

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

Baltimore District
PN-24-40

Public Notice

**In Reply to Application Number
NAB-2024-61141-M35 (21801 Whites Neck RD
LLC/Bulkhead Replacement)**

Comment Period: December 24, 2024, to January 30, 2025

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:

21801 Whites Neck Road LLC
c/o James and Elizabeth Sanders
7350 Knolltop Place
Hughesville, Maryland 20637

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed work is located in the Potomac River at 21801 Whites Neck Road, Bushwood, St. Mary's County, Maryland 20618 (Latitude 38.278529; Longitude -76.777579).

OVERALL PROJECT PURPOSE:

To provide shoreline erosion protection at 21891 Whites Neck Road in Bushwood, St. Mary's County, Maryland.

PROJECT DESCRIPTION:

The applicant proposes, in accordance with the attached plans, to replace and construct 300 linear feet of timber bulkhead to extend no more than 1.5 feet channelward of the approximate mean high-water shoreline. The proposed activity would impact approximately 450 square feet of tidal wetlands.

EFFECTS ON AQUATIC RESOURCES:

	Aquatic Resource Impacts (square feet)			Authority
	Temporary	Permanent	Total	
Unvegetated Open Water	0	0	0	-
Emergent Tidal Wetland	0	450	450	Section 10/404
Total	0	450	450	Section 10/404

LEAD FEDERAL AGENCY:

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

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

As part of the planning process for the proposed project, steps were taken to ensure the avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions and previously authorized work. No compensatory mitigation is proposed. No submerged aquatic vegetation is mapped within the project footprint or in adjacent areas.

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 State Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work will have no effect federally listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. The project site has been mapped as migrating and foraging habitat for subadult, juvenile, and adult Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*); juvenile and adult Shortnose sturgeon (*Acipenser brevirostrum*). The project activities are proposed in tidal waters less than 3 feet below MHW, which has the potential to have no effect for National Marine Fisheries Service (NMFS) NMFS-PRD protected species. The project location and vicinity is not mapped as critical habitat for any known federally-listed threatened or endangered species under USFWS' jurisdiction. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. 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 NMFS 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 project site lies in or adjacent to EFH as described under MSFCMA designated in the Potomac River for atlantic herring (*Clupea harengus*), bluefish (*Pomatomus saltatrix*), clearnose skate (*Raja eglanteria*), Red hake (*Urophycis chuss*), summer flounder (*Paralichthys dentatus*), and windowpane flounder (*Scophthalmus aquosus*); all 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 and 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 has no potential to cause effects 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 Corps. 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-2024-61141-M35.

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:

Ms. Lamuelle L. Coleman
Lamuelle.L.Coleman@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201-2930

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 Lamuelle Coleman at 443-853-2051 and/or at Lamuelle.L.Coleman@USACE.Army.mil. This public notice is issued by the Chief, Regulatory Branch.

3 min (1.8 miles)

via State Hwy 520 and MD-239
Fastest route

21801 Whites Neck Rd
Bushwood, MD 20618

↑ Head east toward State Hwy 520

0.2 mi

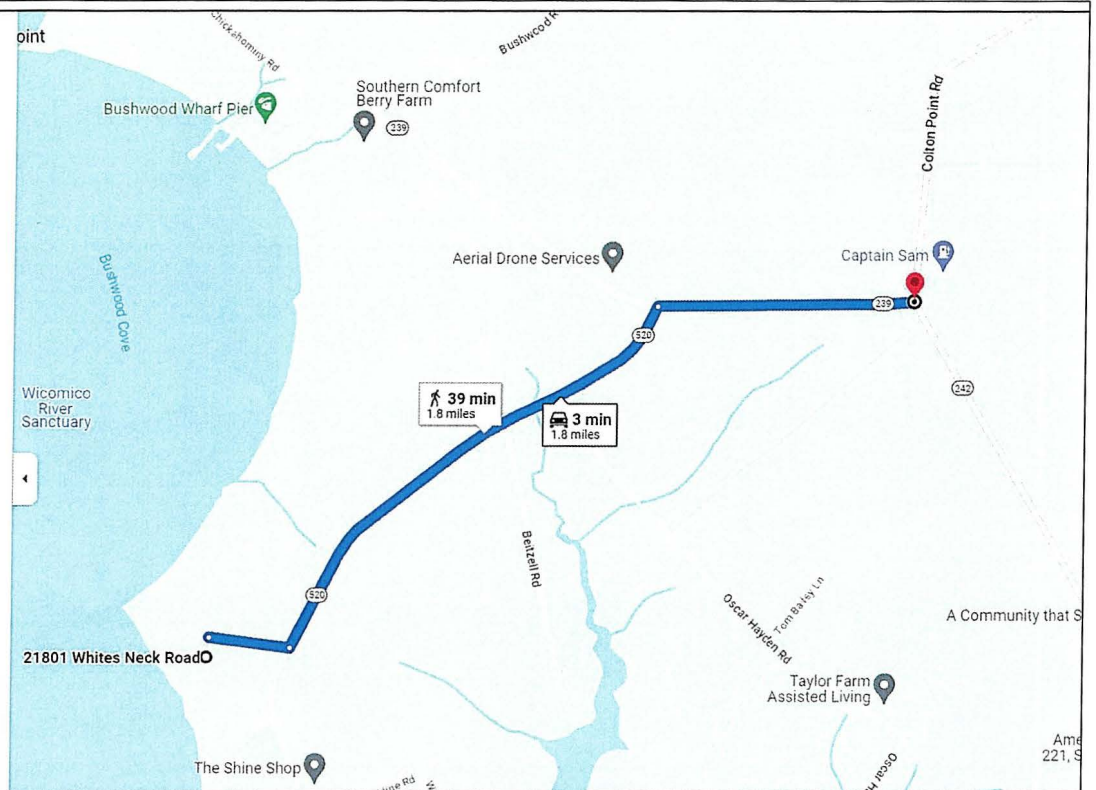
↶ Turn left onto State Hwy 520

1.1 mi

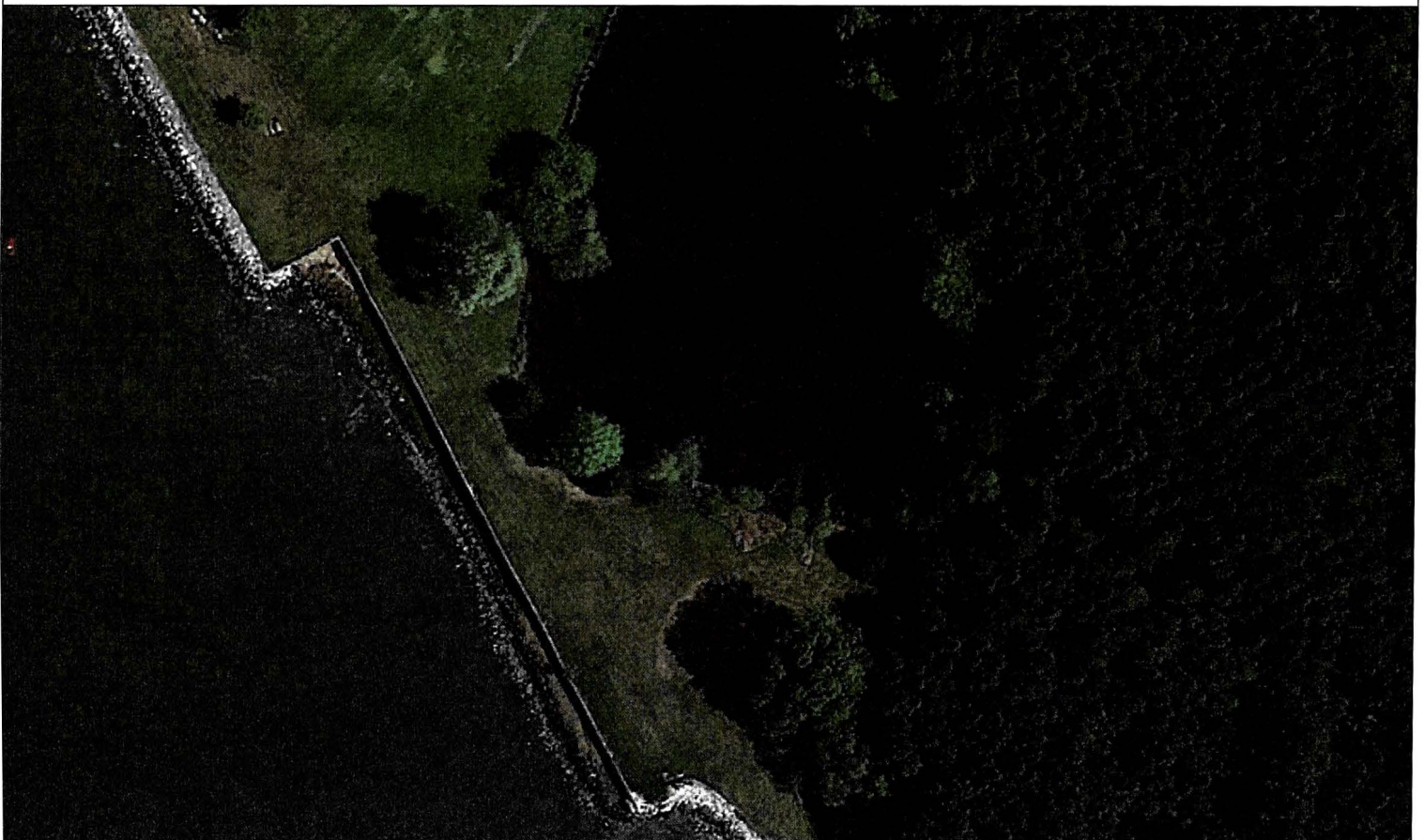
↷ Turn right onto MD-239

0.6 mi

38.2785293, -76.7775793



REPLACEMENT BULKHEAD AT 21801 WHITES NECK RD.



Colliflower & Peterson

Marine Contractors
A DIVISION OF:
RASCO, INC.
1635-2 Woodside Drive
Woodbridge, VA 22191
301.994.2824

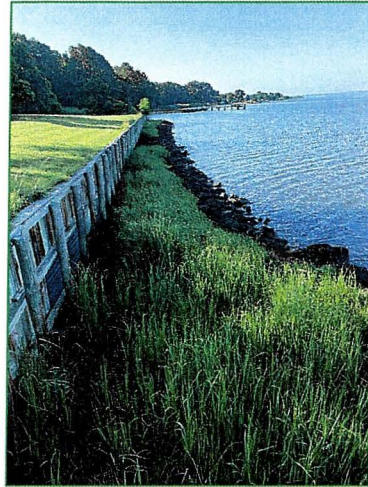
PROJECT: REPLACEMENT BULKHEAD TAX MAP: 38 DEED: 4440/494

OWNER: 21821 WHITES NECK DR LLC. PARCEL: 34 LOT:

COUNTY: ST. MARY'S STREET: 21821 WHITES NECK RD.

WATERWAY: WICOMICO RIVER DATE: 7/11/2022 SHEET: MAP

21801 WHITES NECK ROAD LLC
7350 KNOLLTOP PL.
HUGHESVILLE, MD 20637



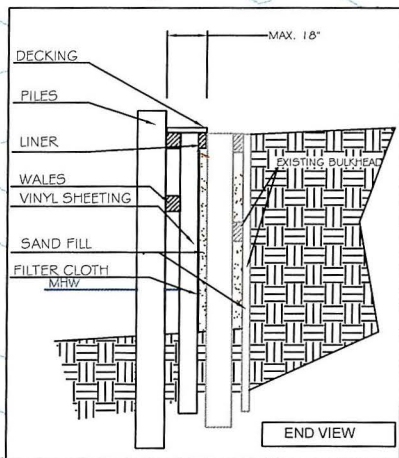
430 FT. TO PROPERTY LINE

EXISTING BULKHEAD

300 FT. OF VINYL BULKHEAD
REPLACES FAILING BULKHEAD
BEHIND THE MHW

WICOMICO RIVER

21801 WHITES NECK ROAD LLC
7350 KNOLLTOP PL.
HUGHESVILLE, MD 20637



PROPERTY LINE

JAMES MATTINGLY
21791 WHITES NECK RD.
BUSHWOOD, MD 20618

SCALE: 1" = 80'

Colliflower & Peterson

Marine Contractors
A DIVISION OF:
RASCO, INC.
1635-2 Woodside Drive
Woodbridge, VA 22191
301.994.2824

PROJECT: VINYL

TAX MAP: 38

DEED: 4440/494

OWNER: 21801 WHITES NECK DR LLC. PARCEL: 275

LOT:

COUNTY: ST. MARY'S

STREET: 21801 WHITES NECK RD.

WATERWAY: WICOMICO RIVER

DATE: 5/16/2024 SHEET:

PLAN