

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-M (Hobbs, Patricia A.) 2015-61176

PN 15-85

Comment Period: November 18, 2015 to December 8, 2015

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: Patricia Hobbs
P.O. Box 248
Montchanin, Delaware 19710

LOCATION: In Grays Inn Creek at Rock Hall, Kent County, Maryland.

WORK: The applicant proposes to create marsh along 500 linear feet of shoreline by depositing approximately 363 cubic yards of sloped, clean select sand fill stabilized with *Spartina alterniflora* and *Spartina Patens* to extend no more than 50 feet channelward of the approximate mean high water (MHW) shoreline; and to construct three 10-foot by 149.5-foot stone containment sills, 10-feet wide at the base and 2-feet wide at the top with three 17-foot wide vents evenly spaced between the sills, to extend no more than 40 feet channelward of the approximate MHW shoreline. All work will be completed in accordance with the enclosed plan(s). 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.

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 Windowpane flounder (*Scopthalmus aquosus*); Juvenile and adult Bluefish (*Pomatomus saltatrix*); Larvae, juvenile and adult Summer flounder (*Paralichthys dentatus*); Eggs, larvae, juveniles and adult King mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), 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 the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on an approximate total of 26,515 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 2006 through 2013. 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, P.O. Box 1715, Baltimore, Maryland, 21203 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 affect on 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.

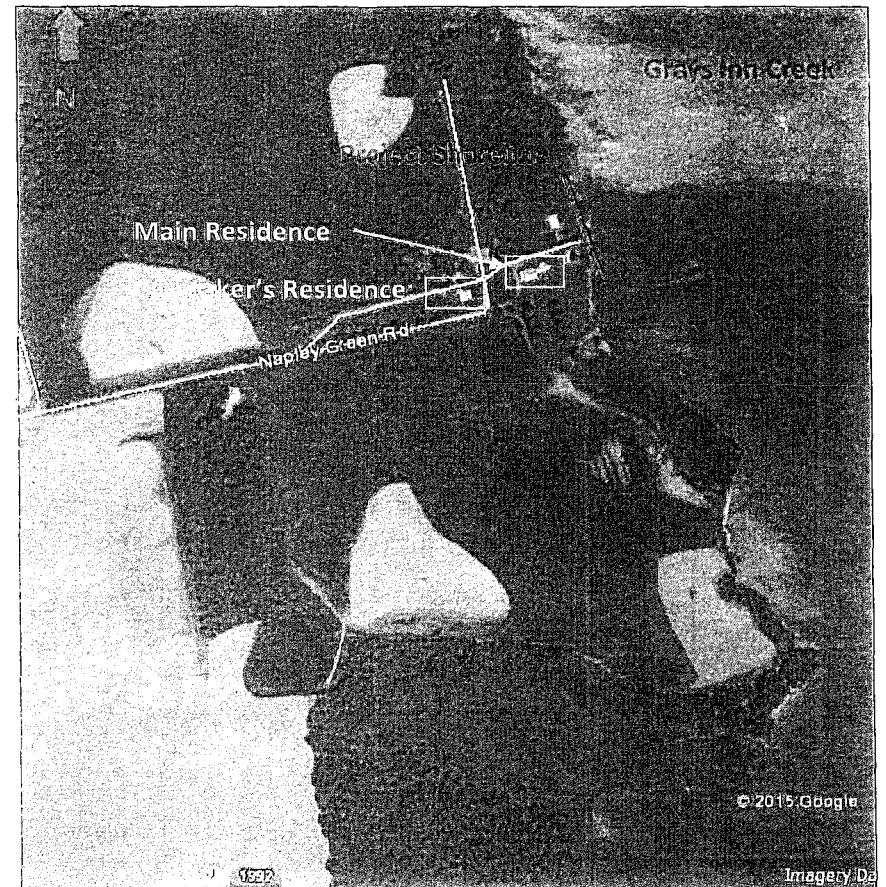
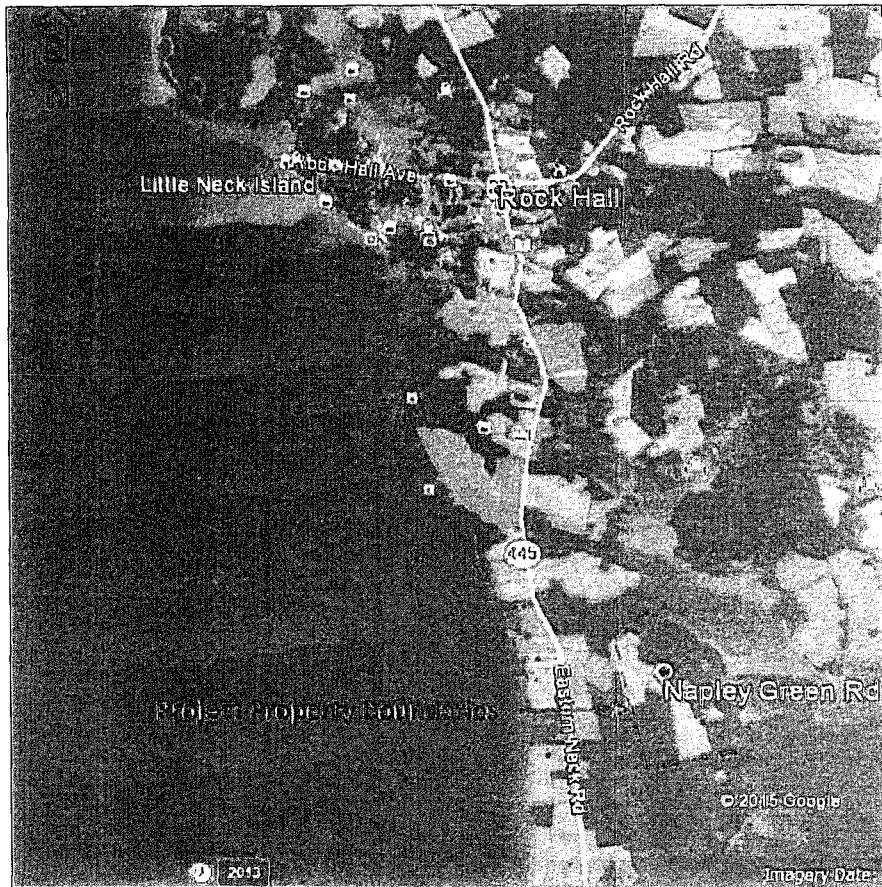
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost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

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, P.O. Box 1715, 21203-1715, 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



Vicinity Map & Aerial Photo Plan

Notes

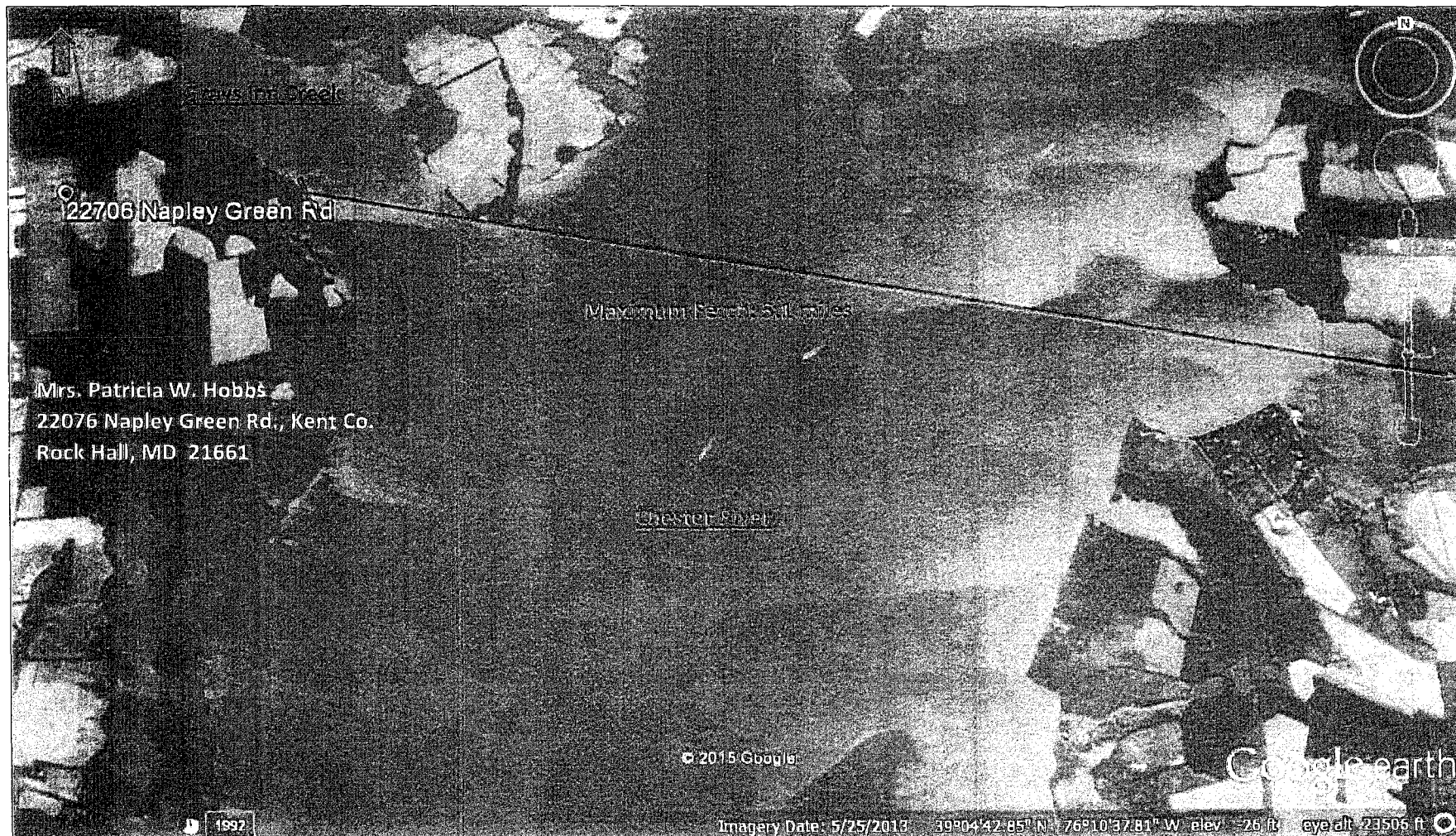
Project: Shore Erosion Control

Proposed Project for:

Mrs. Patricia W. Hobbs

Mailing Address: P.O. Box 248, Montchanin, DE 19710

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Project Vicinity Conditions

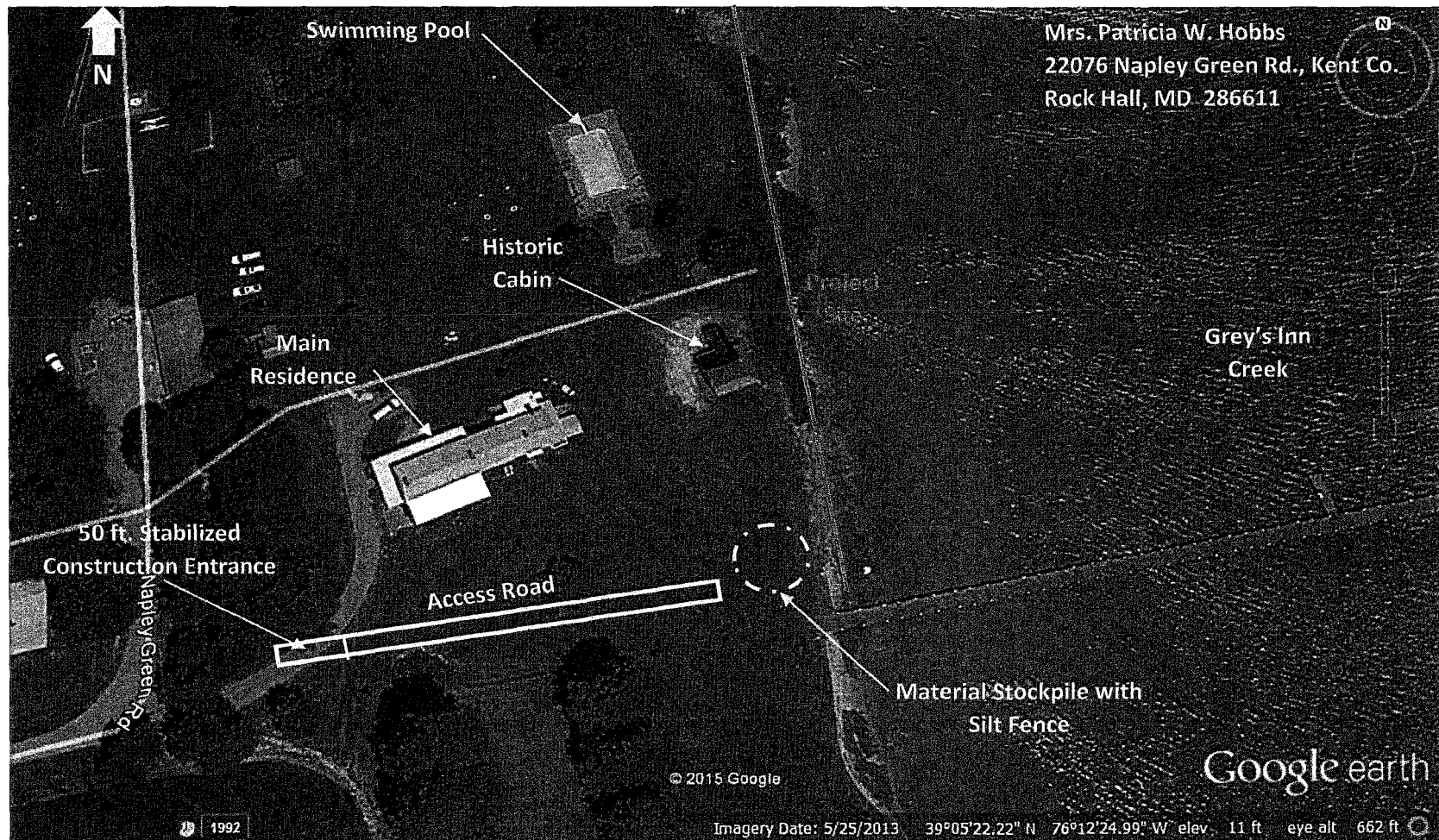
Project: Living Shoreline

Proposed Project for:

Mrs. Patricia W. Hobbs

Mailing Address: P.O. Box 248,
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Notes



Project Area Conditions Plan

Project: Living Shoreline

Proposed Project for:

Mrs. Patricia W. Hobbs

Mailing Address: P.O. Box 248

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Notes

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Project Area Conditions Plan

Project: Living Shoreline

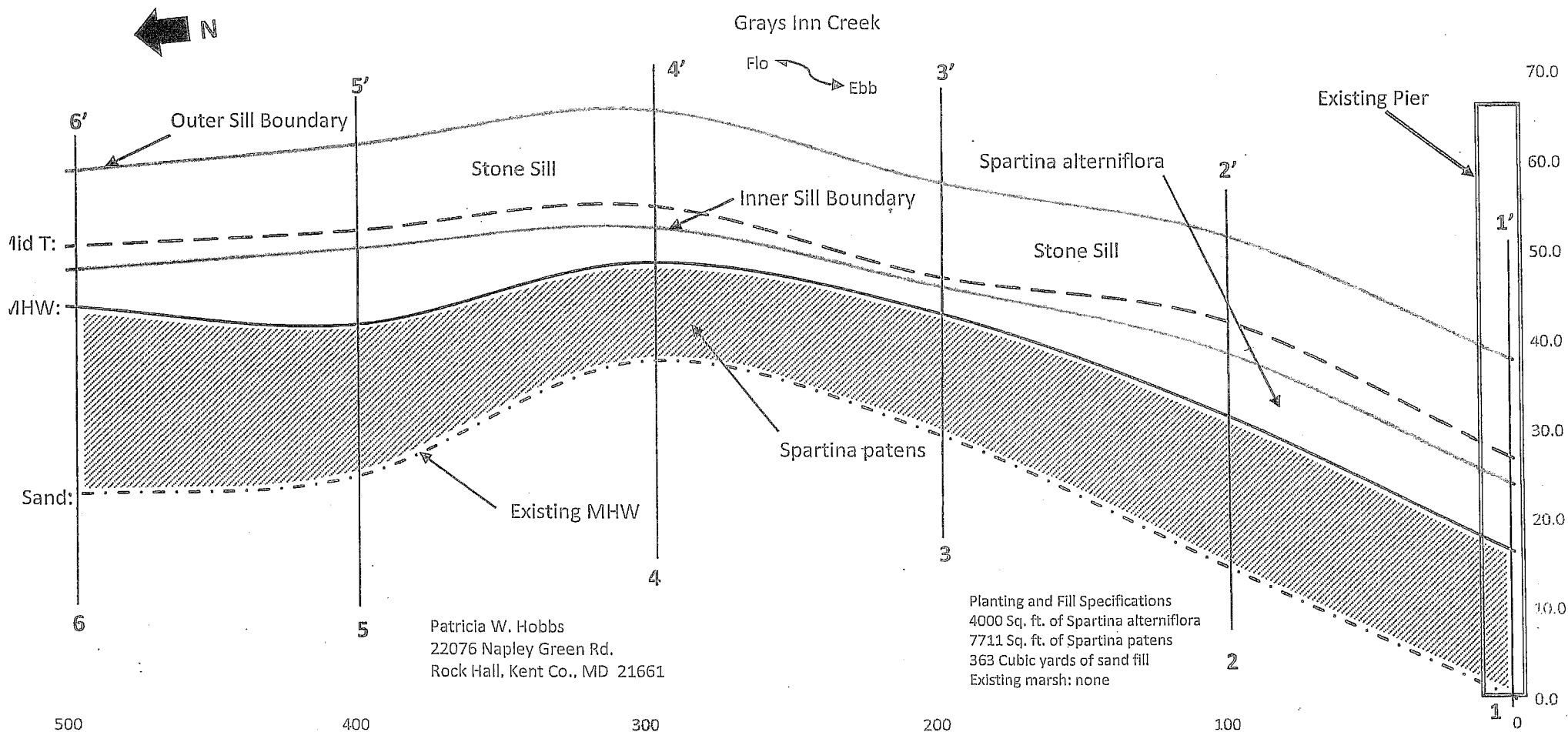
Proposed Project for:

Mrs. Patricia W. Hobbs

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Montchanin, DE 19710

Notes



*NOTE: There will be three windows in the stone sill, each 17 feet wide evenly distributed along the length of the stone sill.

Proposed Condition Plan Sheet

Project: Shore Erosion Control

Proposed Project for:

Mrs. Patricia W. Hobbs

Mailing Address: P.O. Box 248,
Montchanin, DE 19710



Horizontal Scale: 1 inch = 50 feet



Vertical Scale: 1 inch = 20 feet

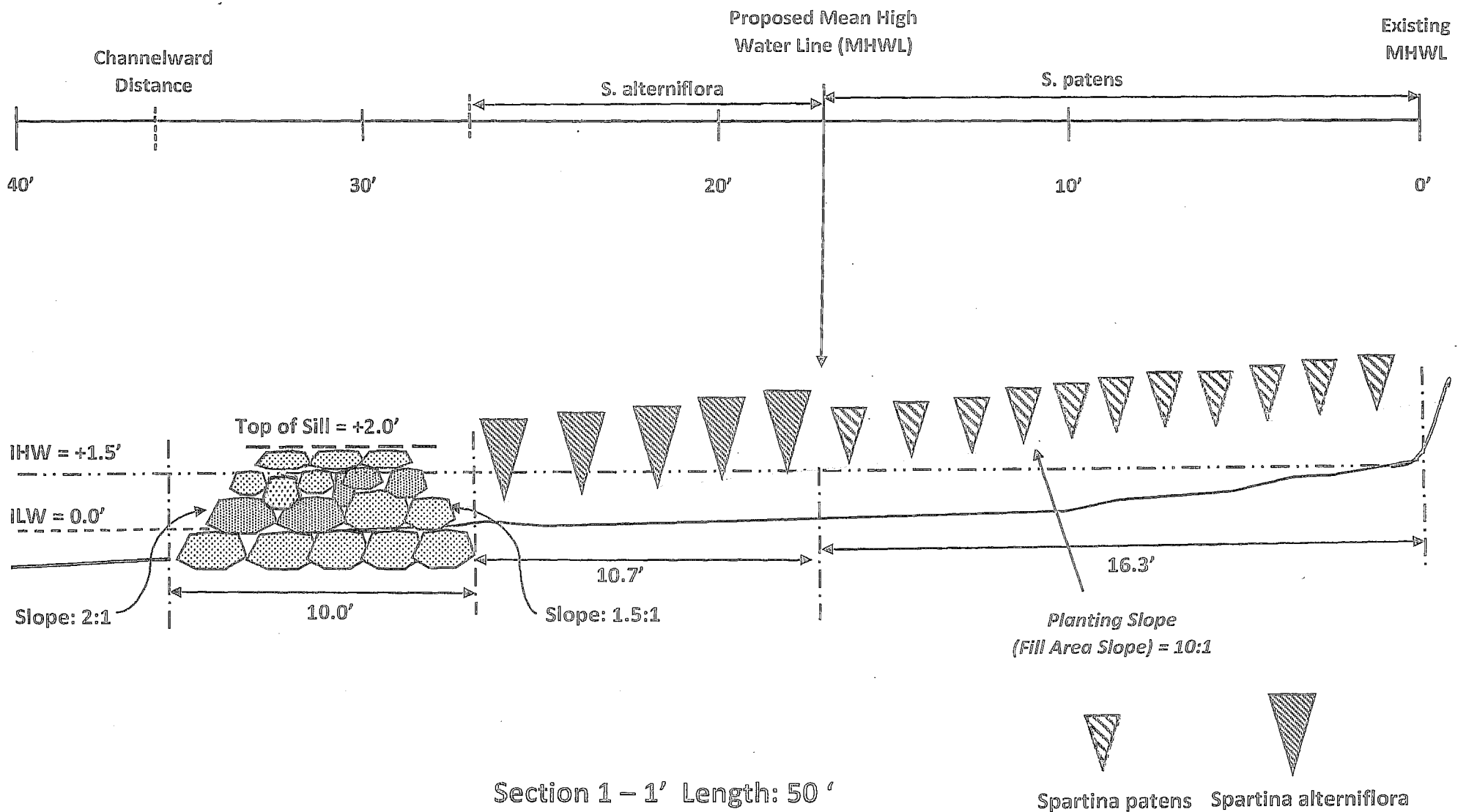
Legend:

Boundary, Bottom of Sill:

Spartina alterniflora:

Spartina patens:

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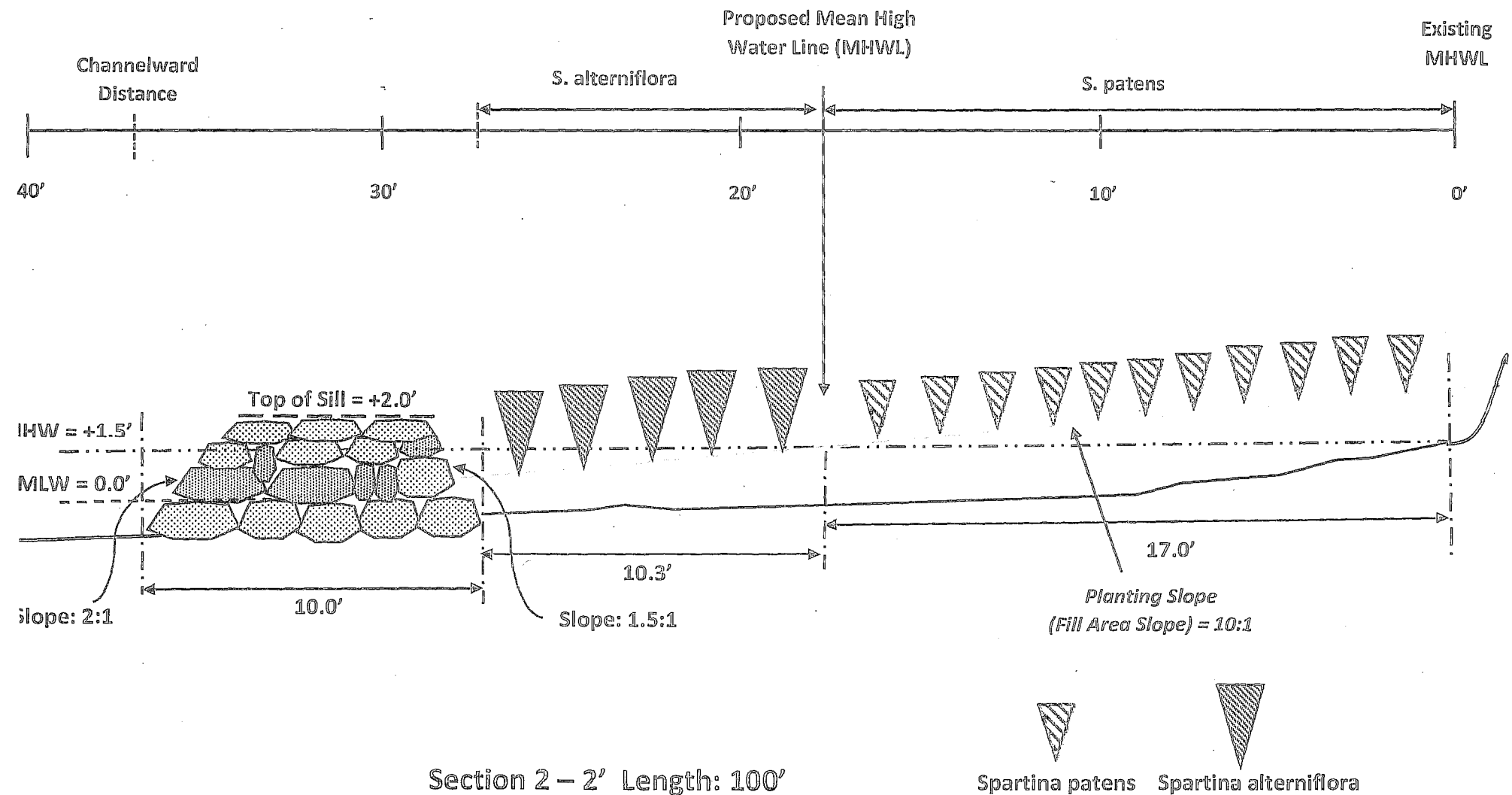


Project: Living Shoreline

Proposed Project Cross-Section for:
Mrs. Patricia W. Hobbs
Mailing Address: P.O. Box 248,
Montchanin, New Castle Co., DE 19710

Notes:

Maximum Channelward Distance: 35 ft.; Amount of Clean Sand Fill: 96 yd³;
Amount of Planting Area: 1,345 ft² for both low marsh (*S. alterniflora*) and
High marsh (*S. patens*), Slope of planting area: 10:1; Number of plants: 598; Marsh
Maintenance plant (draft): Return each year for 3 years to 80% plant survival and
to remove sticks and dead grass.



Project: Living Shoreline

Proposed Project Cross-Section for:

Mrs. Patricia W. Hobbs

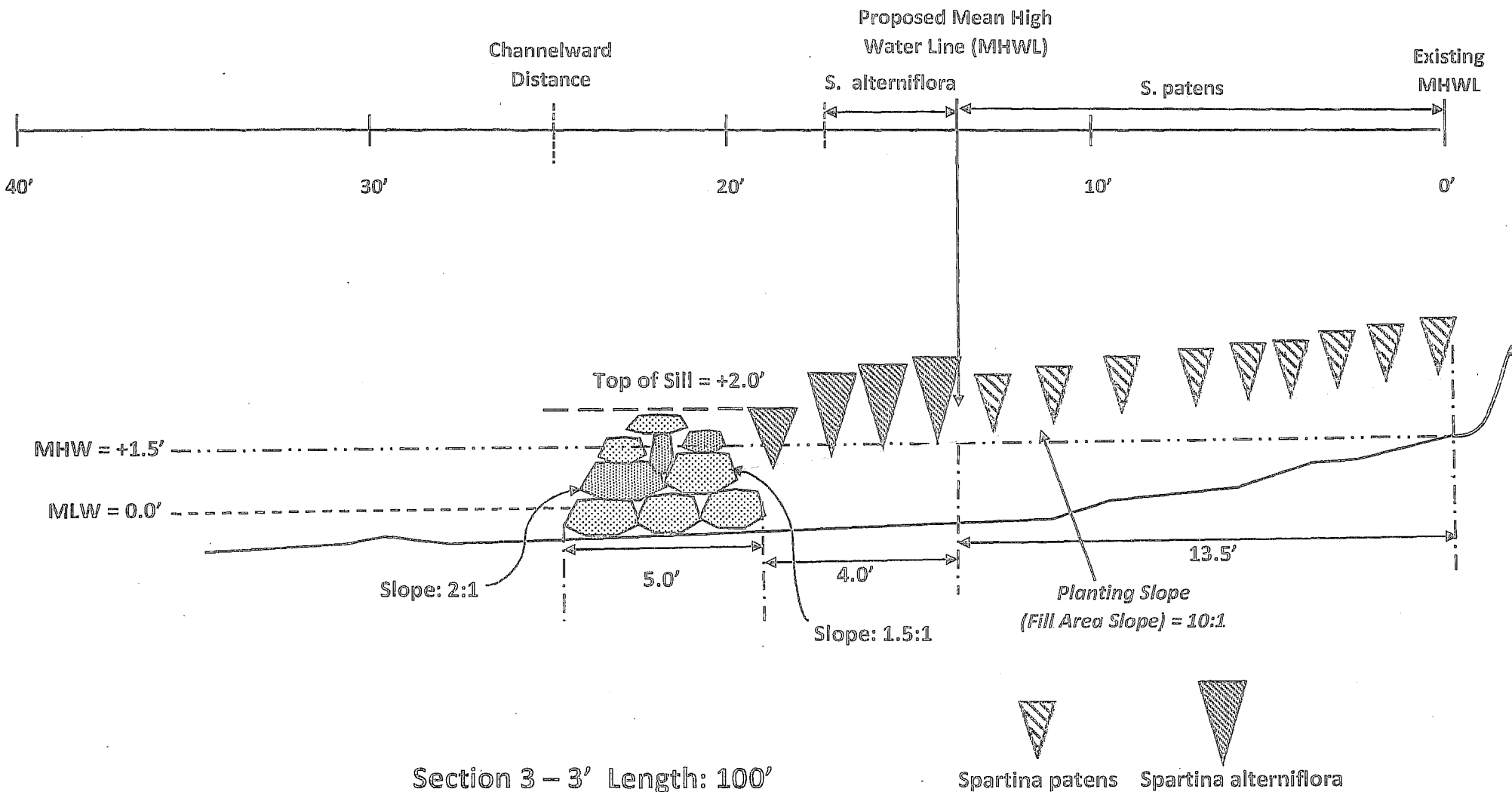
Mailing Address: P.O. Box 248,

Montchanin, New Castle Co., DE 19710

Notes:

Maximum Channelward Distance: 37 ft.; Amount of Clean Sand Fill: 82 yd³; Amount of Planting Area: 2,730 ft² for both low marsh (*S. alterniflora*) and High marsh (*S. patens*), Slope of planting area: 10:1; number of plants: 1,213; Marsh Maintenance plant (draft): Return each year for 3 years to 80% plant survival and to remove sticks and dead grass.

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Project: Living Shoreline

Proposed Project Cross-Section for:

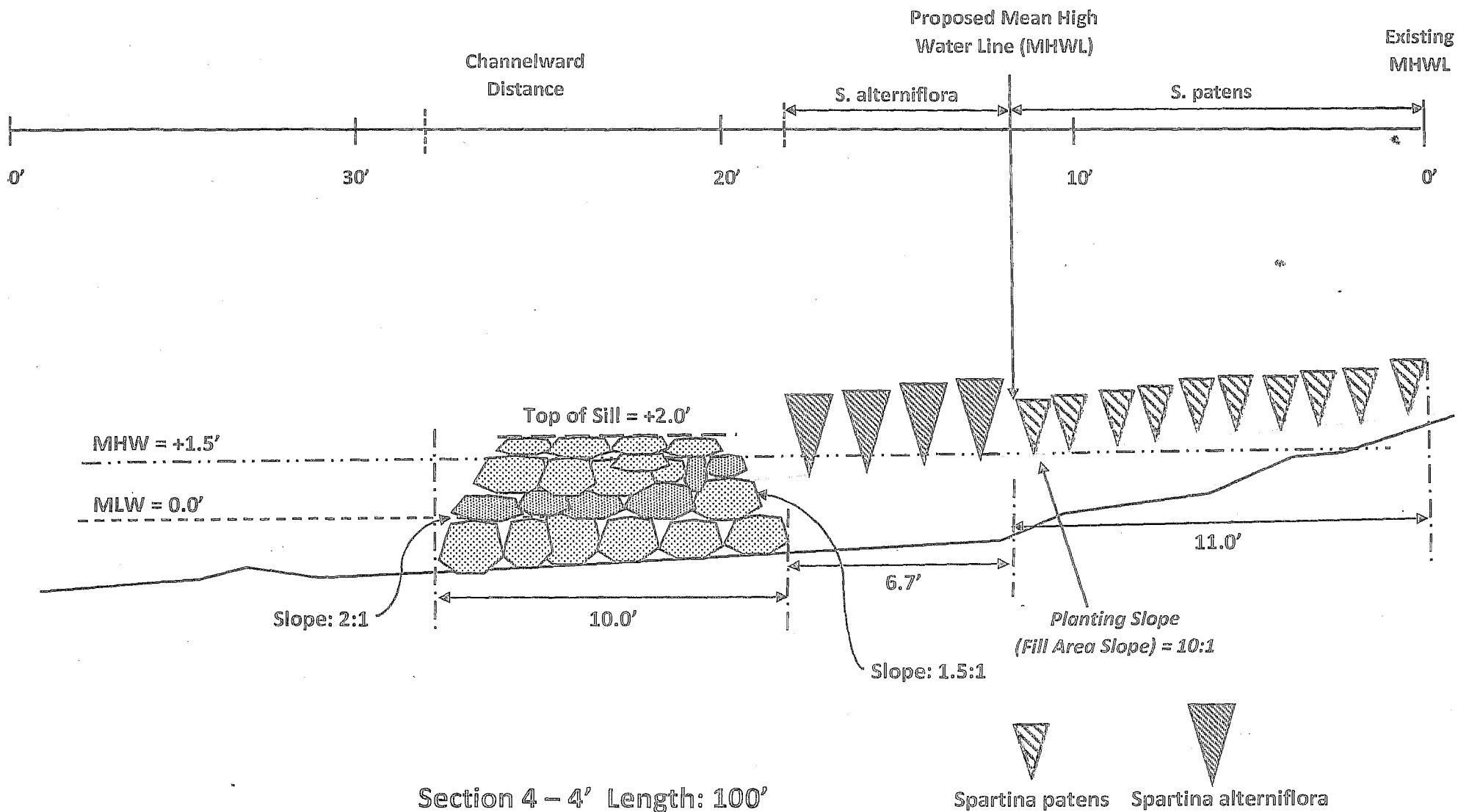
Mrs. Patricia W. Hobbs

Mailing Address: P.O. Box 248,

Montchanin, New Castle Co., DE 19710

Notes:

Maximum Channelward Distance: 22.5 ft.; Amount of Clean Sand Fill: 13 yd³;
 Amount of Planting Area: 1,750 ft² for both low marsh (*S. alterniflora*) and
 High marsh (*S. patens*), Slope of planting area: 10:1; number of plants: 778; Marsh
 Maintenance plant (draft): Return each year for 3 years to 80% plant survival and
 to remove sticks and dead grass.



Project: Living Shoreline

Proposed Project Cross-Section for:

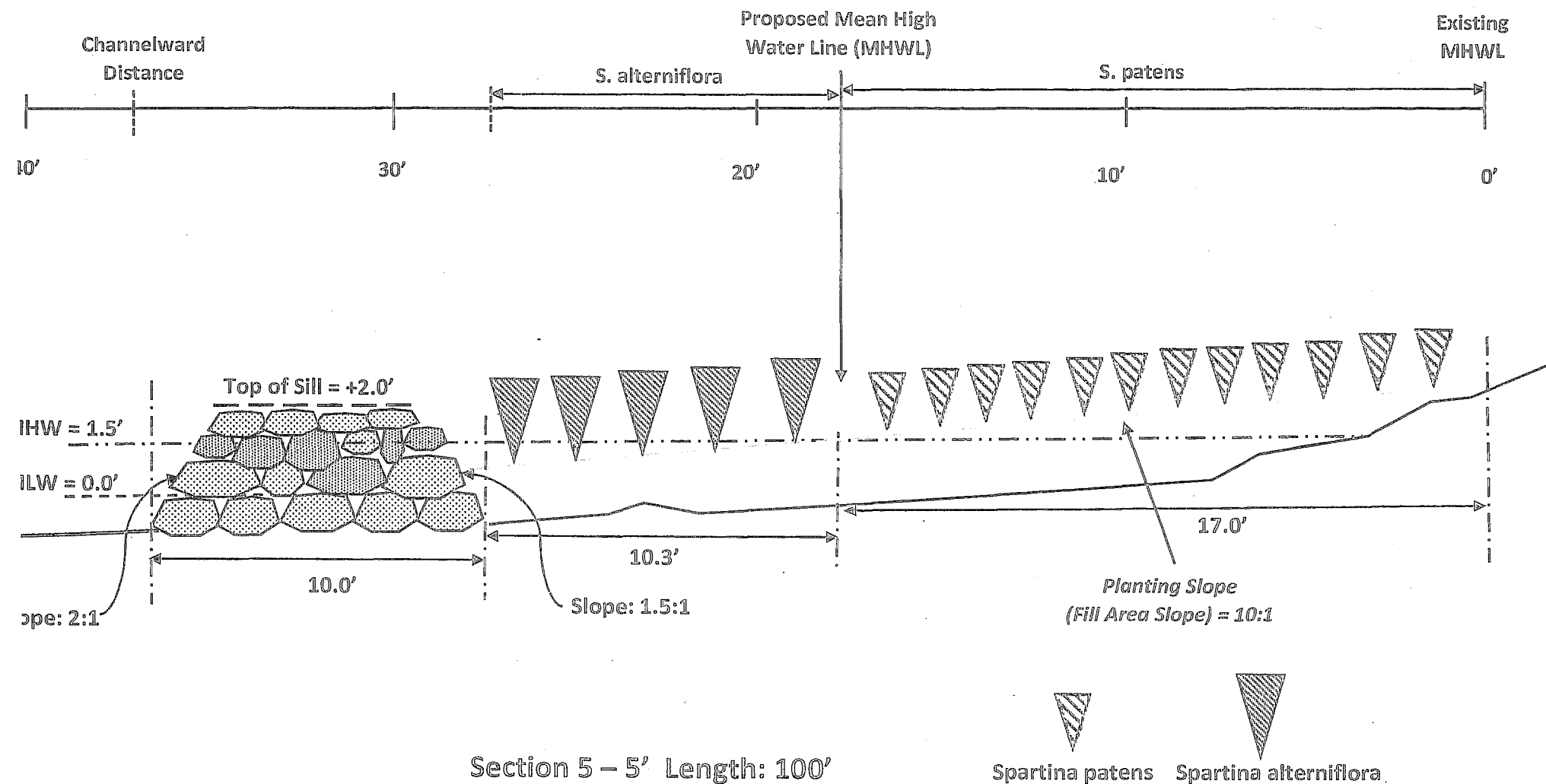
Mrs. Patricia W. Hobbs

Mailing Address: P.O. Box 248,

Montchanin, New Castle Co., DE 19710

Notes:

Maximum Channelward Distance: 27.5 ft.; Amount of Clean Sand Fill: 53 yd³;
 Amount of Planting Area: 1,770 ft² for both low marsh (*S. alterniflora*) and
 High marsh (*S. patens*), Slope of planting area: 10:1; number of plants: 787; Marsh
 Maintenance plant (draft): Return each year for 3 years to 80% plant survival and
 to remove sticks and dead grass.



Project: Living Shoreline

Proposed Project Cross-Section for:

Mrs. Patricia W. Hobbs

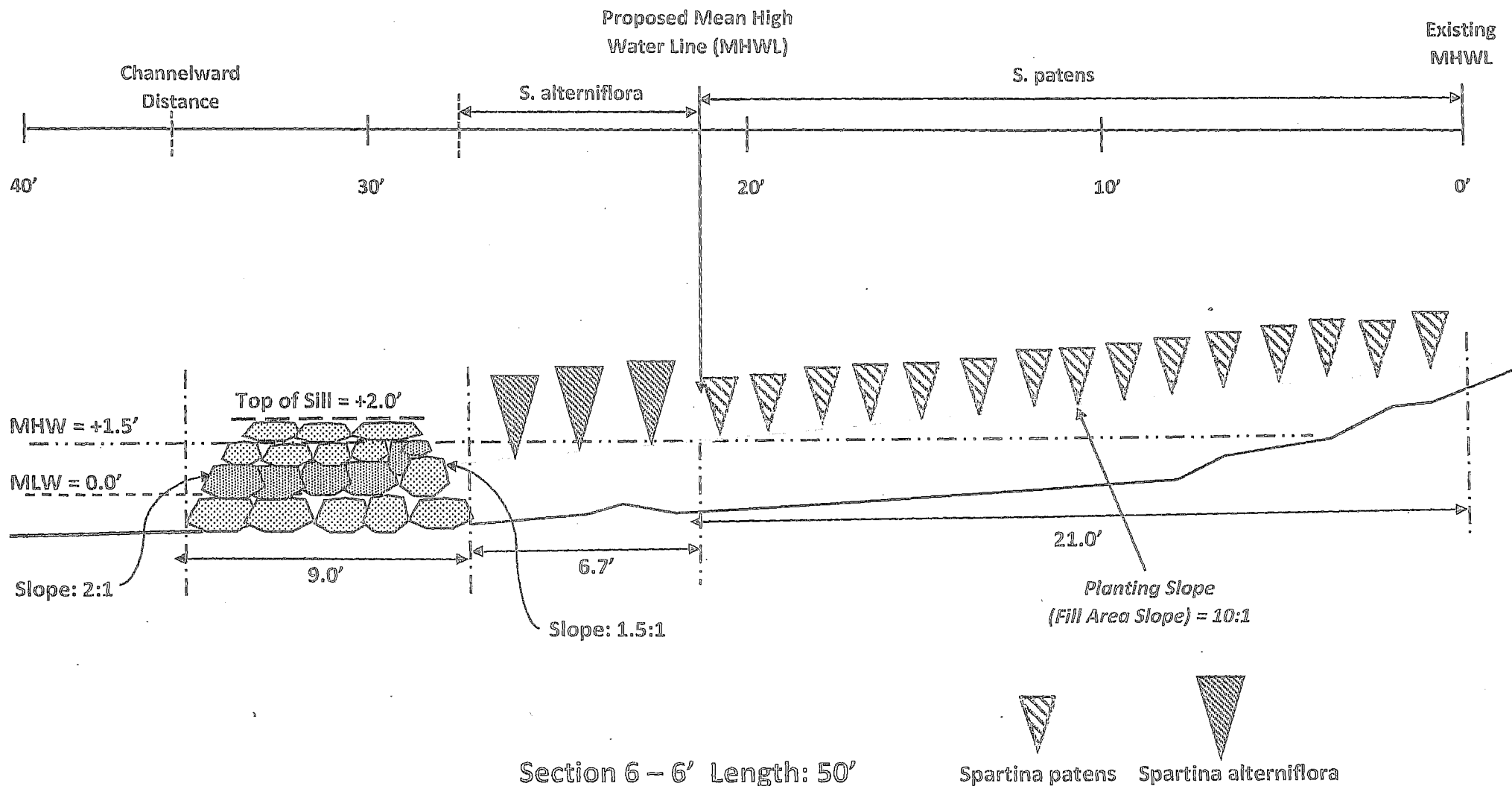
Mailing Address: P.O. Box 248,

Montchanin, New Castle Co., DE 19710

Notes:

Maximum Channelward Distance: 35 ft.; Amount of Clean Sand Fill: 85 yd³;
 Amount of Planting Area: 2,730 ft² for both low marsh (*S. alterniflora*) and
 High marsh (*S. patens*), Slope of planting area: 10:1; number of plants: 1,213; Marsh
 Maintenance plant (draft): Return each year for 3 years to 80% plant survival and
 to remove sticks and dead grass.

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Project: Living Shoreline

Proposed Project Cross-Section for:

Mrs. Patricia W. Hobbs

Mailing Address: P.O. Box 248,

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Notes:

Maximum Channelward Distance: 36 ft.; Amount of Clean Sand Fill: 34 yd³;

Amount of Planting Area: 1,385 ft² for both low marsh (*S. alterniflora*) and

High marsh (*S. patens*), Slope of planting area: 10:1; number of plants: 616; Marsh

Maintenance plant (draft): Return each year for 3 years to 80% plant survival and to remove sticks and dead grass.

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