

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2018-60096-P13 (Dr. William Smith)

PN 18-57

Comment Period: October 30, 2018 to November 13, 2018

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. 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 of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

APPLICANT: Dr. William Smith
600 New Hampshire Avenue
Suite 610
Washington, DC 20037

WATERWAY AND LOCATION: Black Walnut Cove, located at 4774 Bar Neck Road, Tilghman, in Talbot County, Maryland (Latitude: 38° 40' 50"; Longitude: 76° 19' 54").

PROPOSED WORK AND PURPOSE: to construct 244 linear feet of riprap to extend no more than 10 feet channelward of the existing bulkhead; to reconstruct 150-foot long by 6-foot wide pier with a 10-foot by 20-foot platform, construct a 12-foot long by 3-foot wide finger pier, install 6 mooring pilings, and install 2 pilings for a boat lift attached to the proposed pier, all, to extend no more than 165 feet channelward of the approximate mean high water (MHW) shoreline; and to create 6,474 square feet of living shoreline consisting of *Spartina* marsh grasses (2,365 square feet of low marsh/4,109 square feet of high marsh) that will extend no more than 25 feet channelward of the approximate MHW line. Approximately 3,600 square feet of existing vegetated wetlands would be impacted by the proposed fill.

The purpose of the project is for rehabilitation/improvement to an existing private pier, along with shoreline stabilization that will also create and improve aquatic habitat.

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. Compensatory mitigation is not being proposed by the applicant for impacts to the approximate 3,600 square feet of existing marsh vegetation since they are creating 6,474 square feet of intertidal wetlands vegetated with high and low marsh grasses. All work is proposed to be completed in accordance with the attached plans.

The Maryland SPGP-5 does not authorize the marsh creation with impacts to existing tidal wetlands. Therefore the project must be processed as a standard permit.

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.

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 (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 adult Winter skate (*Leucoraja ocellata*) and Little skate (*Leucoraja erinacea*); juvenile and adult Clearnose skate (*Raja eglanteria*) and Atlantic herring (*Clupea harengus*); juvenile Windowpane flounder (*Scopthalmus aquosus*); adult, juvenile, eggs, and larvae Red hake (*Urophycis chuss*); and adult, juvenile, and larvae Summer flounder (*Paralichthys dentatus*) and all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by the alteration of spawning, nursery, forage and/or shelter habitat. The project may have an adverse effect on an approximate total of 7,936 square feet of EFH shoreline area as described under the MSFCMA for the species and life stages identified above. This habitat consists the Atlantic coastal plain sediments. According to the Virginia Institute of Marine Science (VIMS) survey maps, SAV has been mapped in the immediate project area in 2015 and 2016. The proposed project overlaps the mapped SAV by approximately 936 square feet (location of the pier). Moderate SAV bed density (40 to 60% cover) was mapped with 2016 data. 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. 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.

WATER QUALITY CERTIFICATION AND COASTAL ZONE MANAGEMENT

PROGRAM: On March 28, 2018, the Maryland Department of the Environment (MDE) issued the required authorization under their Tidal Wetlands Division. The applicant, therefore, has obtained a water quality certification in accordance with Section 401 of the Clean Water Act from the MDE and the activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management (CZM) Program.

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

ENDANGERED SPECIES ACT: A preliminary review of this application indicates that the proposed work will have no effect on Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended because water depths in the project area are less than -3.0 feet mean low water (MLW). As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

NATIONAL HISTORIC PRESERVATION ACT: 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.

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 Engineer, U.S. Army Corps of Engineers, Baltimore District, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania, 16801 within the comment period specified above.

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, State College Field Office, 1631 South Atherton Street, Suite 101, State College, Pennsylvania, 16801 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.

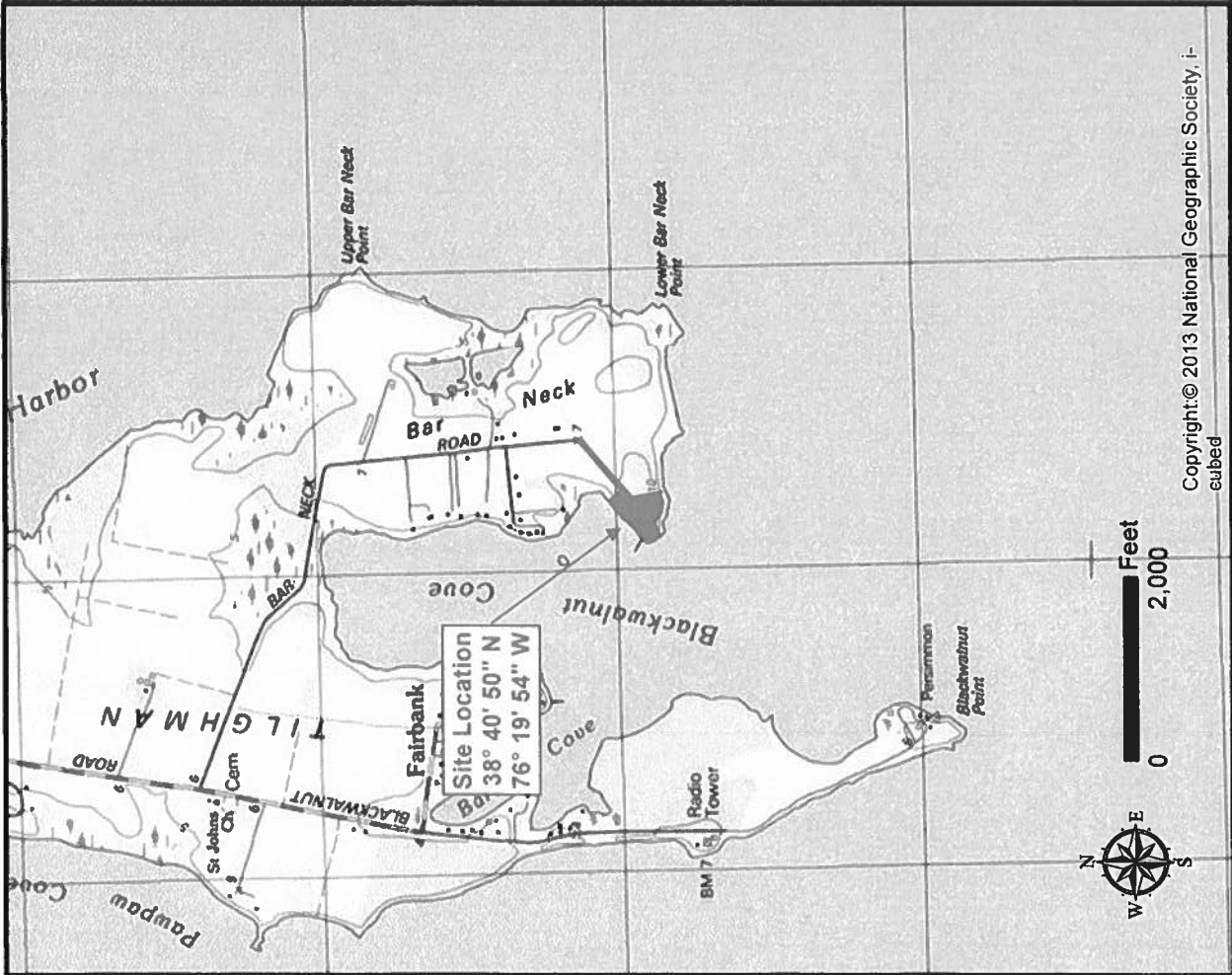
If you have any questions concerning this matter, please contact Mrs. Amy Elliott of this office at (814) 235-0573 or via email at amy.h.elliott@usace.army.mil.

FOR THE DISTRICT ENGINEER:

Wade B. Chandler
Chief, Pennsylvania Section
Regulatory Branch



MD MAP, DoIT



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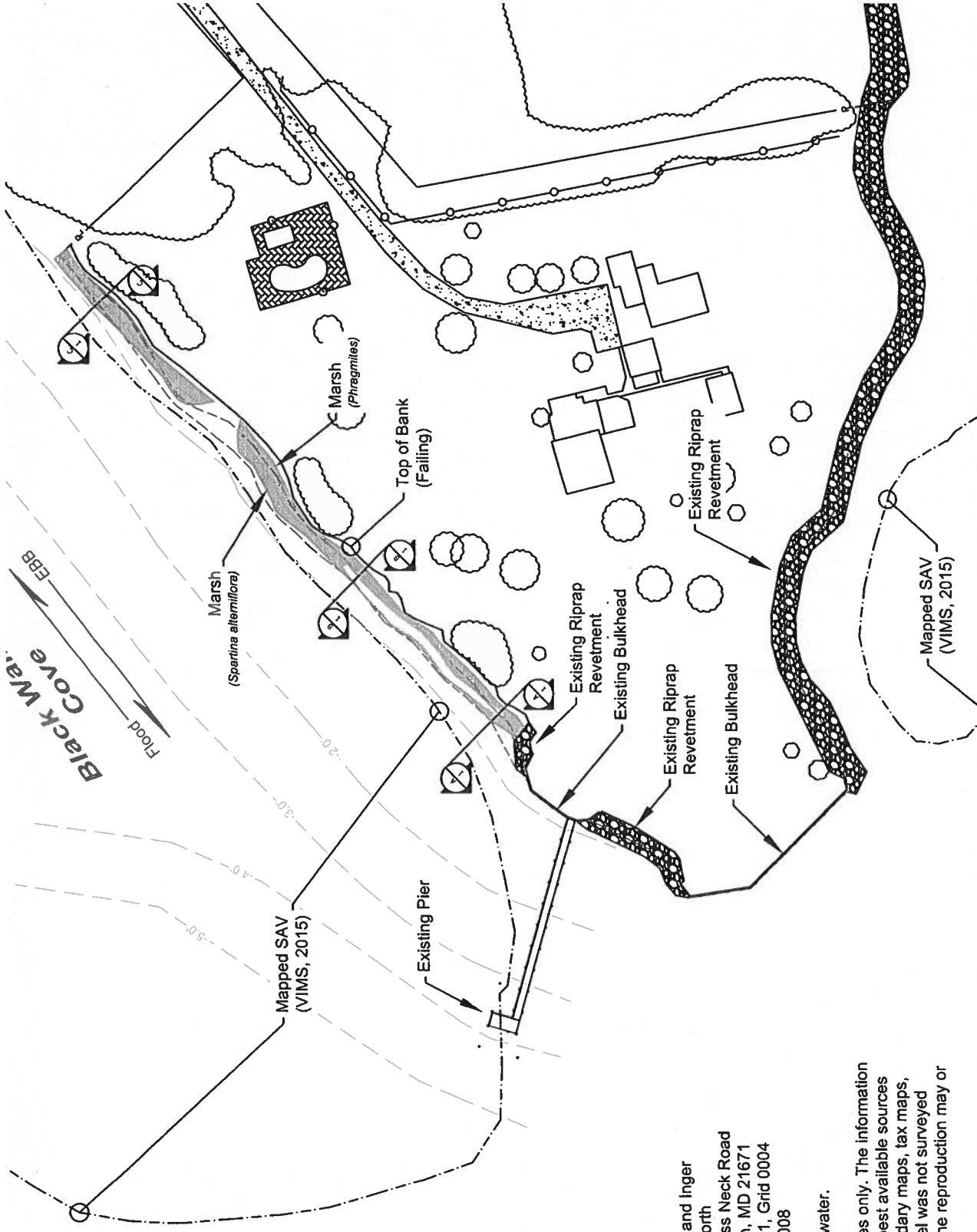
Land & Marine Construction

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- PERMITTING
- CONSTRUCTION

8628 Brooks Drive, Unit 103
 Easton, Maryland 21601
 Office: 410-822-0510
 Fax: 410-822-4669
 www.weemsbrothers.com

Shoreline Stabilization / Pier Reconstruction Project - Map View

Project Owner : Dr. William Smith		Drawing Date : August 29, 2017	
Location : 4774 Bar Neck Road, Tilghman, MD 21671		Scale : See Above	
County: Talbot	Map : 51	Parcel: 7	Lot :
Waterway : Black Walnut Cove		Job No. :	
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		Revision Dates	

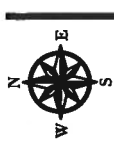
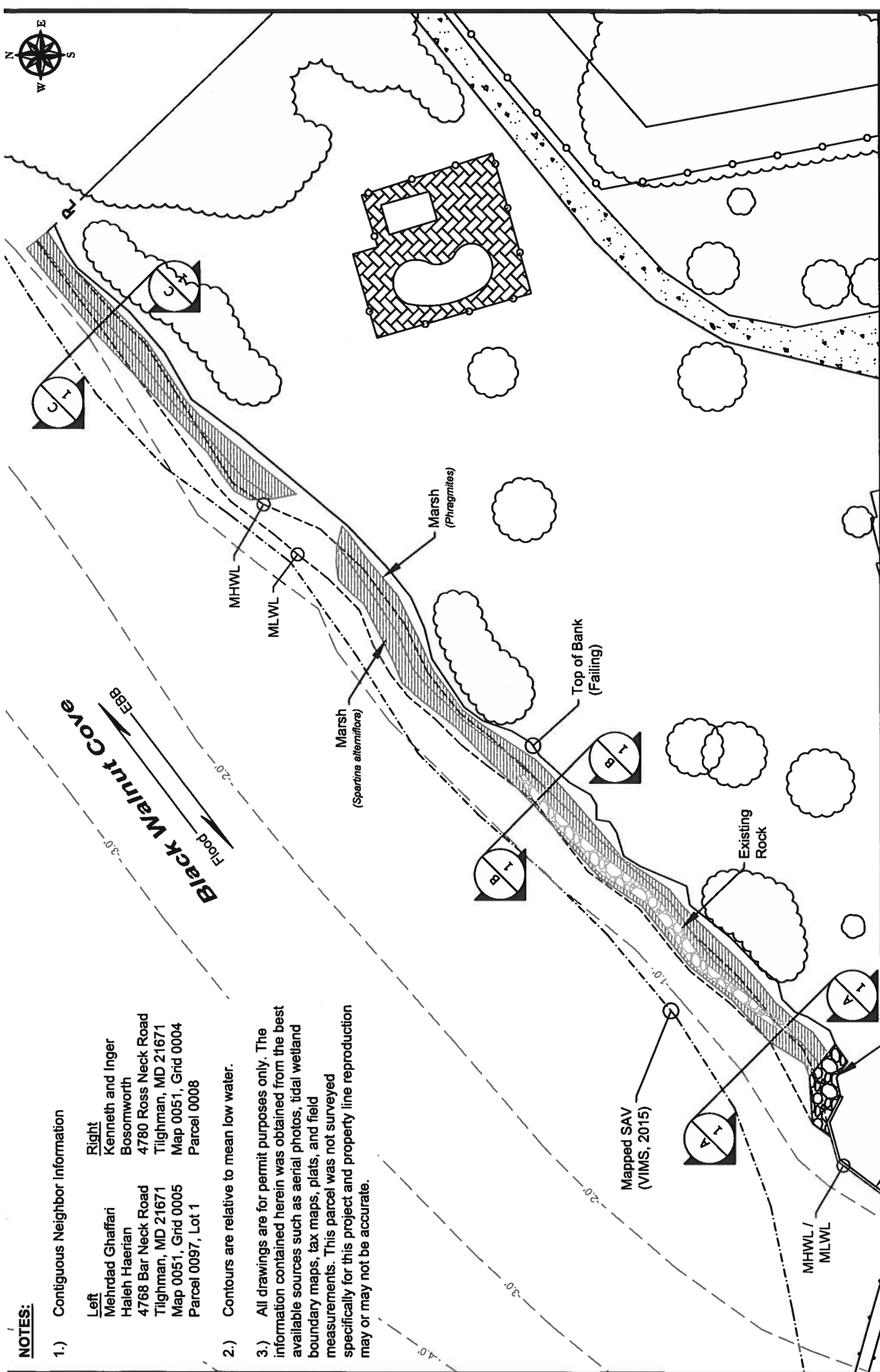


NOTES:

- 1.) Contiguous Neighbor Information

Left Mehrdad Ghaffari Haleh Haerian 4768 Bar Neck Road Tilghman, MD 21671 Map 0051, Grid 0005 Parcel 0097, Lot 1	Right Kenneth and Inger Bosomworth 4780 Ross Neck Road Tilghman, MD 21671 Map 0051, Grid 0004 Parcel 0008
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- 2.) Contours are relative to mean low water.
- 3.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

Shoreline Stabilization / Pier Reconstruction Project - Existing Conditions Plan View	
Project Owner : Dr. William Smith Location : 4774 Bar Neck Road, Tilghman, MD 21671 County : Talbot Map : 51 Parcel : 7 Lot : Waterway : Black Walnut Cove	Drawing Date : Aug. 29, 2017 Scale : 1" = 100' Job No. : Draw. Use: Fed/State Pe Drawn By : Chris Moore Revision Dates
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Sheet 2 of 11	



NOTES:

- 1.) Contiguous Neighbor Information

<p>Left</p> <p>Mehrdad Ghaffari Haleh Haerian 4768 Bar Neck Road Tilghman, MD 21671 Map 0051, Grid 0005 Parcel 0097, Lot 1</p>	<p>Right</p> <p>Kenneth and Inger Bosomworth 4780 Ross Neck Road Tilghman, MD 21671 Map 0051, Grid 0004 Parcel 0008</p>
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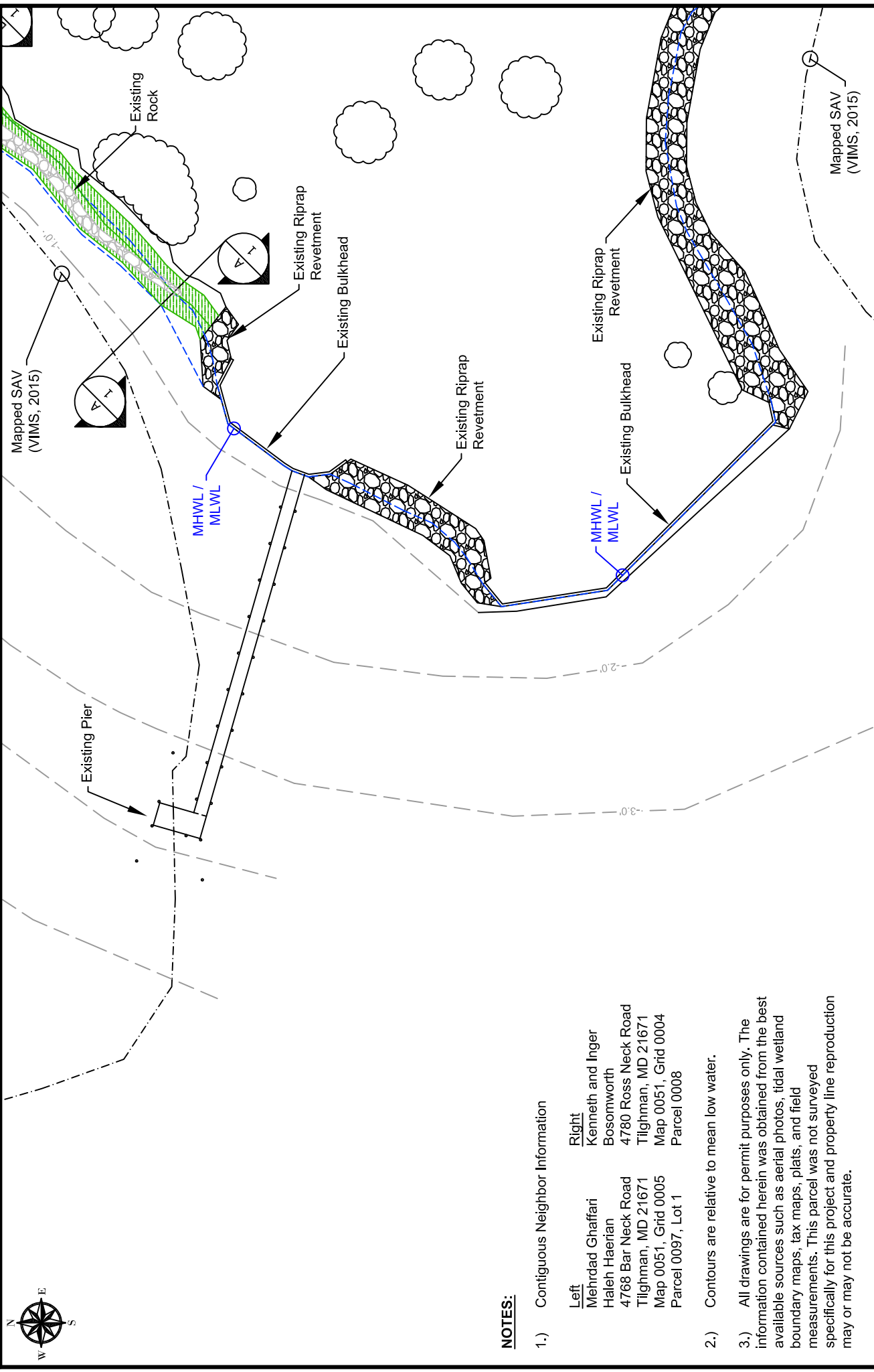
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Shoreline Stabilization / Pier Reconstruction Project - Existing Conditions Plan View

Project Owner : Dr. William Smith			
Location : 4774 Bar Neck Road, Tilghman, MD 21671			
County : Talbot	Map : 51	Parcel : 7	Lot :
Waterway : Black Walnut Cove		Draw. Use: Fed/State Permit	
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Drawing Date : Aug. 29, 2017		Scale : 1" = 60'	Revision Dates
2/7/18			



Project Owner : Dr. William Smith		Drawing Date : Aug. 29, 2017	
Location : 4774 Bar Neck Road, Tilghman, MD 21671		Scale : 1" = 60'	
County : Talbot	Map : 51	Parcel : 7	Waterway : Black Walnut Cove
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Job No. :		Drawn By : Chris Moore	
Revision Dates		2/7/18	

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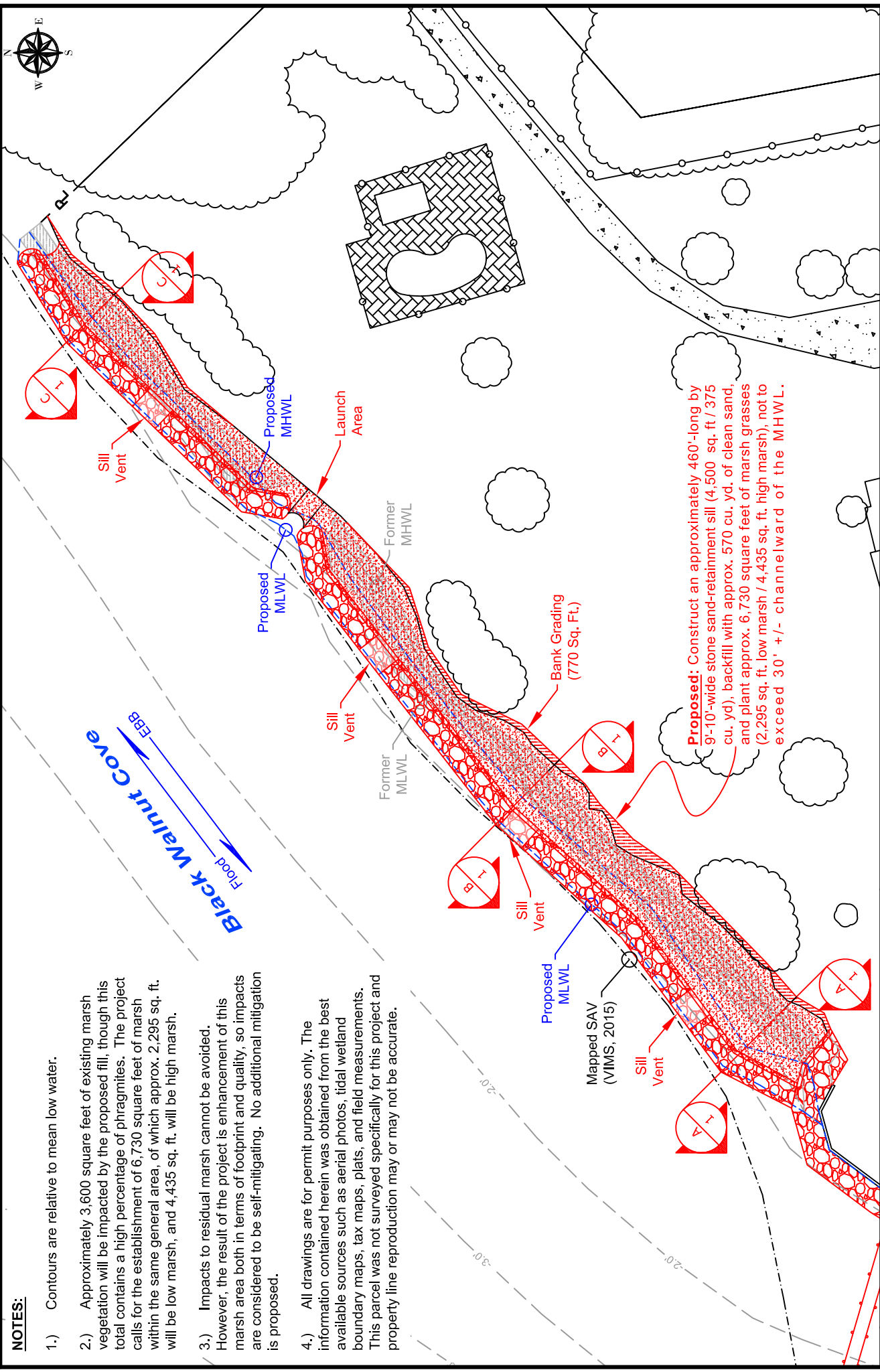
NOTES:

- Contiguous Neighbor Information

Left Mehrdad Ghaffari Haleh Haerian 4768 Bar Neck Road Tilghman, MD 21671 Map 0051, Grid 0005 Parcel 0097, Lot 1	Right Kenneth and Inger Bosomworth 4780 Ross Neck Road Tilghman, MD 21671 Map 0051, Grid 0004 Parcel 0008
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NOTES:

- Contours are relative to mean low water.
- Approximately 3,600 square feet of existing marsh vegetation will be impacted by the proposed fill, though this total contains a high percentage of phragmites. The project calls for the establishment of 6,730 square feet of marsh within the same general area, of which approx. 2,295 sq. ft. will be low marsh, and 4,435 sq. ft. will be high marsh.
- Impacts to residual marsh cannot be avoided. However, the result of the project is enhancement of this marsh area both in terms of footprint and quality, so impacts are considered to be self-mitigating. No additional mitigation is proposed.
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Shoreline Stabilization / Pier Reconstruction Project - Proposed Conditions Plan View

Project Owner : Dr. William Smith
 Location : 4774 Bar Neck Road, Tighman, MD 21671
 County : Talbot Map : 51 Parcel : 7 Waterway : Black Walnut Cove
 Drawing Date : Aug. 29, 2017
 Scale : 1" = 50'
 Job No. : Draw. Use: Fed/State Permit
 Drawn By : Chris Moore
 Revision Dates : 2/7/18 3/27/18 10/25/18

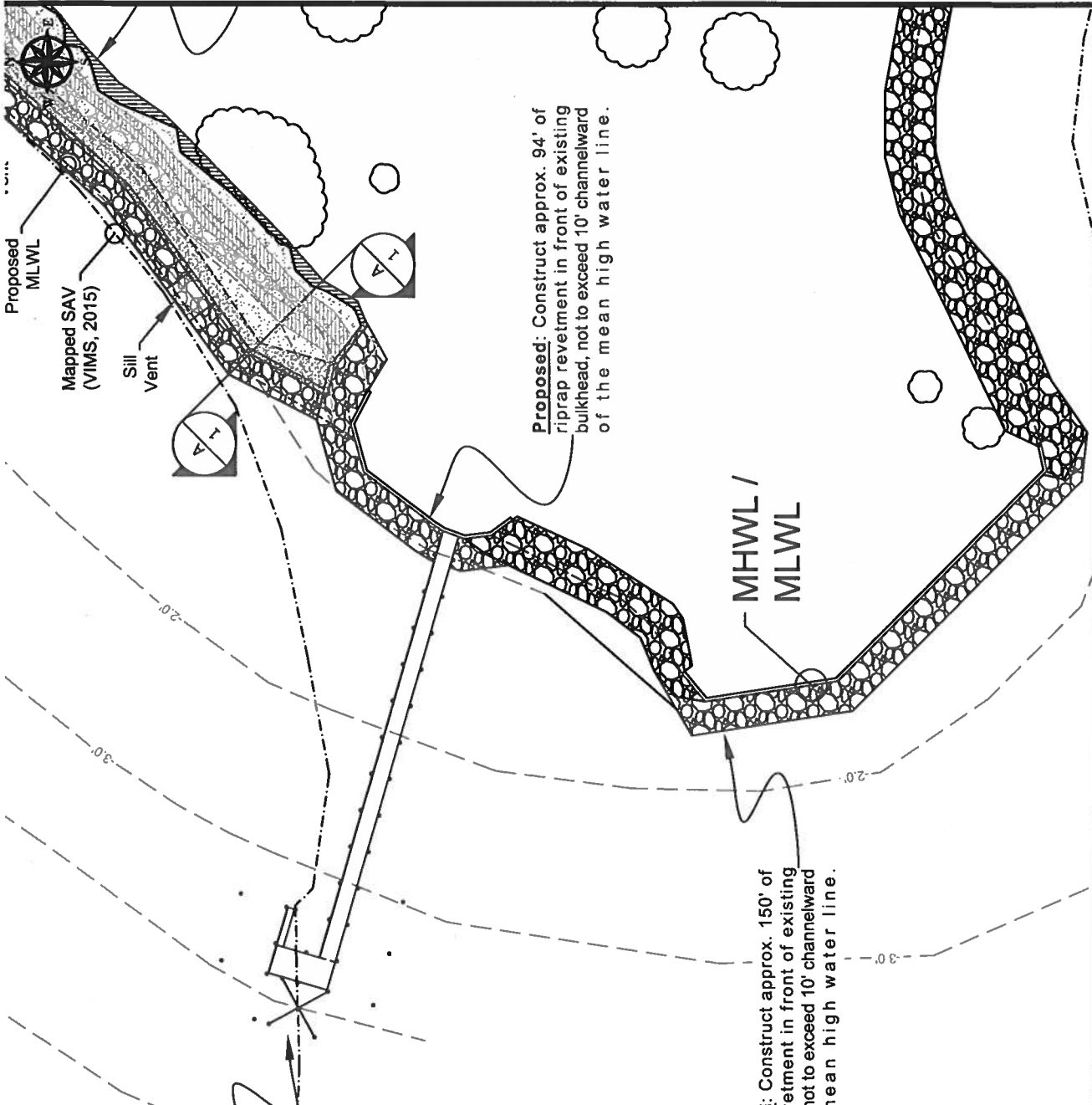
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Proposed: Reconstruct existing 150'-long by 6'-wide pier, construct a new 12'-long by 3'-wide finger pier, install six mooring pilings, and install one boat lift, not to exceed the existing structure's channelward encroachment of 165'.

Proposed: Construct approx. 150' of riprap revetment in front of existing bulkhead, not to exceed 10' channelward of the mean high water line.

Proposed: Construct approx. 94' of riprap revetment in front of existing bulkhead, not to exceed 10' channelward of the mean high water line.

MHWL /
MLWL



NOTES:

- 1.) Contours are relative to mean low water.
- 2.) Approximately 3,600 square feet of existing marsh vegetation will be impacted by the proposed fill, though this total contains a high percentage of phragmites. The project calls for the establishment of 6,474 square feet of marsh within the same general area.
- 3.) All drawings are for permit purposes only. The information contained herein was obtained from the best available sources such as aerial photos, tidal wetland boundary maps, tax maps, plats, and field measurements. This parcel was not surveyed specifically for this project and property line reproduction may or may not be accurate.

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Shoreline Stabilization / Pier Reconstruction Project - Proposed Conditions Plan View

Drawing Date : Aug. 29, 2017

Scale : 1" = 50'

Job No. : Draw. Use: Fed/State Permit

Drawn By : Chris Moore

Revision Dates : 2/7/18

Project Owner : Dr. William Smith

Location : 4774 Bar Neck Road, Tilghman, MD 21671

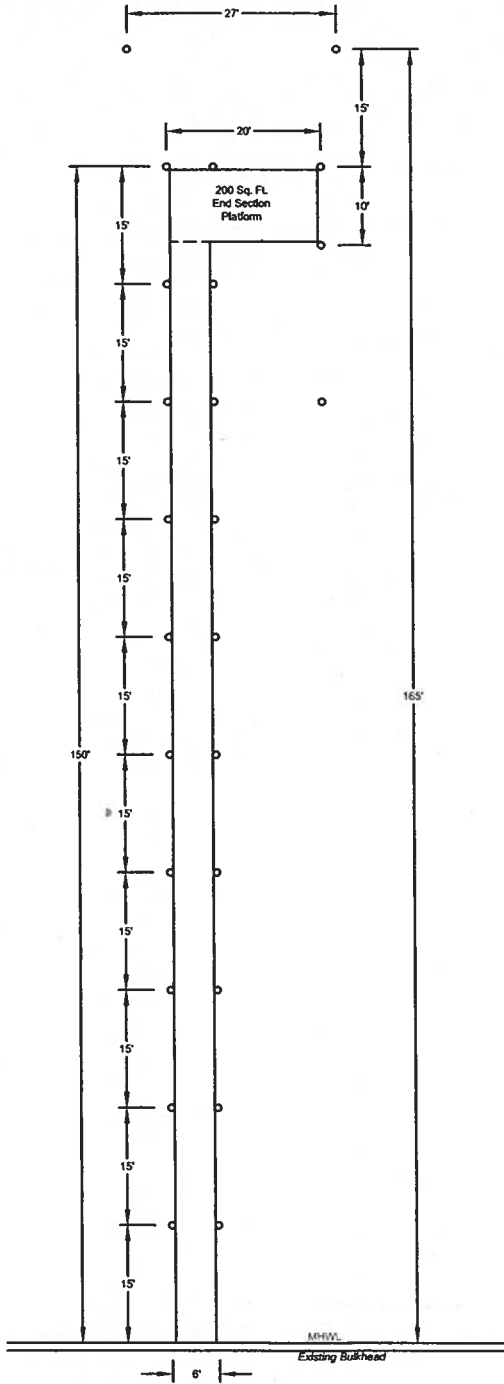
County : Talbot Map : 51 Parcel : 7

Waterway : Black Walnut Cove

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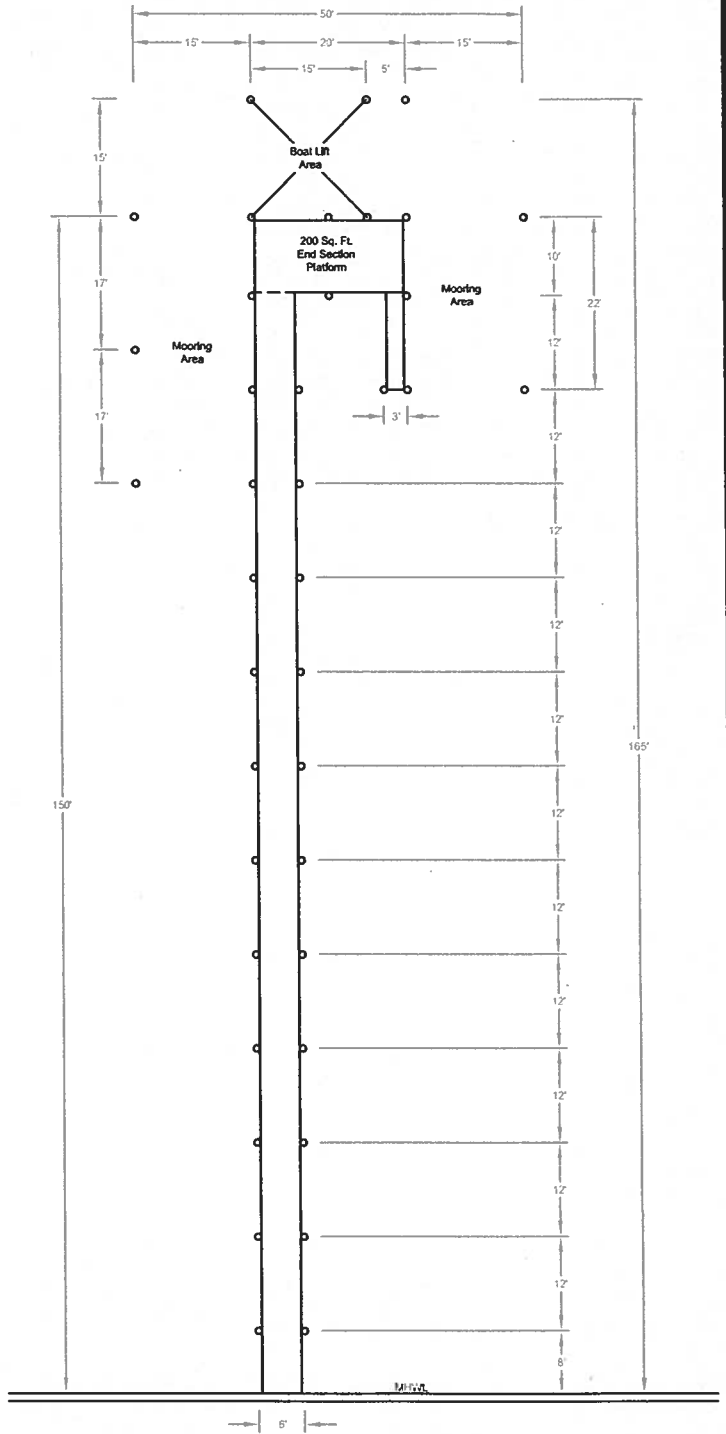
Existing Pier Layout

Scale: 1" = 25'



Proposed Pier Layout

Scale: 1" = 25'



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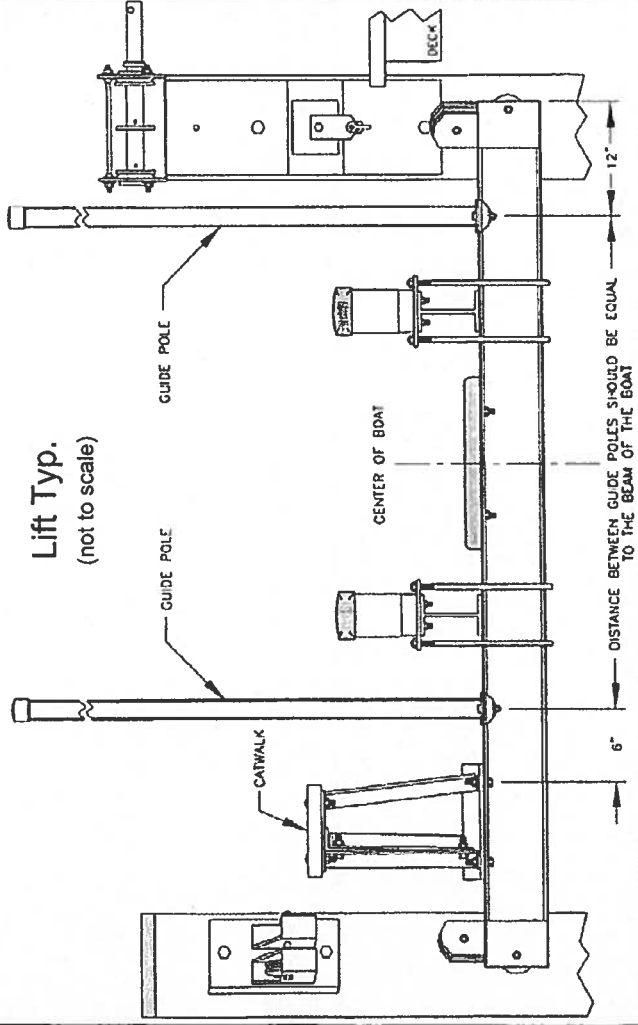
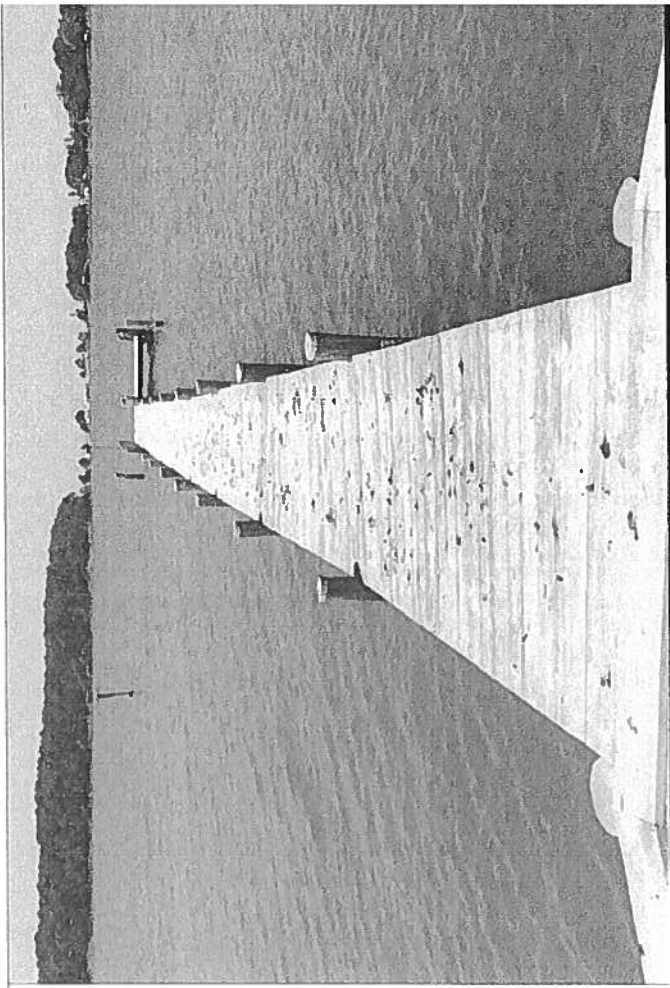
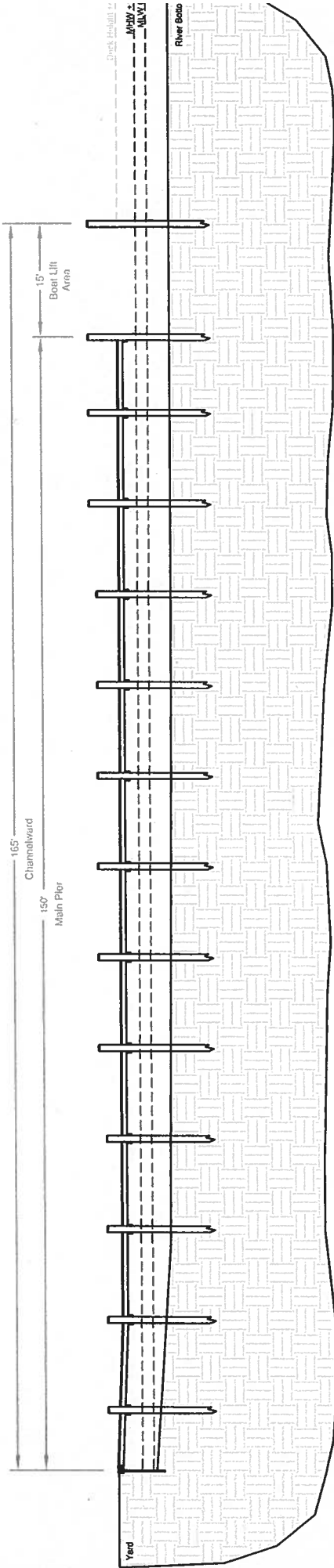
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Fax: 410-822-4669
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Shoreline Stabilization / Pier Recon. Project - Pier Layouts

Project Owner : Dr. William Smith				Drawing Date : Aug. 29, 2017	
Location : 4774 Bar Neck Road, Tilghman, MD 21671					
County : Talbot	Map : 51	Parcel : 7	Lot :	Job No. :	
Waterway : Black Walnut Cove			Draw. Use: Fed/State Permit		Scale : 1" = 25'
Revision Dates				Drawn By : Chris Moore	
				Sheet 4 of 11	

Pier Cross Section

Scale: 1" = 20'



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Shoreline Stabilization / Pier Reconstruction Project - Pier Cross Sections and Photos

Project Owner : Dr. William Smith
Location : 4774 Bar Neck Road, Tilghman, MD 21671
County : Talbot Map : 51 Parcel : 7 Lot : Waterway : Bar Neck Cove

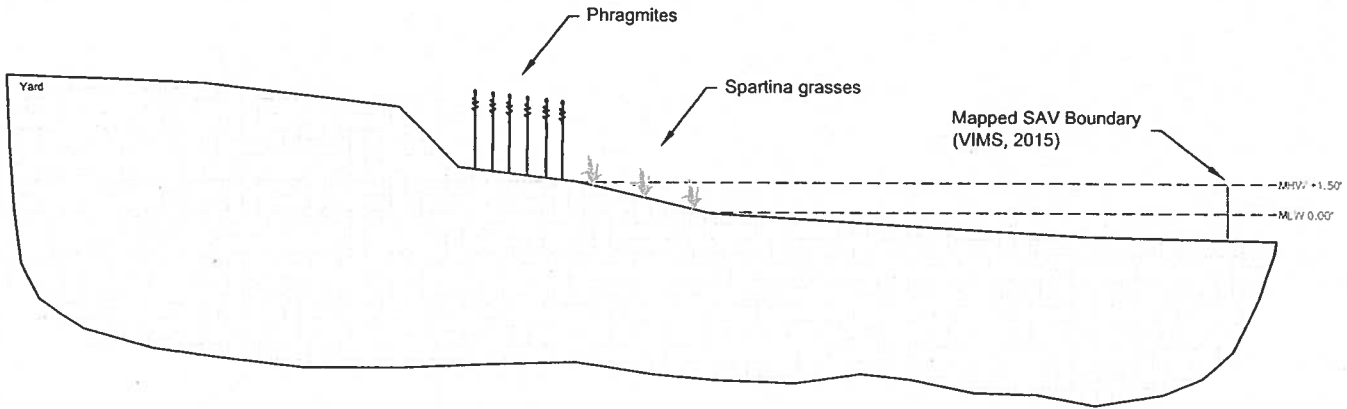
Drawing Date : Aug. 29, 2017
Scale : See Above

Job No. : Draw. Use: Fed/State P
Drawn By : Chris Moore
Revision Dates

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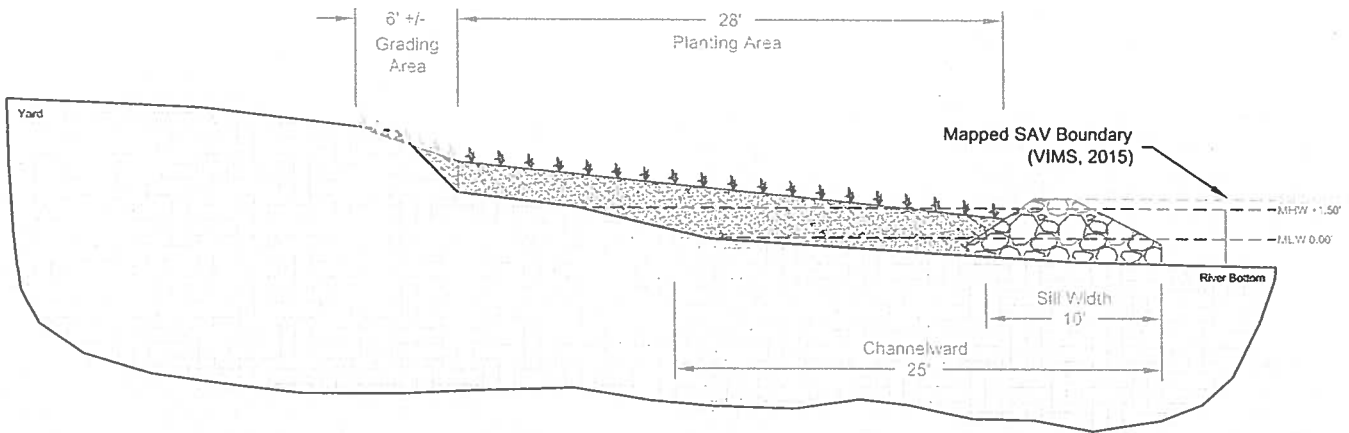
**A1 Shoreline Cross Section
Existing Conditions**

Scale: 1" = 10'



**A1 Shoreline Cross Section
Proposed Conditions**

Scale: 1" = 10'



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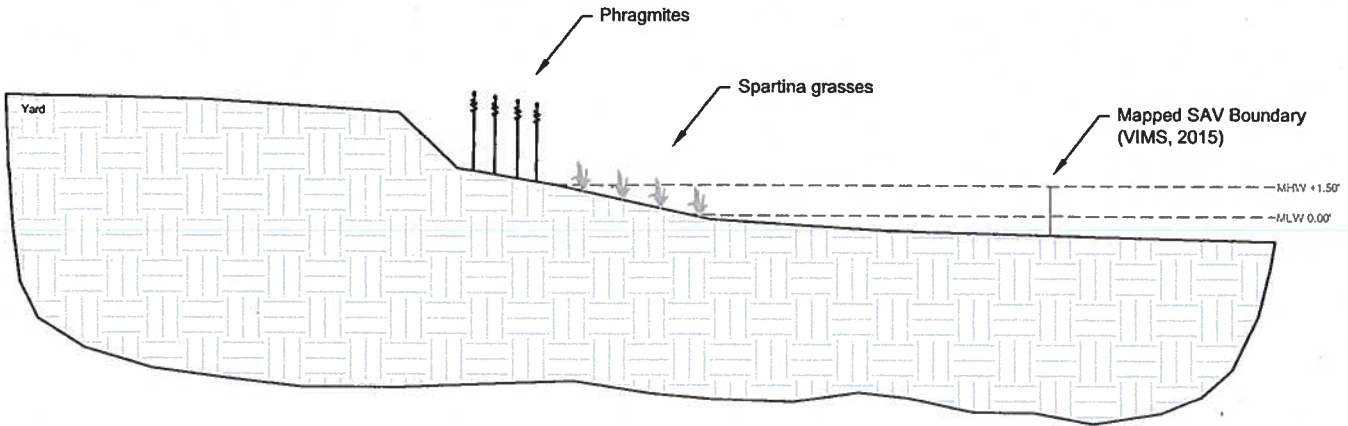
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Shoreline Stabilization / Pier Recon. Project - XSECs

Project Owner : Dr. William Smith				Drawing Date : August 29, 2017	
Location : 4774 Bar Neck Road, Tilghman, MD 21671					
County : Talbot	Map : 51	Parcel : 7	Lot :	Job No. :	
Waterway : Black Walnut Cove		Draw. Use: Fed/State Permit		Scale : 1" = 10'	
Revision Dates				Drawn By : Chris Moore	
				Sheet 6 of 11	

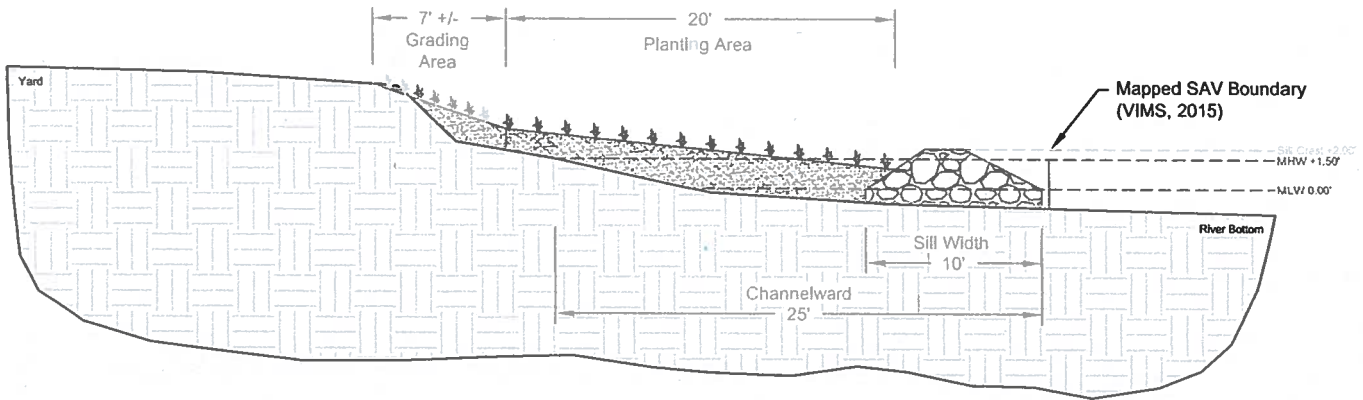
**B1 Shoreline Cross Section
Existing Conditions**

Scale: 1" = 10'



**B1 Shoreline Cross Section
Proposed Conditions**

Scale: 1" = 10'



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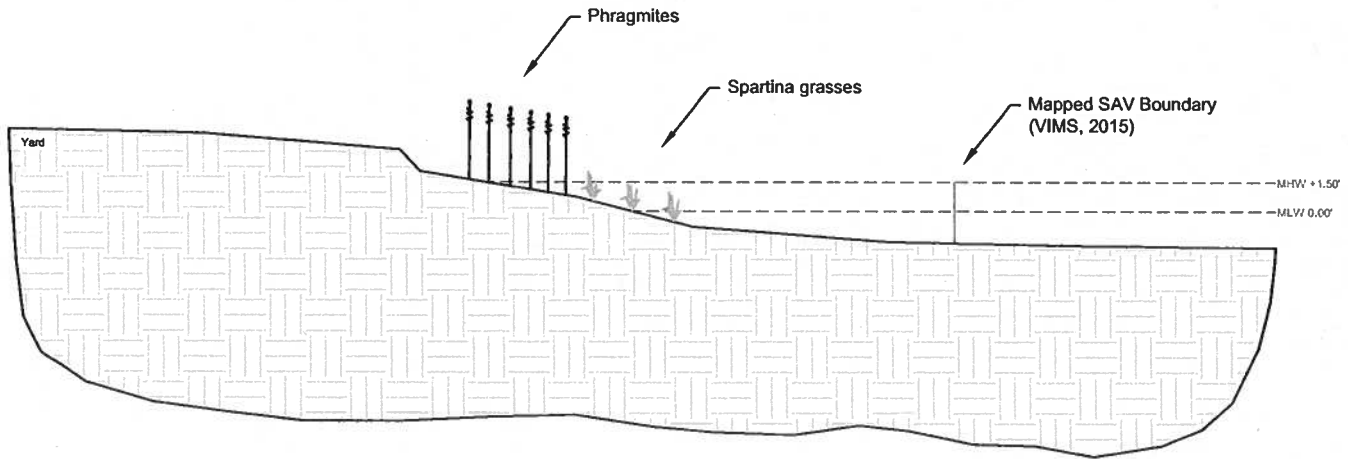
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Office: 410-822-0510
Fax: 410-822-4669
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Shoreline Stabilization / Pier Recon. Project - XSECs

Project Owner : Dr. William Smith				Drawing Date : Aug 29, 2017	
Location : 4774 Bar Neck Road, Tilghman, MD 21671					
County : Talbot		Map : 51	Parcel : 7	Lot :	
Waterway : Black Walnut Cove			Draw. Use: Fed/State Permit		Drawn By : Chris Moore
Revision Dates					Sheet 7 of 11

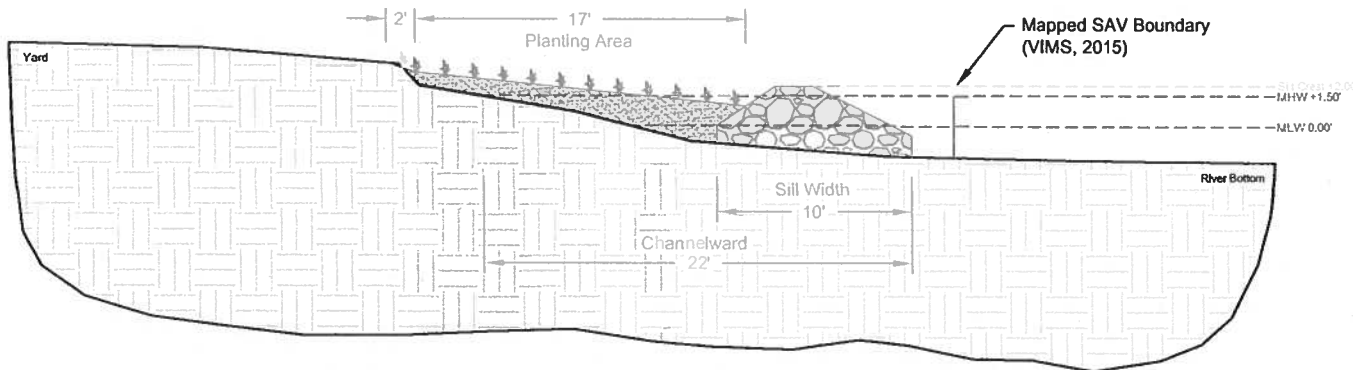
**C1 Shoreline Cross Section
Existing Conditions**

Scale: 1" = 10'



**C1 Shoreline Cross Section
Proposed Conditions**

Scale: 1" = 10'



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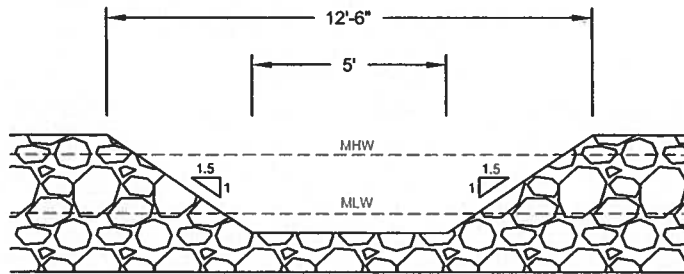
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Shoreline Stabilization / Pier Recon. Project - XSECs

Project Owner : Dr. William Smith				Drawing Date : Aug 29, 2017	
Location : 4774 Bar Neck Road, Tilghman, MD 21671					
County : Talbot		Map : 51	Parcel : 7	Lot :	Job No. :
Waterway : Black Walnut Cove			Draw. Use: Fed/State Permit		Scale : 1" = 10'
Revision Dates					Drawn By : Chris Moore
					Sheet 8 of 11

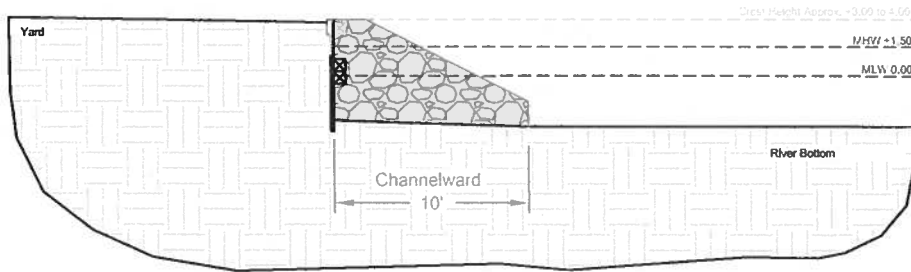
Sill Vent Detail Typ.

Scale: 1" = 5'



Riprap Revetment Cross Section

Scale: 1" = 10'



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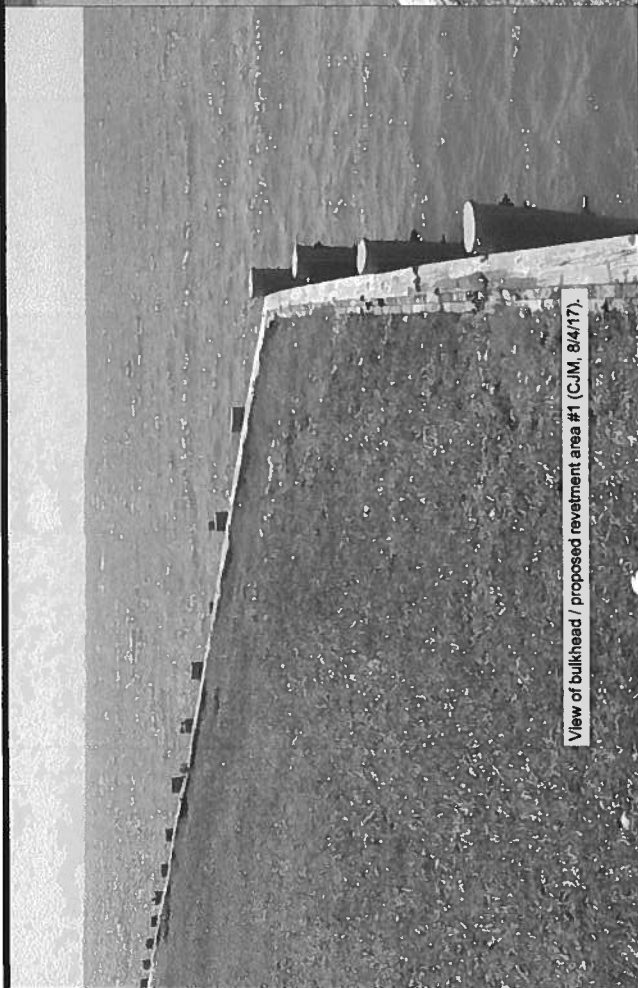
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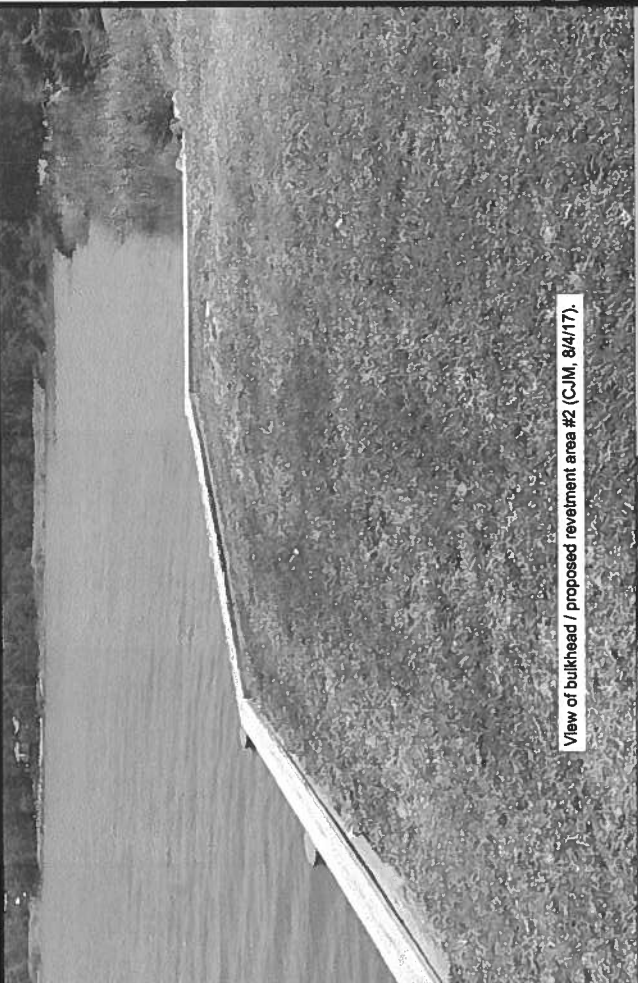
8626 Brooks Drive, Unit 103
Easton, Maryland 21601
Office: 410-822-0510
Fax: 410-822-4669
www.weemsbrothers.com

Shoreline Stabilization / Pier Recon. Project - XSECs

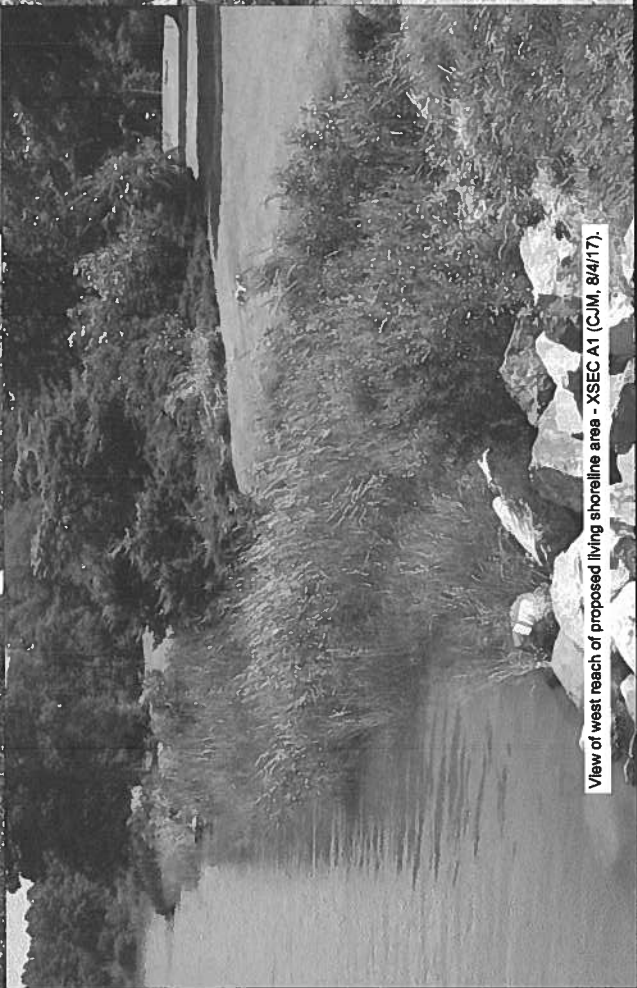
Project Owner : Dr. William Smith				Drawing Date : Aug 29, 2017	
Location : 4774 Bar Neck Road, Tilghman, MD 21671					
County : Talbot	Map : 51	Parcel : 7	Lot :	Job No. :	
Waterway : Black Walnut Cove			Draw. Use: Fed/State Permit		Scale : 1" = 10'
Revision Dates				Drawn By : Chris Moore	
				Sheet 9 of 11	



View of bulkhead / proposed revetment area #1 (CJM, 8/4/17).



View of bulkhead / proposed revetment area #2 (CJM, 8/4/17).



View of west reach of proposed living shoreline area - XSEC A1 (CJM, 8/4/17).



View of mid reach of proposed living shoreline area - sill break (CJM, 8/4/17).

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Shoreline Stabilization / Pier Reconstruction Project - Site Photos

Project Owner : Dr. William Smith
 Location : 4774 Bar Neck Road, Tilghman, MD 21671
 County : Talbot Map : 51 Parcel : 7 Lot : Waterway : Bar Neck Cove
 Drawing Date : Aug. 29, 2017
 Scale : Not to Scale
 Job No. : Draw. Use: Fed/State Permit
 Drawn By : Chris Moore
 Revision Dates

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