



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

Public Notice

**In Reply to Application Number
NAB 2016-60392 (MUISE, IRENE & CAI, TRISTAN
REVETMENT)**

PN 18-65

Comment Period: December 12, 2018 – January 12, 2019

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 Section 404 of the Clean Water Act**, as described below:

APPLICANT: Ms. Irene Muise and Mr. Tristan Cai
42132 and 42138 Patuxent Drive
Mechanicsville, Maryland

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the Patuxent River at 42132 and 42138 Patuxent Drive in Mechanicsville, St. Mary's County, Maryland.

PROJECT WORK DESCRIPTION: To remove and relocate approximately 142 feet of existing stone approximately 5 feet landward for the construction of a 10-foot wide by 355-foot long stone revetment with approximately 13,990 cubic yards of clean fill graded and stabilized backfill all to extend no more than approximately 73 feet channelward of the approximate mean high water shoreline. The work includes to restore the bottom of the waterway within an approximate 5-foot wide by 142-foot long area to pre-construction contours where the existing revetment and backfill would be removed. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at 410-962-6029 or Erica.Schmidt@usace.army.mil U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201.

The purpose of the project is to stabilize the shoreline and eroding cliff. The project is for the resolution of a noncompliance action. The initial authorization CENAB-2010-60283-M30 (AI 130413) (Irene Muise) was issued on August 10, 2011. The actual revetment was built 10 feet further channelward than initially authorized.

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 Engineer, U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201 within the comment period specified above.

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 the Patuxent River complex for EFH as described under the MSFCMA for *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (Spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. In addition, the site is not located adjacent to historic mapped beds of submerged aquatic vegetation. 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 to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination. The project area is not a Habitat Area of Particular Concern (HAPC).

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 have no effect Federal listed threatened or endangered species or their critical habitat since the depth of the water at the project site is less than 3-feet mean low water, pursuant to Section 7 of the Endangered Species Act, as amended because the proposed project is not located within waters accessible to species identified in the area. 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.

The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

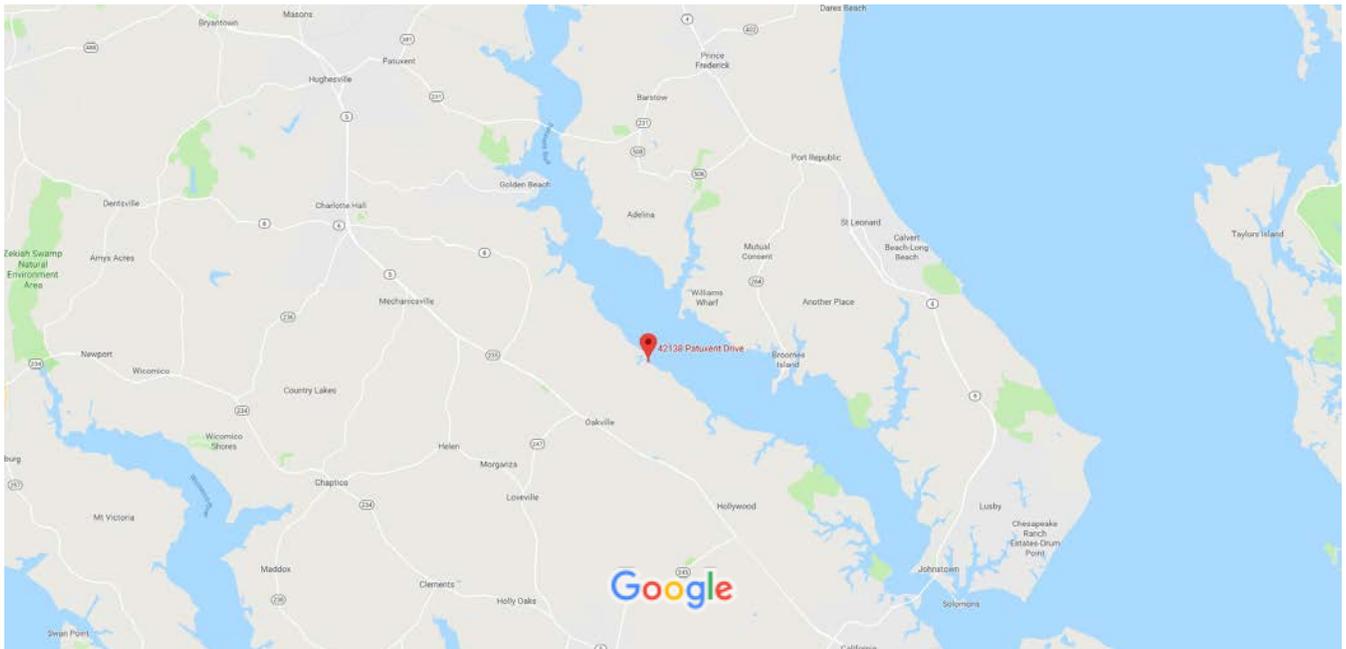
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza, Baltimore, Maryland 21201, within 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 know by you to be interested and not being known to this office, who did not receive a copy of this notice.

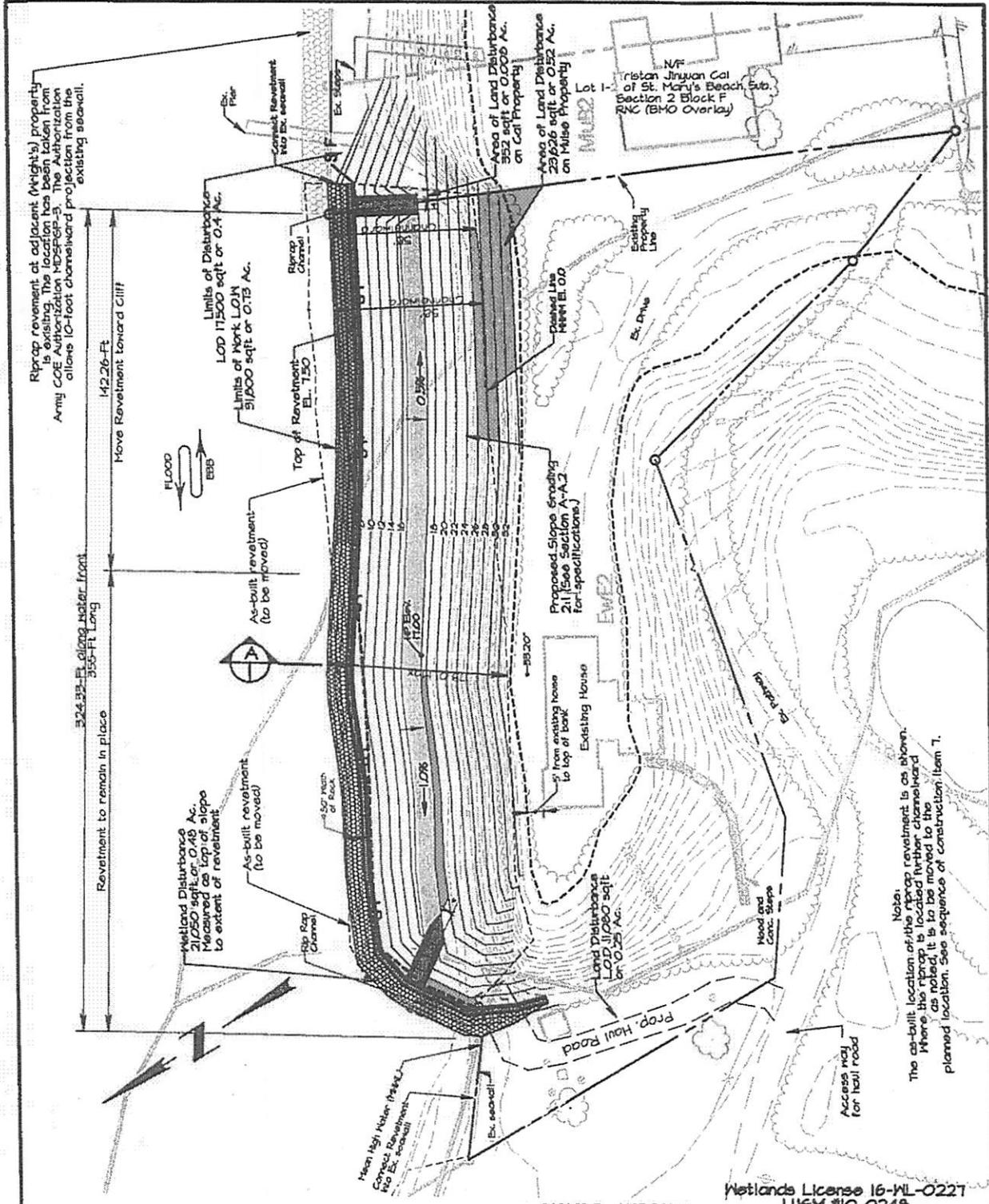
FOR THE DISTRICT ENGINEER:

Kathy B. Anderson
Chief, Maryland Section Southern

Google Maps 42138 Patuxent Dr



Map data ©2018 Google 2 mi



MEHAFFEY & ASSOCIATES, P.C.
 Civil & Environmental Engineering Land Planning
 41650 Court House Drive P.O. Box 2450 - Leonardtown, Maryland 20650
 301.475.0406 Fax 301.475.2822

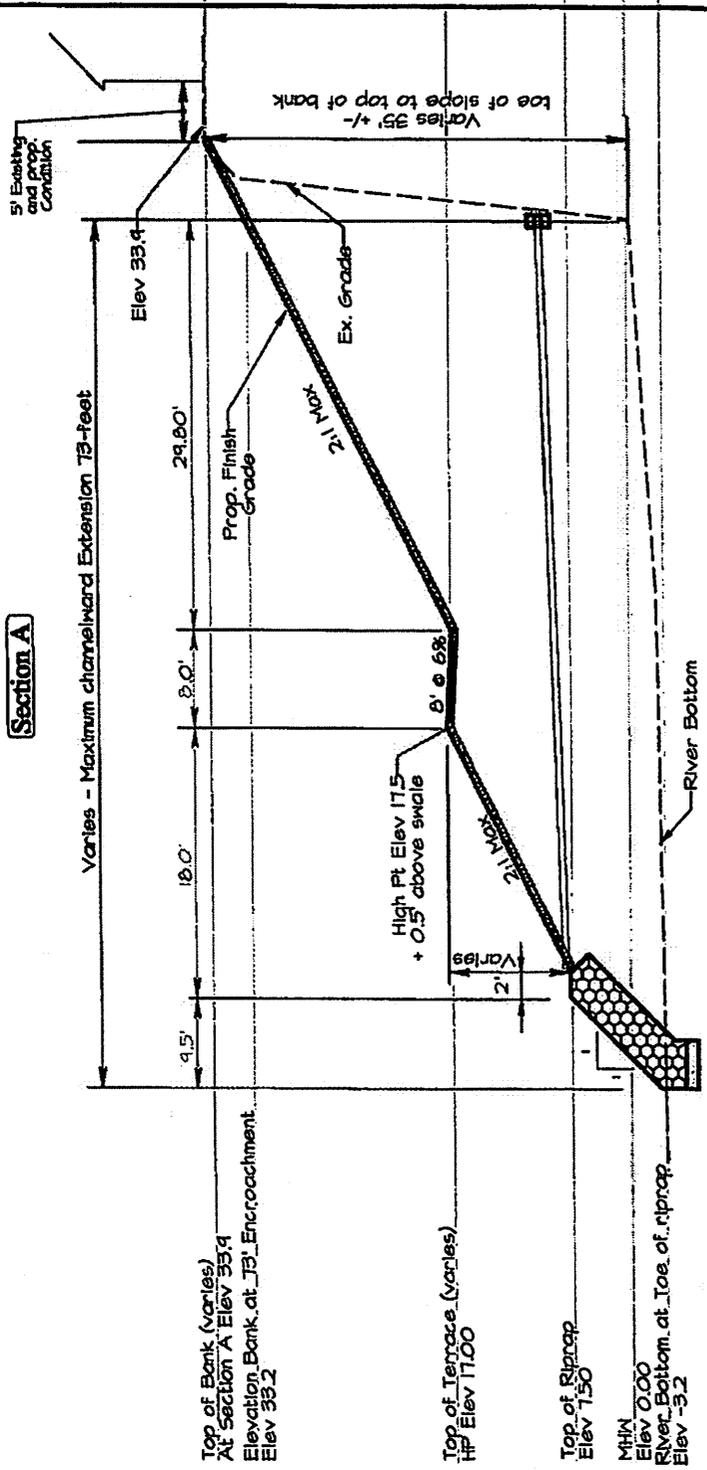
04/16/10 Per MDE 5A160A
DATE: 5/14/10
SCALE: 1" = 50'
DRAWN BY: DMills
REVISIONS
10/2/11 Per MDE 5/2/11
10-4-11 Rev w/ layout
11-11-11 Rev w/ dimensions
11-16-12 Rev per Corp

Netlands License 16-WL-0227
 LUGM #10-0248

MUISE REVETMENT
 Plan View
 Tax map 15, Block 07, Parcel 10
 Total site area: 1.34 acres +/-
 SIXTH ELECTION DISTRICT ST. MARY'S CO. MD.

201660392
 16-WL-0227
 4/16/18
 1 of 3

Section A



MEHAFFEY & ASSOCIATES, P.C.
 Civil & Environmental Engineering Land Planning
 41650 Court House Drive P.O. Box 2450 - Leonardtown, Maryland 20650
 301.475.0406 Fax 301.475.2022

04/16/18 Per MDE 9/16/18
 5-5-11 Rev Profile

DATE:	6/22/10
SCALE:	NTS
DRAWN BY:	DM/ile
REVISED:	
11-11 Rev W/Dimensions	
11-18-10 Rev per Corp	
10-22-10 dim. of Stone	
10-21-10 Rev/phone meet w/Vera	

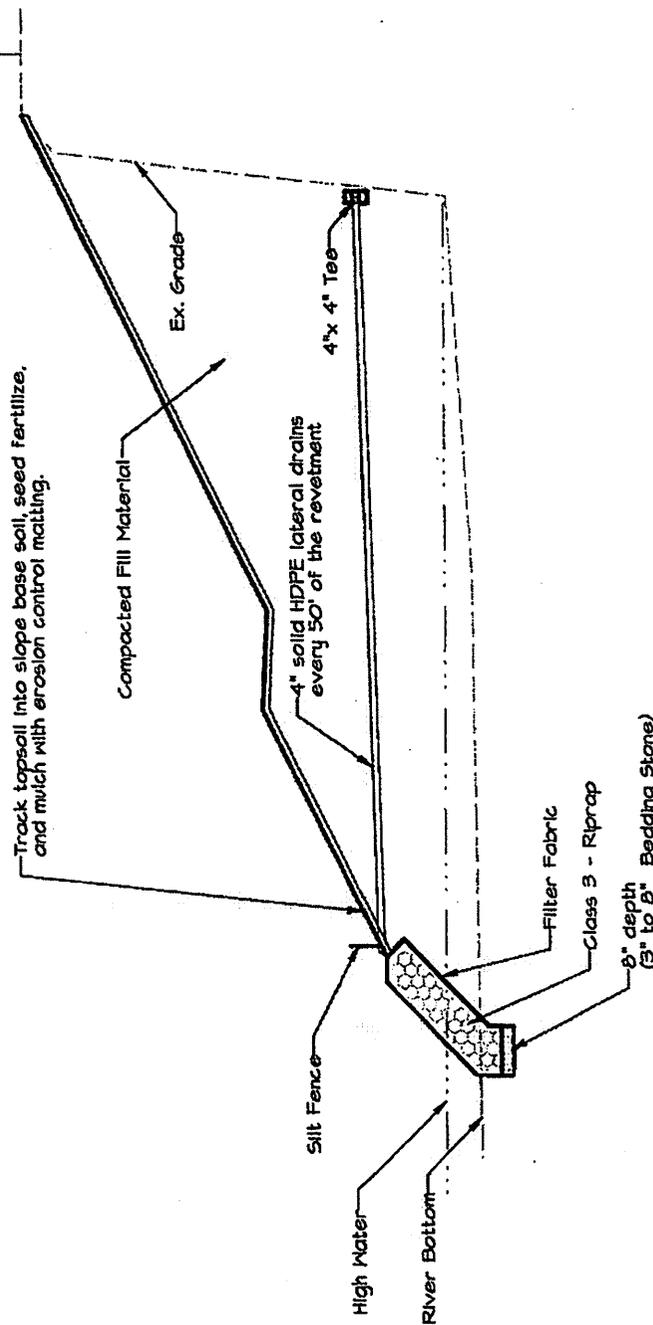
Wetlands License 16-WL-0227
 LUM #10-0248

MUISE REVETMENT
 Cross Section A-A.2
 Tax map 15, Block 07, Parcel 10
 Total site area: 1.34 acres +/-
 SIXTH ELECTION DISTRICT ST. MARYS CO. MD.

201660392
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 2 of 3

Section A

Elevation of terrace varies. See Grading Plan.



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DATE	6/22/10
SCALE	NIS
DRAWN BY	WJM
REVISIONS	
2/12/11 Rev Slope to 1:1	
2-1-11 Rev Slope to 1:1	
10-4-11 Rev W/Outlet	
8-9-11 Rev Profile	

Wetlands License 16-WL-0227
 LUGM #10-0248
MUISE REVETMENT
 Cross Section A-A.1
 Tax map 15, Block 07, Parcel 10
 Total site area: 1.34 acres +/-
 SIXTH ELECTION DISTRICT ST. MARYS CO., MD.

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 16-WL-0327
 4/16/15
 3.43