



U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number  
CENAB-OPR-MN (ARUNDEL ON THE BAY/ SHORE EROSION  
PROTECTION) 2017-60396-M18

PN 17-38

Comment Period: August 4, 2017 to September 4, 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. David J. Delia  
Arundel on the Bay, Inc.  
P.O. Box 4665  
Annapolis, Maryland 21403

**WATERWAY AND LOCATION:** The proposed project is located in Fishing Creek within the community of Arundel on the Bay, 1345 Magnolia Avenue, Annapolis, Anne Arundel County, Maryland.

**PROPOSED WORK:**

1. To remove two existing stone breakwater structures; remove approximately 230 linear feet of existing timber bulkhead and existing riprap; excavate and remove 1,630 square feet of "*Phragmites communis*" from along the shoreline.

2. To construct two stone breakwater structures: one 102 linear feet a maximum distance of 75 feet channelward from the approximate MHW shoreline and one 156 linear feet a maximum distance of 84 feet channelward from the approximate MHW shoreline. The stone structures will be constructed with a 34 foot wide tidal gap at the base and approximately 50 feet wide between the crest of the structures.

3. To place approximately 2,010 cubic yards of clean sand fill over an approximately 0.40 acre area landward of the two stone breakwater structures. Plant approximately 0.26 acre of native marsh shrubs and herbaceous species. Install temporary exclusion fencing around the planted areas for initial protection and establishment of the planted area.

The purpose of the project is to provide shore erosion control and beach nourishment to restore the Arundel on the Bay community beach. All proposed work is shown on the enclosed plans dated June 28, 2017.

If you have any questions concerning this matter, please contact Mr. Richard Kibby at 410-962-0694 or [richard.kibby@usace.army.mil](mailto:richard.kibby@usace.army.mil).

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 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: Mr. Richard Kibby, CENAB-OPR-M], 10 S. Howard Street, Baltimore, MD 21201 or [richard.kibby@usace.army.mil](mailto:richard.kibby@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 windowpane flounder (*Scophthalmus aquosus*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralichthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*), 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.

**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 Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. MDE has a statutory limit of one year from the date of this public notice to make its decision.

**COASTAL ZONE MANAGEMENT PROGRAMS:** 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 Management Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement. Public comments relating to consistency must be received by the Maryland Department of the Environment, Tidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period specified above to receive consideration. The MDE has a statutory limit of 6 months to concur or object to the applicant's consistency determination.

The applicant must obtain any state or local government permits which may be required.

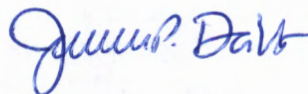
A preliminary review of this application indicates that the proposed work will not affect federally listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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.

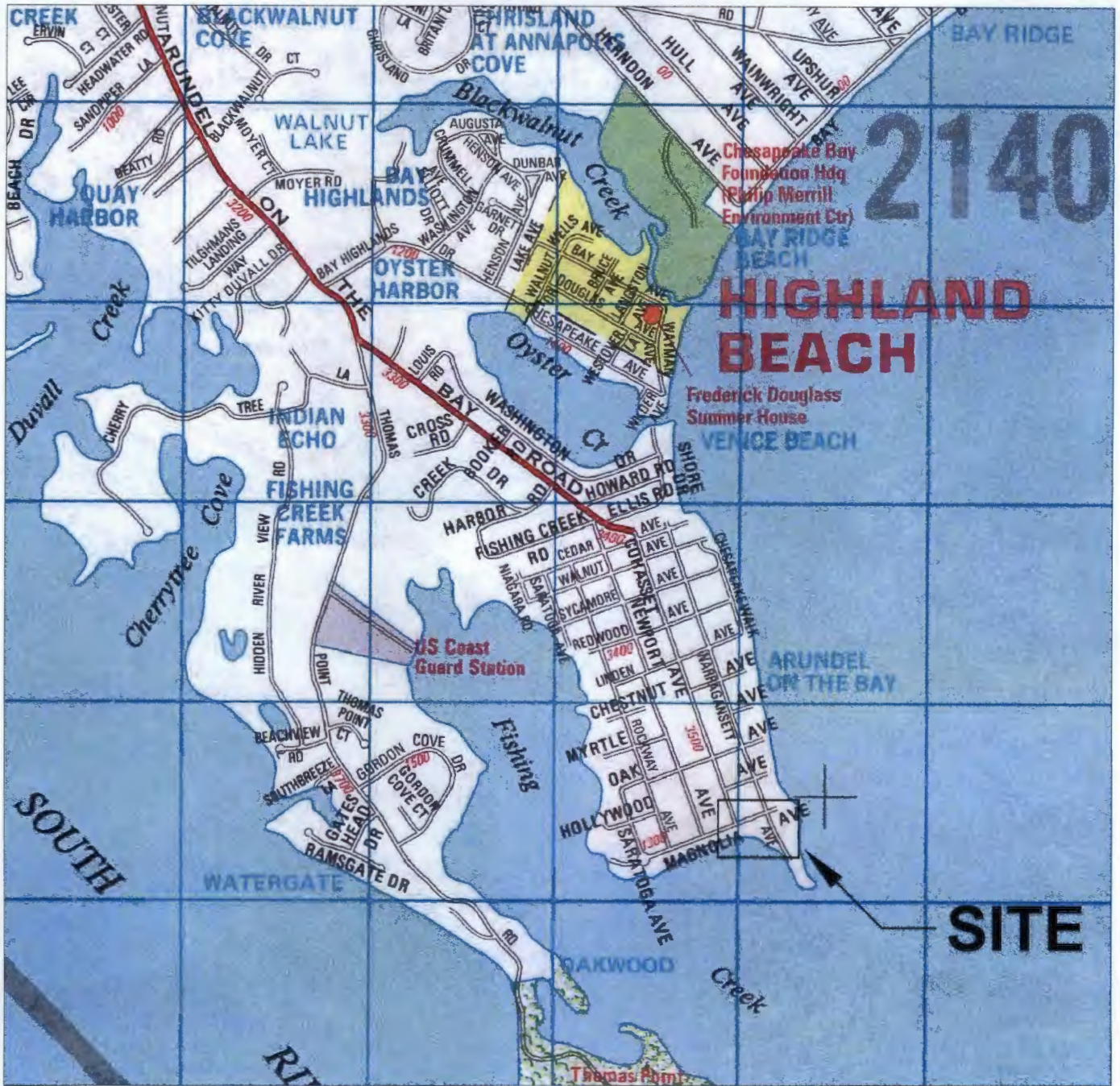
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Richard Kibby, CENAB-OPR-MN], 10 South 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:



Joseph P. DaVia  
Chief, Maryland Section Northern



Copyright 2000 Alexandria Drafting Co.

1"=2273'



**BRAY HILL, LLC**

Ecological Assessment - Environmental Planning - Restoration Design

10357 Whitewasher Way, Columbia, Maryland 21044-3183

Tel. 443-745-6133 Fax 410-715-1262 email: BrayHill@verizon.net

**Vicinity Map**

ARUNDEL ON THE BAY  
1345 Magnolia Avenue  
Annapolis, Maryland

Anne Arundel County Tax Map 57, Grid 21,  
Parcel 15, Sub 02, Blk 13, Lot C












**BREAKWATER/LIVING SHORELINE PROTECTION**

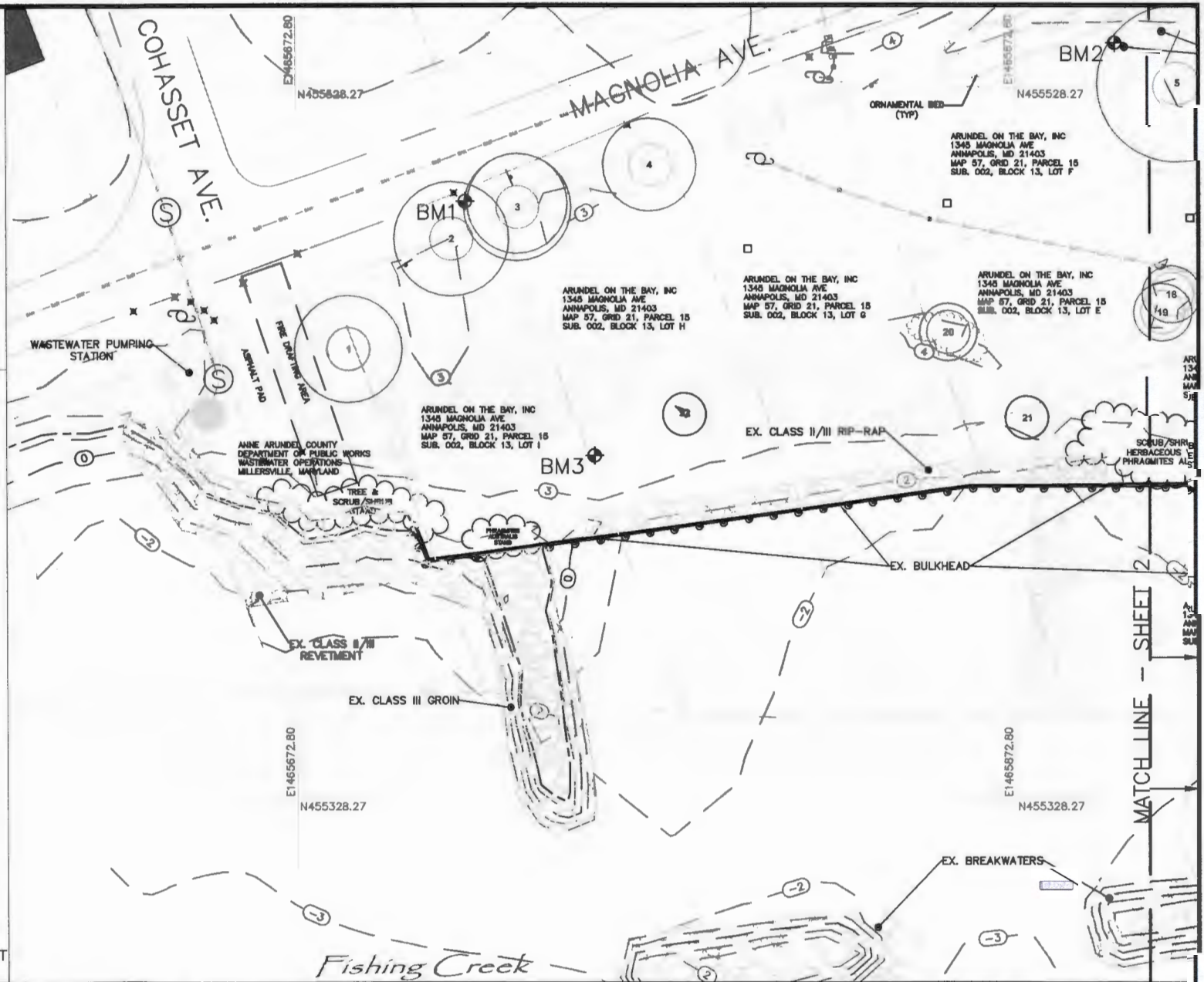
SEC 04-16

Funding Agency

Maryland Department of Natural Resources  
Chesapeake & Coastal Service  
Shoreline Conservation Service

**LEGEND**

-  Mean High Water (El. 1.2')
-  Property Lines
-  Ex. Contours
-  Sanitary Lines
-  Underground Electric Lines
-  Sanitary Manholes
-  Electric Poles
-  Survey Bench Marks
-  Tidal Wetlands
-  Existing Trees & Driplines
-  Signs



**Existing Conditions**

ARUNDEL ON THE BAY  
 1345 Magnolia Avenue  
 Annapolis, Maryland  
 Anne Arundel County Tax Map 57, Grid 21,  
 Parcel 15, Sub 02, Blk B, Lot C

**BREAKWATER/LIVING SHORELINE PROTECTION**

SEC 04-16  
 Funding Agency  
 Maryland Department of Natural Resources  
 Chesapeake & Coastal Service  
 Shoreline Conservation Service



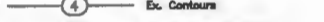
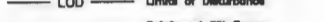





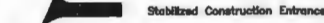

DATE:	June 28, 2017	SCALE:	1"=40'
REVISION DATE:		DESIGN BY:	AM & CM
REVISION TYPE:		DRAWN BY:	CM
REVISION DATE:		CHECKED BY:	AM & CM
REVISION TYPE:		PROJECT NO:	
REVISION DATE:		SHEET NUMBER	1 OF 8
REVISION TYPE:			

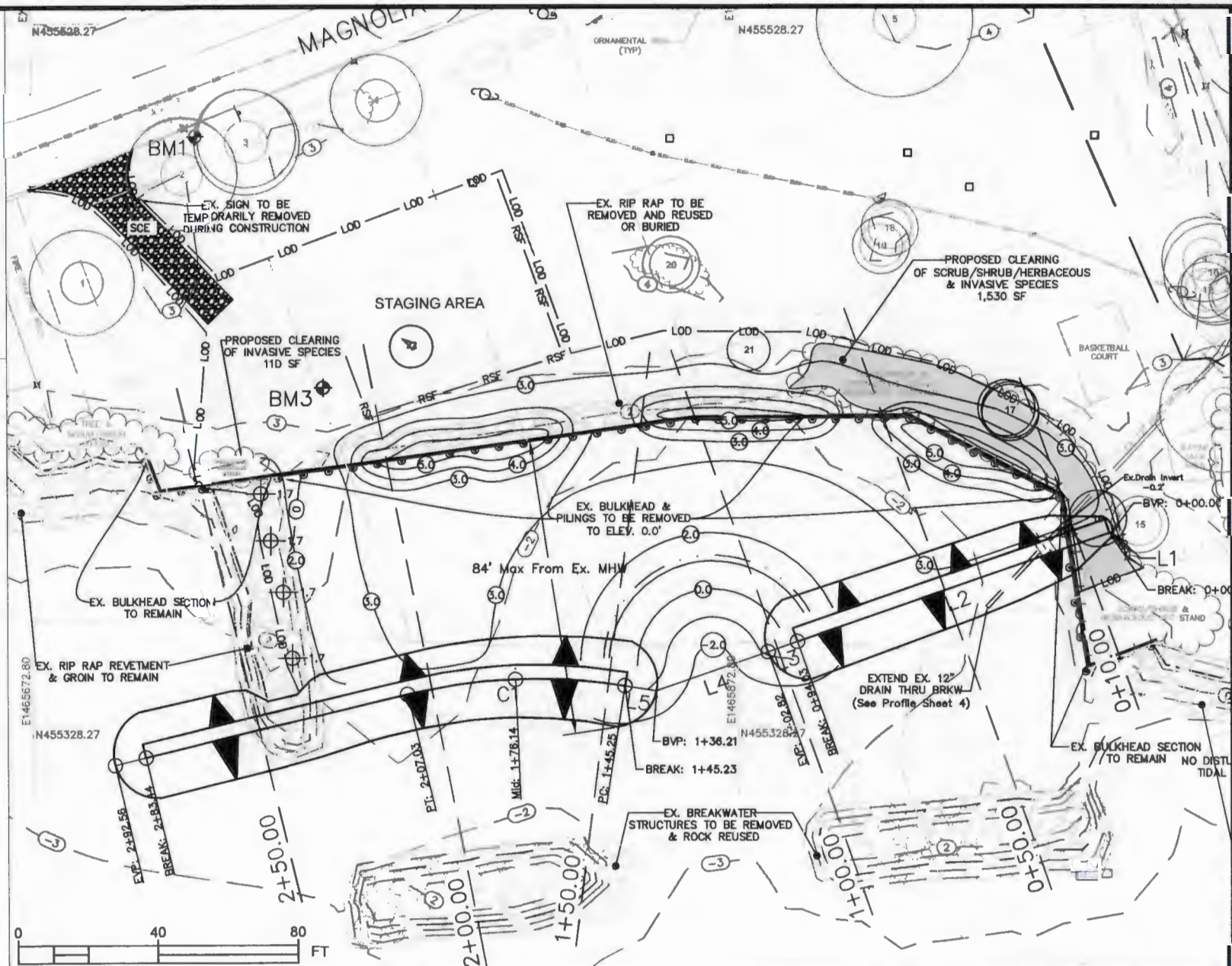


**BRAY HILL, LLC**  
 Ecological Assessment - Environmental Planning - Restoration Design  
 10357 Whitewasher Way, Columbia, Maryland 21044-3183  
 Tel. 443-745-6133 Fax 410-715-1262 email: BrayHill@verizon.net



**LEGEND**

-  Ex. Mean High Water (El. 1.2')
-  Proposed MHW (El. 1.2')
-  Ex. Contours
-  Limits of Disturbance
-  Reinforced Silt Fence
-  X-Sections & Stations
-  Proposed Contours
-  Survey Bench Marks
-  Proposed Spot Elevations
-  Stabilized Construction Entrance
-  Proposed Breakwater Structures



**BRAY HILL, LLC**

Ecological Assessment - Environmental Planning - Restoration Design

10357 Whitewasher Way, Columbia, Maryland 21044-3183

Tel. 443-745-6133 Fax 410-715-1262 email: BrayHill@verizon.net

**Site & Grading Plan**

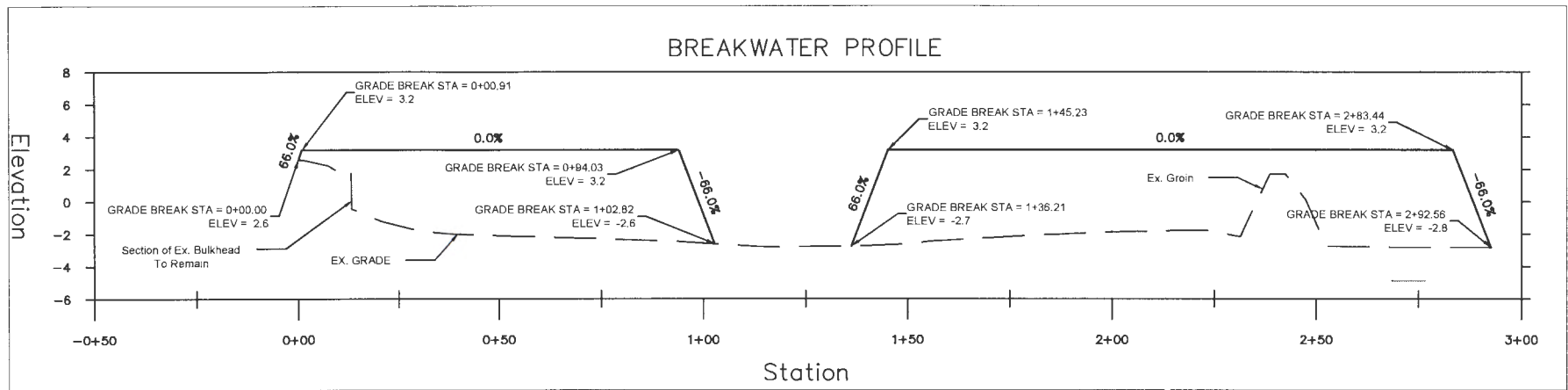
ARUNDEL ON THE BAY  
 1345 Magnolia Avenue  
 Annapolis, Maryland  
 Anne Arundel County Tax Map 57, Grid 21,  
 Parcel 15, Sub 02, Blk B, Lot C

**BREAKWATER/LIVING SHORELINE PROTECTION**

SEC 04-16  
 Funding Agency  
 Maryland Department of Natural Resources  
 Chesapeake & Coastal Service  
 Shoreline Conservation Service

DATE:	June 28, 2017	SCALE:	1"=4'
REVISION DATE:		DESIGN BY:	AM & CJ
REVISION TYPE:		DRAWN BY:	CM
REVISION DATE:		CHECKED BY:	AM & CJ
REVISION TYPE:		PROJECT NO:	
REVISION DATE:		SHEET NUMBER	3 OF 8
REVISION TYPE:			





Ecological Assessment - Environmental Planning - Restoration Design  
 10357 Whitewasher Way, Columbia, Maryland 21044-3183  
 Tel. 443-745-6133 Fax 410-715-1262 email BrayHill@verizon.net

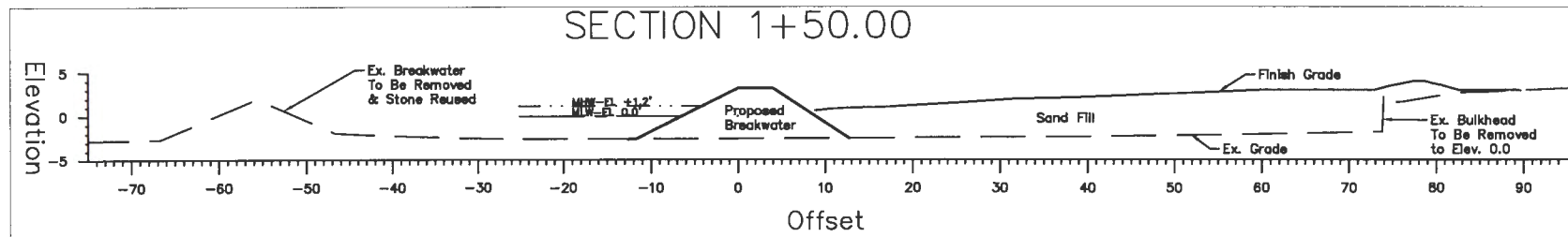
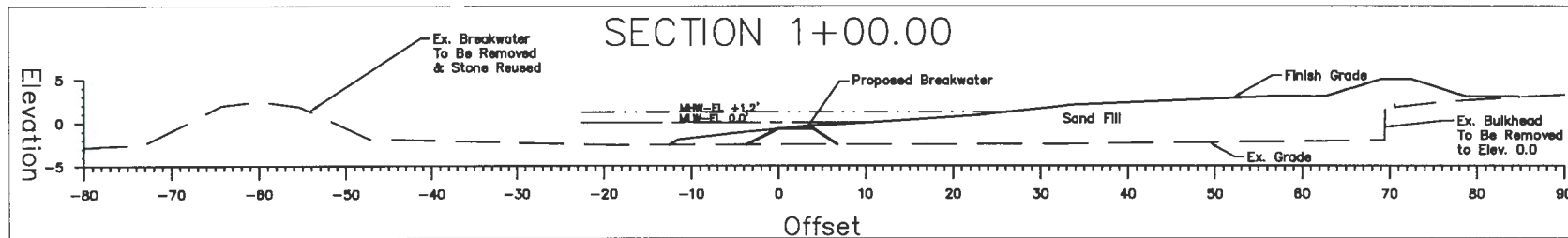
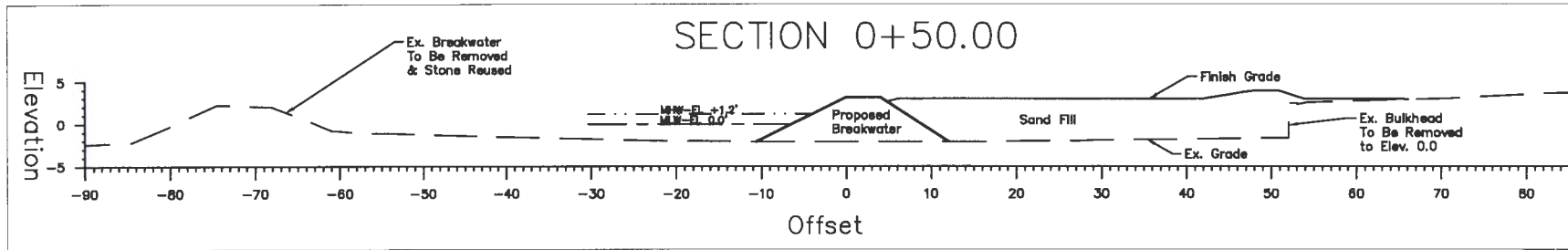
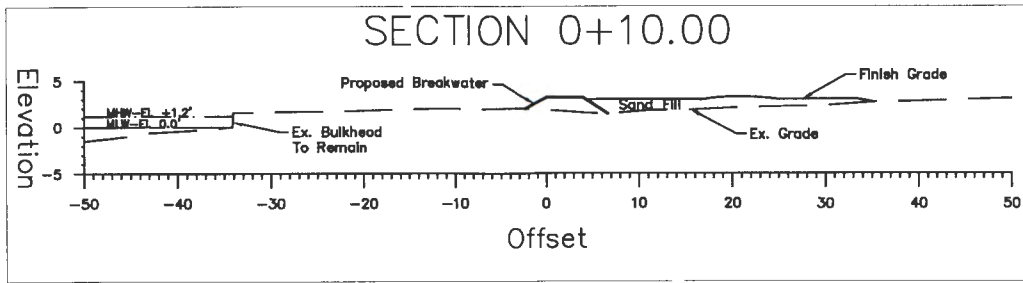
### Proposed Breakwater Profile

ARUNDEL ON THE BAY  
 1345 Magnolia Avenue  
 Annapolis, Maryland  
 Anne Arundel County Tax Map 57, Grid 21,  
 Parcel 15, Sub 02, Blk B, Lot C

### BREAKWATER/LIVING SHORELINE PROTECTION

SEC 04-16  
 Funding Agency  
 Maryland Department of Natural Resources  
 Chesapeake & Coastal Service  
 Shoreline Conservation Service

DATE:	June 28, 2017	SCALE:	1"=40'
REVISION DATE:		DESIGN BY:	AM & CM
REVISION TYPE:		DRAWN BY:	CM
REVISION DATE:		CHECKED BY:	AM & CM
REVISION TYPE:		PROJECT NO:	
REVISION DATE:		SHEET NUMBER	4 OF 8
REVISION TYPE:			



Ecological Assessment - Environmental Planning - Restoration Design  
 10357 Whitewasher Way, Columbia, Maryland 21044-3183  
 Tel. 443-745-6133 Fax 410-715-1262 email. BrayHill@verizon.net

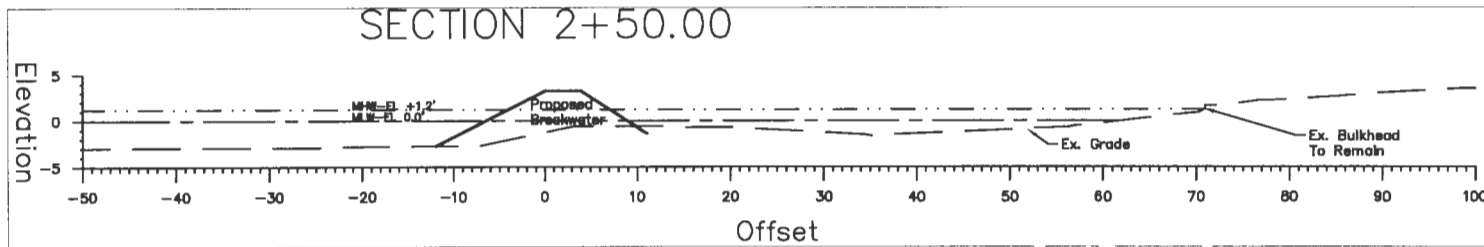
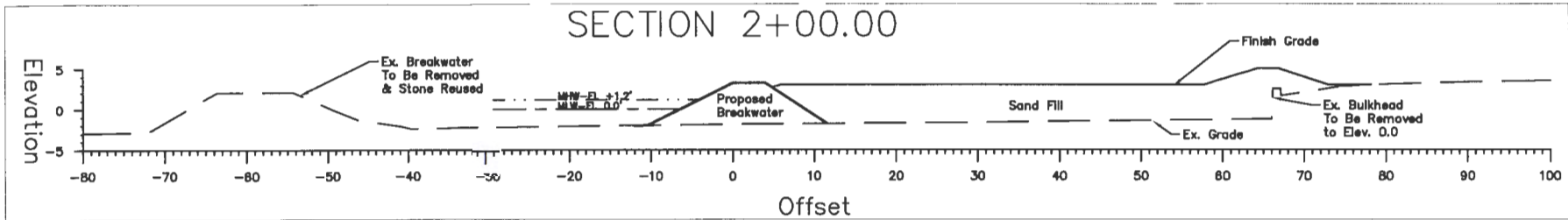
### Proposed Cross-Sections

ARUNDEL ON THE BAY  
 1345 Magnolia Avenue  
 Annapolis, Maryland  
 Anne Arundel County Tax Map 57, Grid 21,  
 Parcel 15, Sub 02, Blk B, Lot C

### BREAKWATER/LIVING SHORELINE PROTECTION

SEC 04-16  
 Funding Agency  
 Maryland Department of Natural Resources  
 Chesapeake & Coastal Service  
 Shoreline Conservation Service

DATE:	June 25, 2017	SCALE:	1"=40'
REVISION DATE:		DESIGN BY:	AM & CM
REVISION TYPE:		DRAWN BY:	CM
REVISION DATE:		CHECKED BY:	AM & CM
REVISION TYPE:		PROJECT NO:	
REVISION DATE:		SHEET NUMBER	
REVISION TYPE:			5 OF 8



**BRAY HILL, LLC**  
 Ecological Assessment - Environmental Planning - Restoration Design  
 10357 Whitewasher Way, Columbia, Maryland 21044-3183  
 Tel. 443-745-6133 Fax 410-715-1262 email BrayHill@verizon.net

### Proposed Cross-Sections











ARUNDEL ON THE BAY  
 1345 Magnolia Avenue  
 Annapolis, Maryland  
 Anne Arundel County Tax Map 57, Grid 21,  
 Parcel 15, Sub 02, Blk B, Lot C

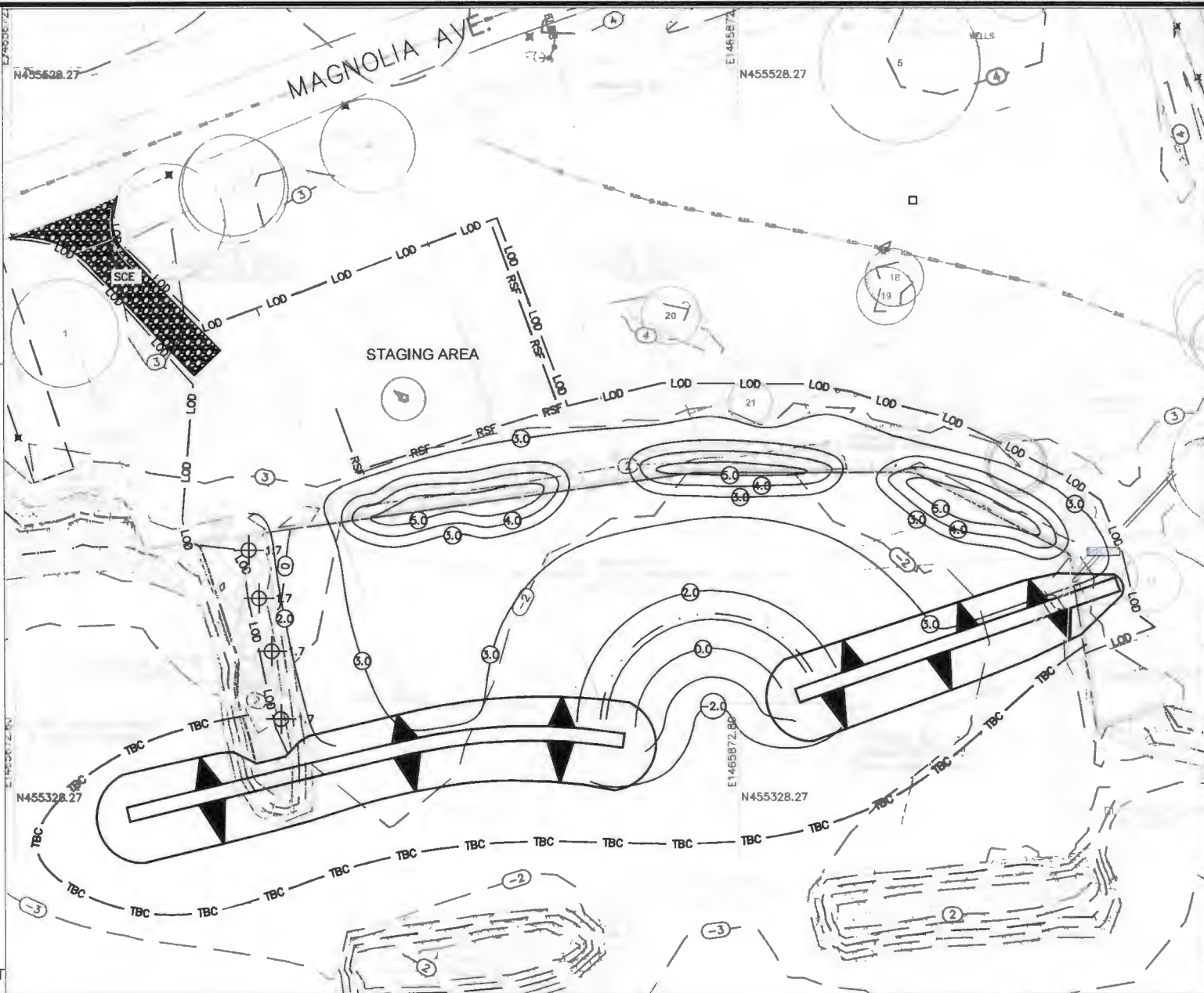
### BREAKWATER/LIVING SHORELINE PROTECTION

SEC 04-16  
 Funding Agency  
 Maryland Department of Natural Resources  
 Chesapeake & Coastal Service  
 Shoreline Conservation Service

DATE:	June 28, 2017	SCALE:	1"=40'
REVISION DATE:		DESIGN BY:	AM & CM
REVISION TYPE:		DRAWN BY:	CM
REVISION DATE:		CHECKED BY:	AM & CM
REVISION TYPE:		PROJECT NO:	
REVISION DATE:		SHEET NUMBER	6 OF 8
REVISION TYPE:			

**LEGEND**

-  Ex. Mean High Water (El. 1.2')
-  Proposed MHW (El. 1.2')
-  Ex. Contours
-  LOD - Limits of Disturbance
-  Proposed Contours
-  Proposed Spot Elevations
-  Proposed Breakwater Structures
-  Stabilized Construction Entrance
-  RSF - Reinforced Silt Fence
-  TBC - Turbidity Curtain



**Erosion & Sediment Control Plan**

ARUNDEL ON THE BAY  
 1345 Magnolia Avenue  
 Annapolis, Maryland  
 Anne Arundel County Tax Map 57, Grid 21,  
 Parcel 15, Sub 02, Blk B, Lot C

**BREAKWATER/LIVING SHORELINE PROTECTION**









SEC 04-16  
 Funding Agency  
 Maryland Department of Natural Resources  
 Chesapeake & Coastal Service  
 Shoreline Conservation Service

DATE:	June 28, 2017	SCALE:	1"=40'
REVISION DATE:		DESIGN BY:	AM & CM
REVISION TYPE:		DRAWN BY:	CM
REVISION DATE:		CHECKED BY:	AM & CM
REVISION TYPE:		PROJECT NO:	
REVISION DATE:		SHEET NUMBER	7 OF 8
REVISION TYPE:			

**BRAY HILL, LLC**

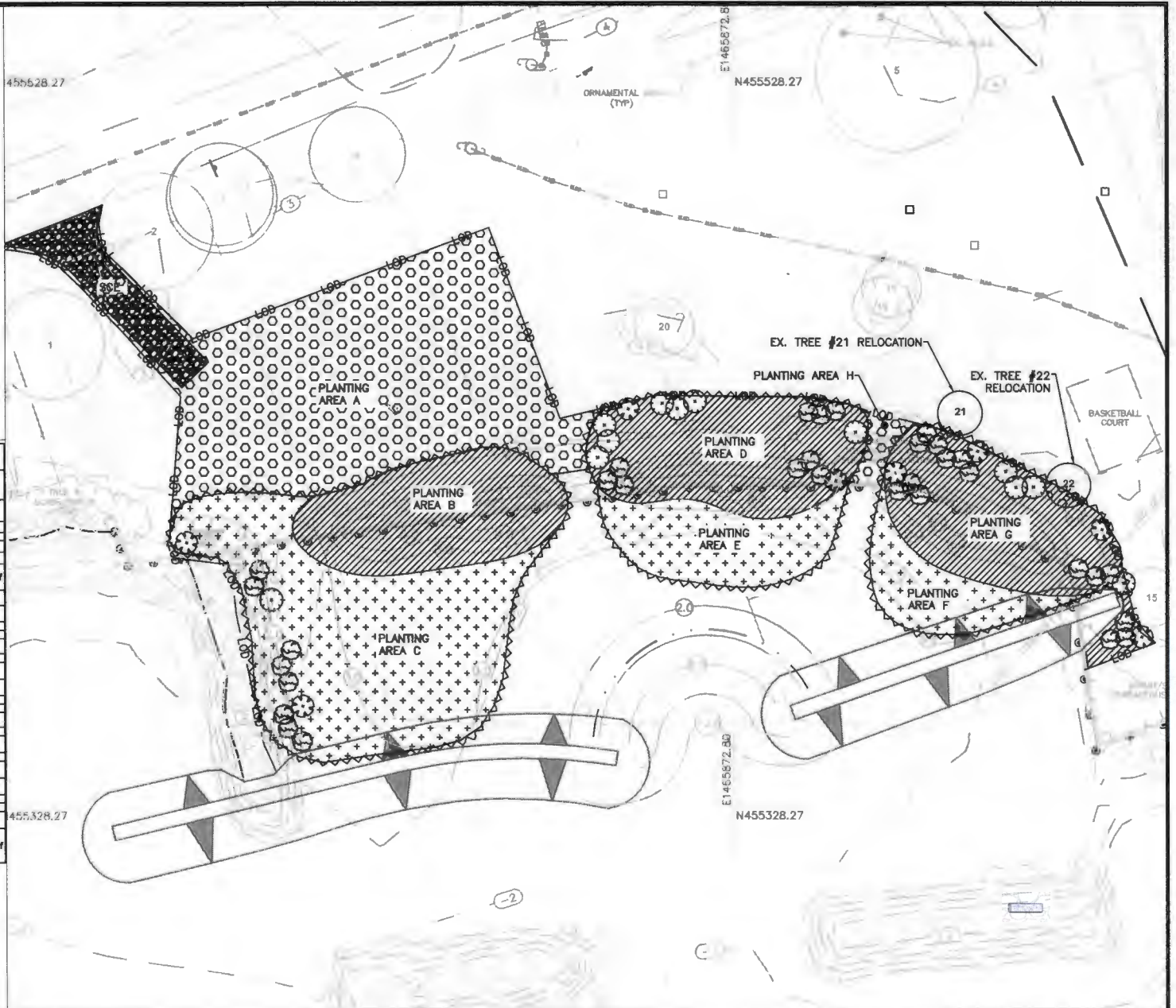
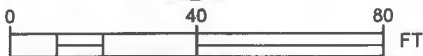
Ecological Assessment - Environmental Planning - Restoration Design  
 10357 Whitewasher Way, Columbia, Maryland 21044-3183  
 Tel. 443-745-6133 Fax 410-715-1262 email: BrayHill@venzon.net

# LEGEND

-  Proposed MHW (El. 1.2')
-  Wooden Snow Fence
-  Coastal Panic Grass/Salt Meadow Hay
-  Salt Meadow Hay Mix
-  Lawn
-  High Tide Bush
-  Bayberry
-  Beach Plum

## PLANTING SCHEDULE

QTY	Botanical Name	Common Name	Size	Condition	Spacing
<b>SHRUBS</b>					
32	<i>Iva frutescens</i>	High Tide Bush	2 gal	Container	As Shown
12	<i>Morrea dentifolia</i>	Bayberry	2 gal	Container	As Shown
8	<i>Prunus maritima</i>	Beach Plum	2 gal	Container	As Shown
<b>PLANTING AREA A (6,070 SF)</b>					
36	<i>Festuca arundinacea</i> "Rebel IV"	Rebel IV Improved Turf Type Tall Fescue	1 lb	PLS	6 lbs/1000 sf
<b>PLANTING AREA B (1860 SF)</b>					
375	<i>Panicum amarum</i>	Coastal Panic Grass	2"	Peat Pot	18" OC
75	<i>Solidago sempervirens</i>	Solidago Goldenrod	2"	Peat Pot	18" OC
375	<i>Spartina patens</i>	Salt Meadow Hay	2"	Peat Pot	18" OC
<b>PLANTING AREA C (4,010 SF)</b>					
1785	<i>Spartina patens</i>	Salt Meadow Hay	2"	Peat Pot	18" OC
<b>PLANTING AREA D (1,705 SF)</b>					
350	<i>Panicum amarum</i>	Coastal Panic Grass	2"	Peat Pot	18" OC
80	<i>Solidago sempervirens</i>	Solidago Goldenrod	2"	Peat Pot	18" OC
350	<i>Spartina patens</i>	Salt Meadow Hay	2"	Peat Pot	18" OC
<b>PLANTING AREA E (1,205 SF)</b>					
335	<i>Spartina patens</i>	Salt Meadow Hay	2"	Peat Pot	18" OC
<b>PLANTING AREA F (790 SF)</b>					
350	<i>Spartina patens</i>	Salt Meadow Hay	2"	Peat Pot	18" OC
<b>PLANTING AREA G (1,660 SF)</b>					
335	<i>Panicum amarum</i>	Coastal Panic Grass	2"	Peat Pot	18" OC
70	<i>Solidago sempervirens</i>	Solidago Goldenrod	2"	Peat Pot	18" OC
335	<i>Spartina patens</i>	Salt Meadow Hay	2"	Peat Pot	18" OC
<b>PLANTING AREA H (205 SF)</b>					
0.25	<i>Festuca arundinacea</i> "Rebel IV"	Rebel IV Improved Turf Type Tall Fescue	1 lb	PLS	6 lbs/1000 sf



**BRAY HILL, LLC**  
 Ecological Assessment - Environmental Planning - Restoration Design  
 10357 Whitewasher Way, Columbia, Maryland 21044-3183  
 Tel. 443-745-6133 Fax 410-715-1262 email: BrayHill@verizon.net

### Planting Plan

ARUNDEL ON THE BAY  
 1345 Magnolia Avenue  
 Annapolis, Maryland  
 Anne Arundel County Tax Map 57, Grid 21,  
 Parcel 15, Sub 02, Blk B, Lot C

### BREAKWATER/LIVING SHORELINE PROTECTION

SEC 04-16  
 Funding Agency  
 Maryland Department of Natural Resources  
 Chesapeake & Coastal Service  
 Shoreline Conservation Service

DATE:	June 28, 2017	SCALE:	1"=40'
REVISION DATE:		DESIGN BY:	AM & CM
REVISION TYPE:		DRAWN BY:	CM
REVISION DATE:		CHECKED BY:	AM & CM
REVISION TYPE:		PROJECT NO:	
REVISION DATE:		SHEET NUMBER	
REVISION TYPE:			8 OF 8