



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OPR-M (DeOreo, Mary Shoreline Stabilization)
2018-60153

PN 18-46

Comment Period: July 23, 2018 – August 13, 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: Mary DeOreo
5705 Rockmere Drive
Bethesda, Maryland 20816

WATERWAY AND LOCATION: In Broad Creek, a tributary to the Choptank River, at 7425 Quaker Neck Road in Bozman, Talbot County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes to create a tidal marsh along 138 linear feet of shoreline within an approximately 1,645 square foot area by depositing approximately 60 cubic yards of clean, sloped select sand fill stabilized with a mixture of high marsh and low marsh grasses; to construct 138 linear feet of low-profile stone sill, 7-foot wide at the base elevated +2.0 feet above the approximate mean low water (MLW) with two 11-foot wide tidal flushing vents at MLW elevation; and repair an existing 10-foot by 22-foot gravel boat ramp, all not to extend more than 16.5-foot channelward of the approximate mean high water (MHW) shoreline. All work is to be completed in accordance with the attached plans dated May 23, 2018. If you have any questions concerning this matter, please contact Ms. Connie Ramsey at (410) 962-5676 or Connie.L.Ramsey@usace.army.mil.

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 based on the existing site conditions and previously authorized work. The applicant originally proposed a 55-linear foot extension to an existing revetment and to create a tidal marsh along approximately 77 linear feet of the shoreline. However, due to local permitting restrictions, the project was modified to eliminate the revetment portion of the work and instead construct the living shoreline along the entire 138 linear feet of shoreline. Because the project would involve the placement of fill within vegetated shoreline wetlands, it does not qualify for authorization pursuant to the MD-SPGP-5 and is being processed as a standard permit.

No compensatory mitigation is proposed. Although approximately 74 square feet of intertidal wetland vegetation channelward of the mean high water (MHW) shoreline would be buried, the project would create approximately 1,645 square feet of intertidal wetlands vegetated with high and low marsh grasses.

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-M], 2 Hopkins Plaza, Baltimore, Maryland 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) 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 the Choptank River complex for EFH as described under the MSFCMA for *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), and *Rachycentron canadum* (cobia), 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. 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 project area is not a Habitat Area of Particular Concern (HAPC).

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: A preliminary review of this application indicates that the proposed work is not likely to adversely 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.

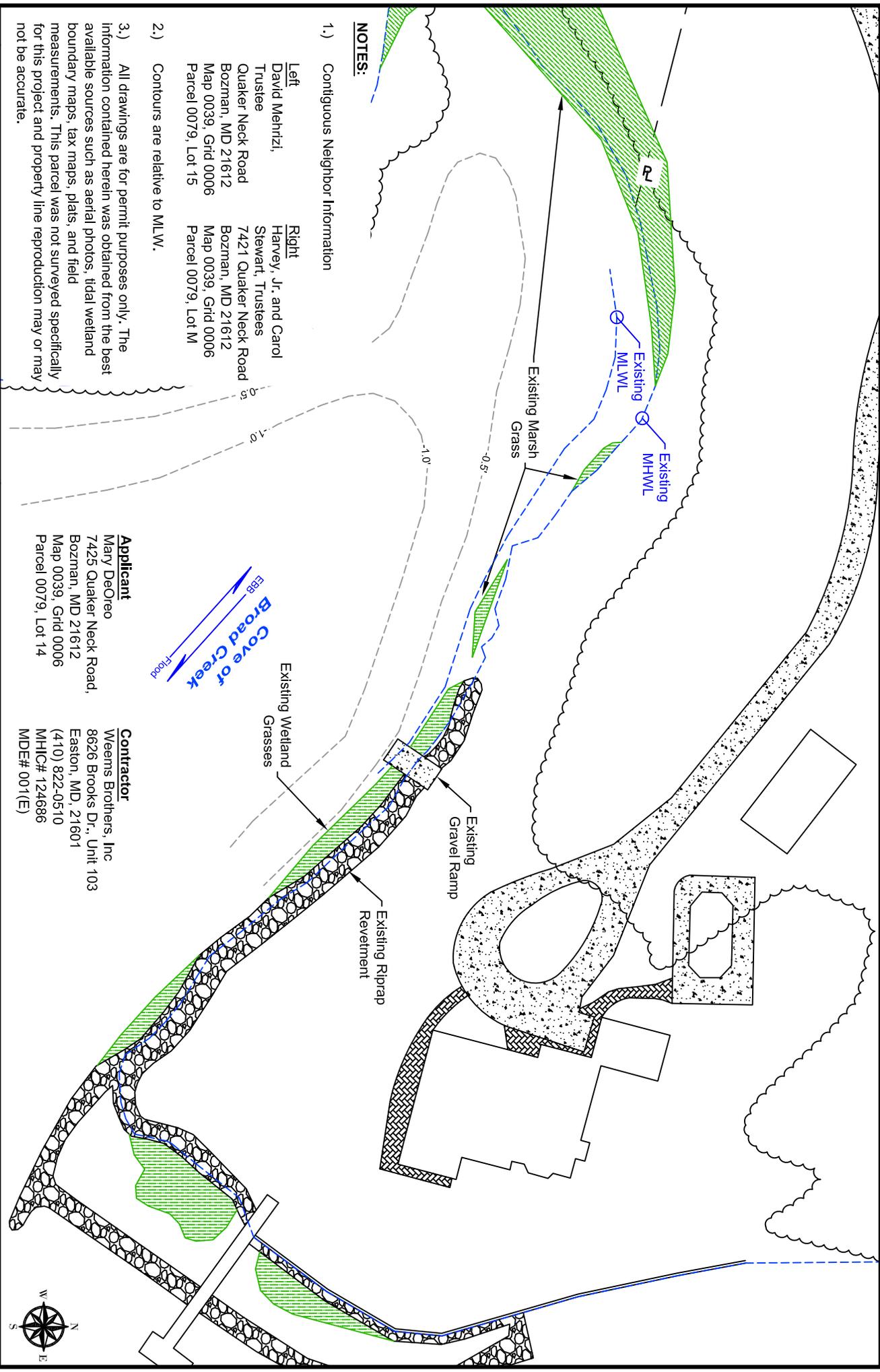
NATIONAL HISTORIC PRESERVATION ACT: Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. The original project design was reviewed by the Maryland Historical Trust (MHT) in June, 2018. 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, to the U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified as above to receive consideration. Also, it must clearly state the interest that may be adversely affected by this activity and 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



NOTES:

- 1.) Contiguous Neighbor Information

<p><u>Left</u> David Mehrtzi, Trustee Quaker Neck Road Bozman, MD 21612 Map 0039, Grid 0006 Parcel 0079, Lot 15</p>	<p><u>Right</u> Harvey, Jr. and Carol Stewart, Trustees 7421 Quaker Neck Road Bozman, MD 21612 Map 0039, Grid 0006 Parcel 0079, Lot M</p>
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- 2.) Contours are relative to MLW.
- 3.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

<p>Applicant Mary DeOreo 7425 Quaker Neck Road, Bozman, MD 21612 Map 0039, Grid 0006 Parcel 0079, Lot 14</p>	<p>Contractor Weems Brothers, Inc 8626 Brooks Dr., Unit 103 Easton, MD, 21601 (410) 822-0510 MHIC# 124686 MDE# 001(E)</p>
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Sheet 2 of 6

Weems Brothers, Inc.

Land & Marine Construction

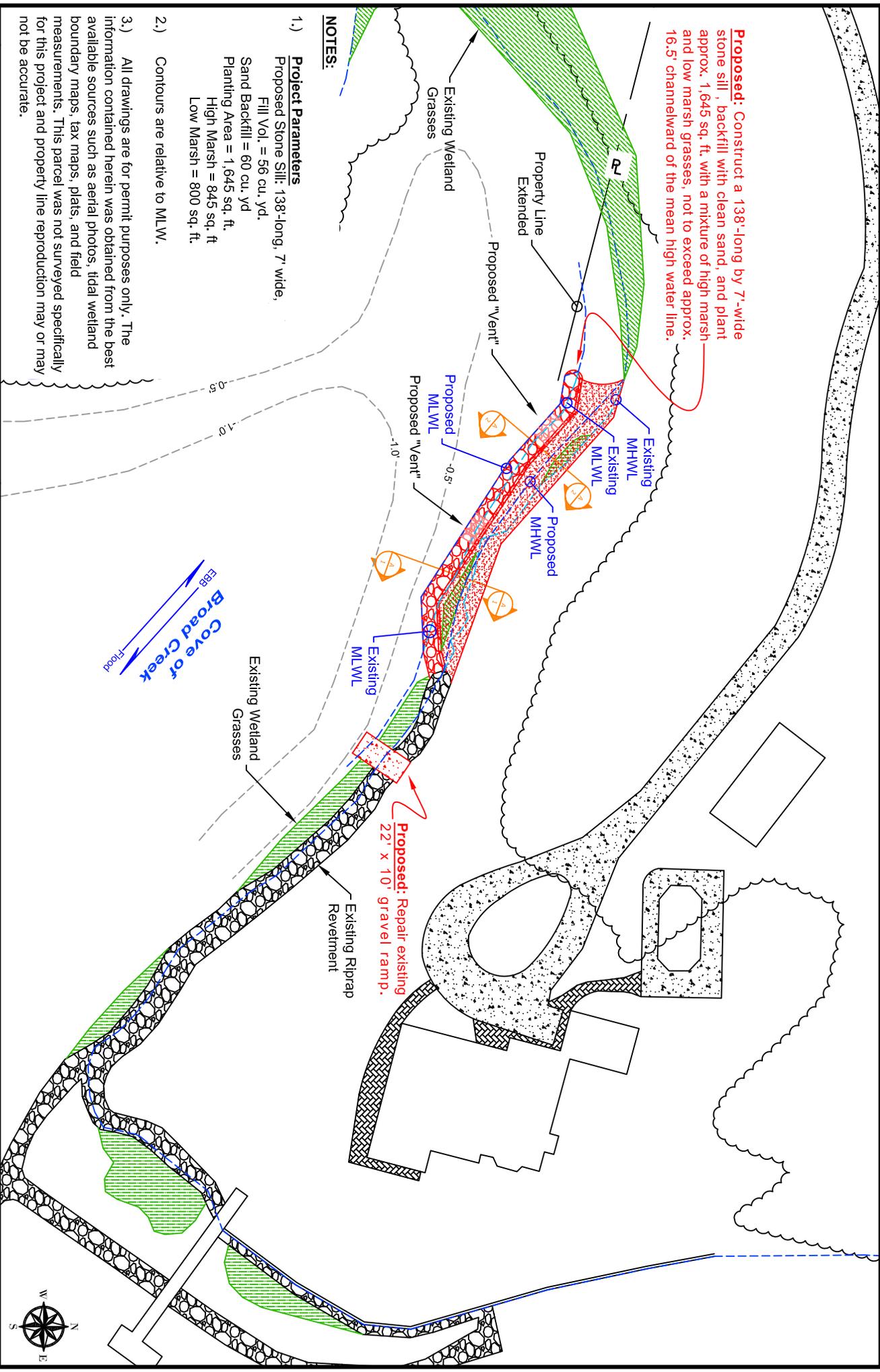
- DESIGN
- PERMITTING
- CONSTRUCTION

8626 Brooks Drive, Unit 103
Easton, Maryland 21601

Office: 410-822-0510
Fax: 410-822-4669
www.weemsbrothers.com

Shoreline Stabilization Project - Existing Plan View					
Project Owner : Mary DeOreo					
Location : 7425 Quaker Neck Road, Bozman, MD 21612					
County : Talbot	Map : 39	Parcel : 79	Lot : 14	Waterway : Broad Creek	
© 2017 Weems Brothers, Inc. This drawing is the property of Weems Brothers, Inc. and is intended solely for the personal reference of the named project owner. Any use, review, disclosure, reproduction, display, transmission or distribution of this drawing or the information contained herein without the express written approval of Weems Brothers, Inc. is strictly prohibited.					
Revision Dates	3/28/18	5/23/18			
Drawn By : Chris Moore	Draw. Use: Fed/State Permit				
Job No. :	Drawing Date : Jan. 15, 2018				
Scale : 1" = 50'					

Proposed: Construct a 138'-long by 7'-wide stone sill, backfill with clean sand, and plant approx. 1,645 sq. ft. with a mixture of high marsh and low marsh grasses, not to exceed approx. 16.5' channelward of the mean high water line.



NOTES:

- 1.) **Project Parameters**
 Proposed Stone Sill: 138'-long, 7' wide,
 Fill Vol. = 56 cu. yd.
 Sand Backfill = 60 cu. yd
 Planting Area = 1,645 sq. ft.
 High Marsh = 845 sq. ft
 Low Marsh = 800 sq. ft.
- 2.) Contours are relative to MLWL.
- 3.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

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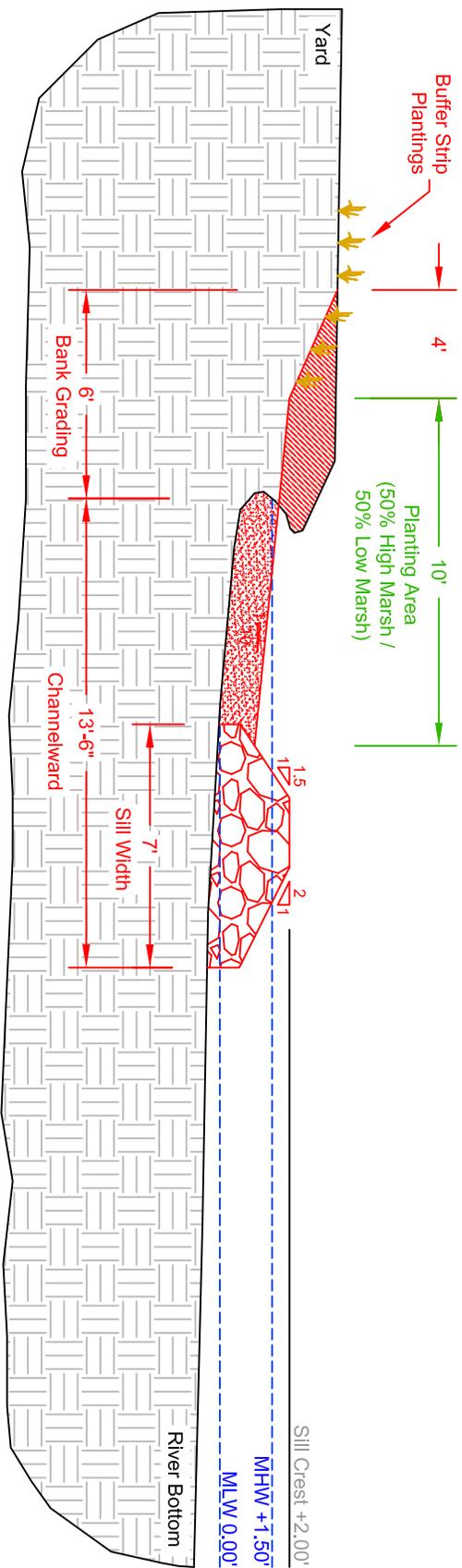
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 Easton, Maryland 21601
 Office: 410-822-0510
 Fax: 410-822-4669
 www.weemsbrothers.com

Shoreline Stabilization Project - Proposed Plan View

Project Owner : Mary DeOrio		Drawing Date : Jan 15, 2018	
Location : 7425 Quaker Neck Road, Bozman, MD 21612		Scale : 1" = 50'	
County : Talbot	Map : 39	Parcel : 79	Lot : 14
Waterway : Broad Creek		Job No. :	
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		Draw. Use: Fed/State Permit	
Revision Dates	3/28/18	5/23/18	

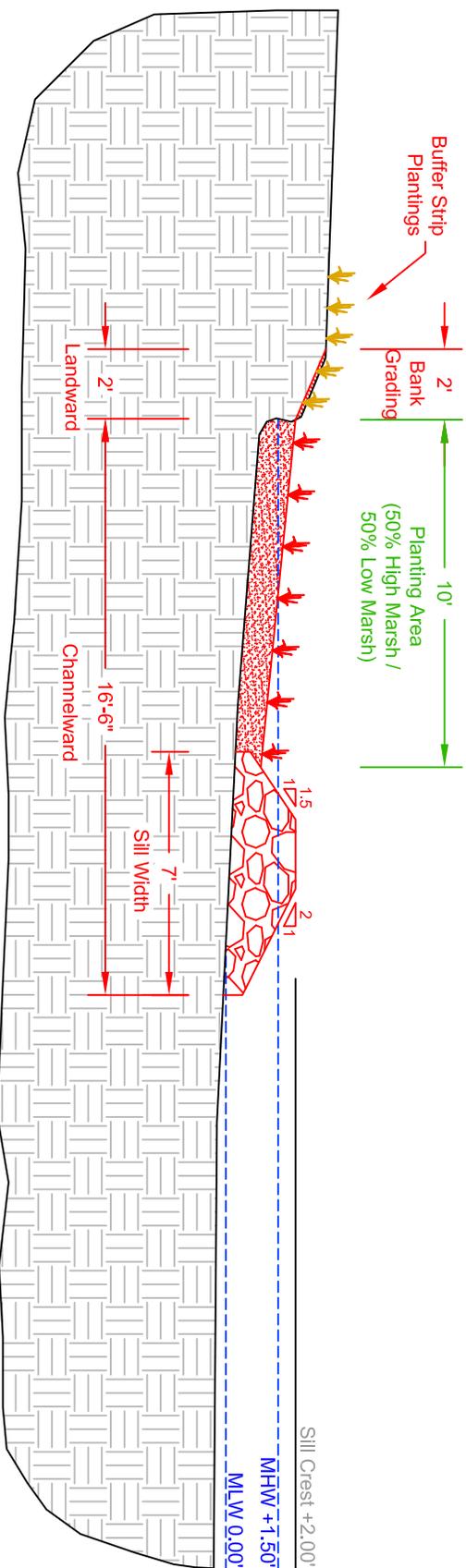
Living Shoreline Cross-Section A1

Scale: 1" = 5'



Living Shoreline Cross-Section A2

Scale: 1" = 5'



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Shoreline Stabilization Project - Cross Sections

Project Owner : Mary DeOrio

Location : 7425 Quaker Neck Road, Bozman, MD 21612

County : Talbot

Map : 39

Parcel : 79

Lot : 14

Waterway : Broad Creek

Drawing Date : Jan. 15, 2018
Scale : 1" = 5'

Job No. :

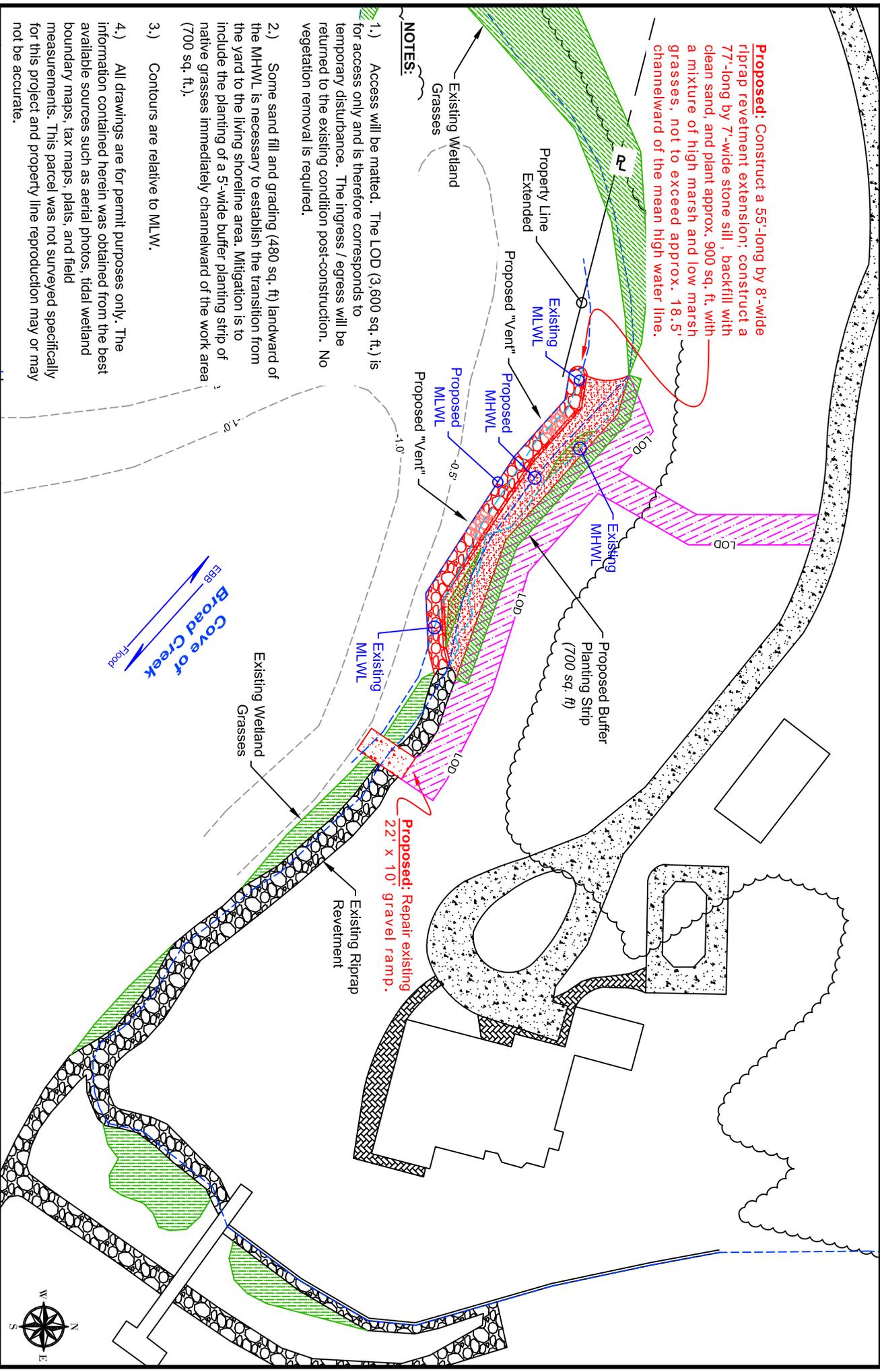
Draw. Use: Exhibit

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Revision Dates

3/28/18
5/23/18

Proposed: Construct a 55'-long by 8'-wide riprap revetment extension; construct a 77'-long by 7'-wide stone sill, backfill with clean sand, and plant approx. 900 sq. ft. with a mixture of high marsh and low marsh grasses, not to exceed approx. 18.5' channelward of the mean high water line.



NOTES:

- 1.) Access will be matted. The LOD (3,600 sq. ft.) is for access only and is therefore corresponds to temporary disturbance. The ingress / egress will be returned to the existing condition post-construction. No vegetation removal is required.
- 2.) Some sand fill and grading (480 sq. ft.) landward of the MHWL is necessary to establish the transition from the yard to the living shoreline area. Mitigation is to include the planting of a 5'-wide buffer planting strip of native grasses immediately channelward of the work area (700 sq. ft.).
- 3.) Contours are relative to MLW.
- 4.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

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Shoreline Stabilization Project - DRAFT BMP

Project Owner : Mary DeOrio		Drawing Date : Jan. 15, 2018	
Location : 7425 Quaker Neck Road, Bozman, MD 21612		Scale : 1" = 50'	
County : Talbot	Map : 39	Parcel : 79	Lot : 14
Waterway : Broad Creek		Job No. :	Drawn By : Chris Moore
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		3/28/18	5/23/18