



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

Baltimore District  
PN-23-26

# Public Notice

**In Reply to Application Number  
NAB-2022-61531-M43 (Smithsonian Environmental  
Research Center/Living Shoreline)**

Comment Period: May 30, 2023 to June 29, 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:**

Smithsonian Environmental Research Center  
Mr. Sam Benson  
647 Contees Wharf Road  
Edgewater, Maryland 21037

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

The proposed project is located in Cheston Point at the confluence of the Rhode and West Rivers, located near Cumberstone Road in Edgewater, Anne Arundel County, Maryland. (38.862999°N, -76.520661°W)

**OVERALL PROJECT PURPOSE:**

To provide shoreline erosion control, beach nourishment, and to create/improve habitat.

**PROJECT DESCRIPTION:**

The applicant proposes to install a living shoreline along 4,110 linear feet of eroding shoreline as follows: to install approximately 1,574 linear feet of low profile stone jetties, nearshore breakwaters, and headland breakwaters, measuring from 15 foot wide to 18 foot wide, to fill and grade approximately 16,246 cubic yards of sand and 3,195 cubic yards of stone, to install 333, three foot diameter concrete reef balls, and to plant approximately 13,000 square feet of tidal marsh vegetation (*Spartina patens* and *Spartina alterniflora*). All work will extend a maximum of 151 feet channelward of the approximate mean high water shoreline in the Rhode and West Rivers, on Cheston Point, located near Cumberstone Road in Edgewater, Anne Arundel County, Maryland.

Please refer to the table below for a summary of aquatic resource impacts. Note: Work at this site was previously authorized by the Corps under NAB-2011-60228 which expired on December 31, 2016; however, due to funding issues, most of the authorized structures and fill were not completed.

**EFFECTS ON AQUATIC RESOURCES:**

Activity	Aquatic Resource Impact (SF)	Aquatic Resource Type	Authority (Section 10/404/408)
Stone Jetties and Breakwaters	26,029	Open Water/Intertidal	Section 10/404
Sand and Stone Fill for Beach Nourishment	179,319		Section 404
Marsh Vegetation	13,000		Section 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:**

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. The applicant performed a historical shoreline analysis and coastal engineering analysis to minimize the project footprint and maximize ecological functional lift. Several design revisions were incorporated including minimizing the total fill and channelward extent of the fill while providing diverse tidal marsh communities.

No compensatory mitigation is proposed. No wetlands will be impacted as a result of the proposed project. No submerged aquatic vegetation is proposed to be impacted based on the Corps review of submerged aquatic vegetation mapping data available from the Virginia Institute of Marine Sciences for the last 5-years of Virginia Institute of Marine Sciences recent data. The project will result in the establishment of approximately 13,000 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 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-2022-61531-M43.

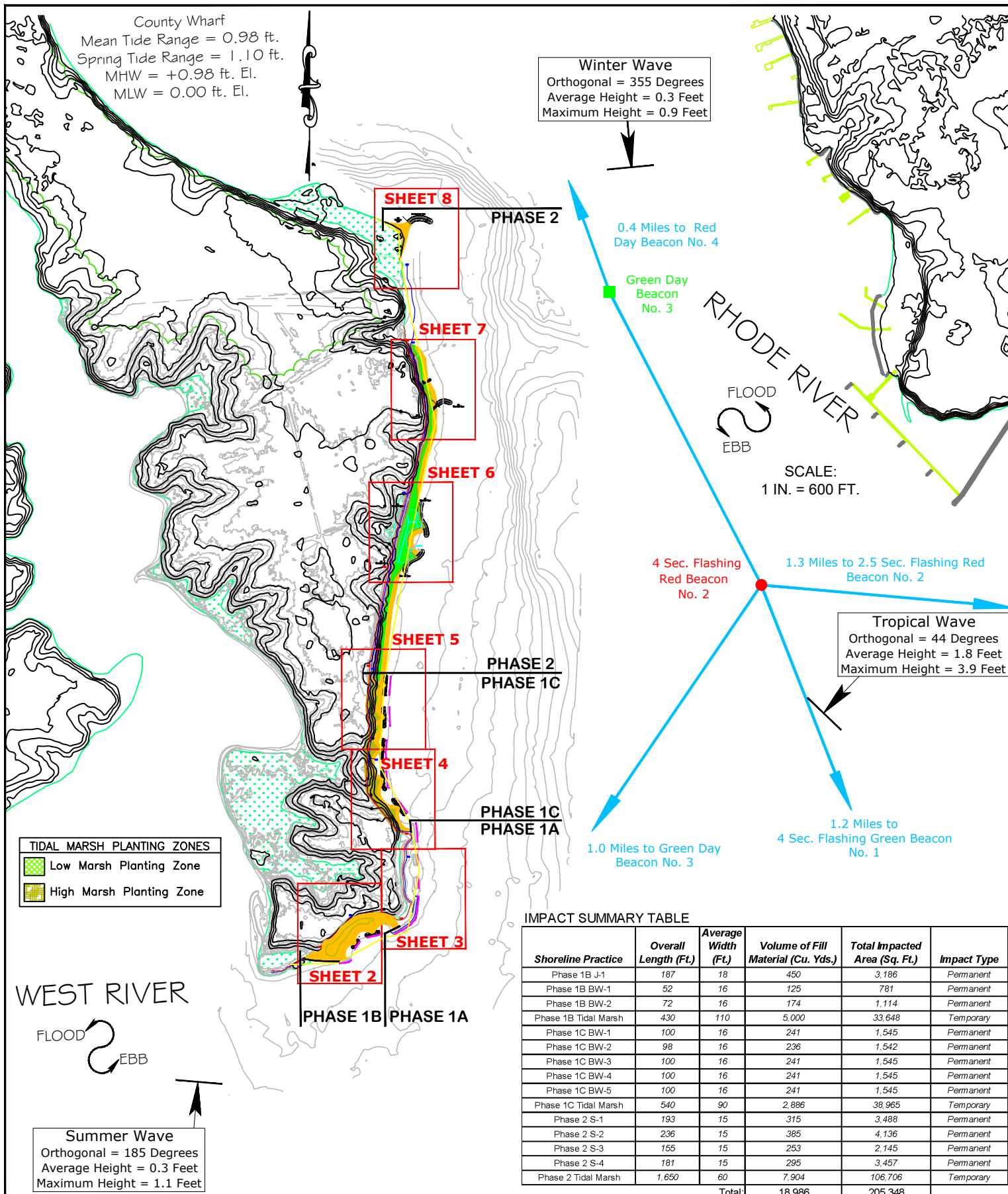
**PUBLIC HEARING REQUESTS:**

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:

April Sparkman  
[april.e.sparkman@usace.army.mil](mailto:april.e.sparkman@usace.army.mil)  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
2 Hopkins Plaza  
Baltimore, Maryland 21201

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 April Sparkman at 410-962-0148 or via email at [april.e.sparkman@usace.army.mil](mailto:april.e.sparkman@usace.army.mil). This public notice is issued by the Chief, Regulatory Branch.



**LIVING SHORELINE PROJECT  
SMITHSONIAN ENVIRONMENTAL  
RESEARCH CENTER  
647 CONTEES WHARF ROAD  
EDGEWATER, MARYLAND 21037**

## SHEET 1: VICINITY & KEY SHEET MAP

DATE: 2/2/23  
21009  
AS SHOWN  
DESIGNED BY: AM  
DRAWN BY: AM  
CHECKED BY: SM

Enclosure



**NOTES:**

1. PROPOSED MEAN HIGH WATER REPRESENTED BY MOST WATERWARD PLANTING ZONE EDGE ON SHEETS 2 THROUGH 8.
2. PROPOSED MEAN LOW WATER REPRESENTED BY MOST WATERWARD SAND ZONE EDGE ON SHEETS 2 THROUGH 8.

MATURE FOREST

**PHASE 1B TIDAL MARSH**  
OVERALL LENGTH: 430 FT.  
AVERAGE WIDTH: 110 FT.  
FILL VOLUME: 5,000 CU. YDS.  
IMPACT AREA: 33,648 SQ. FT.  
IMPACT TYPE: TEMPORARY

110'-9"  
111'-7"  
105'-4"  
72'-5"  
16'  
34'-5"  
52'  
45'-5"  
18'-2"  
185'-8"

**PHASE 1B STRUCTURE J-1**  
OVERALL LENGTH: 181 FT.  
AVERAGE WIDTH: 18 FT.  
FILL VOLUME: 450 CU. YDS.  
IMPACT AREA: 3,186 SQ. FT.  
IMPACT TYPE: PERMANENT

**PHASE 1B STRUCTURE J-1**  
OVERALL LENGTH: 187 FT.  
AVERAGE WIDTH: 18 FT.  
FILL VOLUME: 450 CU. YDS.  
IMPACT AREA: 3,186 SQ. FT.  
IMPACT TYPE: PERMANENT

**PHASE 1B STRUCTURE J-1**  
OVERALL LENGTH: 187 FT.  
AVERAGE WIDTH: 18 FT.  
FILL VOLUME: 450 CU. YDS.  
IMPACT AREA: 3,186 SQ. FT.  
IMPACT TYPE: PERMANENT

WORK EXECUTED UNDER  
MARYLAND WL 11-0522 &  
CENAB-OP-RN 2010-60228-M22

WEST RIVER

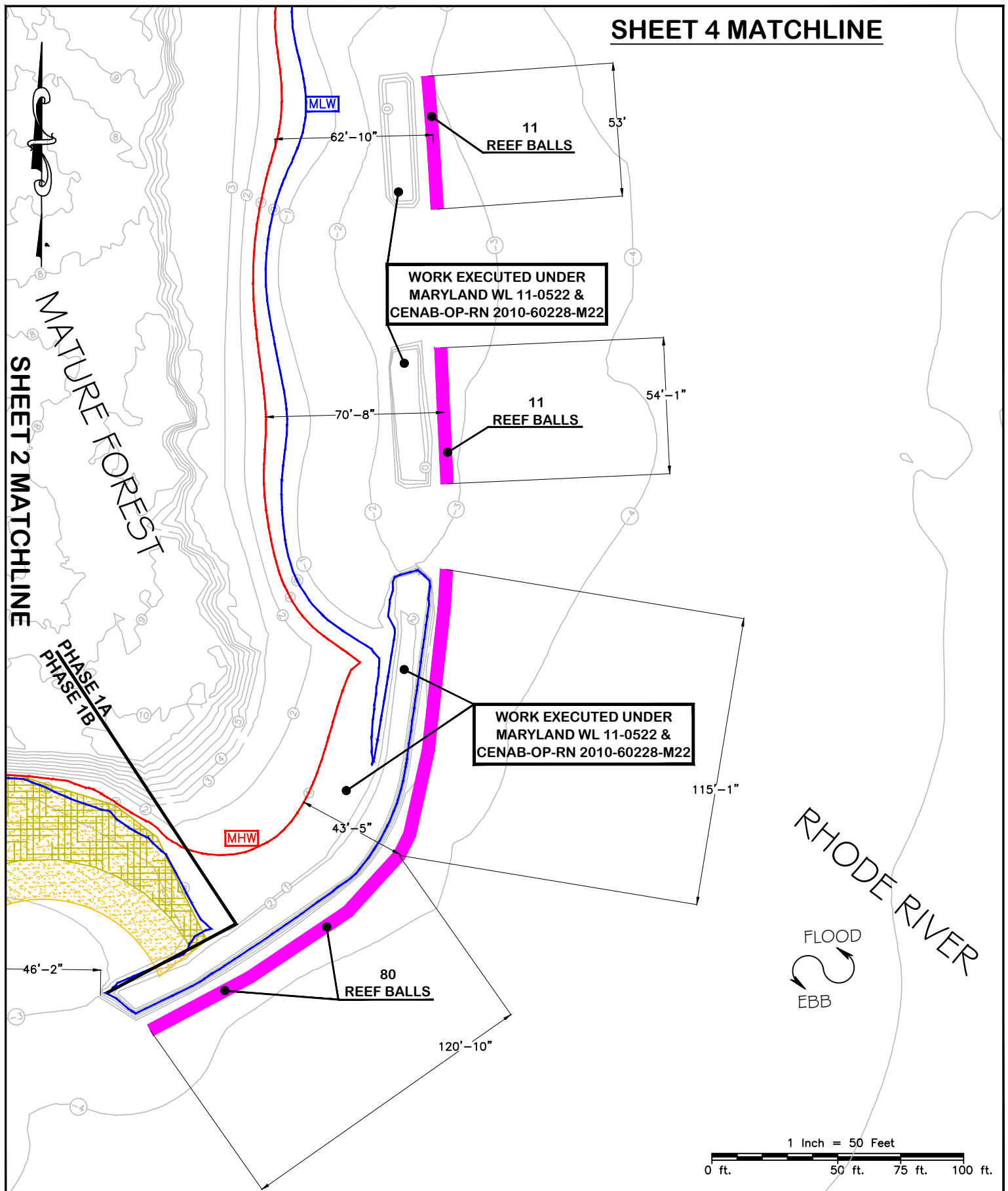
FLOOD  
EBB

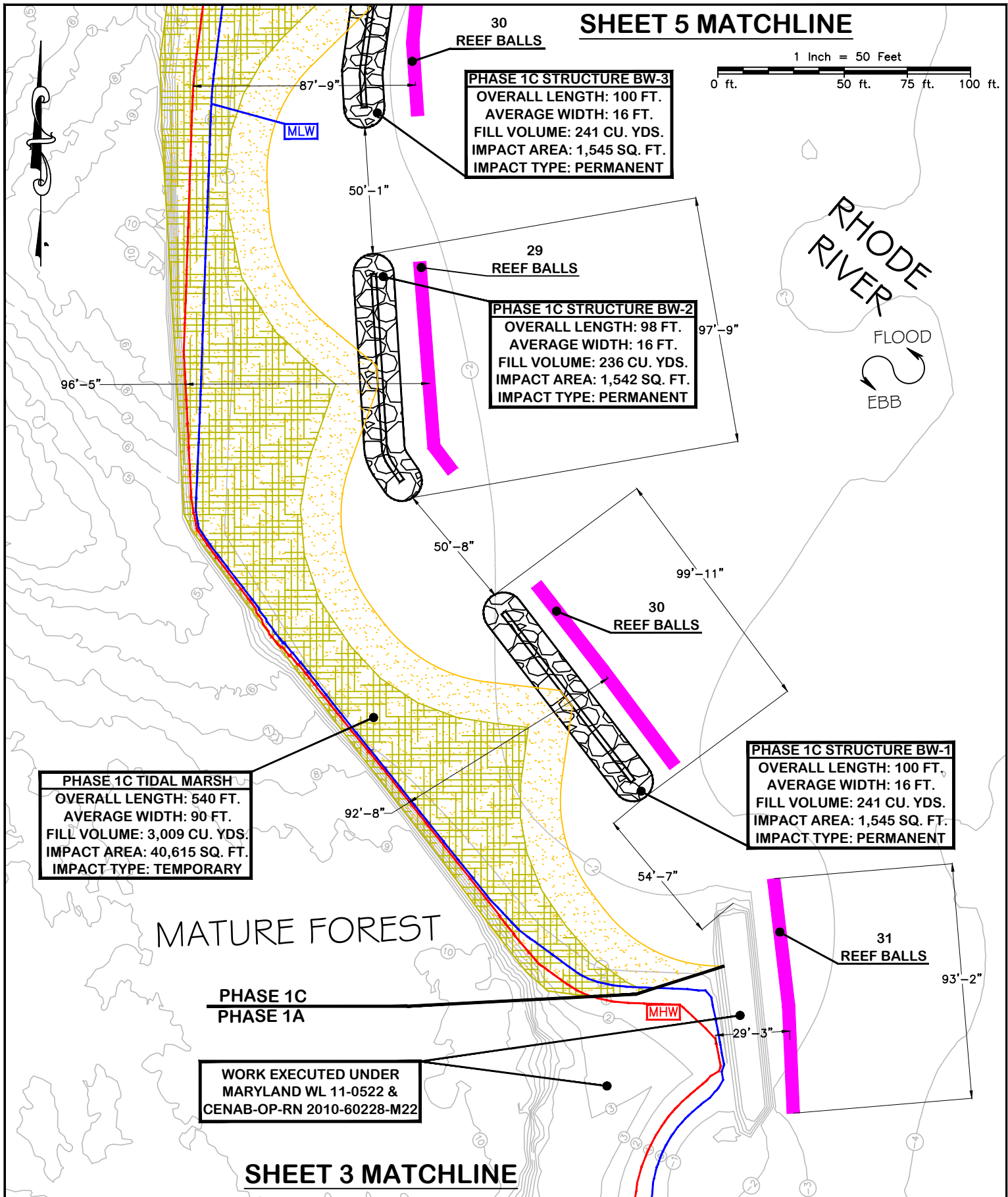
1 Inch = 50 Feet

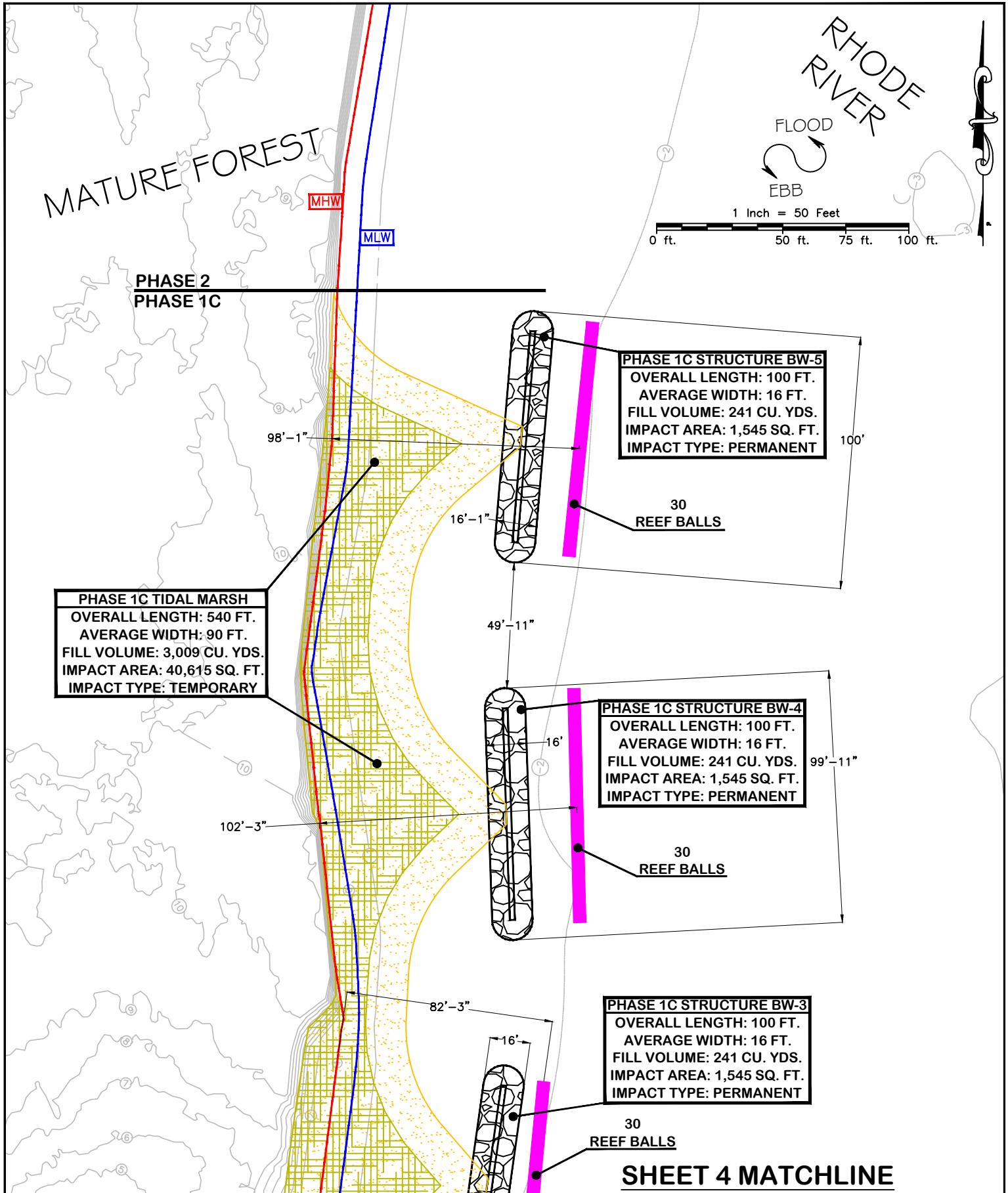
0 ft. 50 ft. 75 ft. 100 ft.

SHEET 3 MATCHLINE



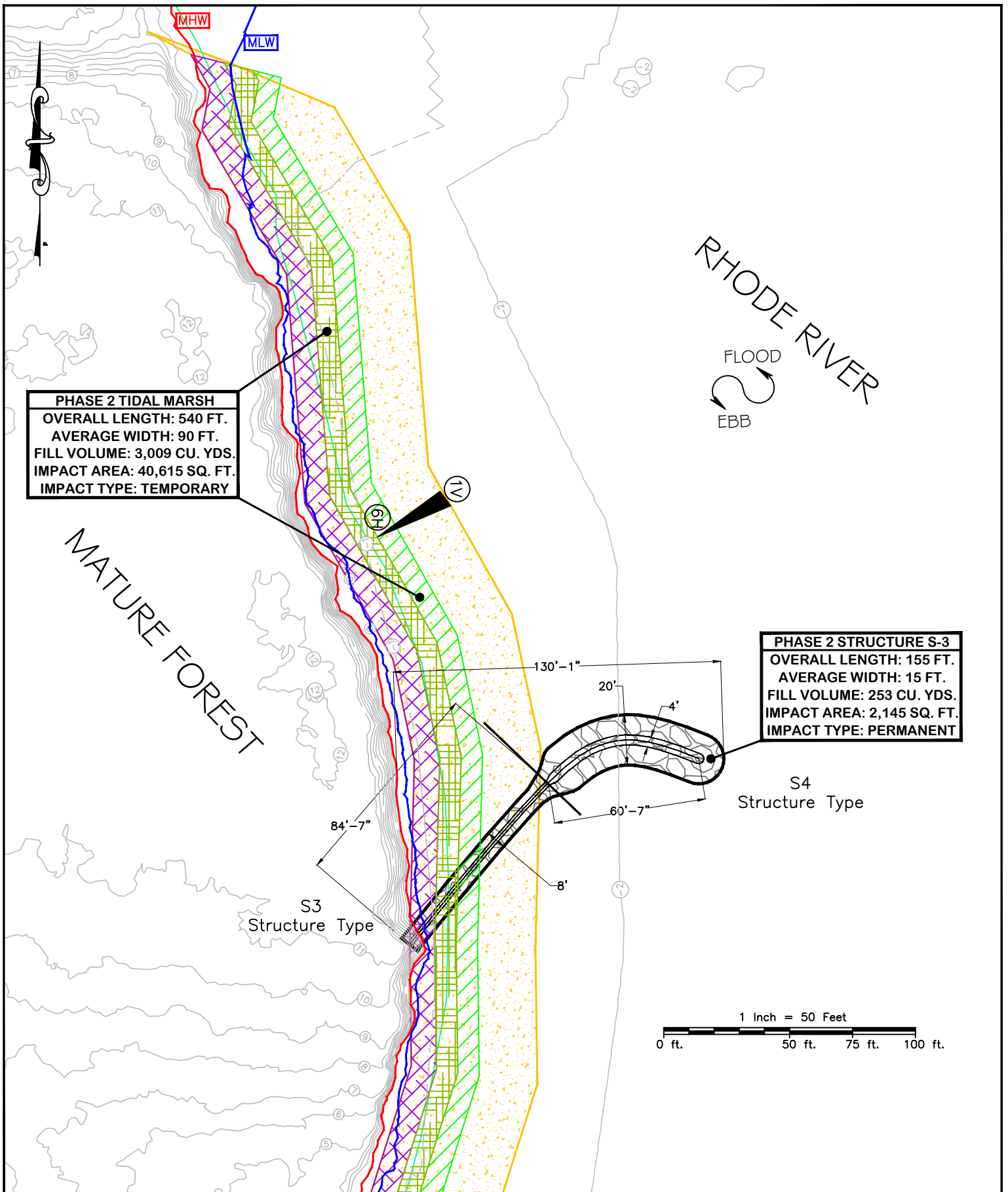


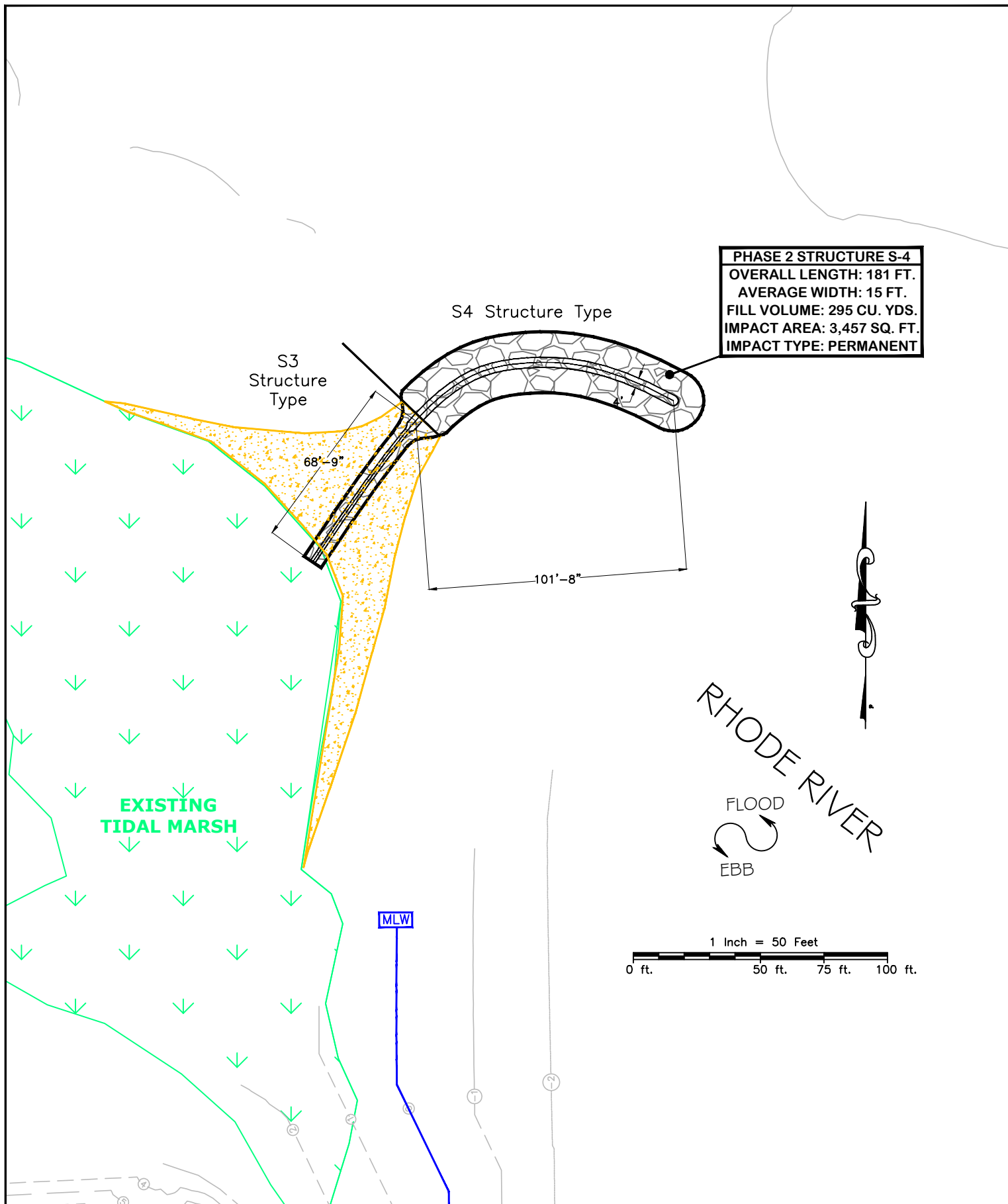














DATE: 9/2/22

21009

AS SHOWN

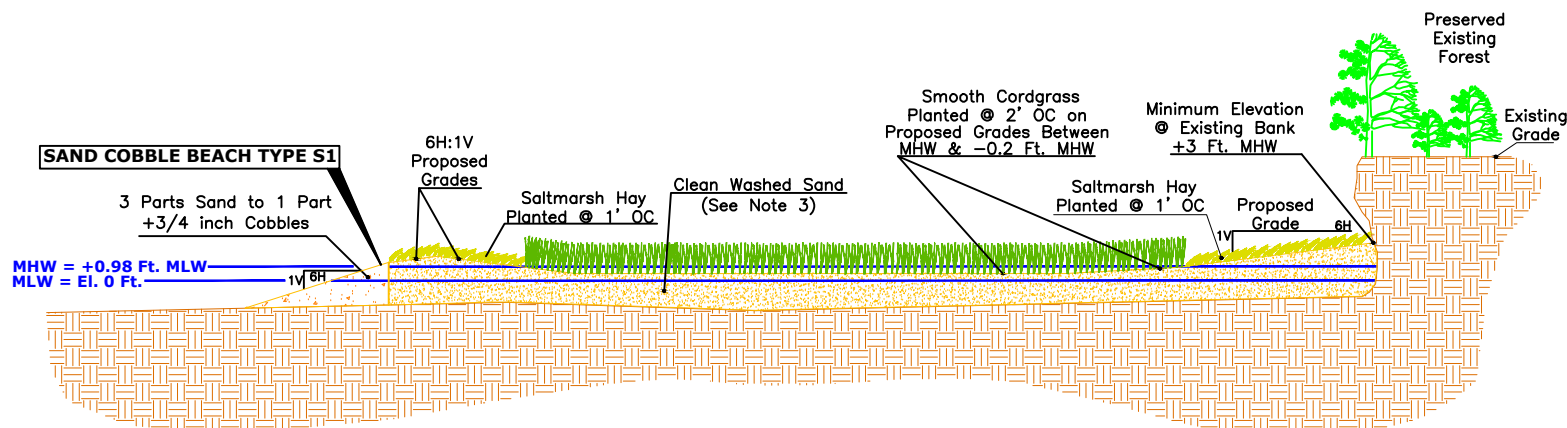
DESIGNED BY: AM

DRAWN BY: AM

CHECKED BY: SM

# **SHEET 9: CONSTRUCTION DETAILS**

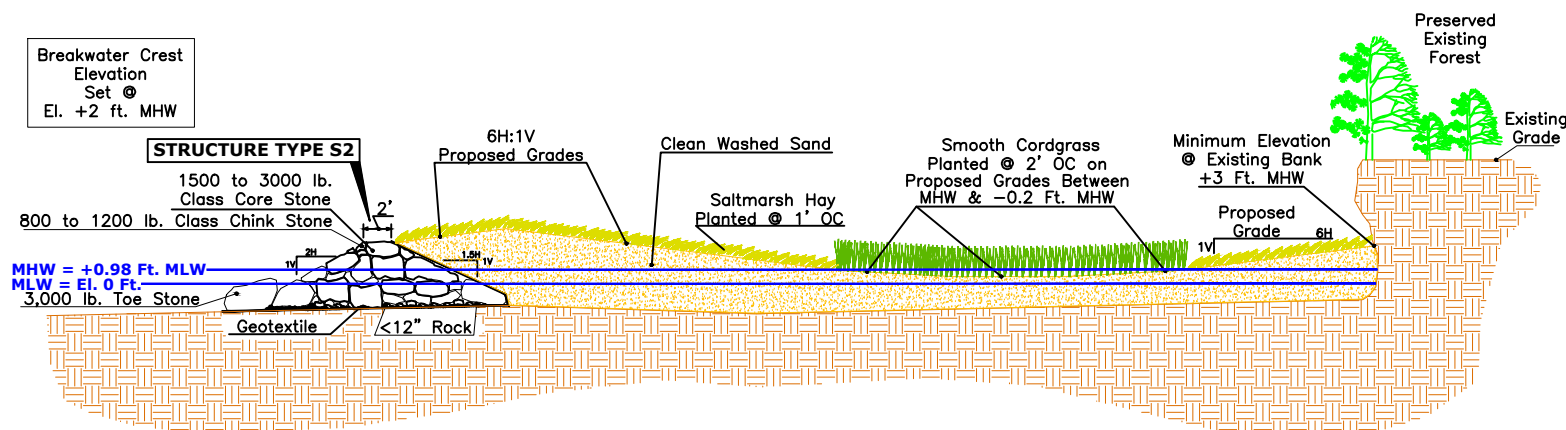
LIVING SHORELINE PROJECT  
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RESEARCH CENTER  
647 CONTEES WHARF ROAD  
EDGEWATER, MARYLAND 21037



Typical Detail For Sand & Cobble in Area of  
Coves in Phase 1B

## **SAND AND COBBLE COVE DETAIL**

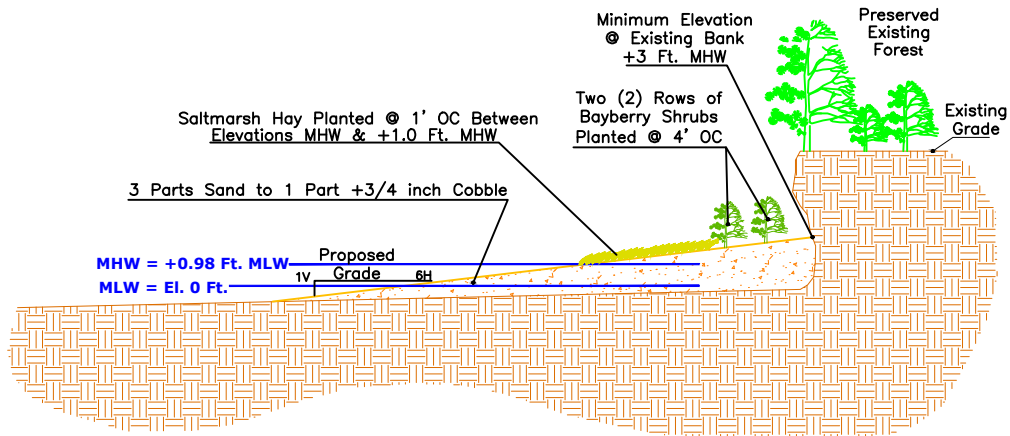
Not to Scale



Typical Detail For Nearshore Breakwaters in Phase 1B in Area  
from Existing Bank Face to Stone Structure

## **NEARSHORE BREAKWATER DETAIL**

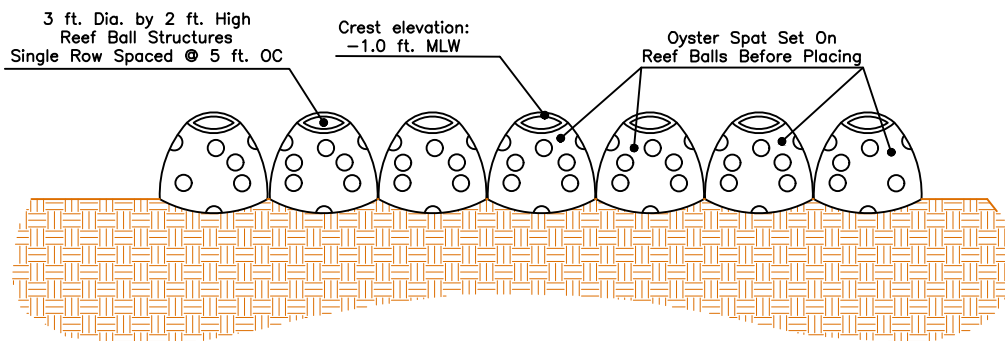
Not to Scale



Typical Detail For Shoreline Restoration in Phase 2

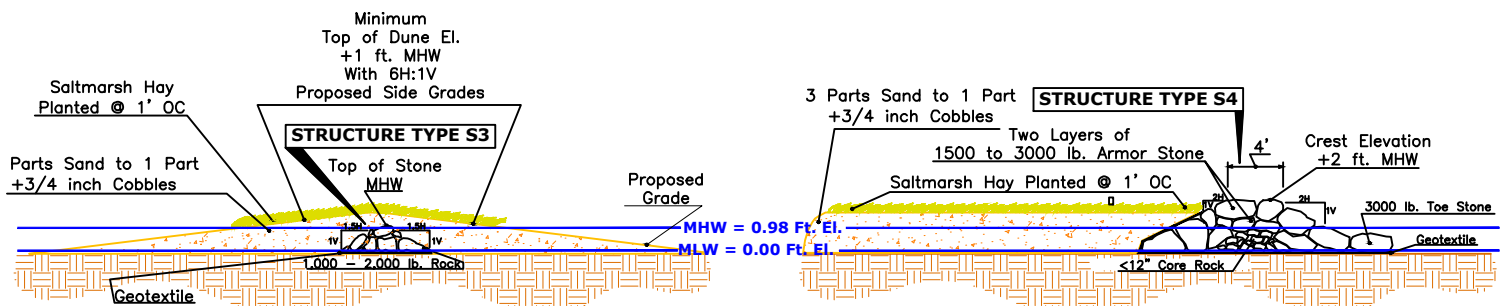
## SHORELINE RESTORATION DETAIL

Not to Scale



## REEF BALL TYPICAL SECTION

Not to Scale



Initial Groin Section

End of Groin Section

Typical Detail For Headland Groins in Phase 2

## HEADLAND GROIN DETAIL

Not to Scale