

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Numbers
CENAB-OP-RMS (K. SCOTT WILSON/BEACH PRISMS) 2017-60486

PN 17-29

Comment Period: June 8, 2017 to July 8, 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: Mr. K. Scott Wilson
31 Jeremys Way
Annapolis, Maryland 21403

LOCATION OF THE PROPOSED WORK: In the Chesapeake Bay at 4254 Bay Shore Road, Taylors Island, Dorchester County, Maryland.

WORK AND PURPOSE: To emplace fifty-six 4-foot wide by 10-foot long by 4-foot tall concrete form beach prisms spaced 6 inches apart along 531 linear feet of eroding shoreline to extend a maximum of 115 feet channelward of the approximate mean high water (MHW) shoreline. The water depths in the project area range from -0.0 feet to -2.0 at mean low water. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Eugene Morgenthaler at 410-820-8629.

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. Beach Prisms are proposed to create a shallow water breakwater design in lieu of traditional breakwaters, living shorelines, groins, revetment or bulkhead. These shallow water beach prisms are proposed to minimize impacts on benthic habitats and reduce hindrance to navigation. The beach prisms are expected to provide suitable habitat substrate for sessile organisms such as oysters and other marine species. Compensatory mitigation is not proposed by the applicant. No wetland impacts are proposed.

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, Department of the Army, Baltimore District Corps of Engineers, Attn: Regulatory Branch, 10 S. Howard Street, 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 EFH as described under MSFCMA for Juvenile and adult Red hake (*Urophycis chuss*) and Windowpane flounder (*Scophthalmus aquosus*); Adult Atlantic sea herring (*Clupea harengus*); Juvenile and adult Bluefish (*Pomatomus saltatrix*); Eggs, larvae, juvenile and adult Atlantic butterflyfish (*Peprilus triacanthus*); Larvae, juvenile and adult Summer flounder (*Paralichthys dentatus*); Juvenile and adult Scup (*Stenotomus chrysops*) and Red Drum (*Sciaenops ocellatus*); Eggs, larvae, juveniles and adult King mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculates*), Cobia (*Rachycentron canadum*), Black sea bass (*Centropristus striata*) and all 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. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

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.

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 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.

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, Department of the Army, Baltimore District Corps of Engineers, Attn: Regulatory Branch, 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 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



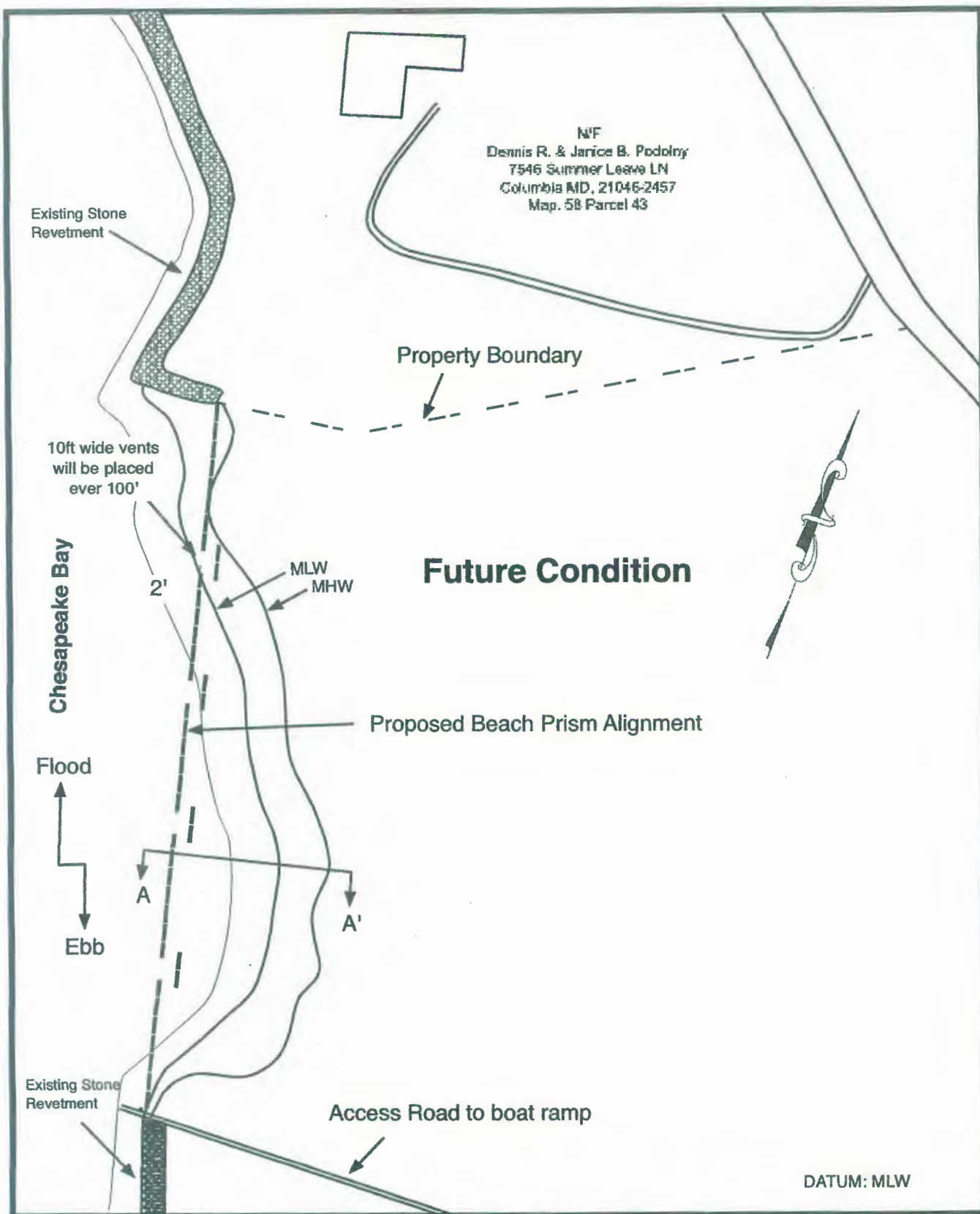
Vicinity Map (ADC quad A-7, p 21)

Tax Map 58, Grid 23, Parcel 43
 Owners: Kenneth Scott & Dawn Wilson

Kenneth Scott Wilson
 4254 Bay Shore Rd,
 Taylors Island, MD

Scale: NA	
Date: 1/24/17	
Drwn: cjkiiii	p. 1 of 8





N/F
 Dennis R. & Jarice B. Podolny
 7546 Summer Leave LN
 Columbia MD, 21046-2457
 Map. 58 Parcel 43

Existing Stone
 Revetment

Property Boundary

10ft wide vents
 will be placed
 ever 100'

Chesapeake Bay

2'

MLW
 MHW

Future Condition

Proposed Beach Prism Alignment

Flood

Ebb

A

A'

Existing Stone
 Revetment

Access Road to boat ramp

DATUM: MLW

Kenneth Scott Wilson
 4254 Bay Shore Rd,
 Taylors Island, MD

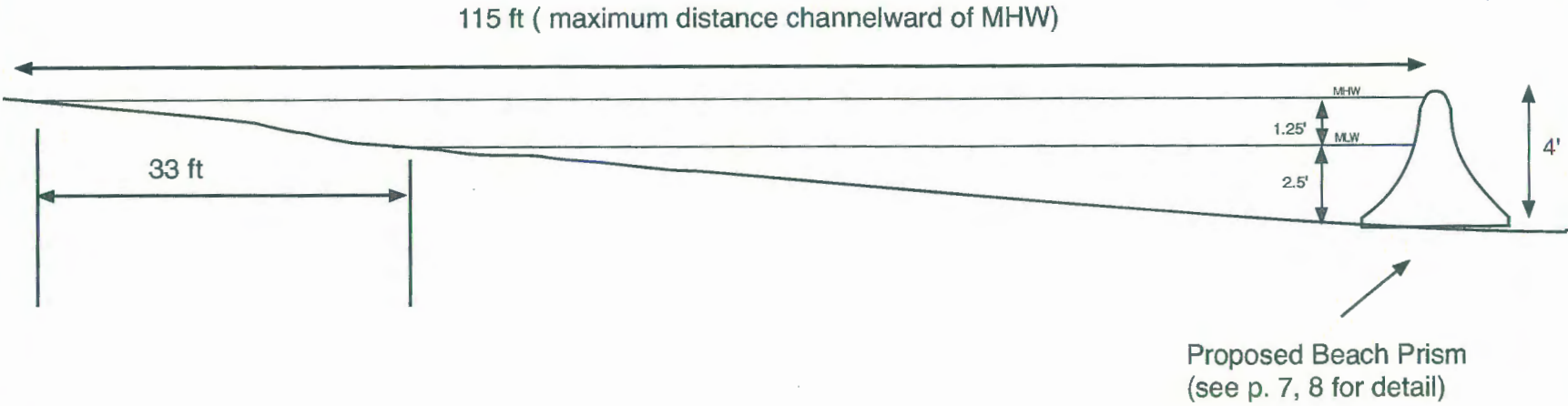
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Date: 1/24/17

Drwn: cjkiiii | p. 5 of 8



Section AA'



Kenneth Scott Wilson
4254 Bay Shore Rd.
Taylors Island, MD

Scale : NA	
Date: 1/24/17	
Drwn: cjkiii	p. 6 of 8



