

Public Notice

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

In Reply to Application Number
CENAB-OP-RMS (TILGHMAN, JOHN & ELIZABETH)
2017-61627

PN 18-01

Comment Period: January 9, 2018 to February 9, 2018

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: John and Elizabeth Tilghman
21200 Riverhill Lane
Tyaskin, Maryland 21865

WATERWAY AND LOCATION: In the Nanticoke River, 21200 Riverhill Lane, Tyaskin, Wicomico County, Maryland.

WORK: The applicant proposes, in accordance with the attached plans, to construct four 5-foot wide by 75-foot long "T" groins/breakwaters with a 15-foot wide by 75-foot long breakwater attached at its channelward edge with the top about 3- to 5-feet above the approximate mean high water (MHW) level separated by a 75-foot gap along 575 linear feet of an existing riprap shoreline; and to install one 12-inch wood piling at the end of each structure as a marker, all to extend no more than 90 feet channelward of the approximate MHW shoreline and not to extend channelward of two existing docks at the project site. All work is to be completed in accordance with the proposed plans dated June 1, 2017. If you have any questions concerning this matter, please contact Ms. Connie Ramsey at (410) 962-5676 or Connie.L.Ramsey@usace.army.mil.

A total of 6,000 square feet (0.14 acre) of intertidal/subtidal waters would be impacted by the proposed work. Neighboring properties also have stone revetments along the shoreline, some with existing groins.

The purpose of the project is primarily to provide shoreline erosion protection.

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 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 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: Ms. Connie Ramsey, CENAB-OPR-MS], 10 S. Howard Street, Baltimore, MD 21201 or Connie.L.Ramsey@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) Habitat Conservation Division (HCD) 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 Scophthalmus aquosus (windowpane flounder) juvenile and adult; Pomatomus saltatrix (blue fish) juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Peprilus triacanthus (Atlantic butterfly) eggs, larvae, juvenile, adult; and eggs, larvae, juvenile, and adult stages of Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (Spanish mackerel), Rachycentron canadum (cobia), and Scianenops ocellatus (red drum), 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 0.14 acre of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sandy and silty intertidal and subtidal 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.

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 Blvd., Suite 430, Baltimore, Maryland 21230 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.

COASTAL ZONE MANAGEMENT PROGRAM: 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 Tidal Wetlands Division, Maryland Department of the Environment, Montgomery Park Business Center,

1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that the MDE 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.

ENDANGERED SPECIES ACT: We have made the determination that the proposed activity would have no adverse effect to any species listed as threatened or endangered, or their critical habitat, by the NMFS Protected Resources Division (PRD) under the ESA of 1973, as amended since the proposed work is located in water depths less than -3.0 feet mean low water (MLW). As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

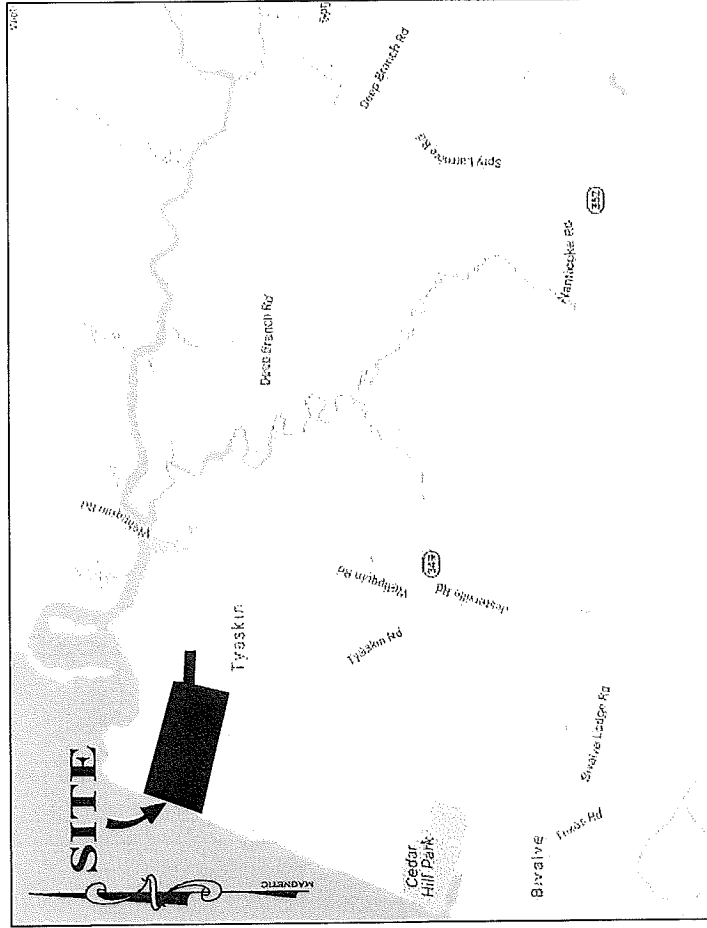
NATIONAL HISTORIC PRESERVATION ACT: Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, 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, 10 South Howard Street, Baltimore, Maryland 21201, 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



VICINITY MAP SCALE: 1" = 1000'

**VICINITY MAP FOR
GROIN & BREAKWATERS**

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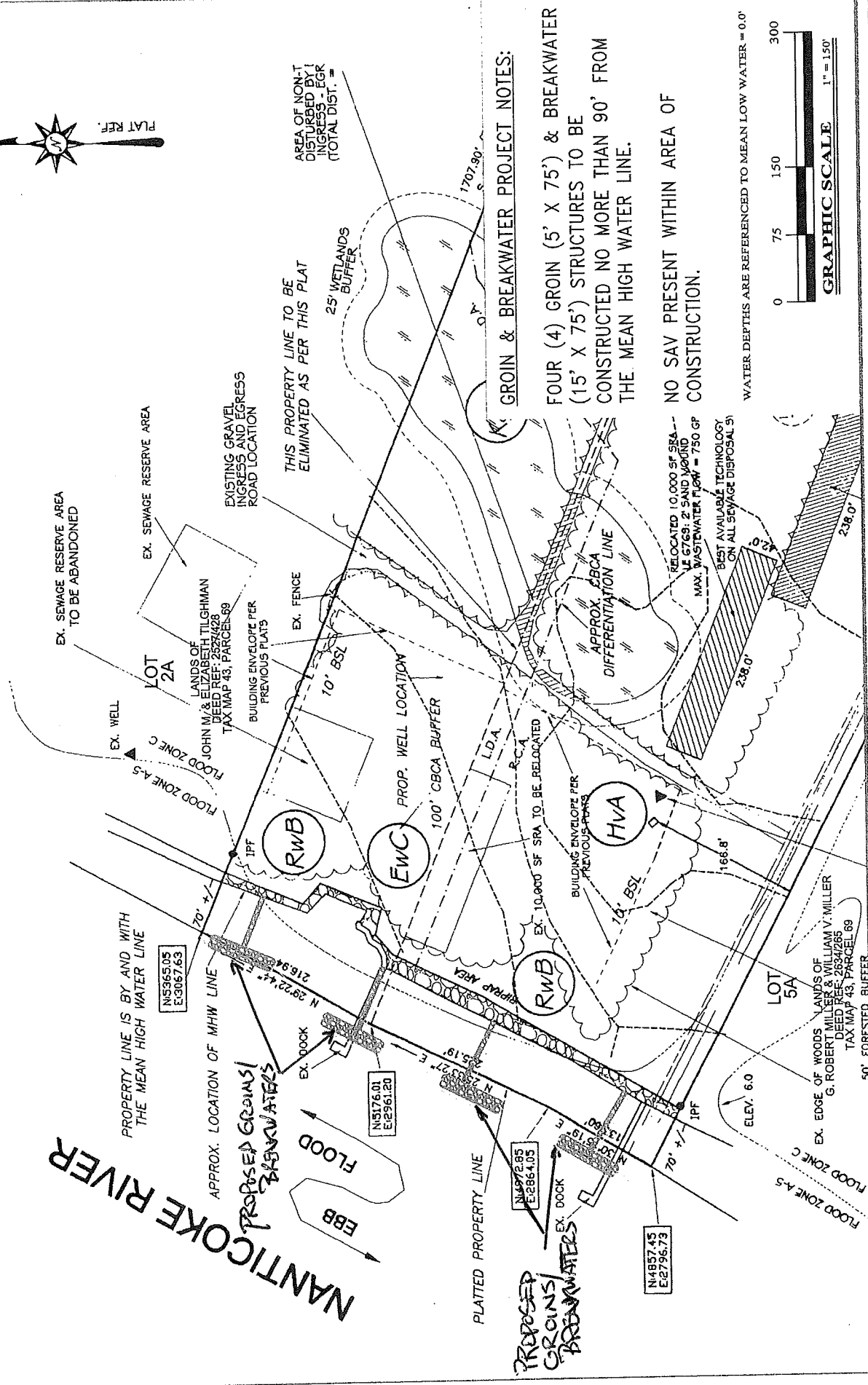
**PROPERTY OF
JOHN & ELIZABETH
TILGHMAN**
21200 RIVERHILL LANE
TYASKIN, MARYLAND 21865

**McGinty Marine
Construction**
11046 Grays Corner Road, Unit 4
Berlin, MD 21811
Office: 410-250-5066
Fax: 410-641-5008
McGintyMarine.com

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| DATE | 6/1/2017 |
| SCALE | AS SHOWN |
| DRAWN BY | MRH |
| SHEET | |

VCNTY

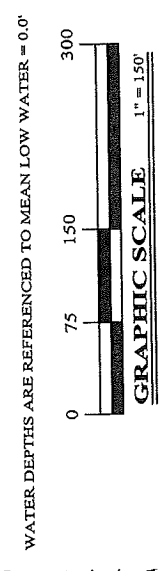
NANTICOKE RIVER



GROIN & BREAKWATER PROJECT NOTES:

FOUR (4) GROIN (5' X 75') & BREAKWATER (15' X 75') STRUCTURES TO BE CONSTRUCTED NO MORE THAN 90' FROM THE MEAN HIGH WATER LINE.

NO SAV PRESENT WITHIN AREA OF CONSTRUCTION.



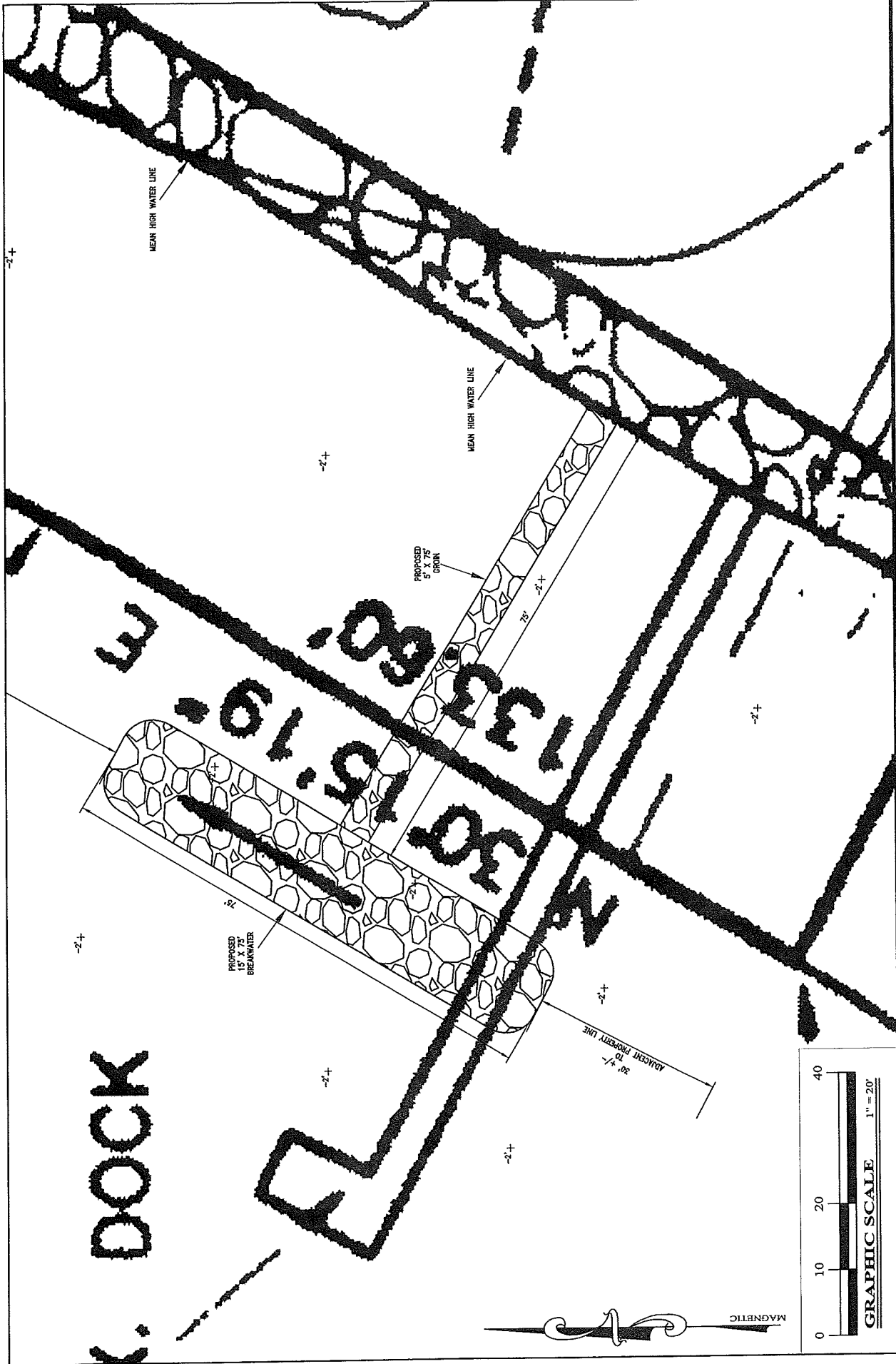
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| SHEET | 1 OF 5 |

McGinty Marine Construction
 11046 Greys Corner Road, Unit 4
 Berlin, MD 21811
 Office: 410-250-5066
 Fax: 410-641-5008
 McGintyMarine.com

PROPERTY OF JOHN & ELIZABETH TILGHMAN
 21200 RIVERHILL LANE
 TYASKIN, MARYLAND 21865
 TYASKIN TRUST, LOTS 4A & 3A

| NO. | DATE | REVISION |
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GROIN & BREAKWATER SITE PLAN

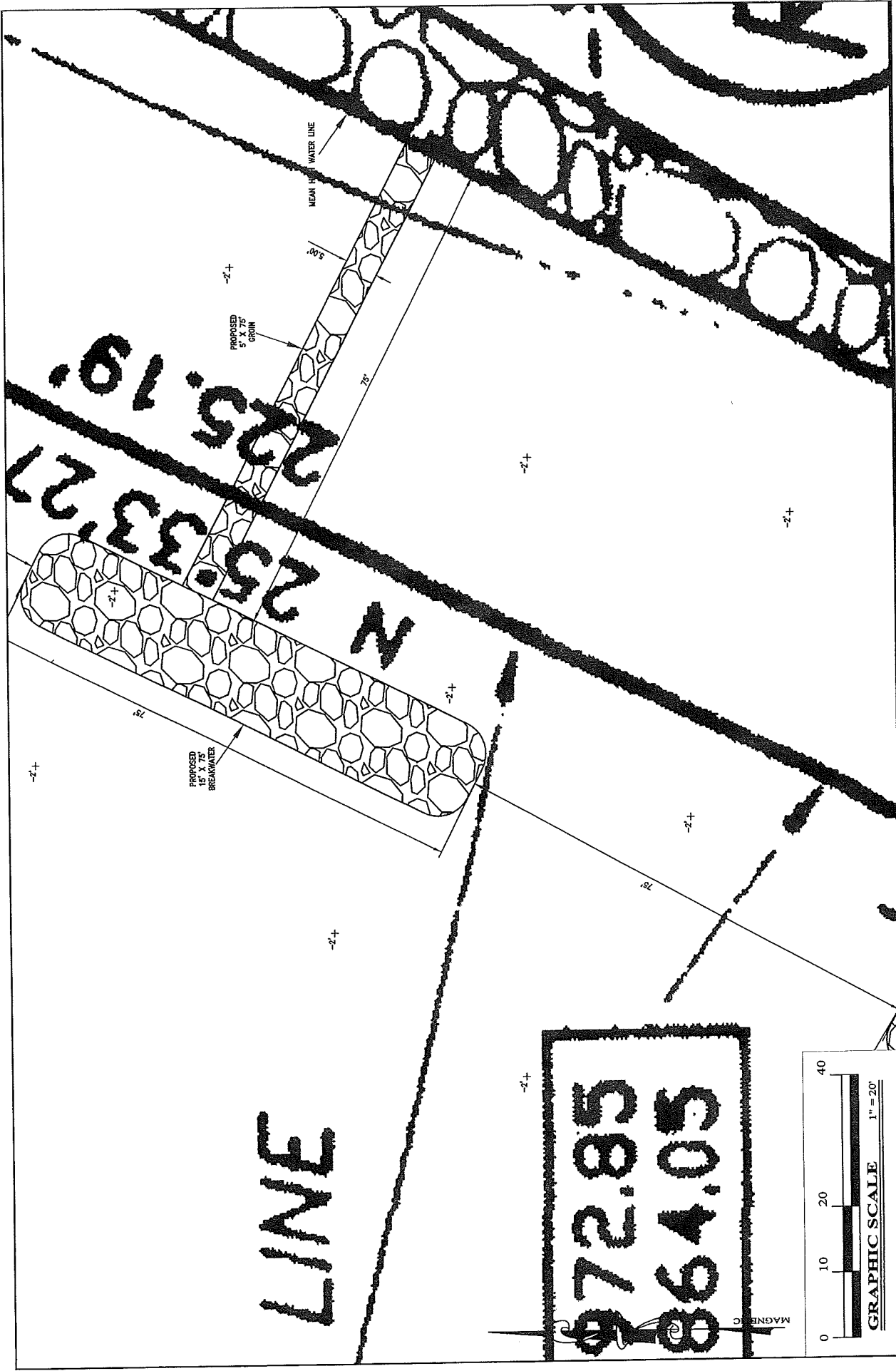


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| SHEET | 2 OF 5 |

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PROPERTY OF JOHN & ELIZABETH TILGHMAN
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 TYASKIN, MARYLAND 21865

| GROIN & BREAKWATER 1" = 20' PLAN | | |
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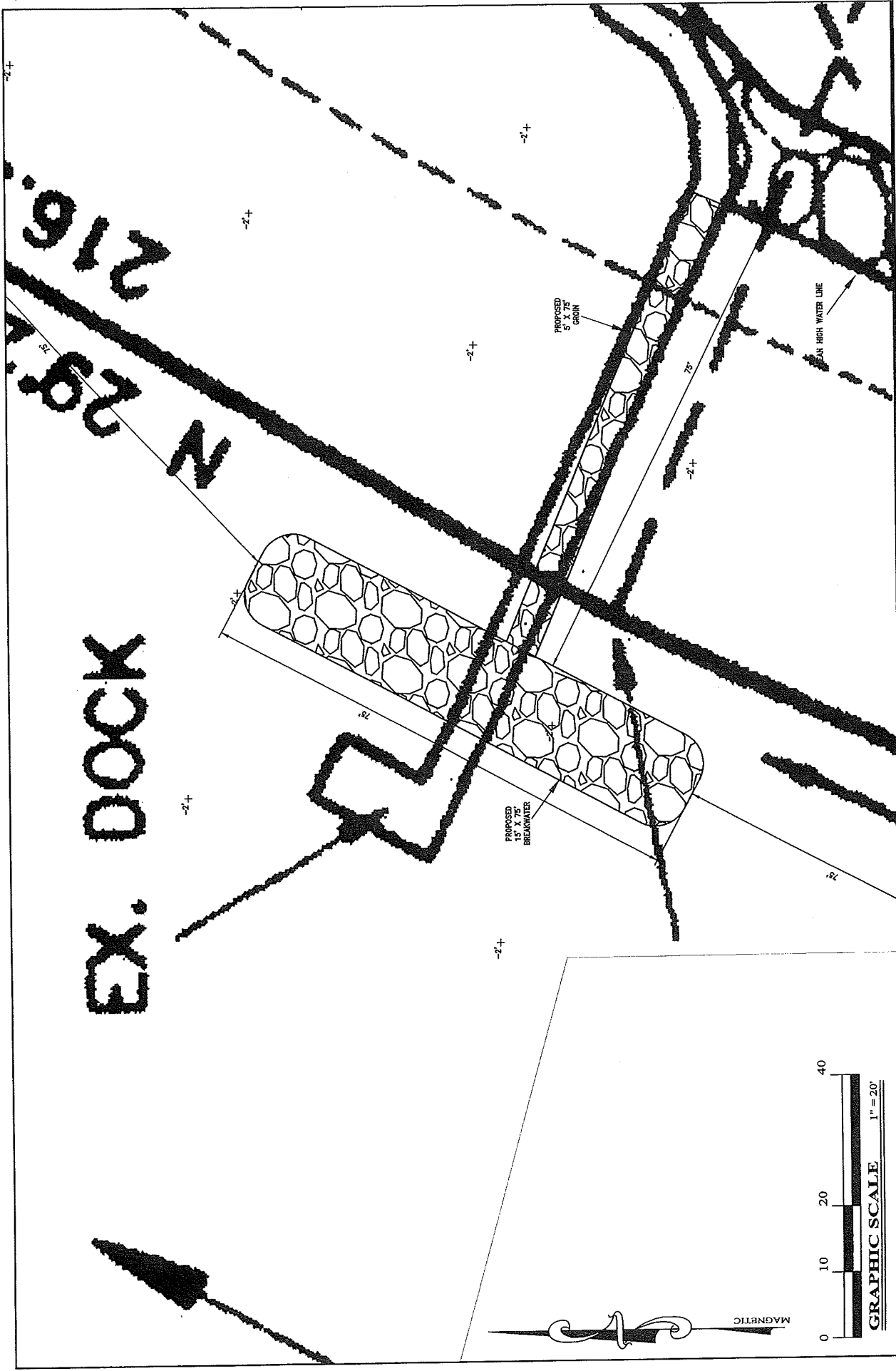


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 21200 RIVERHILL LANE
 TYASKIN, MARYLAND 21865

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| GROIN & BREAKWATER | |
| 1" = 20' PLAN | |
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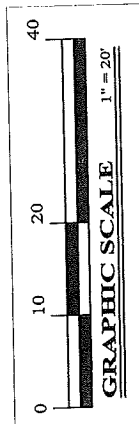
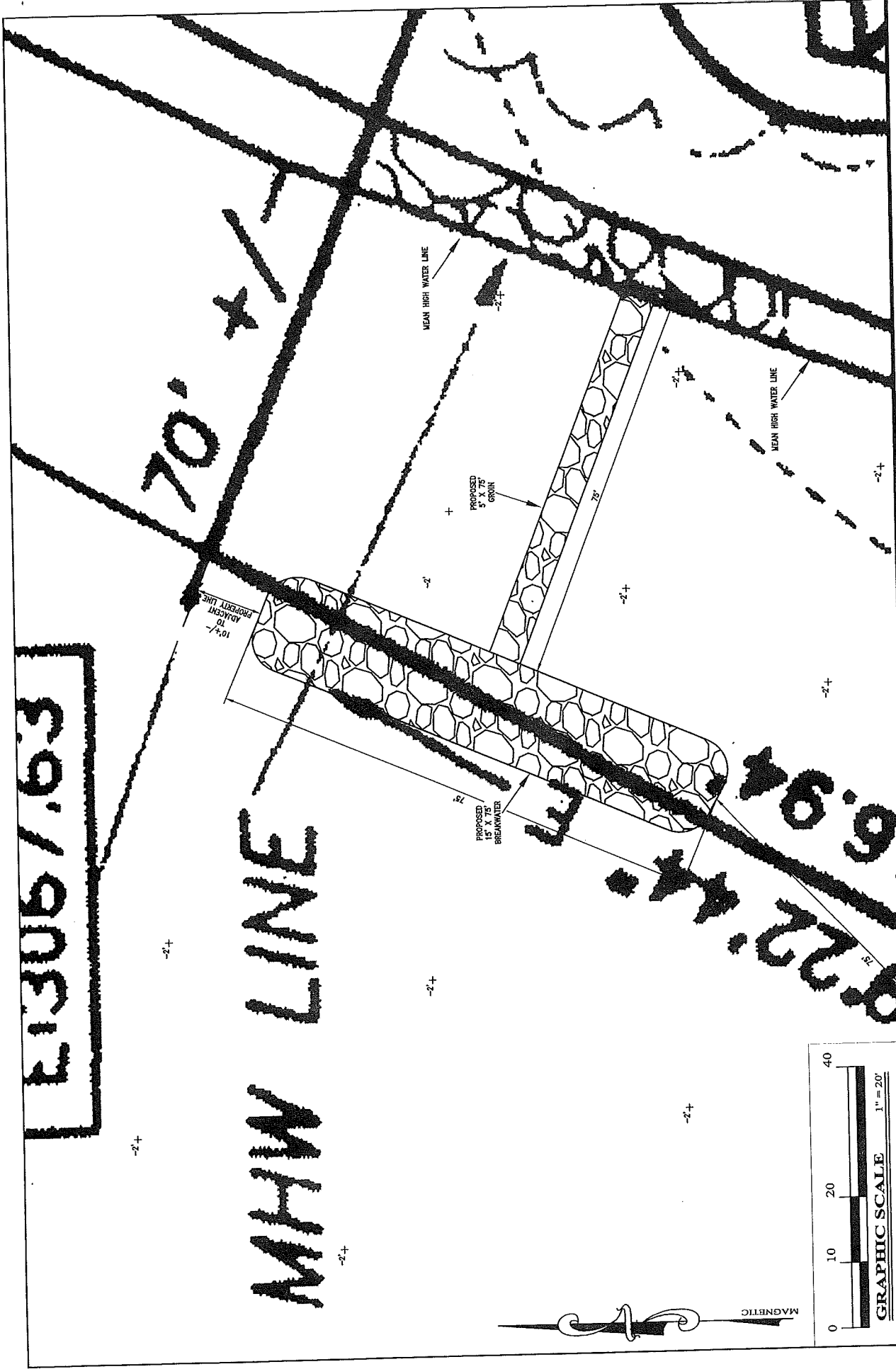


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| SHEET | 4 OF 5 |

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| GROIN & BREAKWATER 1" = 20' PLAN | |
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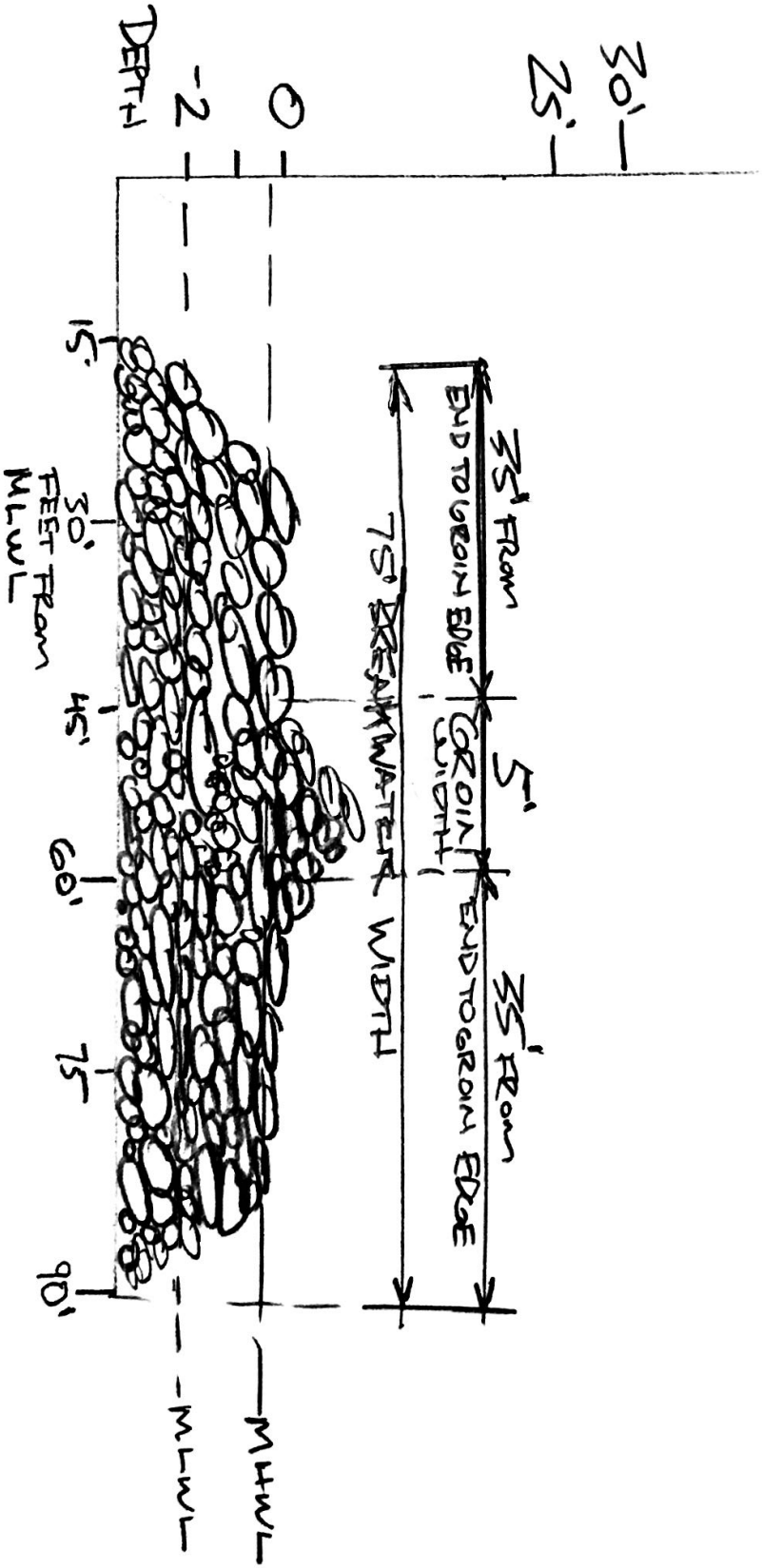
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| DRAWN BY | MRH |
| SHEET | 5 OF 5 |

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| GROIN & BREAKWATER 1" = 20' PLAN | | |
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| NO. | DATE | REVISION |
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GRON & BREWSTER
 CROSS SECTION
 (FRONT ELEVATION VIEW)



GROIN & BREAKWATER GROSS SECTION (MHWL/MWL SIDE VIEW)

