



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

Public Notice

In Reply to Application Number
CENAB-OP-RMS (Martin & Maura Bollinger/ Revetment) 2013-60388

PN 13-22

Comment Period: April 15, 2013 to May 15, 2013

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: Mr. Martin J. and Mrs. Maura C. Bollinger
74 Windy Hollow Court
Great Falls, Virginia, 22066

LOCATION: In Tilghman Creek, at 10799 Rich Neck Road, Claiborne, Talbot County, Maryland.

WORK: To stabilize 685 linear feet of estuarine shoreline within an approximately 10,858 square foot (0.25 acre) area as follows: to emplace a 12-foot wide by 210-foot long stone revetment (2,520 square feet) with a 6-foot wide splash apron, to extend no more than 2-feet channelward of the approximate mean high water (MHW) shoreline; to emplace an 8-foot wide by 100-foot long stone revetment (1,087 square feet), to extend no more than 5-feet channelward of the approximate MHW shoreline; to protect the existing tidal marsh by emplacing 165 linear feet of stone marsh edging at the marsh-open water interface (1,087 square feet), to extend no more than 20 feet channelward of the approximate MHW shoreline; to construct a living shoreline (150 square feet) along 35 linear feet of eroding shoreline (150 square feet) by depositing approximately 3 cubic yards of sloped, clean select sand fill stabilized with approximately 65 square feet of *Spartina alterniflora* and 85 square feet of *S. Patens* wetland species, to extend no more than 15 feet channelward of the approximate MHW shoreline; to construct 35 linear feet of low profile stone sill (367 square feet), 12 feet wide at the base, to extend no more than 30 feet channelward of the approximate MHW shoreline; and to construct a second living shoreline (4,214 square feet) along 175 linear feet of eroding shoreline by depositing approximately 78 cubic yards of sloped, clean select sand fill stabilized with approximately 1,862 square feet of *S. alterniflora* and 2,352 square feet of *S. patens* wetland species, to extend no more than 35 feet channelward of the approximate MHW shoreline; and to construct two stone hook groins (1,720 square feet) for marsh protection, no more than 15-foot wide at the base, with one 35-foot wide tidal embayment; all to extend no more than 65 feet channelward of the approximate MHW shoreline. The work includes bank grading with cut and fill to stabilize the eroding shoreline. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jason R. Peters of this office at 410-962-5676 or by email Jason.Peters@usace.army.mil.

PURPOSE: To provide shoreline erosion control and marsh establishment.

MITIGATION STATEMENT: As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. The combined shoreline erosion control structures including the living shoreline components of the project would result in a net increase of approximately 4,308 square feet of new emergent intertidal wetlands. Combined, the stone revetments; stone groins; marsh edging; and marsh creation elements of the project would stabilize approximately 685 linear feet of estuarine shoreline. The applicant has not proposed compensatory mitigation under the Mitigation Rule to offset unavoidable losses to aquatic resources including the permanent loss of 56 square feet of emergent intertidal wetlands. It is anticipated once functionally mature, that the constructed living shoreline would compensate for aquatic resource losses on-site and within the watershed protecting the “functions” (the physical, chemical, and biological processes occurring in the local aquatic environment) and services (the benefits to humans that result from these functions). The applicant has stated the project as currently designed seeks to avoid and minimize impacts to regulated resources onsite whereby the living shoreline project would maintain the natural functions of the aquatic ecosystem, add beneficial estuarine wetland habitat, and eliminate the erosion occurring along the shoreline.

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 EFH as described under Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) for *Urophycis chuss* (red hack) juvenile and adult; *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Clupea harengus* (Atlantic sea herring) adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Peprilus triacanthus* (Atlantic butterflyfish) eggs, larvae, juvenile, and adult; *Paralichthys dentatus* (summer flounder) larvae, juvenile and adult; *Stenotomus chrysops* (scup) juvenile and adult; *Centropristus striata* (black sea bass) juvenile and adult; and eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), 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 an approximate 10,858 square foot (0.25 acre) area of EFH as described under the MSFCMA for the species and life stages identified above. This habitat consists of intertidal and tidal nearshore shallow water habitat which does not support SAV. SAV occurrence was not documented to have occurred between 2007 to 2011 at the project site. However, the SAV map data for 2011 does indicate SAV in the vicinity of the proposed project impacts. The SAV map data for 2012 is not yet complete. 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. The proposed work will alter the existing bottom substrate, by filling, shading or disturbances from other construction related activities. No mitigative measures are recommended at this time to minimize adverse effects on EFH. This preliminary determination may be modified if additional information indicates otherwise and could change the Corps' preliminary determination.

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 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. 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 within the comment period specified above.

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 Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

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 (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

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

A preliminary review of this application indicates that the proposed work will not 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.

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 request permit.

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 by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, 21203-1715, 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.

It is requested that you communicate this 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.

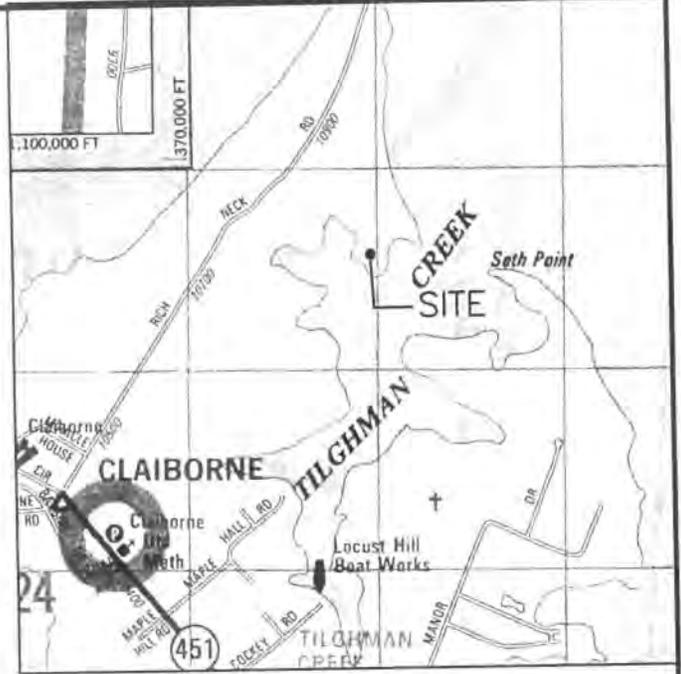
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern

LEGEND & ABBREVIATIONS

MLW MEAN LOW WATER (ELEVATION)
 MHW MEAN HIGH WATER (ELEVATION)
 MLWL MEAN LOW WATER LINE
 MHWL MEAN HIGH WATER LINE

PROPERTY LINE 



VICINITY MAP

SCALE: 1" = 2000'

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NOTES:

1. UNLESS OTHERWISE NOTED, ELEVATIONS SHOWN HEREIN ARE REFERENCED TO MEAN LOW WATER (MLW) = 0.0'.
 2. MEAN TIDAL RANGE = 1.40'
 3. LOT SIZE = 7.16 AC.±
 4. LOT DEPTH = 850'±
 5. LOT WIDTH AT SHORELINE = 1,550'±
 6. DISTANCE TO CHANNEL CENTERLINE = 360'±
 7. MAXIMUM CHANNELWARD ENCROACHMENT: LIVING SHORELINE = 30'±
 MARSH EDGING = 22'±
 CONTAINMENT STRUCTURES = 60'
 HIGH PROFILE RIPRAP = 10'
 8. 911 ADDRESS = 10799 RICH NECK ROAD
 CLAIBORNE, MD 21624
- THE IMPROVEMENTS SHOWN HEREON WERE FIELD LOCATED BY LANE ENGINEERING, LLC ON 10/31/2012.
 - THE TREE LINE, UNLESS OTHERWISE NOTED, SHOWN HEREON WAS TAKEN FROM THE 2010 TALBOT COUNTY AERIALS AND IS APPROXIMATE ONLY.
 - THE TIDAL & NON-TIDAL WETLANDS SHOWN HEREON WERE FIELD SURVEYED BY LANE ENGINEERING, LLC ON 10/31/2012, 11/16/2012, & 01/10/2013.

DATE: 2-5-13
 SCALE: AS NOTED
 JOB No. 120406
 FILE No. A338

PERMIT DRAWINGS
 ON THE LANDS OF
**MARTIN J. BOLLINGER &
 MAURA C. BOLLINGER**
 IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
 TAX MAP 14 GRID 4 PARCEL 36

Lane Engineering, LLC
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E-mail: mail@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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PARCEL 66

PARCEL 66
RICH NECK MANOR, LLC
10770 RICH NECK RD
CLAIBORNE, MD 21624

PARCEL 36 (APPLICANT)
MARTIN J. BOLLINGER
MAURA C. BOLLINGER
74 WINDY HOLLOW COURT
GREAT FALLS, VA 220066

SITE 5

SITE 4

SITE 1

SITE 2

SITE 3

TILGHMAN CREEK



SITE OVERVIEW

**ON THE LANDS OF
MARTIN J. BOLLINGER &
MAURA C. BOLLINGER**

**IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
TAX MAP 14 GRID 4 PARCEL 36**

Lane Engineering, LLC

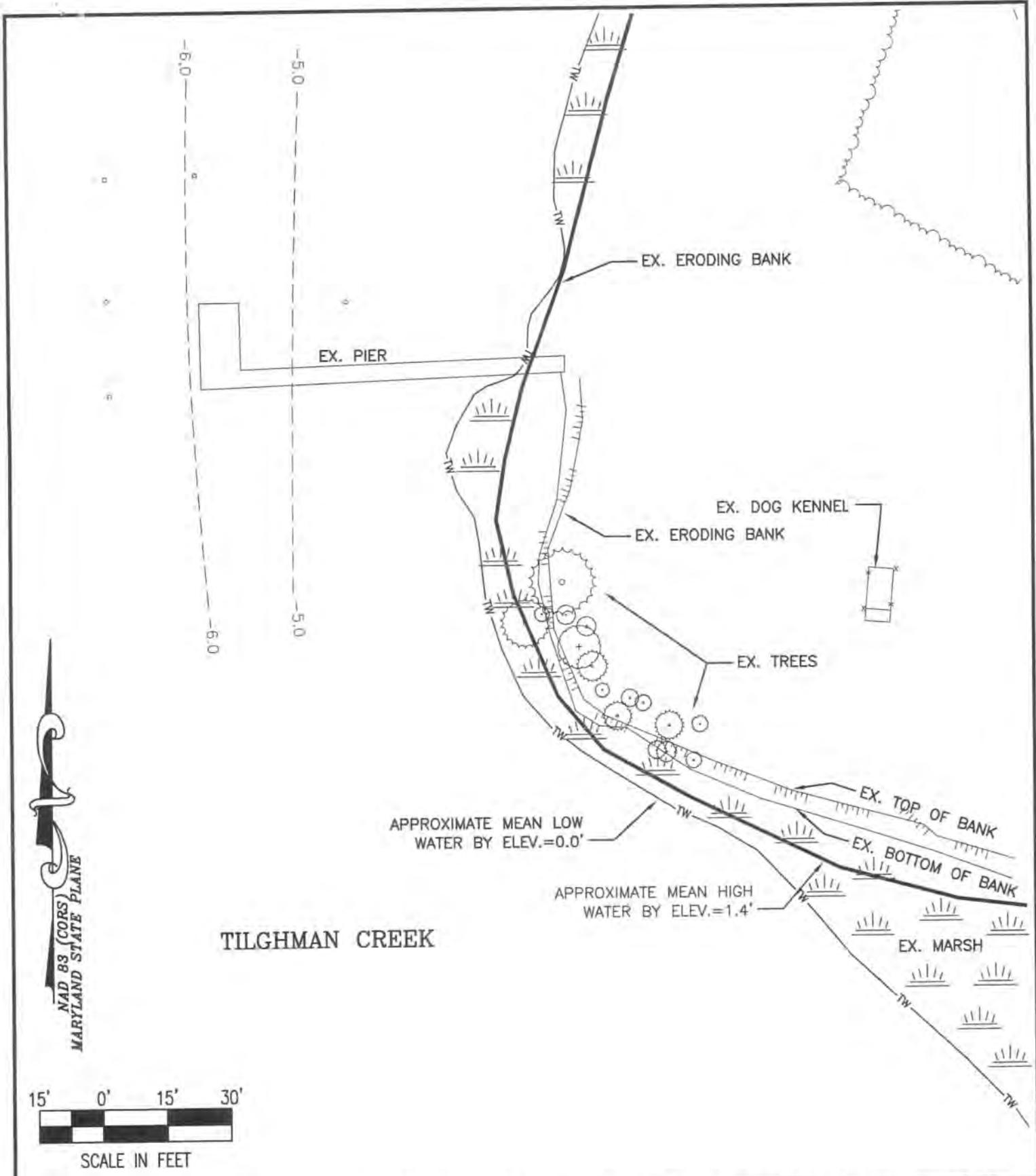
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SHEET No. 2
DATE: 2-5-13
SCALE: AS NOTED
JOB No. 120406
FILE No. A338



NAD 83 (CORS)
 MARYLAND STATE PLANE



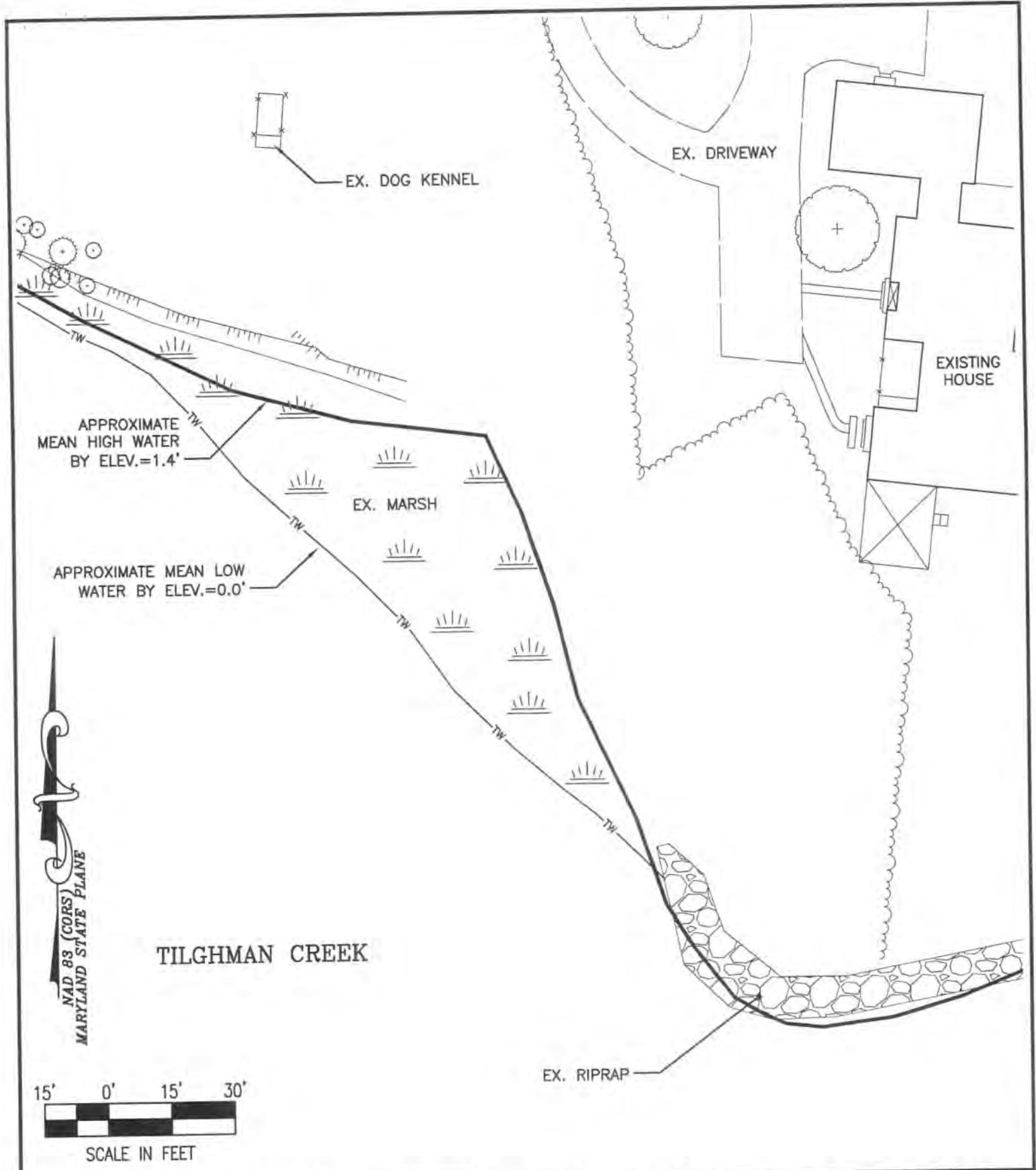
SHEET No. **3**
 DATE: 2-5-13
 SCALE: AS NOTED
 JOB No. 120406
 FILE No. A338

EXISTING CONDITIONS - SITES 1 & 2
ON THE LANDS OF
MARTIN J. BOLLINGER &
MAURA C. BOLLINGER
 IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
 TAX MAP 14 GRID 4 PARCEL 36

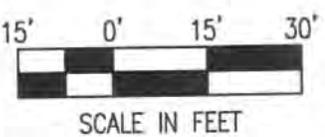
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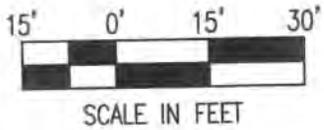
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NAD 83 (GORS) MARYLAND STATE PLANE



FILE NO. A338 JOB NO. 120406 SCALE: AS NOTED DATE: 2-5-13 SHEET NO. 4	EXISTING CONDITIONS - SITE 3	Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyors  E-mail: mail@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 <small>© LANE ENGINEERING, LLC</small>
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	IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND TAX MAP 14 GRID 4 PARCEL 36	



EX. TREES

EX. TREES

TILGHMAN CREEK

APPROXIMATE MEAN LOW WATER BY ELEV.=0.0'

APPROXIMATE MEAN HIGH WATER BY ELEV.=1.4'

EX. TOP OF BANK

EX. BOTTOM OF BANK

EX. RIPRAP

DATE: 2-5-13
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SHEET No.
 5

EXISTING CONDITIONS - SITE 4

**ON THE LANDS OF
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 MAURA C. BOLLINGER**

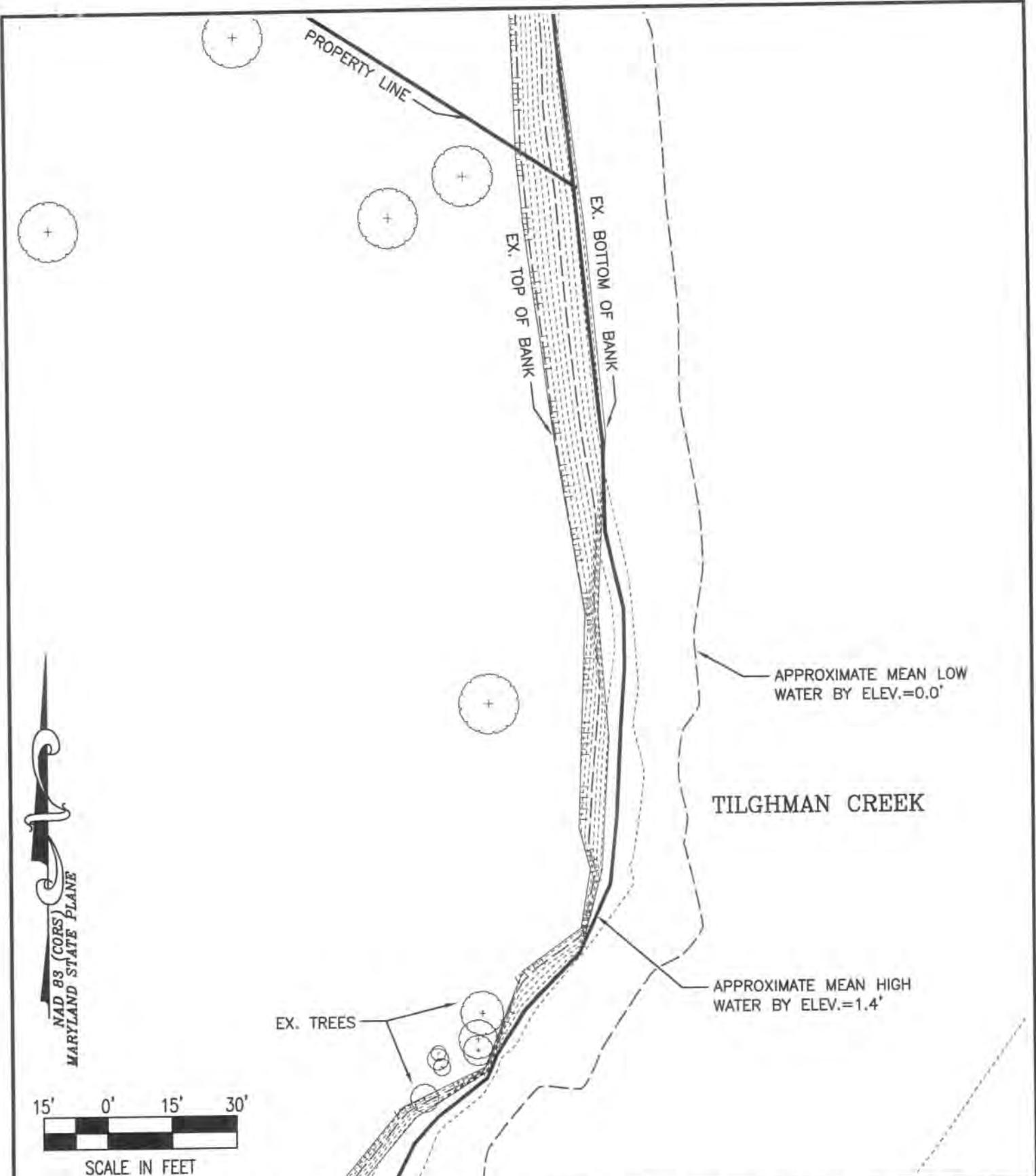
**IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
 TAX MAP 14 GRID 4 PARCEL 36**

Lane Engineering, LLC

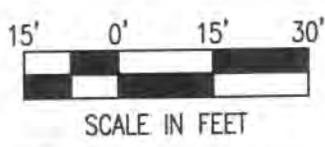
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NAD 83 (CORS)
 MARYLAND STATE PLANE

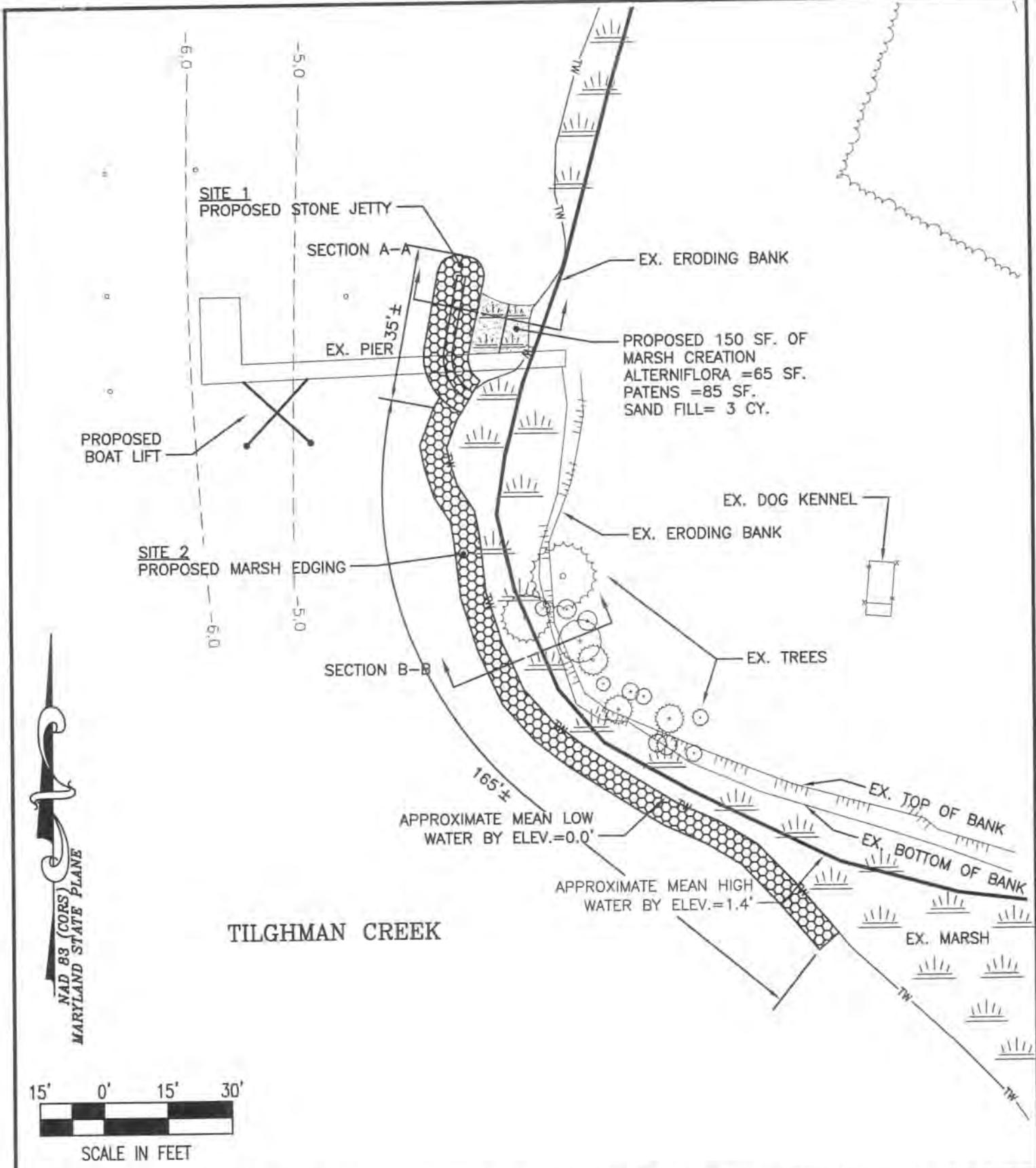


SHEET No. **6**
 DATE: 2-5-13
 SCALE: AS NOTED
 JOB No. 120406
 FILE No. A338

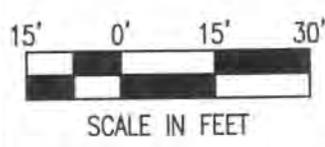
EXISTING CONDITIONS - SITE 5
ON THE LANDS OF
MARTIN J. BOLLINGER &
MAURA C. BOLLINGER
 IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
 TAX MAP 14 GRID 4 PARCEL 36

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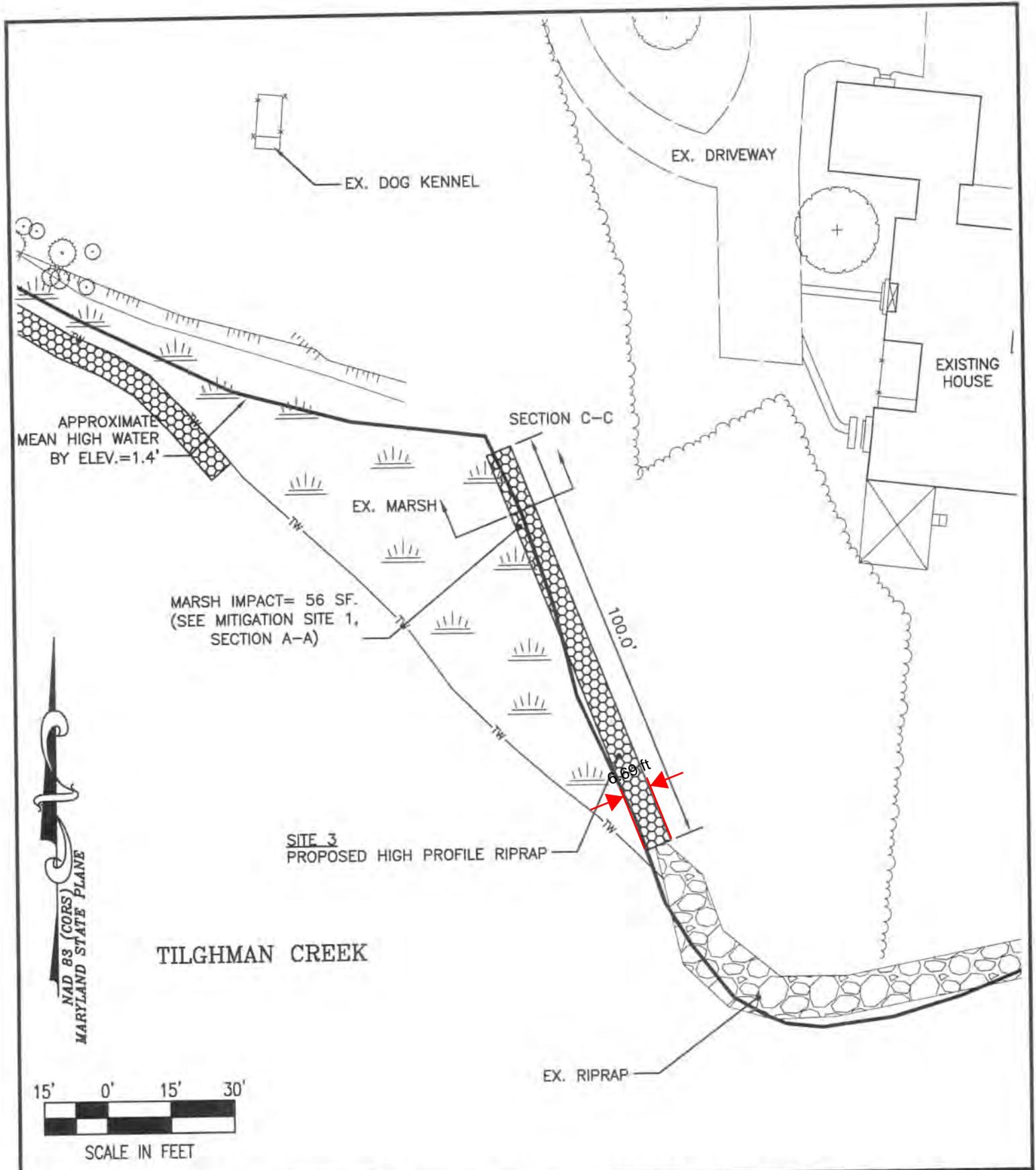
MARYLAND STATE PLANE
 NAD 83 (CORS) 88



SHEET No. 7
 DATE: 2-5-13
 SCALE: AS NOTED
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 FILE No. A338

PROPOSED IMPROVEMENTS - SITES 1 & 2
ON THE LANDS OF
MARTIN J. BOLLINGER &
MAURA C. BOLLINGER
 IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
 TAX MAP 14 GRID 4 PARCEL 36

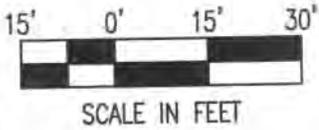
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SHEET No. **8**
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 JOB No. 120406
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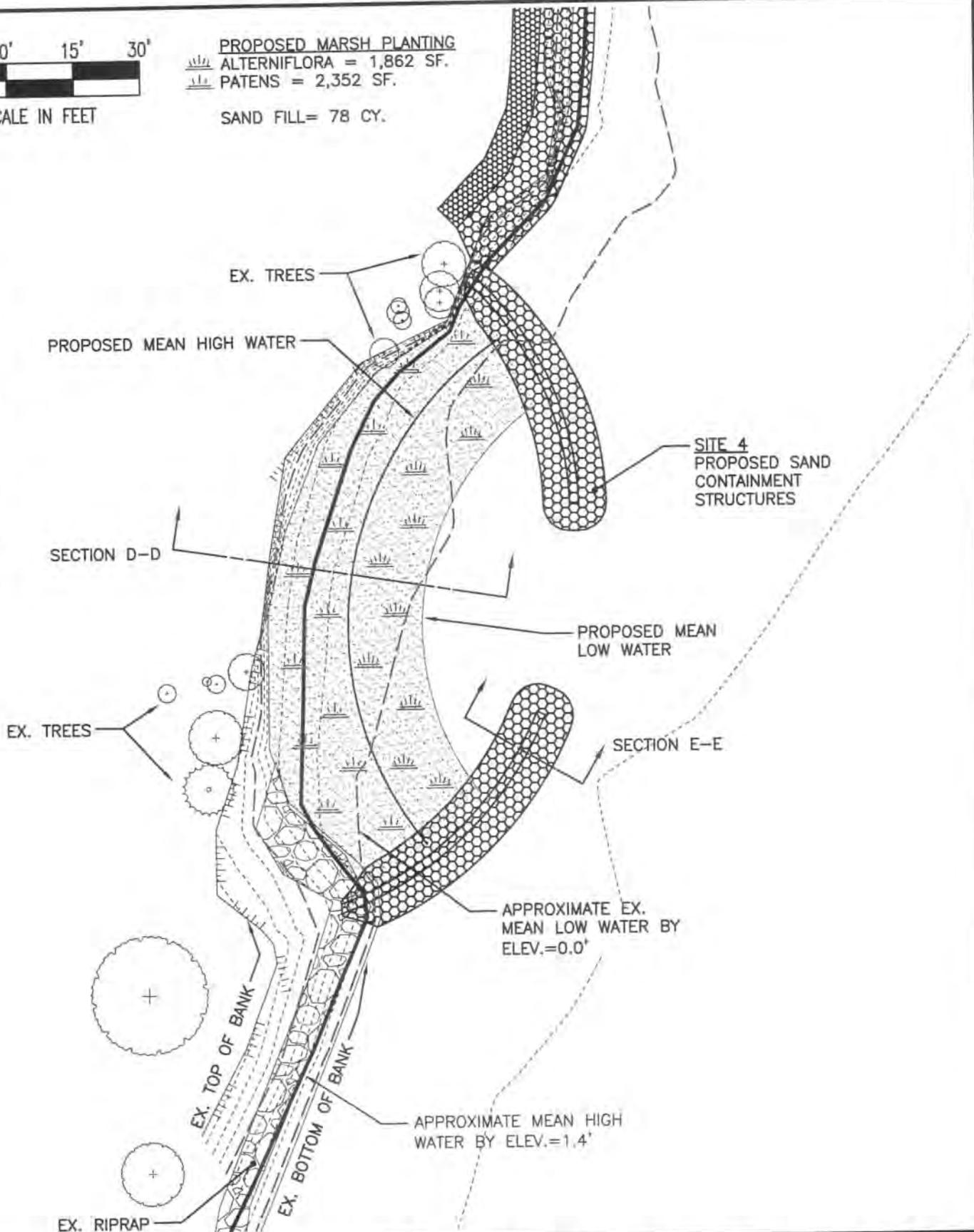
PROPOSED IMPROVEMENTS - SITE 3
 ON THE LANDS OF
**MARTIN J. BOLLINGER &
 MAURA C. BOLLINGER**
 IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
 TAX MAP 14 GRID 4 PARCEL 36

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PROPOSED MARSH PLANTING
 ALTERNIFLORA = 1,862 SF.
 PATENS = 2,352 SF.
 SAND FILL = 78 CY.

NAD 88 (CORS)
 MARYLAND STATE PLANE

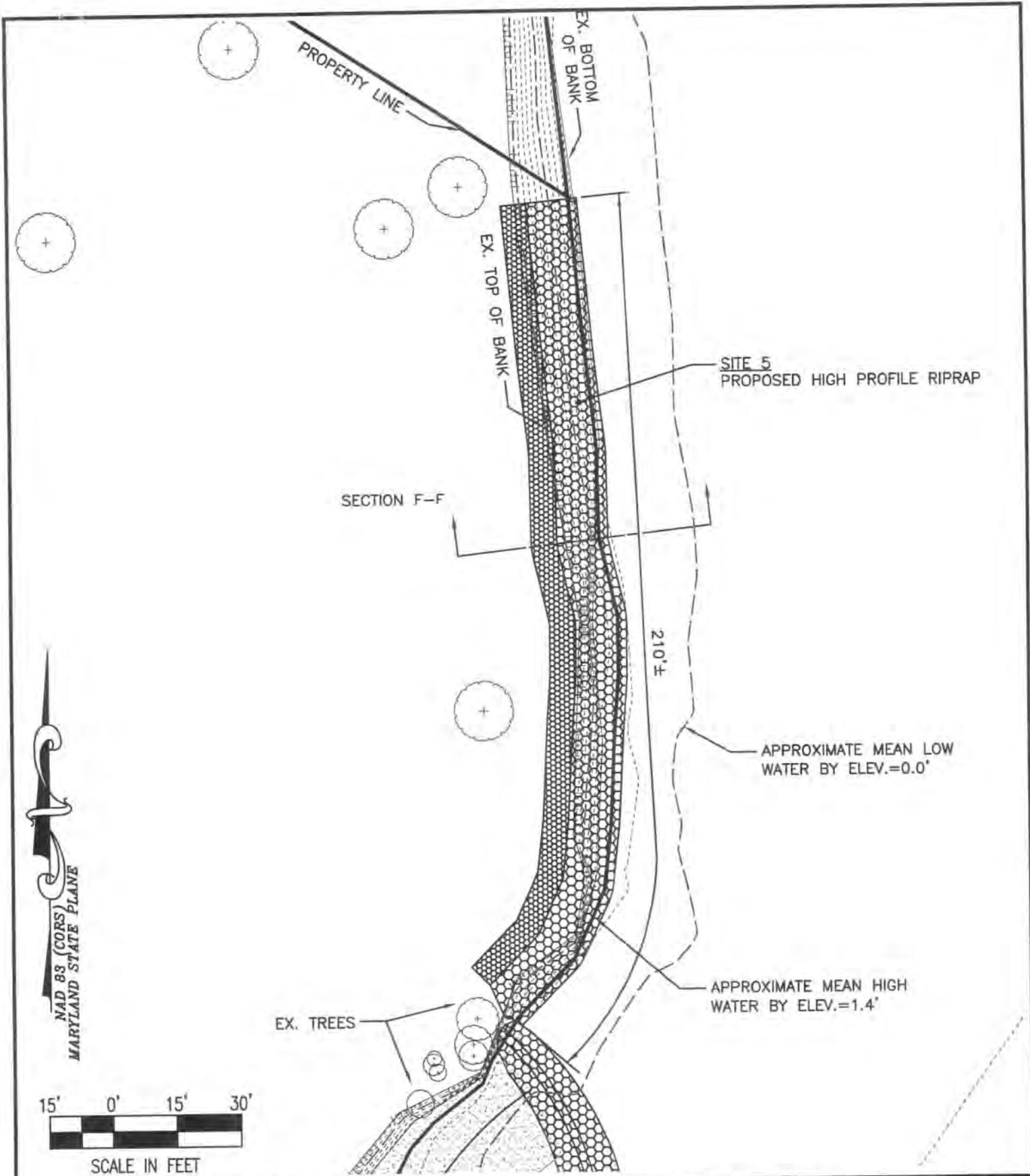


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PROPOSED IMPROVEMENTS - SITE 4
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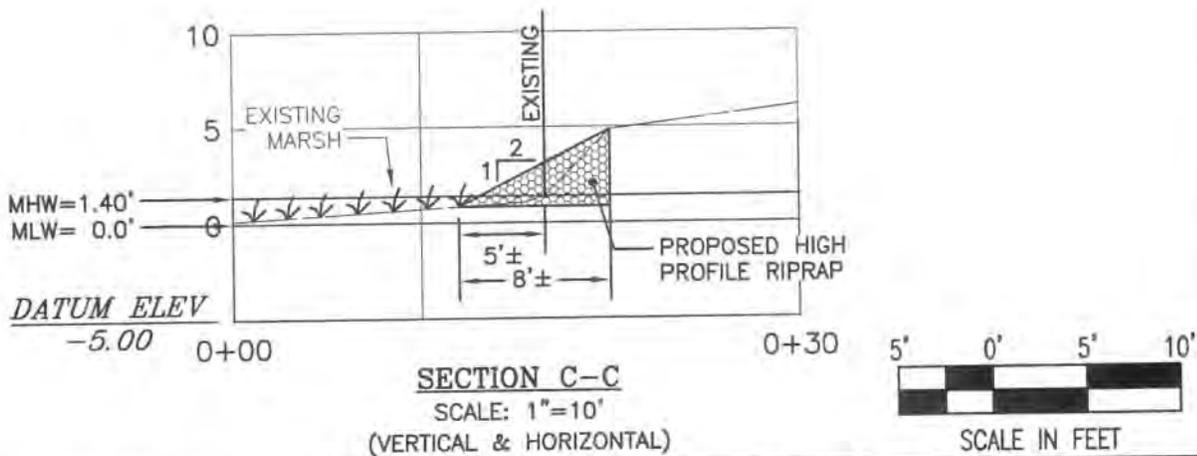
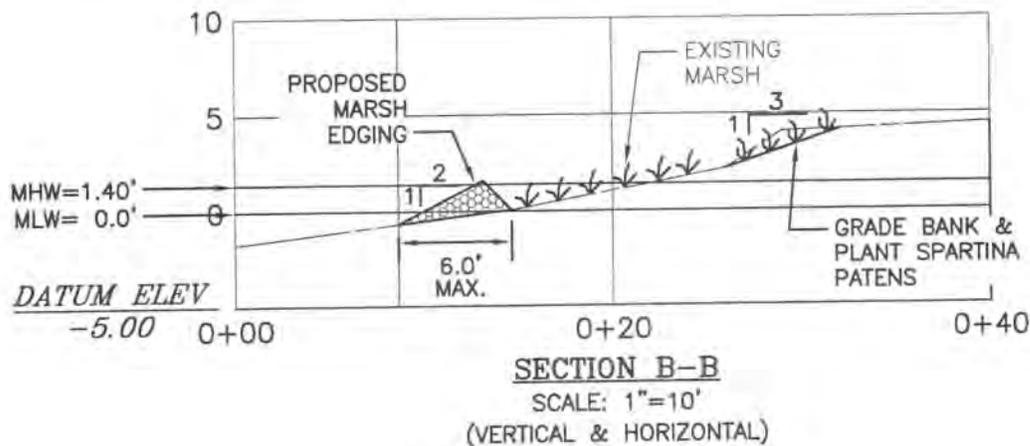
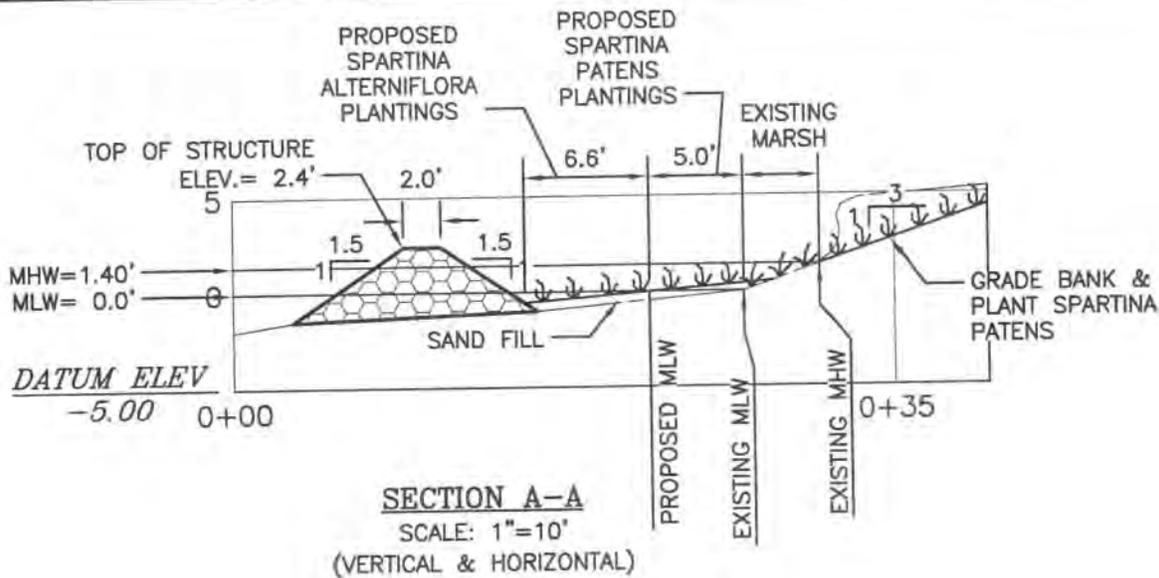


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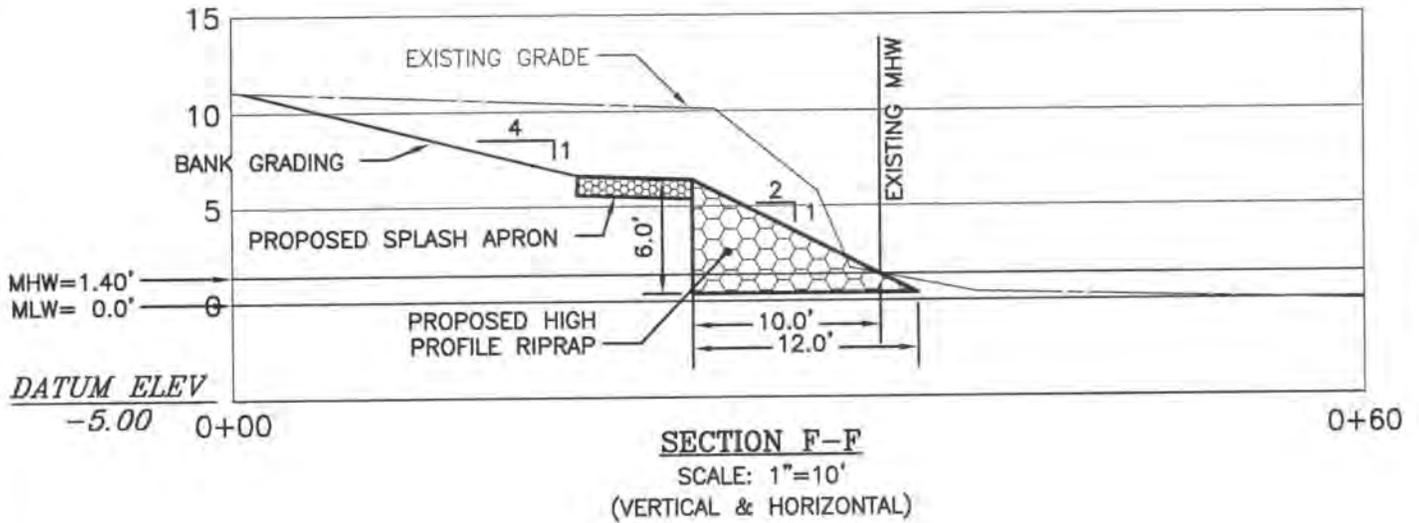
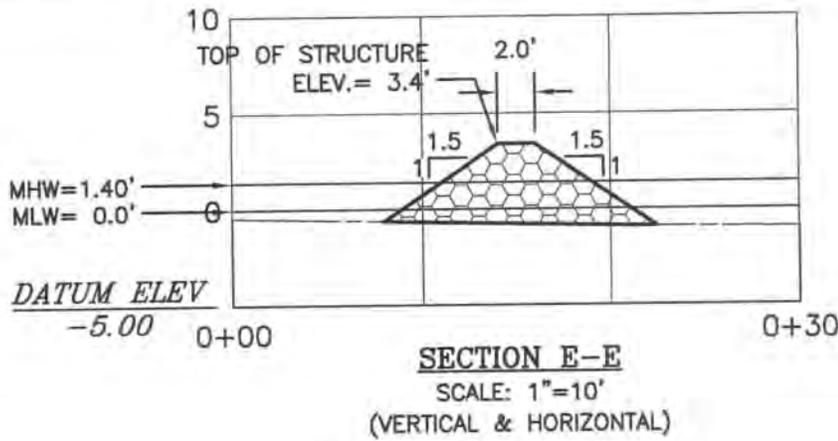
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SHEET No. 11	SECTIONS		Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyors  E-mail: mail@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095
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