



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

Public Notice

In Reply to Application Number
CENAB-OP-RMS (BACORN, LAFFERTY,
GORMAN & THOMAS) 2013-60770

PN 13-48

Comment Period: August 6, 2013 to September 6, 2013

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:

Patricia Lafferty & Raymond Bacorn
3619 Bayview Drive
Chesapeake Beach, Maryland 20732

Mary & Liam Gorman
3701 Bayview Drive
Chesapeake Beach, Maryland 20732

LOCATION: In the Chesapeake Bay at 3619 and 3701 Bayview Drive, Chesapeake Beach, Calvert County, Maryland.

WORK: To construct a 15-foot wide by 110-foot long stone revetment to extend no more than 10 feet channelward of the approximate mean high water shoreline and to construct a 40-foot wide by 172-foot long stone revetment with approximately 274 cubic yards of rock and sand backfill to extend no more than 35 feet channelward of the approximate mean high water shoreline in the Chesapeake Bay. All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or Erica.Schmidt@usace.army.mil.

Site layout for this project was based upon existing contours that would most practicably avoid and minimize impacts to jurisdictional waters. Efforts were made to avoid, to the extent possible, the long and short-term adverse impacts associated with the proposed project. The work associated with this project includes grading back the upper bank within the critical area and includes a buffer management plan. The applicant purposed to barge the stone in for the construction of the revetment. Some of the project impacts are temporary associated with the placement of the material by barge.

Compensatory mitigation is not being proposed by the applicant for permanent impacts to open water.

The purpose of the project is primarily to provide shoreline stabilization.

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 Gadus morhua (Atlantic Cod) adult, Pleuronectes americanus (winter flounder) juvenile, and adult, Scophthalmus aquosos (windowpane flounder) eggs, larvae, juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; (Lophius americanus) (Monkfish) eggs and larvae, Stenotomus chrysops (scup) juvenile and adult; Centropristes striata (black sea bass) juvenile and adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Urophycis chuss (red hake) eggs, larvae, juvenile; (Peprilus triacanthus (Atlantic butterfish) eggs, juvenile, adult; Clupea harengus (Atlantic sea herring) juvenile and adult; Odontaspis taurus (sand tiger shark) larvae and adult; Squatina dumerili (Atlantic angel shark) larvae, juvenile, and adult; Charcharhinus obscurus (dusky shark) larvae; Charcharhinus plumbeus (sandbar shark) larvae, juvenile, and adult; Odontaspis taurus sand tiger shark, larvae and juvenile, Sphyraena lewini (scalloped hammerhead shark) juvenile; Rhizoprionodon terraenovae (Atlantic sharpnose shark) adult, Prionace glauca (blue shark) adult Galeocerdo cuvieri (tiger shark) larvae; and eggs, larvae, juvenile, and adult stages of Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (spanish mackerel), and Rachycentron canadum (cobia), Spisula solidissima (surf clam) juvenile, all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on approximately 9,870 square feet of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy and silty sub-tidal substrate that does not support submerged aquatic vegetation (SAV). The proposed project will alter the existing elevations and substrate within the project footprint and the areas filled are not expected to support the current benthos and fishery due to the project. However, the District Engineer 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 to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

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 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, 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. 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 Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division 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.

A preliminary review of this application indicates that the proposed work will not affect listed 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.

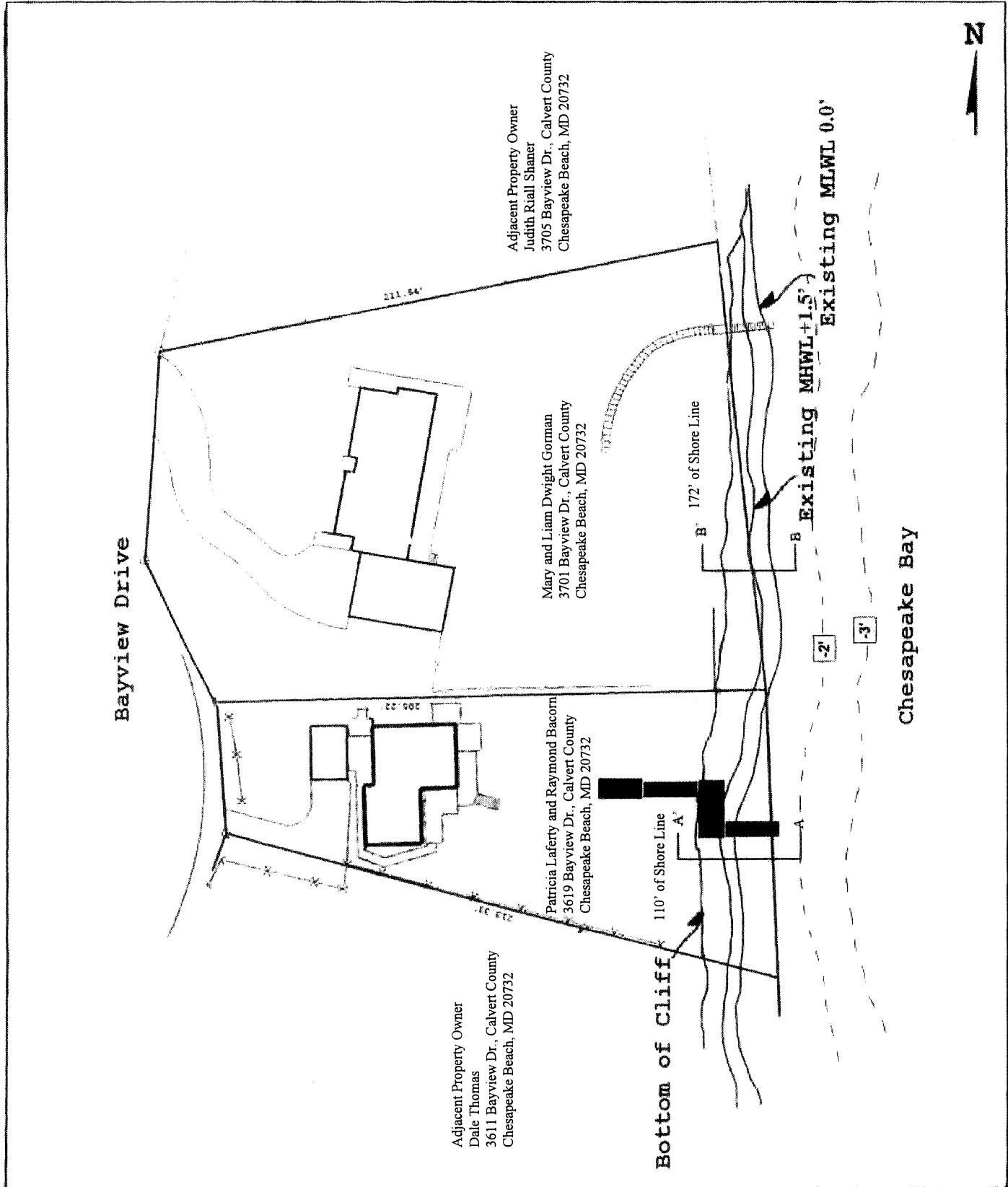
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the 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, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in 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.

FOR THE DISTRICT ENGINEER:

Kathy B. Anderson
Chief, Maryland Section Southern



Proposed Conditions

Proposed Project Plan View for: Bayview Revetment Project

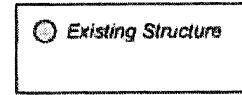
Raymond Bacorn and Patricia Lafferty
3619 Bayview Dr.
Chesapeake Beach, MD
Calvert County

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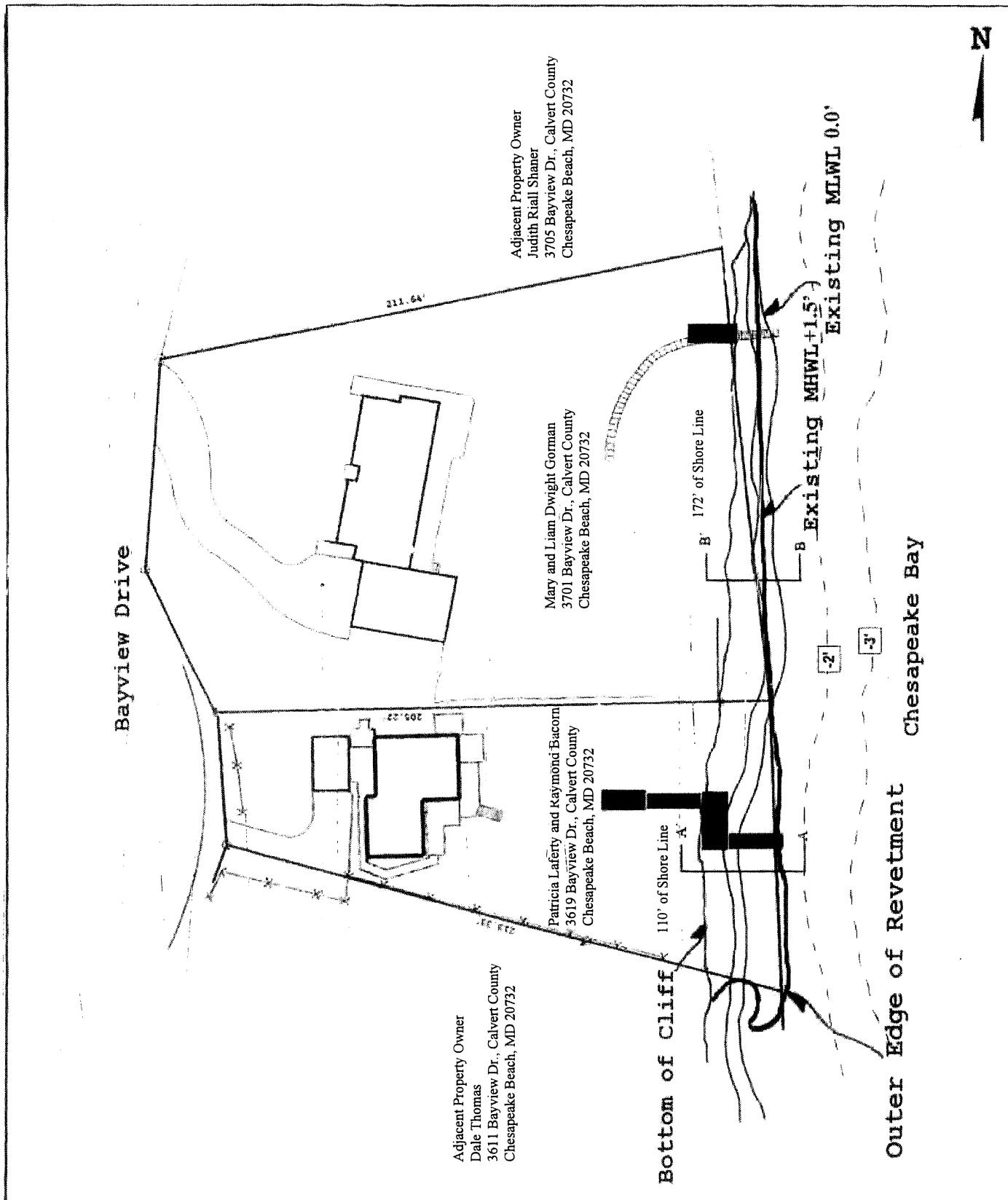
Mary and Liam Dwight Gorman
3701 Bayview Dr.
Chesapeake Beach, MD
Calvert County

PROJECT NOTES:

See Cross Section Sheets



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Proposed Conditions

Proposed Project Plan View for: Bayview Revetment Project

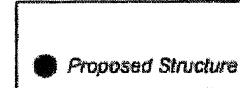
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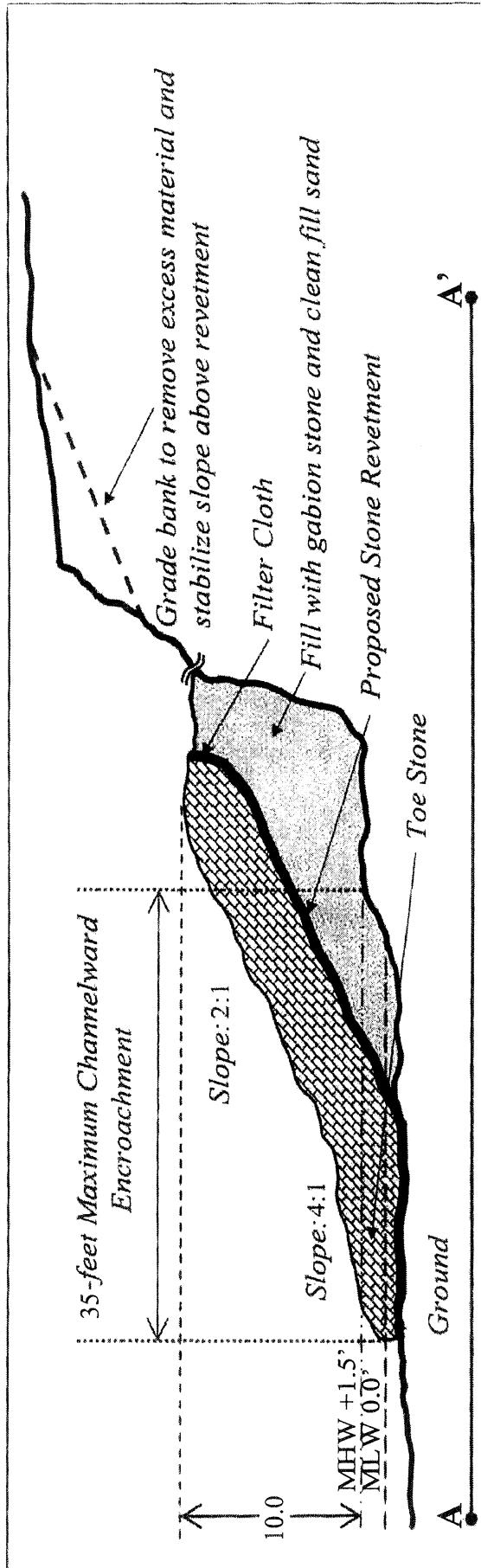
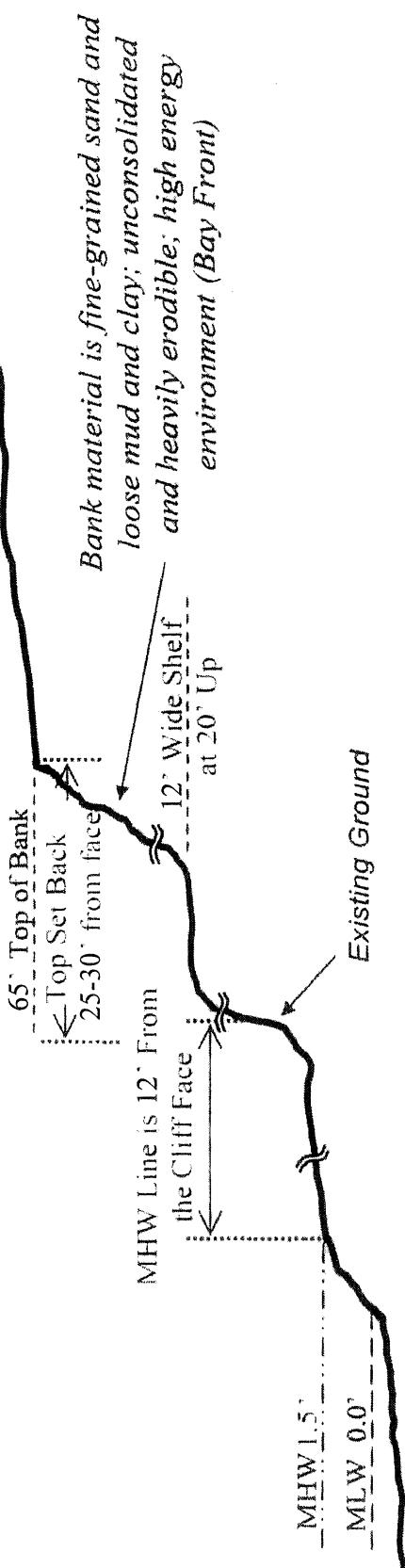
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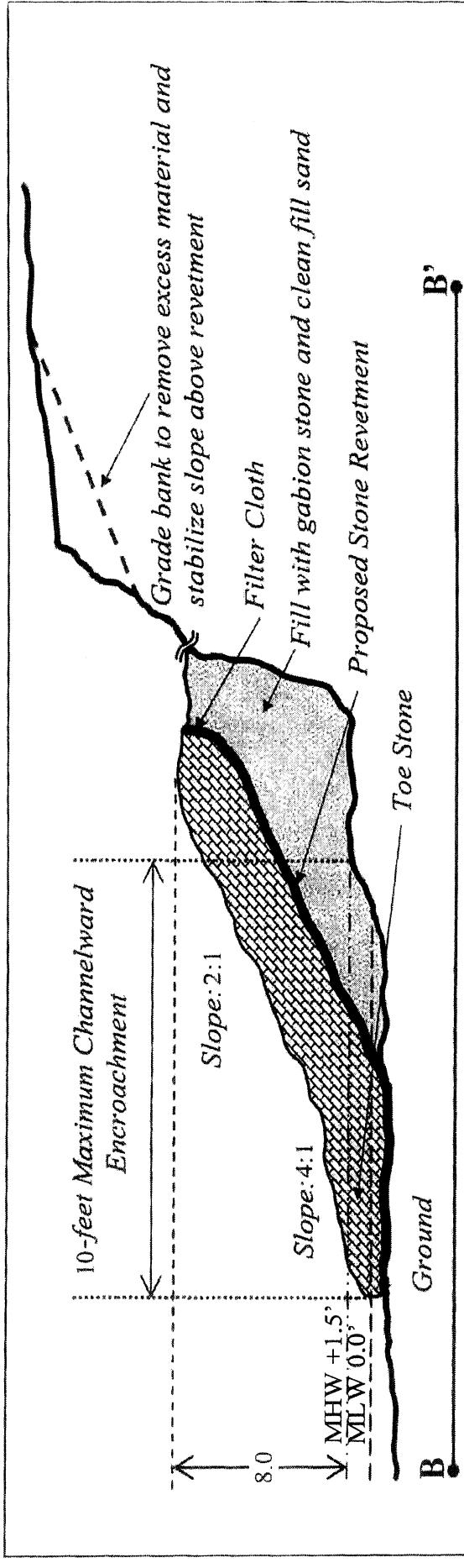
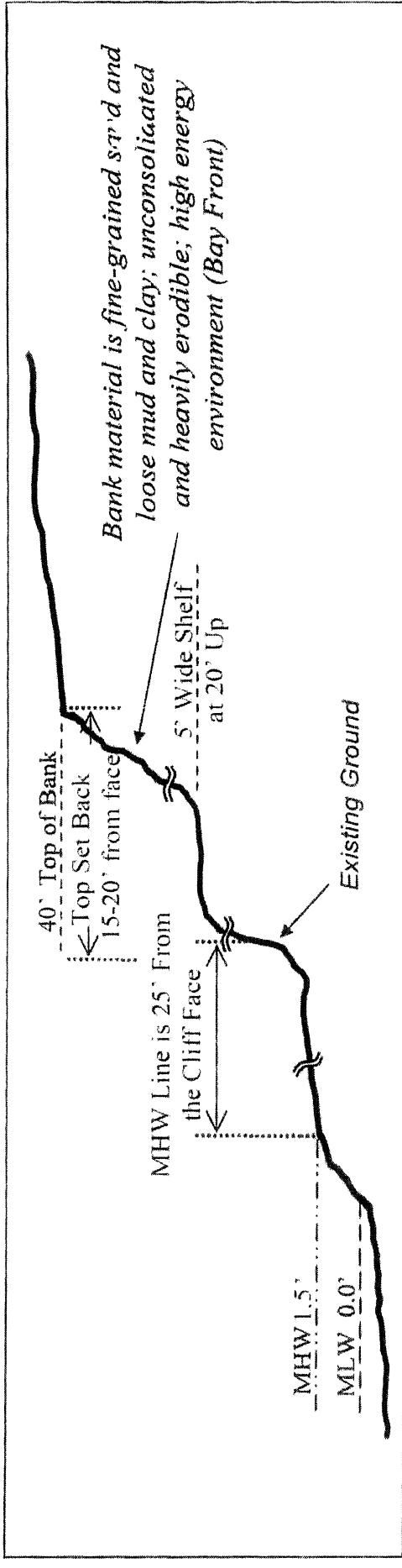


Project: Revetment

Proposed Project Cross Section for:
Raymond Bacon and Patricia Lafferty
3619 Bayview Dr.
Chesapeake Beach, MD
Calvert County

NOTES: Class 4 or 5 Rip-Rap will be used for the Toe Stone.
Class 2-3 Rip-Rap will be used for the upper portion of the revetment.
The fill will be a mix of gabion stone, clean fill, and the spoils from grading the upper bank.

Drawing Not To Scale



Project: Revetment

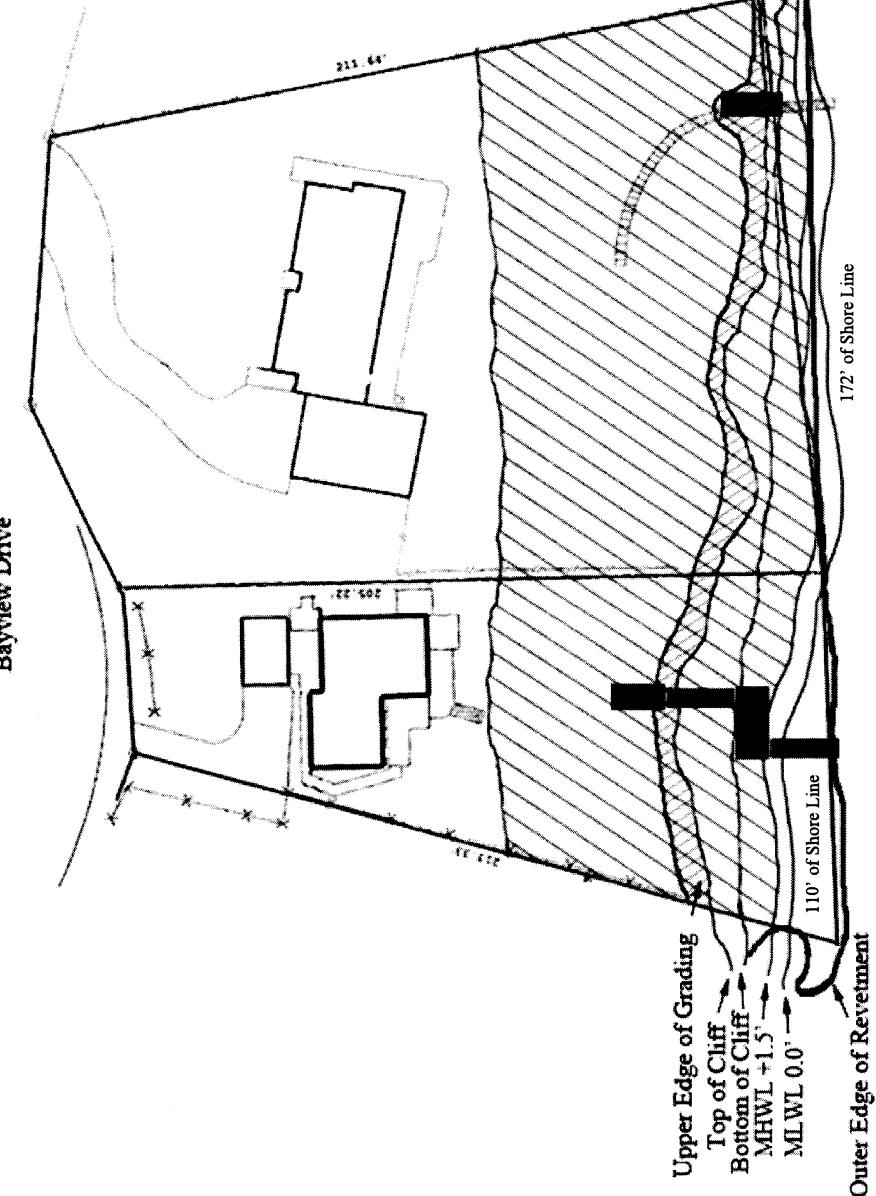
Proposed Project Cross Section for:
 Mary and Liam Dwight Gorman
 3701 Bayview Dr.
 Chesapeake Beach, MD
 Calvert County

NOTES: Class 4 or 5 Rip-Rap will be used for the Toe Stone.

Class 2-3 Rip-Rap will be used for the upper portion of the revetment. The fill will be a mix of gabion stone, clean fill, and the spoils from grading the upper bank.

Drawing Not To Scale

Bayview Drive



GENERAL NOTES

1. The purpose of this plan is to comply buffer mitigation and to establish requirements for building a revetment wall along 297 linear feet of Chesapeake Bay water front in Chesapeake Beach, MD.
2. The property shown hereon is located entirely within the Chesapeake Bay Critical Area.
3. The Chesapeake Bay Critical Area Designation is - LDA.
4. The area of disturbance is approximately 2430 square feet comprised of 282 linear feet of cliff top at a width of about 15 feet.

SEQUENCE OF IMPLEMENTATION

1. Mitigation landscape stock quantities will be defined by Calvert County Planning and Zoning at the time of permit issuance.
2. The areas within the buffer that are being disturbed for grading are sheer cliff and undercut cliff face.
3. All plantings will be within this disturbed area.
4. Cliff stabilizing grass mix, with clover, will be planted and covered with a protective layer for germination within 48 hours of the grading disturbance or prior to any rainfall, whichever comes first.
5. Landscaping stock will be at least 1 year old at the time of planting and will be surrounded with wire cages to reduce animal damage.
6. Mulch will be placed around landscaping stock to reduce competition from invasive species.
7. The landscaping stock will be monitored often to reduce plant stress from drought, malnutrition, pests, invasive competition and disease.
8. Observe minimal site preparation/disturbance, protection of plants after delivery until they are planted, proper digging and handling of plant materials, proper excavation of planting areas, planting operations, stabilization of the planting areas with mulch after planting, staking and pruning.

MAINTENANCE PLAN

1. Monitor plantings often to reduce plant stress from the aforementioned conditions.
2. Water only as necessary but at least once every 10 days without rainfall from May through September, depending on soil moisture levels. Monitor to ensure that over-watering does not frequently occur.
3. Use low nitrogen and slow release fertilizers and apply in late fall or early spring.
4. At the end of the 2-year monitoring period, the survival of the plantings shall be assessed to determine the need for replacement plantings.

REQUIRED SURVIVAL

1. At the end of the 2-year monitoring period for planted landscape stock, all of the plants are required to survive or be replaced.
2. If the county determines that the survival is not adequate, the monitoring period may be extended and additional inspections may be required at the discretion of the county.

Chesapeake Bay

Legend
100' Buffer
Area of Disturbance

Proposed Buffer Management Plan
3619 and 3701 Bayview Drive
Chesapeake Beach - Calvert County

Raymond Bacon

The drawings and all the ideas, arrangements, designs and plans indicated thereon or represented thereby are owned by and remain the property of Raymond Bacon and no part thereof shall be utilized by any person, firm or corporation for any purpose whatsoever except with the specific written permission of Raymond Bacon. (C)