



**U.S. Army Corps
of Engineers**
Baltimore District

Public Notice

**In Reply to Application Number
CENAB-OPR-M (Graves Family LLC.) 2017-60204**

PN 17-23

Comment Period: May 10, 2017 to May 30, 2017

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

APPLICANT: Graves Family, LLC
9403 Spruce Tree Circle
Bethesda, Maryland 20814

LOCATION: In Broad Creek, at Deep Neck Road, Royal Oak, Talbot County, Maryland.

WORK: To emplace a total of 70 linear feet of stone revetment by placing approximately 80 cubic yards of stone to extend no more than 8 feet channelward of the approximate mean high water (MHW) shoreline; to create a marsh along 82 linear feet of shoreline by depositing approximately 695 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *Spartina patens* to extend no more than 82 feet channelward of the approximate MHW shoreline; to create a marsh along 70 linear feet of shoreline by depositing approximately 1,245 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *Spartina patens* to extend no more than 70 feet channelward of the approximate MHW shoreline; and to construct a 16-foot by 68-foot and a 16-foot by 70-foot stone breakwater by emplacing approximately 486 cubic yards of stone, with a 15-foot wide window, to extend no more than 190 feet channelward of the approximate MHW shoreline. No wetland impacts are proposed.

If you have any questions concerning this matter, please contact Mrs. Laura Coleman of this office at (443) 853-2051 or via email at lamuelle.l.coleman@usace.army.mil.

The purpose of the project is to improve shoreline erosion control.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. Compensatory mitigation is not being proposed by the applicant for impacts to open water (inter-tidal and sub-tidal) habitat or to the wetlands.

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 Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for Juvenile and adult *Scophthalmus aquosus* (windowpane flounder); Juvenile *Pomatomus saltatrix* (bluefish); Juvenile and adult *Paralichthys dentatus* (summer flounder); Egg, larvae, juvenile and adult *Scomberomorus cavalla* (King

mackerel), *Scomberomorus maculatus* (Spanish mackerel), *Rachycentron canadum* (Cobia) and *Sciaenops ocellatus* (Red Drum) 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 an approximate total of 3,352 square foot area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt substrate which does not support SAV. According to the Virginia Institute of Marine Science (VIMS) survey maps, there was some nearby SAV mapped outside the project footprint of the proposed activity for years 2008 through 2014. 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 Corps' preliminary determination.

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, 10 S. Howard Street, Baltimore, Maryland, 21201 within the comment period specified above.

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.

A preliminary review of this application indicates that the proposed work would have no effect on Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. The proposed activity is located in waters that are less than -3.0 feet mean low water. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

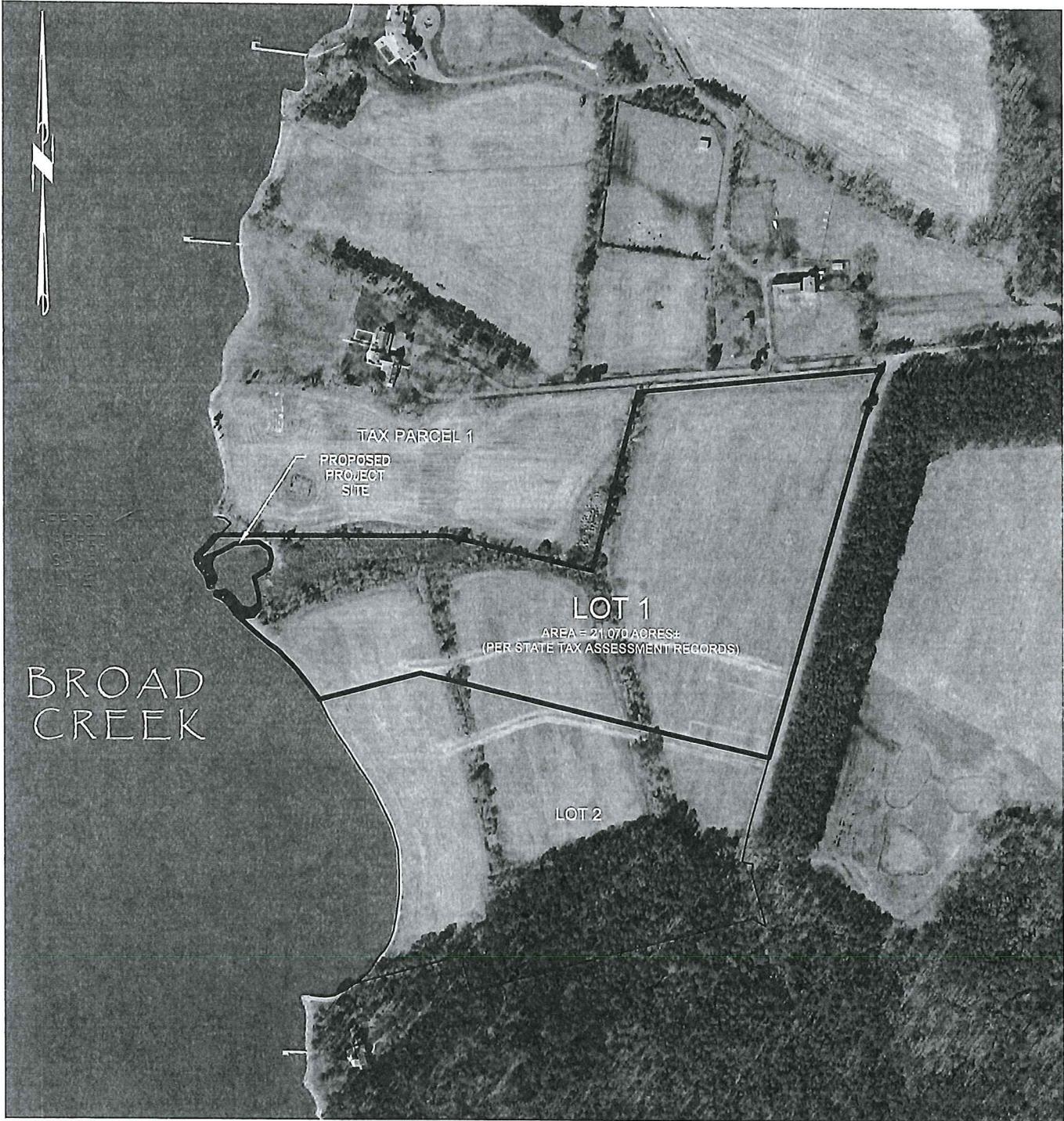
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

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, 10 S. Howard Street, 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

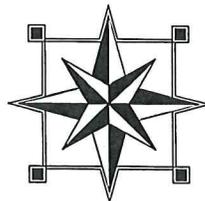


OWNER/APPLICANT:
 GRAVES FAMILY, LLC
 C/O JOHN & STELLA GRAVES
 9403 SPRUCE TREE CIR
 BETHESDA, MD 20814

PROPERTY OVERVIEW

CONSTRUCT 2 – 95± BREAKWATERS
 3,120 SQ.FT. LIVING SHORELINE
 70 L.F.± STONE REVETMENT
 GRAVES FAMILY, LLC
 DEEP NECK ROAD
 ROYAL OAK, MD 21662
 TAX MAP 46, GRID 01, TAX PARCEL 166
 IN THE SECOND ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND

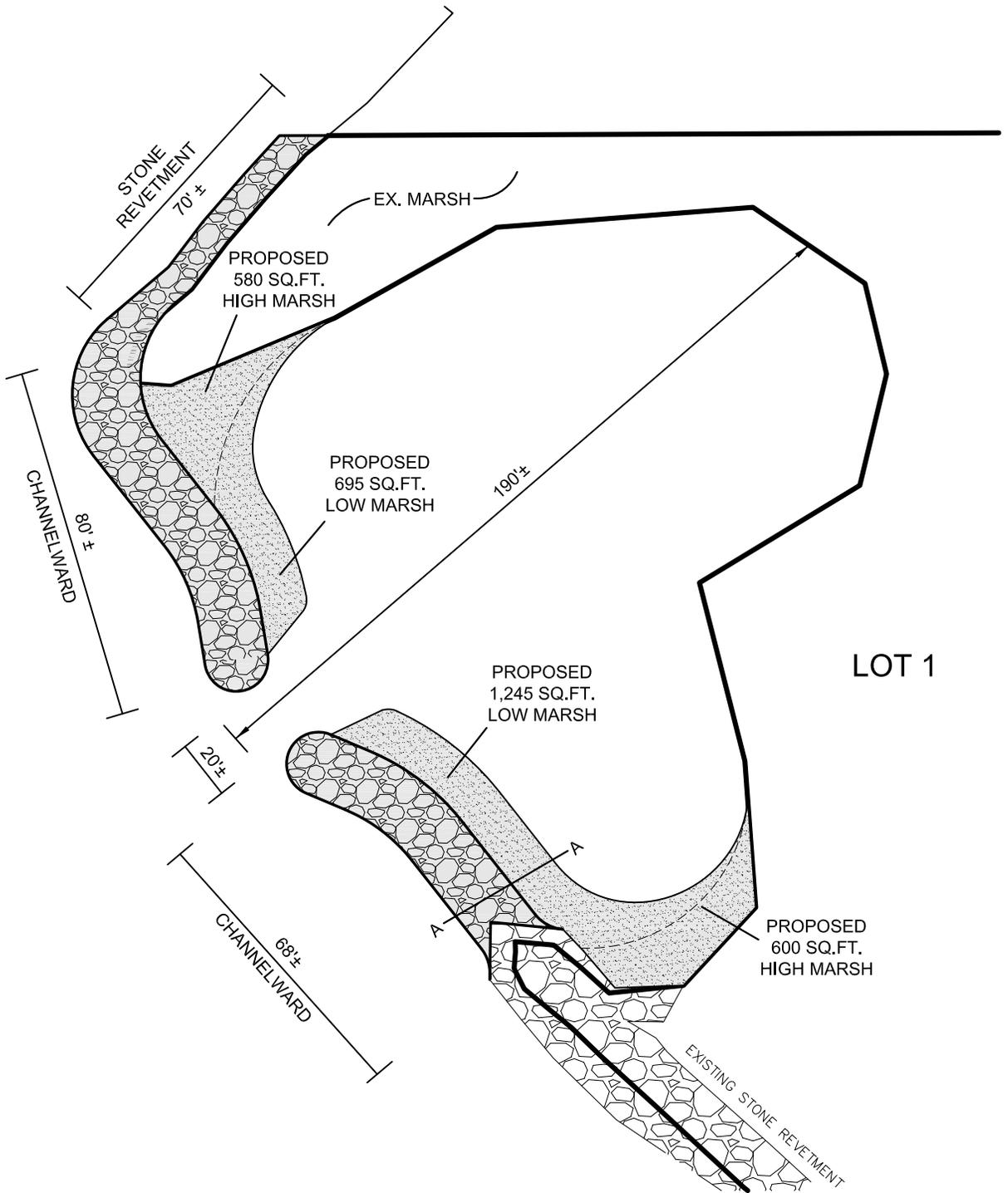
FINK, WHITTEN & ASSOCIATES, LLC.



LAND SURVEYING	LAND PLANNING
CIVIL ENGINEERING	PERMITTING
ENVIRONMENTAL CONSULTING	
EASTON	CAMBRIDGE
410-822-8484	410-228-8885
8626 Brooks Drive Unit 103	108 Dorchester Avenue
Easton, Maryland 21601	Cambridge, Maryland 21613

www.FINKWHITTEN.com

DATE: 01 / 18 / 2017	SCALE: 1" = 400'
JOB No. T-46-1-166-1	DRAWN BY: BLW

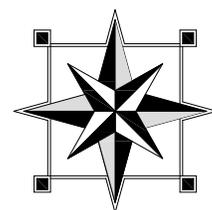


LOT 1

SHEET 5 OF 7
 REVISED 03/15/2017 PER AGENCY COMMENTS

OWNER/APPLICANT:
 GRAVES FAMILY, LLC
 C/O JOHN & STELLA GRAVES
 9403 SPRUCE TREE CIR
 BETHESDA, MD 20814

PROJECT DETAIL
 CONSTRUCT 2 - 95'± BREAKWATERS
 3,120 SQ.FT. LIVING SHORELINE
 70 L.F.± STONE REVETMENT
 GRAVES FAMILY, LLC
 DEEP NECK ROAD
 ROYAL OAK, MD 21662
 TAX MAP 46, GRID 01, TAX PARCEL 166
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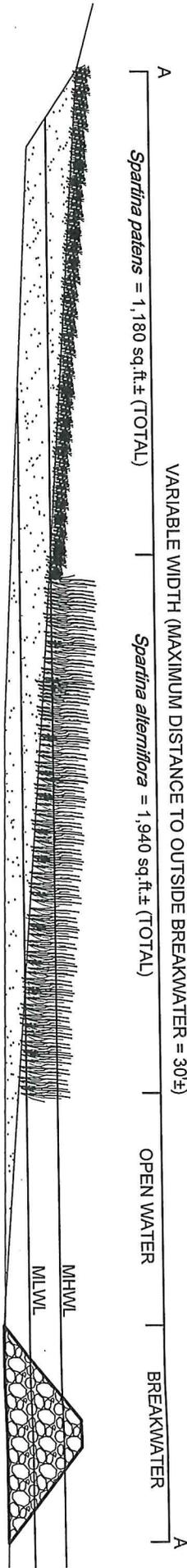
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DATE: 01 / 18 / 2017	SCALE: 1" = 40'
JOB No. T-46-1-166-1	DRAWN BY: BLW



A
 VARIABLE WIDTH (MAXIMUM DISTANCE TO OUTSIDE BREAKWATER = 30±)
 Spartina patens = 1,180 sq.ft.± (TOTAL) | Spartina alterniflora = 1,940 sq.ft.± (TOTAL) | OPEN WATER | BREAKWATER | A

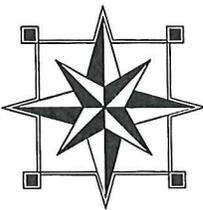
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 9403 SPRUCE TREE CIR
 BETHESDA, MD 20814

LIVING SHORELINE DETAIL
 CONSTRUCT 2 - 95± BREAKWATERS
 3,120 SQ.FT. LIVING SHORELINE
 70 L.F.± STONE REVETMENT

GRAVES FAMILY, LLC
 DEEP NECK ROAD
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 TAX MAP 46, GRID 01, TAX PARCEL 166
 IN THE SECOND ELECTION DISTRICT
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SHEET 7 OF 7



FINK, WHITTEN & ASSOCIATES, LLC.

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DATE: 10 / 10 / 2016

NOT TO SCALE

JOB No. T-46-1-166-1

DRAWN BY: BLW