



U.S. Army Corps  
of Engineers

Baltimore District  
PN-23-20

# Public Notice

In Reply to Application Number  
NAB-2022-61521-P05 (Baileys Gift, LLC/Living Shoreline  
& Revetment)

Comment Period: April 20, 2023 to May 20, 2023

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), as described below:

**APPLICANT:**

Bailey's Gift, LLC  
c/o Mark Hill  
9810 Mill Pond Road  
Easton, Maryland 21601

**WATERWAY AND LOCATION OF THE PROPOSED WORK:**

The proposed project is located in Leeds Creek near Easton, Talbot County, Maryland. Lat/Long: 38.823333/-76.166111 (Lat/Long in decimal degrees)

**OVERALL PROJECT PURPOSE:**

To provide for shore erosion control.

**PROJECT DESCRIPTION:**

To install 65 linear feet of stone revetment not to exceed 6 feet channelward of the approximate mean high water shoreline; and to create 19,428 square feet (1,630 linear feet) of tidal marsh by constructing a stone sill with 17 vents within 18 feet channelward of the approximate mean high water shoreline, and by depositing 1,079 cubic yards of clean sandy fill on an 8%-10% slope between the existing shoreline and the constructed stone sill, and planting the area with *Spartina alterniflora* and *Spartina patens*.

**EFFECTS ON AQUATIC RESOURCES:**

Activity (i.e. culvert)	Tidal Waters Impact (lf)	Shallow water habitat (sq. ft.)	Authority (Section 10/404/408)
Rip rap	65	390	10/404
Living shoreline with sill	1,630	29,340	10/404

**LEAD FEDERAL AGENCY:**

The United States Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

**APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:**

The marsh creation with stone sill is limited to 18 feet channelward of the MHW shoreline. If successful, the project will create 19,428 square feet of tidal marsh.

**CORPS EVALUATION REQUIREMENTS:**

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

**ENDANGERED SPECIES:**

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

**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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

**HISTORIC RESOURCES:**

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no adverse effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area.

**TRIBAL RESOURCES:**

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and

cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

#### **MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):**

All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408:

<https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Requests/>.

#### **WATER QUALITY CERTIFICATION:**

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

#### **COASTAL ZONE MANAGEMENT PROGRAMS:**

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 Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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

#### **SUBMISSION OF COMMENTS:**

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 and are subject to release to the public through the Freedom of Information 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 United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2022-61521-P05.

#### **PUBLIC HEARING REQUESTS:**

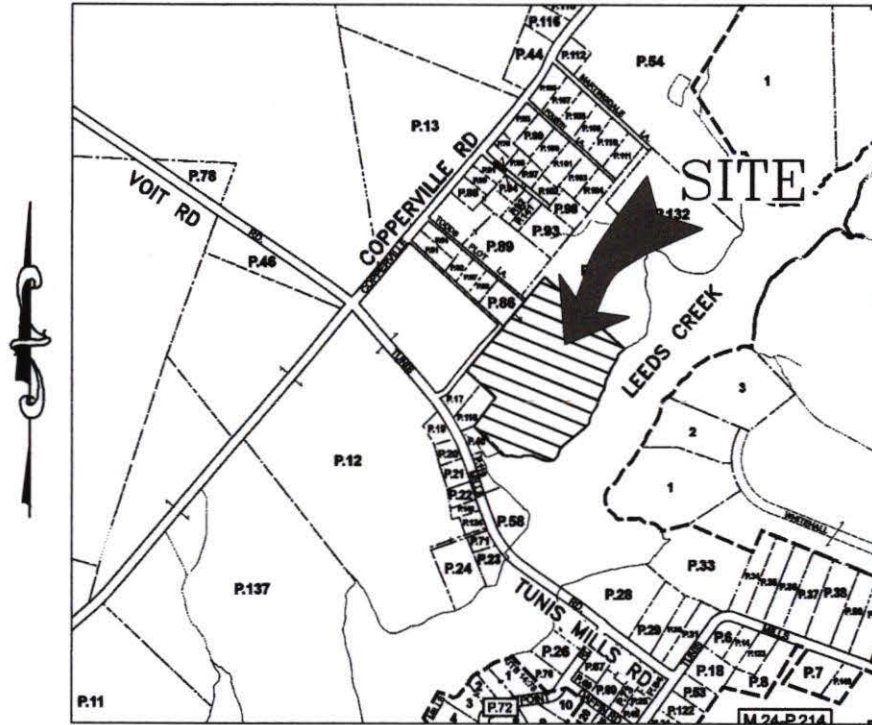
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

Marion Gall  
U.S. Army Corps of Engineers, Baltimore District  
State College Field Office  
1631 South Atherton Street, Suite 101  
State College, Pennsylvania 16801  
[marion.gall@usace.army.mil](mailto:marion.gall@usace.army.mil)

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Marion Gall at [marion.gall@usace.army.mil](mailto:marion.gall@usace.army.mil) or 814-235-1761. This public notice is issued by the Chief, Regulatory Branch.

SHORELINE STABILIZATION PERMIT DRAWINGS  
 PREPARED FOR  
 BAILEY'S GIFT, LLC  
 IN THE FIRST ELECTION DISTRICT  
 TALBOT COUNTY, MARYLAND



**VICINITY MAP**  
 SCALE: 1" = 1,000'

ENGINEER

OWNER/DEVELOPER

PROJECT LOCATION

Lane Engineering, LLC  
 117 BAY STREET  
 EASTON, MARYLAND 21601  
 (410) 822-8003

BAILEY'S GIFT, LLC  
 C/O MARK HILL  
 9810 MILL POINT ROAD  
 EASTON, MD 21601  
 (410) 924-0444

26178 TUNIS MILLS ROAD  
 EASTON, MD 21601

ISSUE FOR:	DATE:	BY:	No.	DATE:	REVISION:	BY:
MDE SUBMITTAL	08/15/22	DSR				

SHEET No. <b>1 OF 9</b>	<b>TITLE SHEET</b> ON THE LANDS OF BAILEY'S GIFT, LLC EASTON, MARYLAND IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY TAX MAP 16, GRID 13, PARCELS 40, 13 & 133	<b>Lane Engineering, LLC</b> Established 1986 Civil Engineers • Land Planning • Land Surveyors E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095
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# LEGEND & ABBREVIATIONS

MHW MEAN HIGH WATER (APPROXIMATE)

PROPERTY LINE 

TREE LINE 

TREE 

TIDAL WETLANDS 

SPOT ELEVATION/SOUNDING x -2.15

## PROJECT NOTES

1. TIDAL DATUM, I.E. MEAN LOW WATER ELEVATION, IS ESTIMATED FROM ENVIRONMENTAL INDICATORS SUCH AS RACK LINES, WATER MARKS, PLANT COMMUNITY COMPOSITIONS.
2. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
3. MEAN TIDAL RANGE = 1.40'
4. LOT SIZE = PARCEL 40 - 0.13 AC± (PER SDAT)  
                   PARCEL 13 - 25.377 AC± (PER SDAT)  
                   PARCEL 133 - 7.26 AC± (PER SDAT)
5. MAXIMUM CHANNELWARD ENCROACHMENT = 18'±
6. ZONING CLASSIFICATION = VR (VILLAGE RESIDENTIAL)
7. 911 ADDRESS = 26178 TUNIS MILLS ROAD, EASTON, MD 21601

THE PROPERTY LINE INFORMATION SHOWN HEREON, WITH LATERAL LINES, SETBACKS AND SHORELINE ARE TAKEN FROM GENERAL MAPS, DEED, PLAT, SITE SKETCH AND AERIAL PHOTO INTERPRETATION. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING FEATURES INCLUDING PROPERTY LINES, SHORELINES, EXISTING PIERS, OTHER STRUCTURES, AND SOUNDINGS HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF THE ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC. THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY AND ARE NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

SHEET No.  
**2 OF 9**  
 DATE: AS NOTED  
 SCALE: AS NOTED  
 JOB No. 210488  
 FILE No. 2228

### SITE & PROJECT NOTES

**ON THE LANDS OF  
 BAILEY'S GIFT, LLC  
 EASTON, MARYLAND**

*IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY  
 TAX MAP 16, GRID 13, PARCELS 40, 13 & 133*

### Lane Engineering, LLC

Established 1986  
 Civil Engineers • Land Planning • Land Surveyors



E-mail: [general@leinc.com](mailto:general@leinc.com)  
 117 Bay St. Easton, MD 21601 (410) 822-8003  
 15 Washington St. Cambridge, MD 21613 (410) 221-0818  
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

TAX MAP 16, PARCEL 132  
 LESLIE A. ROSLUND  
 CAROLYN W. ROSLUND  
 26329 MARTINGDALE LANE  
 EASTON, MD 21601

PARCEL 133  
 (APPLICANT)

PARCEL 13  
 (APPLICANT)

PARCEL 40  
 (APPLICANT)

TAX MAP 16, PARCEL 119  
 LINDA C. HEYMAN  
 26199 TUNIS MILLS ROAD  
 EASTON, MD 21601

TUNIS MILLS ROAD

LEEDS CREEK



150' 0' 150' 300'



SCALE IN FEET

**SITE OVERVIEW**

**ON THE LANDS OF  
 BAILEY'S GIFT, LLC  
 EASTON, MARYLAND**

**IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY  
 TAX MAP 16, GRID 13, PARCELS 40, 13 & 133**

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**3 OF 9**

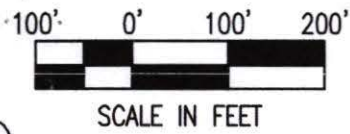
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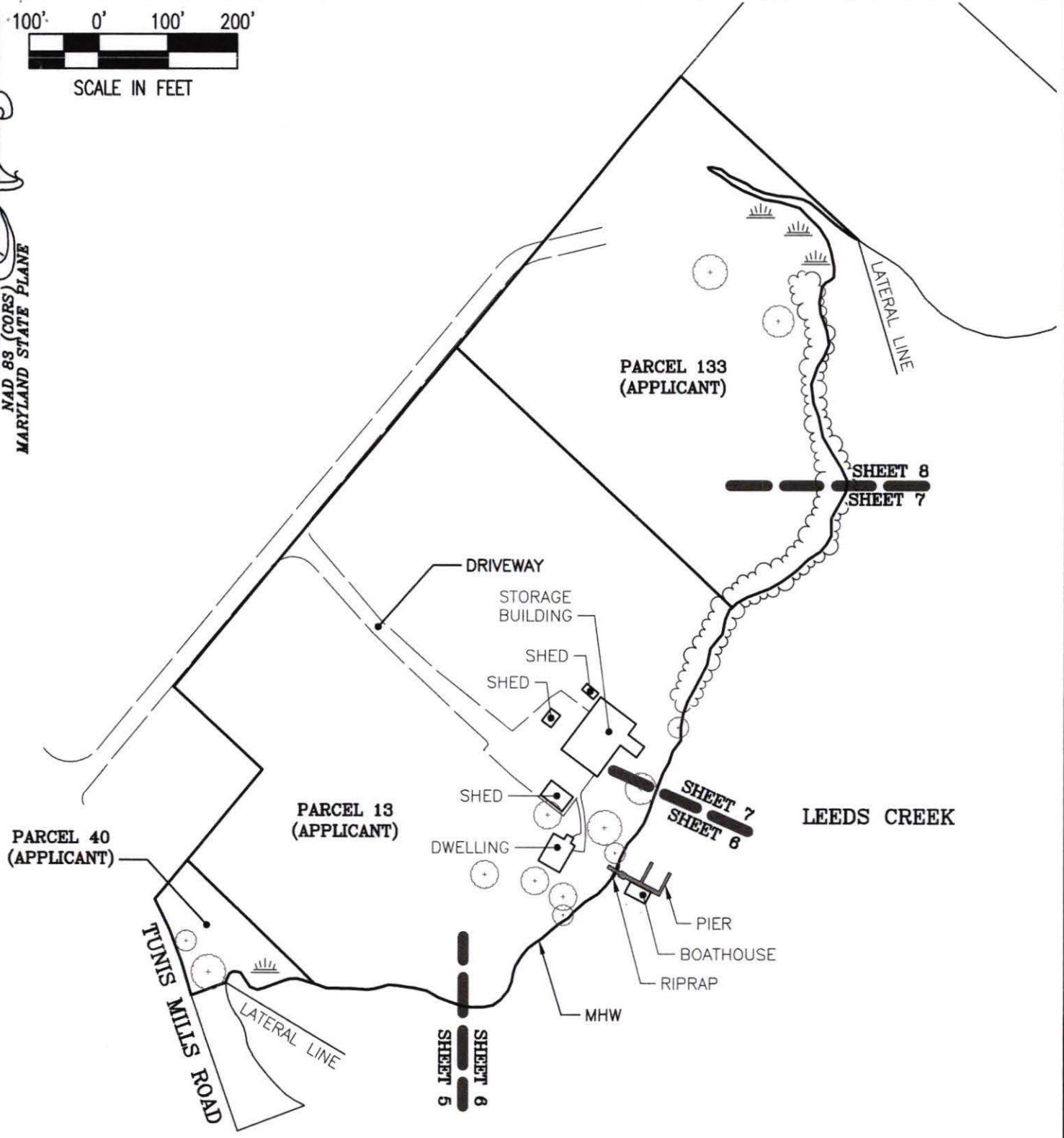
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NAD 83 (CORS)  
MARYLAND STATE PLANE



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**4 OF 9**

DATE: AS NOTED

SCALE: AS NOTED

JOB No. 210488

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**EXISTING CONDITIONS**

**ON THE LANDS OF BAILEY'S GIFT, LLC**

**EASTON, MARYLAND**

IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY  
TAX MAP 16, GRID 13, PARCELS 40, 13 & 133

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30' 0' 30' 60'



SCALE IN FEET



PARCEL 13  
(APPLICANT)

PARCEL 40  
(APPLICANT)

BEGIN 1,630'  
PROPOSED LIVING  
SHORELINE

MHW  
MLW

1,630'± PROPOSED LIVING SHORELINE  
STONE SILLS: 8,816 SF±/947 CY±  
SAND FILL: 19,428 SF±/1,079 CY±  
SPARTINA ALTERNIFLORA: 9,714 SF±  
SPARTINA PATENS: 9,714 SF±

LATERAL LINE

TUNIS MILLS ROAD

TAX MAP 16, PARCEL 119  
LINDA C. HEYMAN  
26199 TUNIS MILLS ROAD  
EASTON, MD 21601

LEEDS CREEK

MATCHLINE SHEET 6

**PROPOSED IMPROVEMENTS**

**ON THE LANDS OF  
BAILEY'S GIFT, LLC  
EASTON, MARYLAND**

**IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY  
TAX MAP 16, GRID 13, PARCELS 40, 13 & 133**

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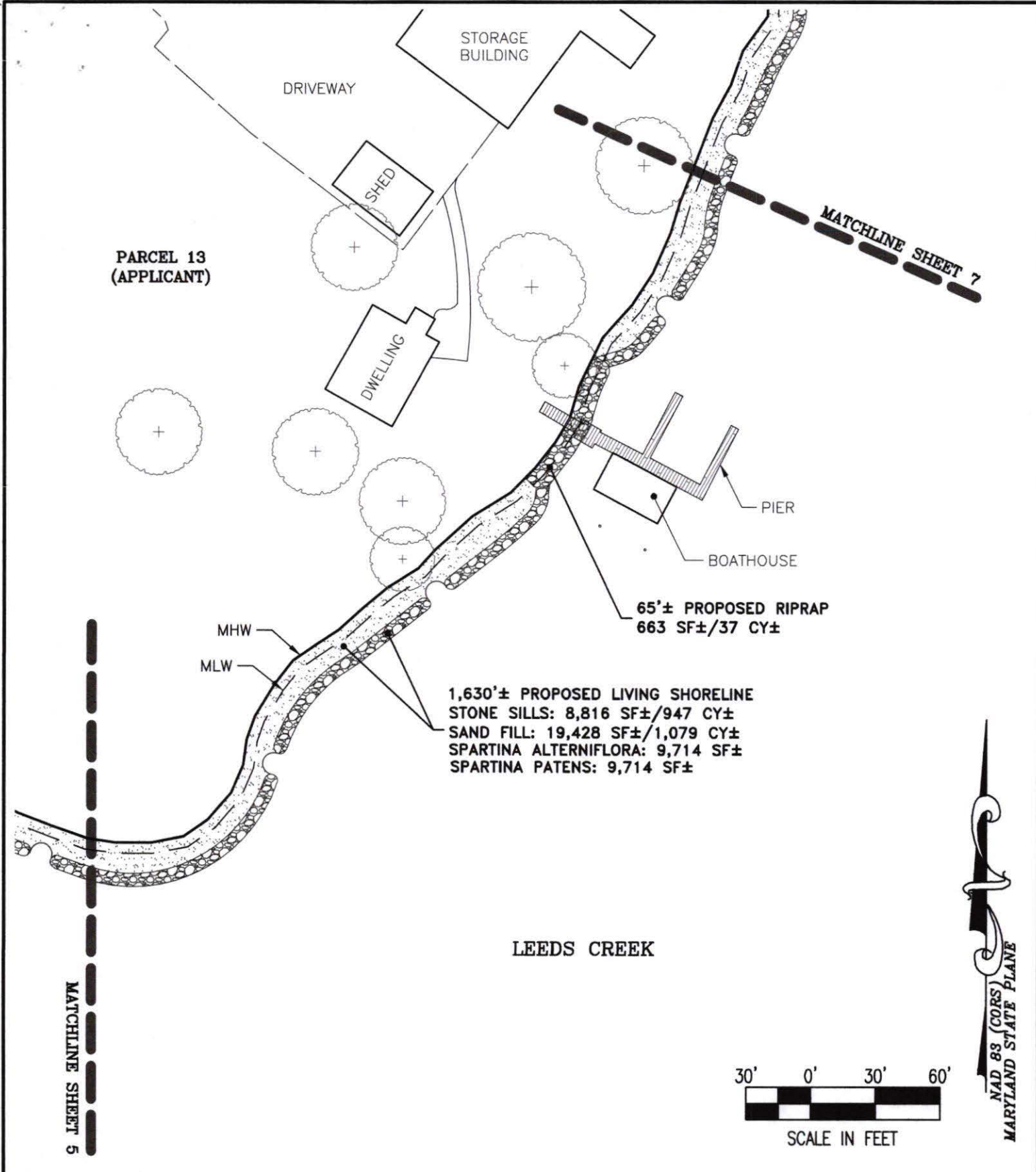
SHEET No.  
**5 OF 9**

DATE: AS NOTED

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JOB No. 210488

FILE No. 2228



FILE No. 2228

JOB No. 210488

SCALE: AS NOTED

DATE: AS NOTED

SHEET No. 6 OF 9

**PROPOSED IMPROVEMENTS**

**ON THE LANDS OF BAILEY'S GIFT, LLC**

**EASTON, MARYLAND**

IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY  
TAX MAP 16, GRID 13, PARCELS 40, 13 & 133

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MATCHLINE SHEET 8

PARCEL 133  
(APPLICANT)

PARCEL 13  
(APPLICANT)

1,630'± PROPOSED LIVING SHORELINE  
STONE SILLS: 8,816 SF±/947 CY±  
SAND FILL: 19,428 SF±/1,079 CY±  
SPARTINA ALTERNIFLORA: 9,714 SF±  
SPARTINA PATENS: 9,714 SF±

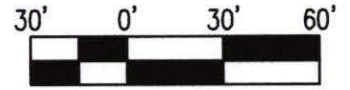
MLW

MHW

STORAGE  
BUILDING

LEEDS CREEK

MATCHLINE SHEET 6



SCALE IN FEET

PROPOSED IMPROVEMENTS

ON THE LANDS OF  
BAILEY'S GIFT, LLC  
EASTON, MARYLAND

IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY  
TAX MAP 16, GRID 13, PARCELS 40, 13 & 133

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SHEET No.  
**7 OF 9**  
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30' 0' 30' 60'

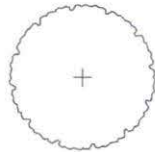
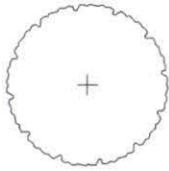


SCALE IN FEET

TAX MAP 16, PARCEL 132  
LESLIE A. ROSLUND  
CAROLYN W. ROSLUND  
26329 MARTINGDALE LANE  
EASTON, MD 21601



END 1,630' PROPOSED  
LIVING SHORELINE



PARCEL 133  
(APPLICANT)

LATERAL LINE

1,630'± PROPOSED LIVING SHORELINE  
STONE SILLS: 8,816 SF±/947 CY±  
SAND FILL: 19,428 SF±/1,079 CY±  
SPARTINA ALTERNIFLORA: 9,714 SF±  
SPARTINA PATENS: 9,714 SF±

MLW

MHW

LEEDS CREEK

MATCHLINE SHEET 7

### PROPOSED IMPROVEMENTS

ON THE LANDS OF  
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EASTON, MARYLAND

IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY  
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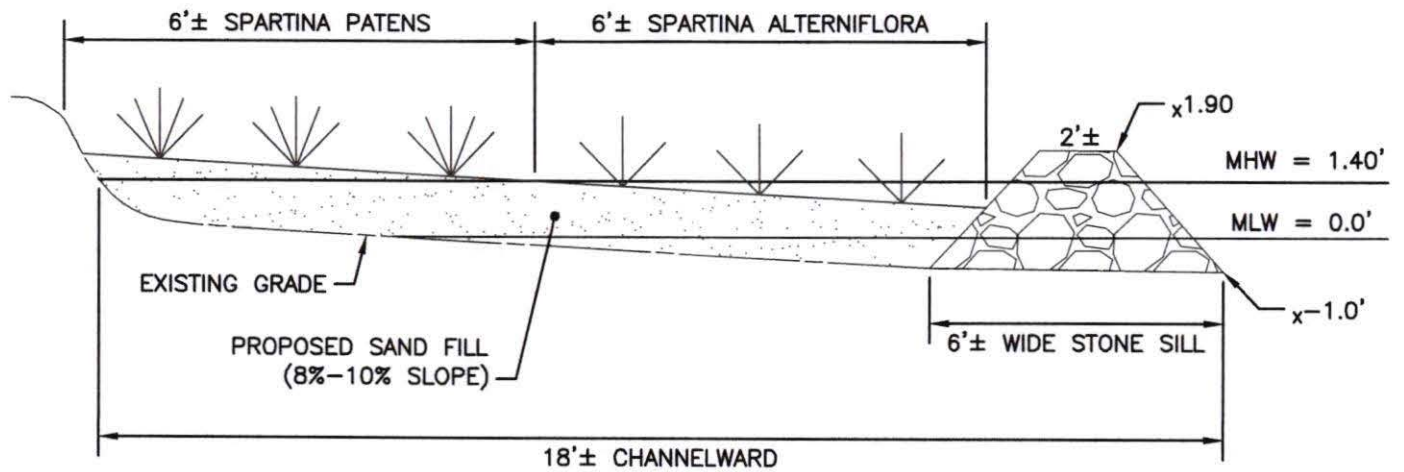
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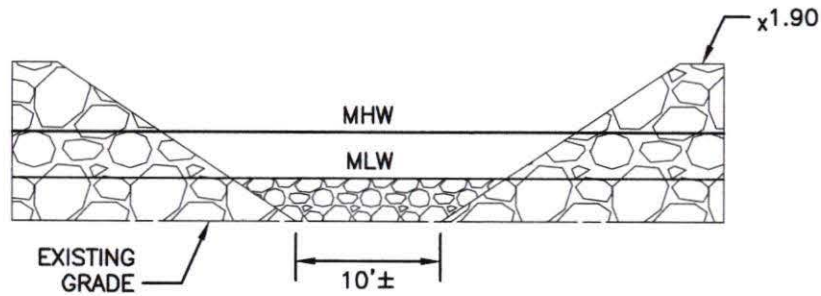


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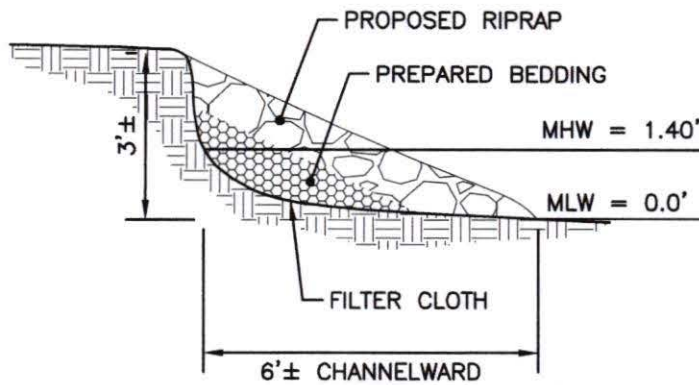
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**LIVING SHORELINE DETAIL**  
NOT TO SCALE



**STONE SILL VENT DETAIL**  
NOT TO SCALE



**RIPRAP DETAIL**  
NOT TO SCALE

SHEET No.  
**9 OF 9**

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**DETAILS**

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