



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

Baltimore District  
PN-22-42

# Public Notice

**In Reply to Application Number  
NAB-2023-61195-B05 (Naval Support Activity (NSA)  
Annapolis Berm Living Shoreline)**

Comment Period: October 5, 2023 to November 4, 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 404 of the Clean Water Act (33 USC 1344), as described below:

## **APPLICANT:**

Naval Support Activity-Annapolis  
ATTN: Mr. Matthew Klimoski  
58 Bennion Road  
Annapolis, Maryland 21402

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

The proposed project is located in the Chesapeake Bay at the mouth of Carr Creek, at West Road, Greenbury Point, North Severn Area, Annapolis, Anne Arundel County, Maryland (38.982998, -76.454974)

## **OVERALL PROJECT PURPOSE:**

To protect the Severn River system from possible contamination by repairing an existing berm that separates a lagoon from Carr Creek which contains dredge disposal material that has been tested and found to exceed United States Environmental Protection Agency Region 3 Regional Screening Levels for antimony, arsenic, cobalt, copper, iron, mercury, nickel, selenium, benzo(a)anthracene, benzo(a)pyrene, dibenzo(a,h)anthracene and benzo(b)fluoranthene.

## **PROJECT DESCRIPTION:**

This berm stabilization project proposes to rebuild an existing, eroding earthen berm across 750-linear feet that separates the Severn River system from Carr Creek. Work includes a low-profile stone sill and an 8:1 slope, sand and gravel living shoreline with marsh grass plantings that extends a maximum of 35.9-foot channel ward from the existing berm and 48-foot channel ward from the mean high-water line (MHWL).

Please refer to the project plans attached at the end of this notice and refer to the table below for a summary of aquatic resource impacts.

**EFFECTS ON AQUATIC RESOURCES:**

Activity	Stream Impact (lf)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)
Living Shoreline		32,277	10 and 404
Tidal Wetland impact from berm repair		2,695	10 and 404
Nontidal Wetland impact from berm repair		1,667	404

**LEAD FEDERAL AGENCY:**

The Department of Navy as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

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

An objective of this project is to improve the condition of the current shoreline/tidal environment. There will be unvegetated stone sill placed in the tidal area and a portion of non-tidal wetlands will be filled but not permanently lost. The design creates marsh to the maximum extent practicable by grading "shelves" of low marsh and high marsh. The ratio of created low (6,227 square feet) and high marsh (6,521 square feet) is approximately 1:1. This amounts to 12,748 square feet of created marsh, which is nearly twice the amount of unvegetated stone sill (6,563 square feet) that will be placed in the tidal area. The marsh creation and berm plantings will compensate for impacts to tidal wetlands above the MHWL. Impacts to tidal waters were minimized by placing the sill within 50 feet of the existing MHWL. The volume of stone being placed in the water has been minimized by creating a low-profile sill instead of a taller sill or breakwaters. A portion of the sill will be planted, reducing the impact of the stone. The applicant expects the project to have a net increase in aquatic resource function/size and therefore does not propose compensatory mitigation.

**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 have no 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 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 the United States Army Corps of Engineers. 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-2023-61195-B05.

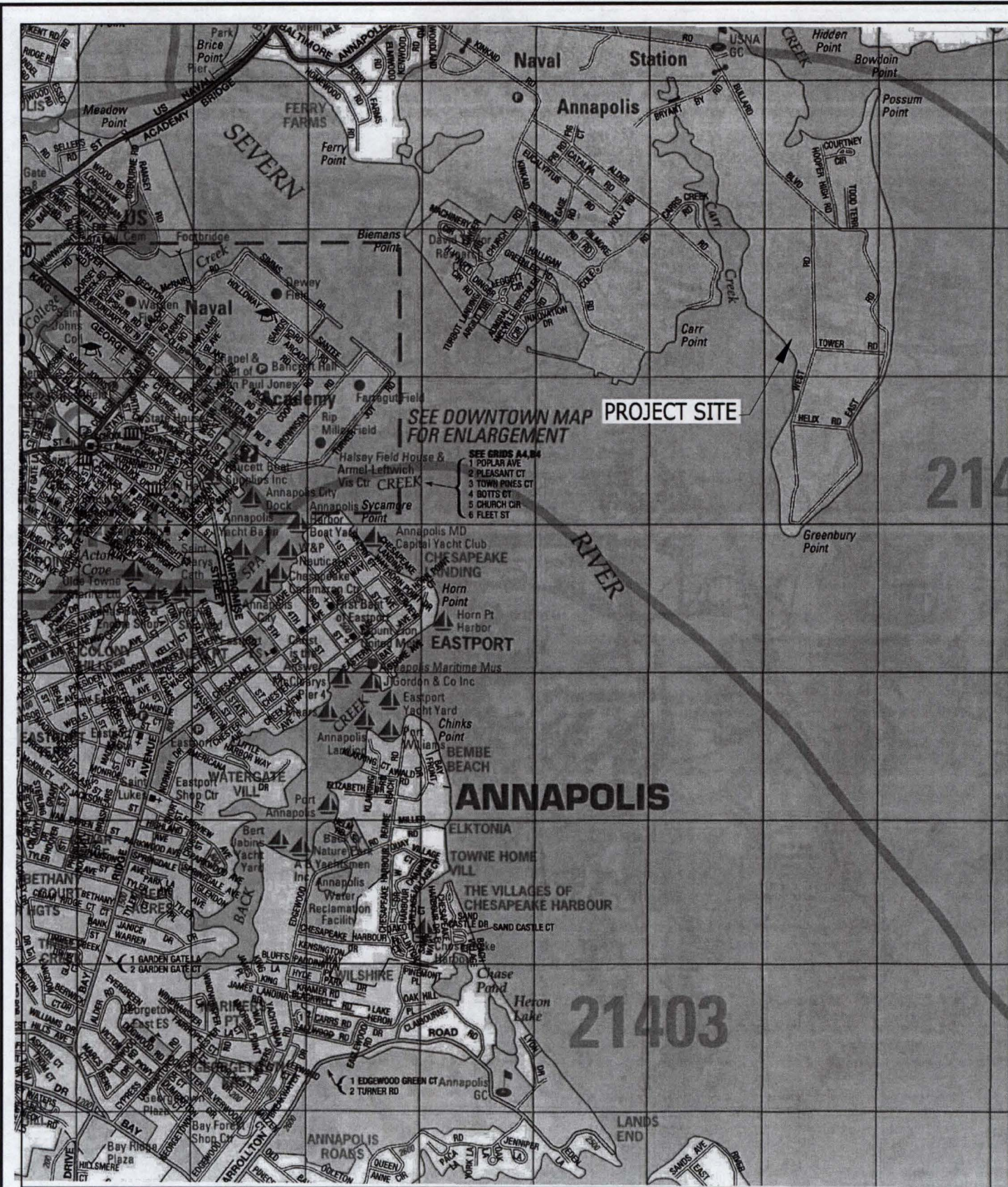
**PUBLIC HEARING REQUESTS:**

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:

Matthew Gilbert  
[matthew.c.gilbert@usace.army.mil](mailto:matthew.c.gilbert@usace.army.mil)  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
Carlisle Field Office  
401 East Louthier Street, Suite 205  
Carlisle, Pennsylvania 17103-2657


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 Mr. Matthew Gilbert at (412) 295-2381 or via email at [matthew.c.gilbert@usace.army.mil](mailto:matthew.c.gilbert@usace.army.mil). This public notice is issued by the Chief, Regulatory Branch.



**Prepared For:**  
 NAVFAC Washington  
 1314 Harwood St. Bldg 212  
 Washington Navy Yard, DC 20374

**Prepared by:**  
  
 Marstel-Day, LLC  
 10708 Ballantraye Drive  
 Suite 208  
 Fredricksburg, VA 22407

  
**Environmental Systems Analysis, Inc.**  
 Natural Resources Management  
 Ecological Restoration  
 2141 Priest Bridge Drive, Suite 1  
 Crofton, Maryland 21114

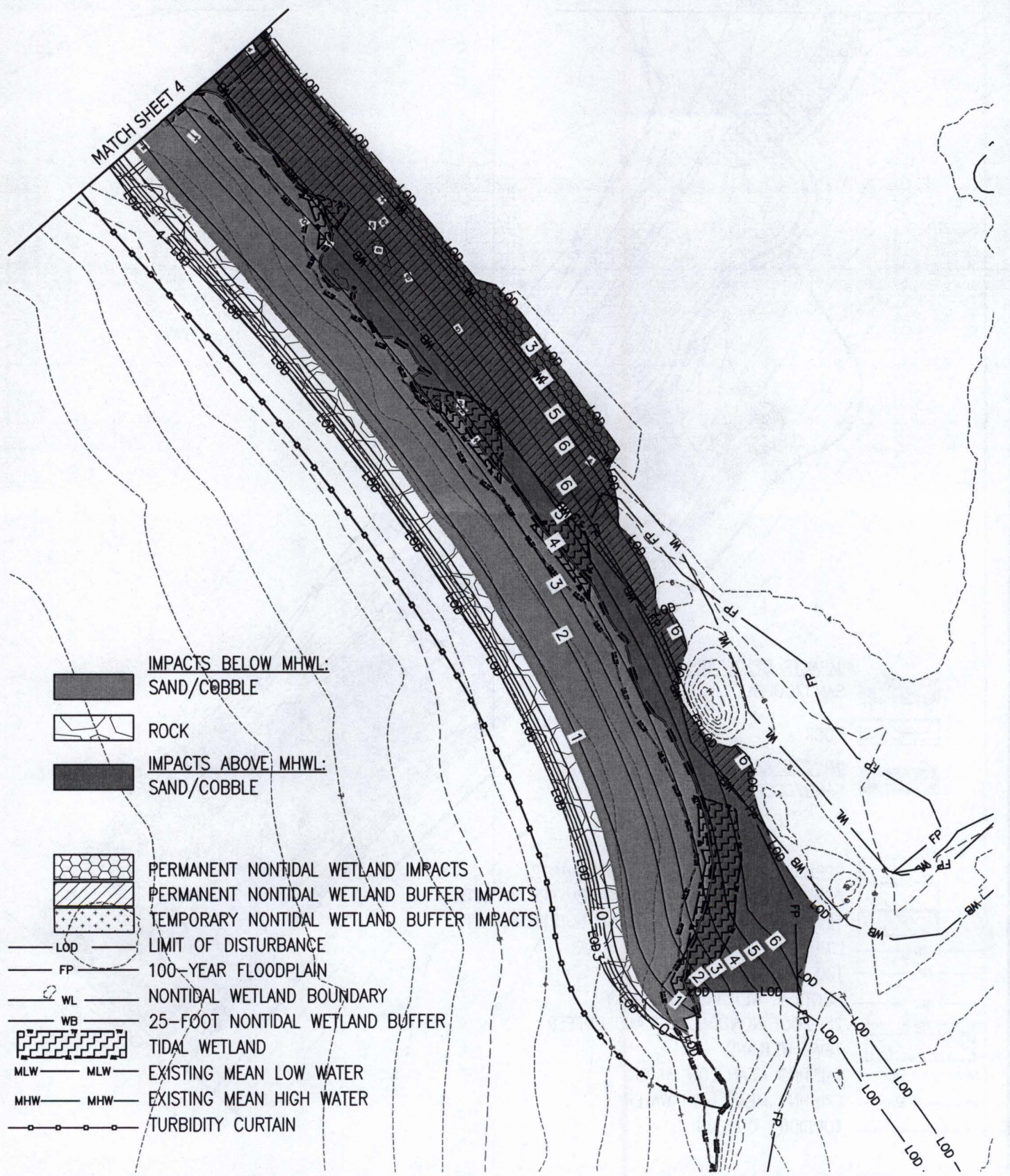
**VICINITY MAP**  
**NSAA Berm Stabilization**  
 Shoreline Stabilization






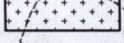








Anne Arundel County, Maryland  
 SCALE: 1"=2000'  
 DATE: July, 2023  
 ESA PROJECT NAME 22563 NSAA ENV  
 PLANNING/01 NSAA BERM/CAD



NORTH

MATCH SHEET 4



-  IMPACTS BELOW MHWL: SAND/COBBLE
-  ROCK
-  IMPACTS ABOVE MHWL: SAND/COBBLE
-  PERMANENT NONTIDAL WETLAND IMPACTS
-  PERMANENT NONTIDAL WETLAND BUFFER IMPACTS
-  TEMPORARY NONTIDAL WETLAND BUFFER IMPACTS
-  LOD LIMIT OF DISTURBANCE
-  FP 100-YEAR FLOODPLAIN
-  WL NONTIDAL WETLAND BOUNDARY
-  WB 25-FOOT NONTIDAL WETLAND BUFFER
-  TIDAL WETLAND
-  MLW EXISTING MEAN LOW WATER
-  MHW EXISTING MEAN HIGH WATER
-  TURBIDITY CURTAIN

\\NEW\PROJ\2022\22563 NAVFAC Env Planning\01 NSAA Berm\CAD\Individual Dwg\PA\3-5 - Impact Plates.dwg

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 NAVFAC Washington  
 1314 Harwood St. Bldg 212  
 Washington Navy Yard, DC 20374

**Prepared by:**  
 Marstel-Day, LLC  
 10708 Ballantraye Drive  
 Suite 208  
 Fredricksburg, VA 22407

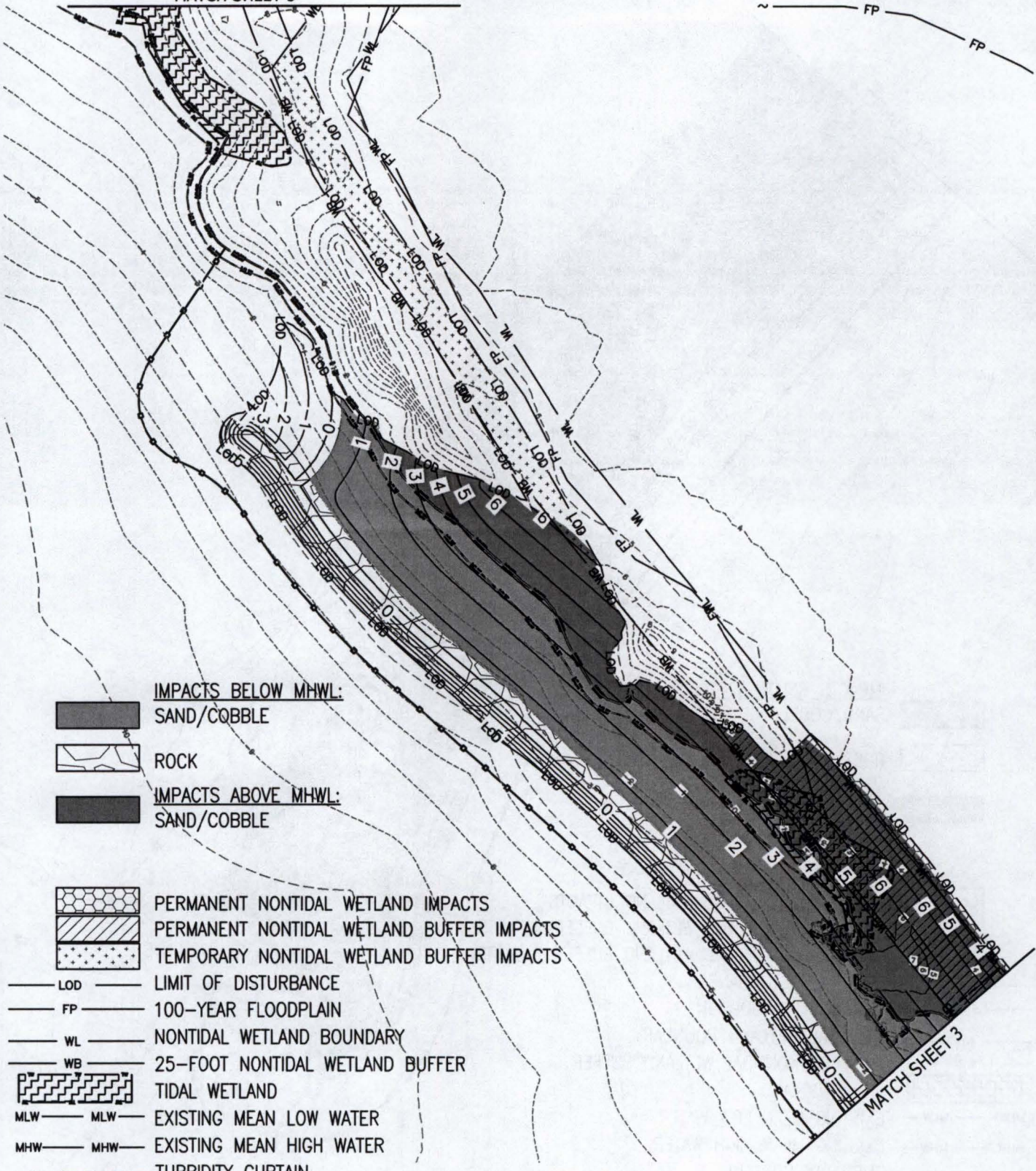
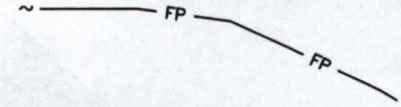
 **Environmental Systems Analysis, Inc.**  
 Natural Resources Management  
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 2141 Priest Bridge Drive, Suite 1  
 Crofton, Maryland 21114


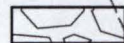

<b>IMPACT PLATE</b>	
<b>NSAA Berm Stabilization</b>	
Shoreline Stabilization	
Anne Arundel County, Maryland	
SCALE:	1"=50'
DATE:	July, 2023
ESA PROJECT NAME 22563 NSAA ENV PLANNING/01 NSAA BERM/CAD	
SHEET: 3 of 9	



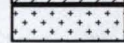


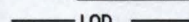


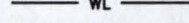
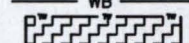

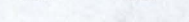



MATCH SHEET 5



**IMPACTS BELOW MHWL:**  
 SAND/COBBLE  
 ROCK  
**IMPACTS ABOVE MHWL:**  
 SAND/COBBLE

 PERMANENT NONTIDAL WETLAND IMPACTS  
 PERMANENT NONTIDAL WETLAND BUFFER IMPACTS  
 TEMPORARY NONTIDAL WETLAND BUFFER IMPACTS

 LOD LIMIT OF DISTURBANCE  
 FP 100-YEAR FLOODPLAIN  
 WL NONTIDAL WETLAND BOUNDARY  
 WB 25-FOOT NONTIDAL WETLAND BUFFER  
 TIDAL WETLAND  
 MLW MLW EXISTING MEAN LOW WATER  
 MHW MHW EXISTING MEAN HIGH WATER  
 TURBIDITY CURTAIN

MATCH SHEET 3

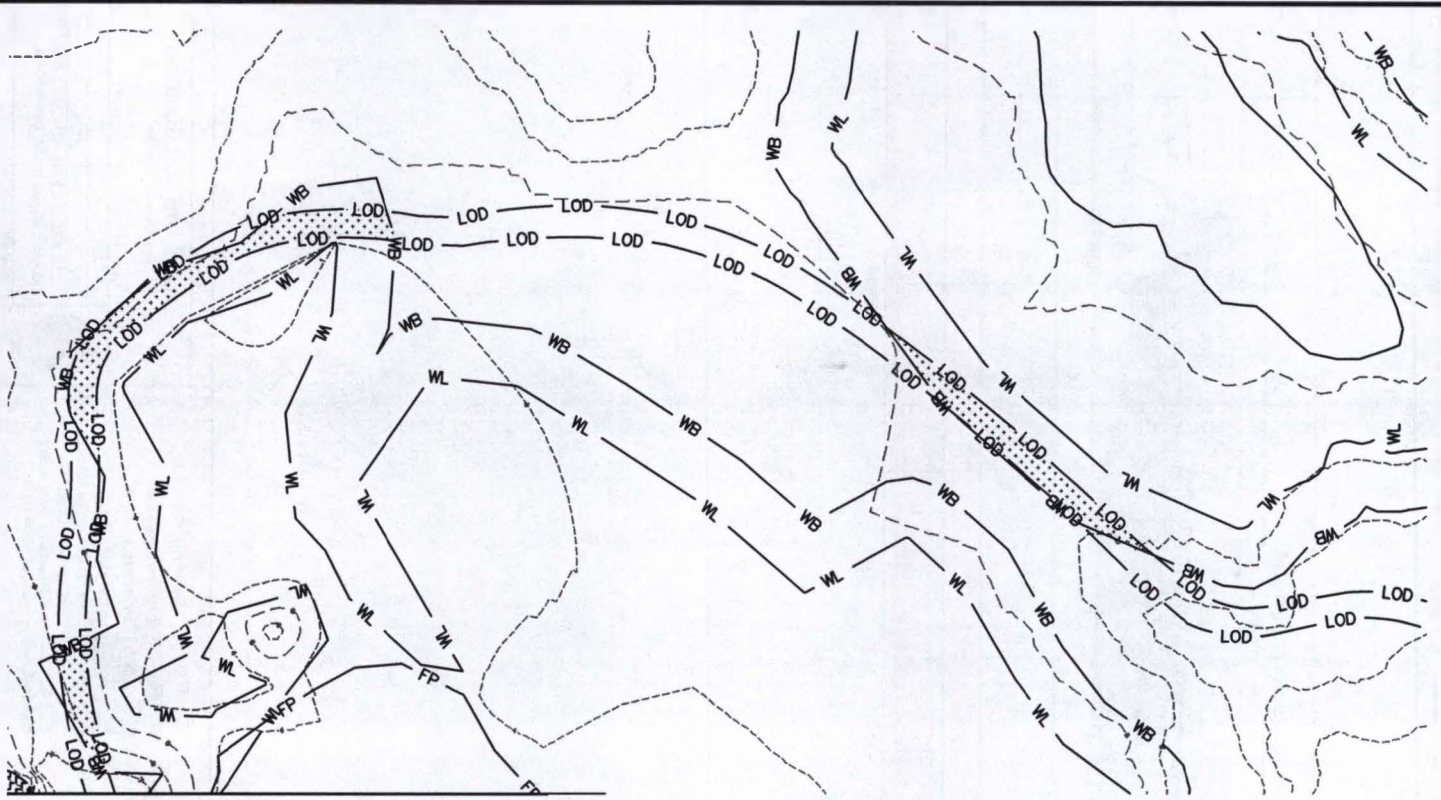
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<b>IMPACT PLATE</b>	
<b>NSAA Berm Stabilization</b>	
Shoreline Stabilization	
Anne Arundel County, Maryland	
SCALE:	1"=50'
DATE:	July, 2023
ESA PROJECT NAME: 22563 NSAA ENV PLANNING/01 NSAA BERM/CAD	
SHEET: 4 of 9	





MATCH SHEET 4

**IMPACTS BELOW MHWL:**

- SAND/COBBLE = 22,677 SF
- VOLUME SAND = 2,742 CY
- ROCK = 9,600 SF
- VOLUME ROCK = 743 CY
- UNVEGETATED ROCK = 6,563 SF

**IMPACTS ABOVE MHWL:**

- SAND/COBBLE = 20,362 SF
- VOLUME SAND/COBBLE = 1,301 CY
- TIDAL WETLAND IMPACT ABOVE MHWL = 2,695 SF

- LOD ——— LIMIT OF DISTURBANCE
- FP ——— 100-YEAR FLOODPLAIN
- WL ——— NONTIDAL WETLAND BOUNDARY
- WB ——— 25-FOOT NONTIDAL WETLAND BUFFER
- TIDAL WETLAND
- MLW ——— MLW ——— EXISTING MEAN LOW WATER
- MHW ——— MHW ——— EXISTING MEAN HIGH WATER
- TURBIDITY CURTAIN

- PERMANENT NONTIDAL WETLAND IMPACTS: = 1,667 SF
- PERMANENT NONTIDAL WETLAND BUFFER IMPACTS: = 9,590 SF
- TEMPORARY NONTIDAL WETLAND BUFFER IMPACTS: = 6,220 SF
- LENGTH OF SHORELINE IMPACTED: = 750 LF
- 100-YEAR FLOODPLAIN IMPACT: = 17,467 SF

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**IMPACT PLATE**

**NSAA Berm Stabilization**  
 Shoreline Stabilization

Anne Arundel County, Maryland

SCALE: 1"=50'

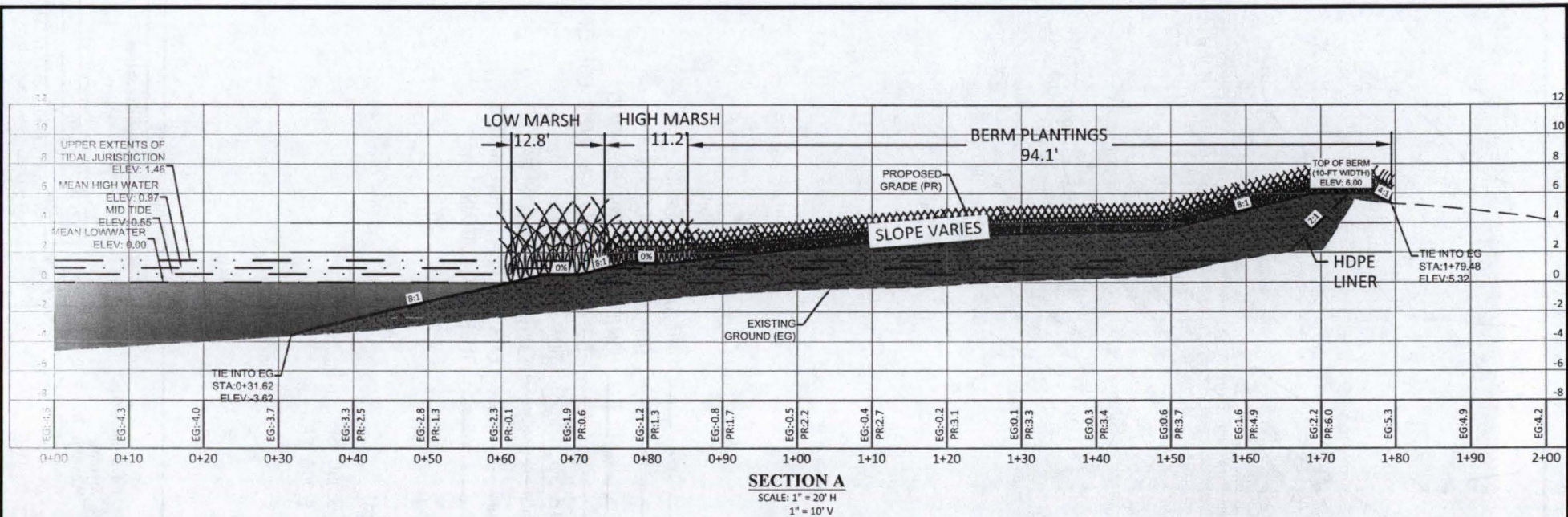
DATE: July, 2023

ESA PROJECT NAME 22563 NSAA ENV  
 PLANNING/01 NSAA BERM/CAD



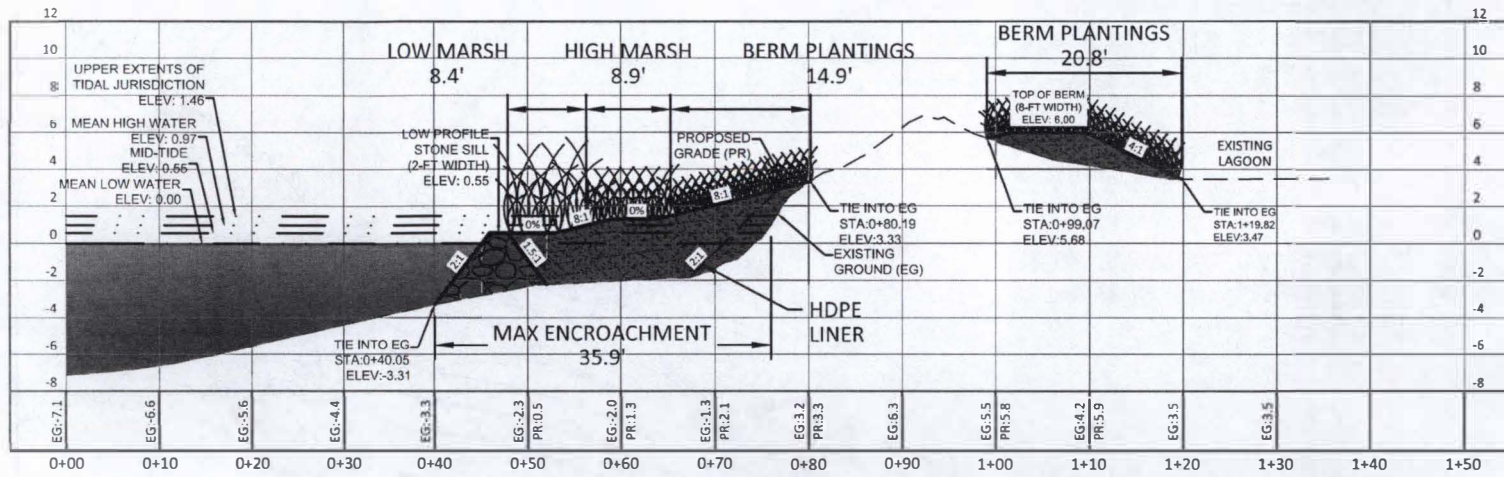
NORTH

SHEET: 5 of 9

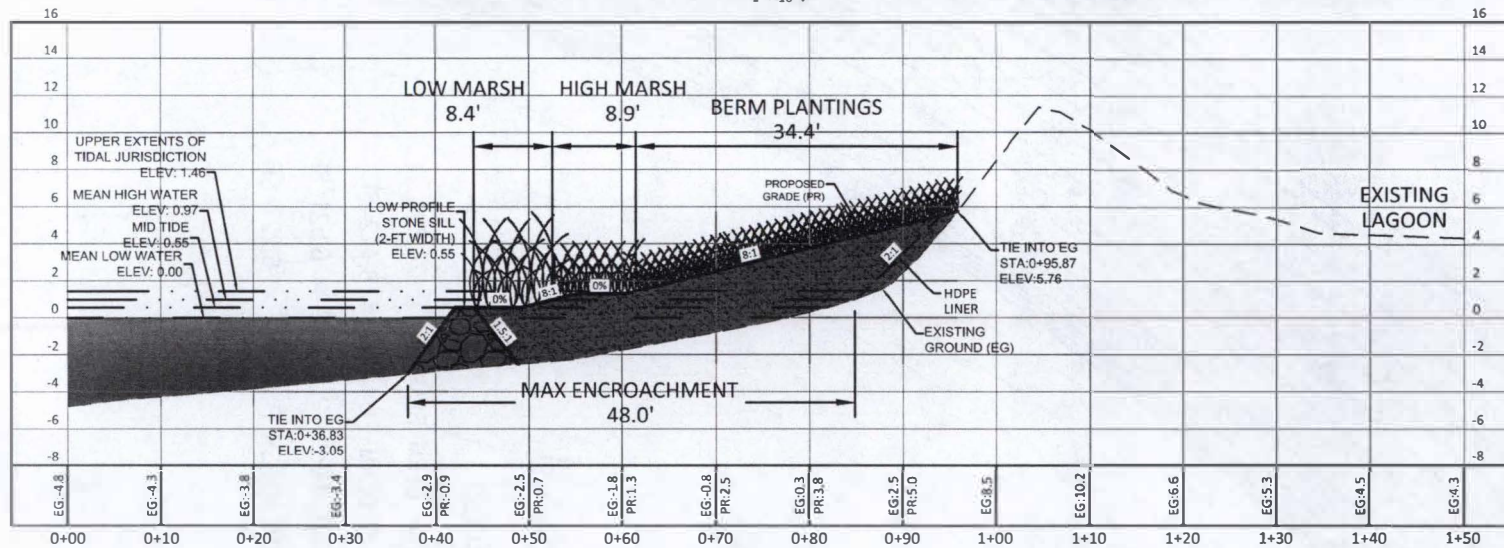


<p><b>Prepared For:</b> NAVFAC Washington 1314 Harwood St. Bldg 212 Washington Navy Yard, DC 20374</p>	<p><b>Prepared by:</b></p>  <p>Marstel-Day, LLC 10708 Ballantraye Drive Suite 208 Fredricksburg, VA 22407</p>	 <p><b>Environmental Systems Analysis, Inc.</b> Natural Resources Management Ecological Restoration 2141 Priest Bridge Drive, Suite 1 Crofton, Maryland 21114</p>	<p align="center"><b>NSAA Berm Stabilization</b> Shoreline Stabilization</p> <p align="center">Anne Arundel County, Maryland</p> <p>SCALE: DATE: July, 2023 ESA PROJECT NAME 22563 NSAA ENV PLANNING/01 NSAA BERM/CAD</p> <p align="center">SHEET: 6 of 9</p>  <p align="center">NORTH</p>
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**SECTION B**  
SCALE: 1" = 20' H  
1" = 10' V



**SECTION C**  
SCALE: 1" = 20' H  
1" = 10' V

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NAVFAC Washington  
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Washington Navy Yard, DC 20374

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Shoreline Stabilization  
Anne Arundel County, Maryland  
SCALE:  
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SHEET: 7 of 9

