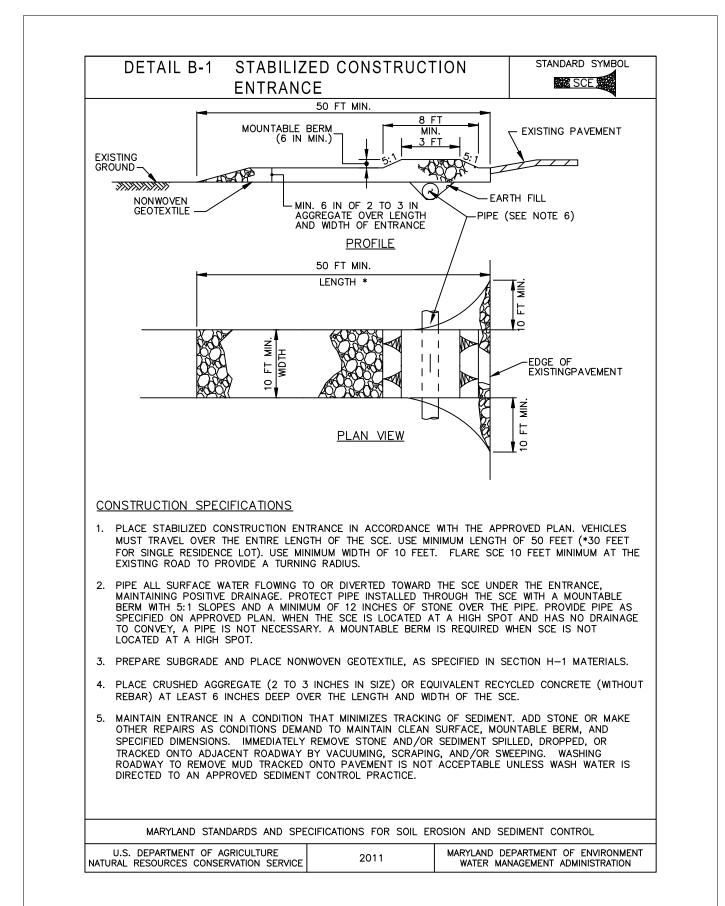
27. Site Information: a. Total Area of Facility XX Acres (base, campus, park, etc.) b. Area Disturbed <u>0 SF</u>

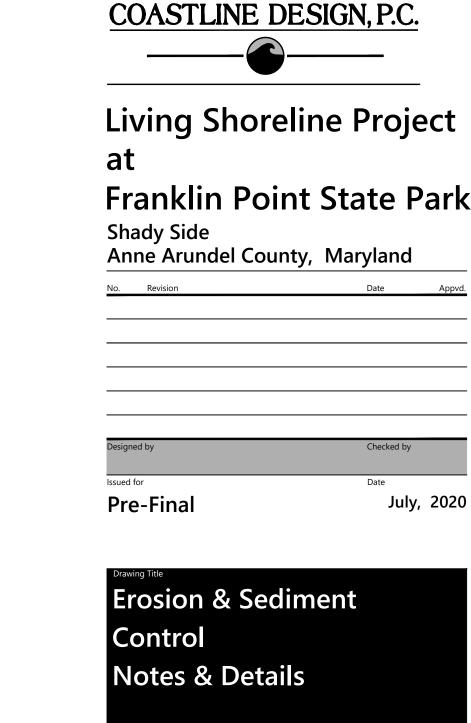
- c. Area to be Roofed or Paved ___ <u>N/A</u> Acres
- d. Total Cut <u>0</u> Cubic Yards e. Total Fill <u>0</u> Cubic Yards
- f. Off-Site Waste / Borrow Area Location will be the responsibility of the contractor.













Glexon G. Bass 32213.34

July, 2020

Project Summary Impact/Habitat Creation Table

		Impacts below MHW									
			·							Habitat Created	
Structure#	Bay	Rock			Sand						
or Window	Width	StructLength	Area	Volume	Encroach	Area	Volume	Encroach	Low Marsh	HighMarsh	
	(ft)	(ft)	(sq.ft)	(cy)	(ft)	(sq.ft)	(cy)	(ft)	(sq.ft)	(sq.ft)	
Sill 1		350	7,000	910	80	19,200	2,185	60	2,200	18,000	
Α	27					1,205	139	45			
BW1		200	4,800	600	150	18,700	1,680	110	1,050	13,000	
В	185					15,700	980	110		5,550	
BW2		325	7,800	1,140	170	30,000	2,280	120	2,400	30,000	
Spur/Groin		90	1,600	165	70						
		965	21,200	2,815		84,805	7,264		5,650	66,550	