

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

May 21, 2008

Ms. Denise Breder
Town of Perryville
515 Broad Street, P.O. Box 773
Perryville, MD 21903

Ms. Mary Ann Skilling
Maryland Department of Planning
210 Inverness Drive
Church Hill, Maryland 21623

Re: Perryville Community Park – Roadway Stabilization Project

Dear Ms. Breder and Ms. Skilling:

I am writing in response to the Consistency Report submitted on behalf of the Town of Perryville regarding the above referenced project. It is my understanding that the Town completed a bank stabilization project at the Town Park. The work involved stabilizing an area of shoreline above Mean High Water (MHW) that was damaged from severe storm events. This area of the 100-foot Buffer is adjacent to an existing roadway that was being threatened. The Town secured funding from Maryland Emergency Management Agency (MEMA) to complete the work.

In order to proceed with this Consistency Report, the following conditions are required:

1. The project total 4,500 square feet of impact to the 100-foot Buffer. The Commission requires 1:1 mitigation for all impacts above Mean High Water related to shoreline erosion control activities. Therefore, the Town must provide a planting plan to meet this requirement. Plantings should consist of native species and credited at a rate of 100 square feet for every 2" caliper tree and 50 square feet for every shrub. This credit may be increased to 400 square feet for every grouping of one overstory tree and two understory trees or for one overstory trees and three shrubs.
2. In addition to the planting plan, the Town must provide a signed Agreement that summarizes the progress the Town has made towards meeting its mitigation obligations from previously approved projects. This includes any outstanding mitigation from the



Water Treatment Plant, the installation of the public walkway at the Town Park, and the boat launching facility. The agreement should be accompanied by an overall master plan showing a landscaping plan for all areas that have been or will be planted.

In order to proceed with development of the Planting Agreement and Master Planting Plan, the Town should schedule a meeting and site visit to the Town Park with Commission staff. Please contact me at your earliest convenience. If you have any questions, you may reach me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner

PE259-08

Consistency Report for Local Government Projects

| | |
|---|--|
| Project Name: PERRYVILLE COMMUNITY PARK SHORELINE STABILIZATION | Jurisdiction: TOWN OF PERRYVILLE |
| Project Description: The Town will be constructing a rock revetment along the shoreline to restore and stabilize the shoreline substantially eroded by Isabel. The project encompasses approximately 250 feet of shoreline on the northern side of the Perryville Community Park (see attached map). The Town received money from MEMA for the restoration/stabilization. The work will occur above the mean high water line. The toe of the proposed revetment varies horizontally in distance from 14' to 20' from the mean high water line and is approximately 2.5 feet vertically above the mean high water line. Armor stone 800 - 2000 pounds and filter cloth 104f will be installed. The eroded bank is in close proximity to the existing road and would undermine the road if not repaired. | |
| Local Agency proposing project: TOWN OF PERRYVILLE | |
| Contact Name and Phone Number: Denise Breder, Town Administrator 410-642-6066 | |
| Project Location (include street address, tax map and parcel number): Tax Map 800, parcel 67 | |
| Critical Area acreage and designation: 44 acres RCA | |

| Project Data | |
|--|------------|
| Existing forest/woodland/trees: Trees were destroyed when the bank eroded. % of site: Approximately 6 trees will need to be removed to properly grade and restore the bank. | |
| Proposed clearing: Existing fallen trees - the entire site will be graded to provide a stable grade for revetment and the remaining planted to grass. % of existing forest: | |
| Mitigation to be provided: Replant 6- 2" caliper trees at the Park | |
| Planting location & species (also show on site plan): Planting will occur at Perryville Park. (See attached plan) | |
| Existing impervious surface: NA | % of site: |
| Proposed new impervious: NA | |
| Total impervious surface: NA | % of site: |
| If the % of impervious cover exceeds the permitted amount in the LDA or RCA, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance. | |
| Total Area Disturbed: | |
| Stormwater Management: (If site is in the IDA, the 10% worksheets must be attached. Otherwise, local stormwater requirements must be addressed.) NA | |
| Has project received local approval of SWM and sediment and erosion control plans? Sediment Erosion received from Cecil SCD . | |
| Buffer impacts? 250' x 18' = 4,500 sq feet - The project is to rectify impacts as a | |

[The text on this page is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, but the specific words and sentences cannot be discerned.]

If there are Buffer impacts proposed and the project is not water dependent, the project may need a Conditional Approval from the Critical Area Commission. Please contact your Commission planner for assistance.

Other Habitat Protection Areas:


Colonial Nesting Waterbird site? Yes No Waterfowl Staging Area? Yes No
Endangered / threatened species? Yes No Forest Interior Dwelling Bird Habitat? Yes No
Anadromous Fish Propagation Waters? Yes No

Non-tidal Wetland Impacts? Yes No If yes, MDE permit #:

Tidal Wetland Impacts? Yes No X If yes, MDE permit #:

In accordance with COMAR 27.02.02, we hereby certify that this local agency project is consistent with the requirements of the local Critical Area Program.

The Project is above mean high waterline. No MDE permit was required

 _____ (Signature)

Please sign above, attach the site plan to this report and submit to the Critical Area Commission at 1804 West St., Suite 100, Annapolis, MD 21401

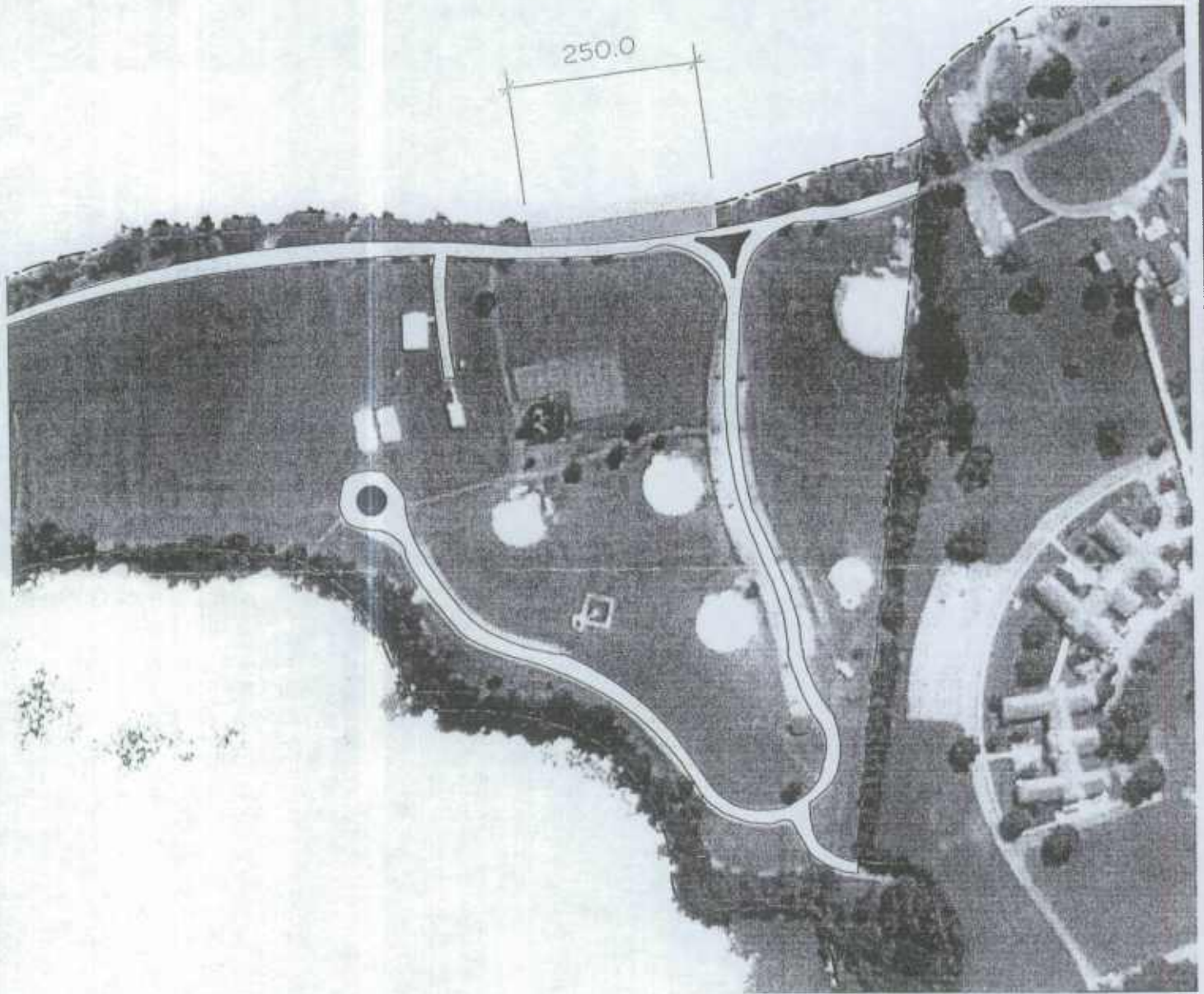
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A distinct handwritten signature or name in the middle of the page.

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CHESAPEAKE BAY



FIFTIDE MARINE CONSULTING
443 275-0965

Tax Account

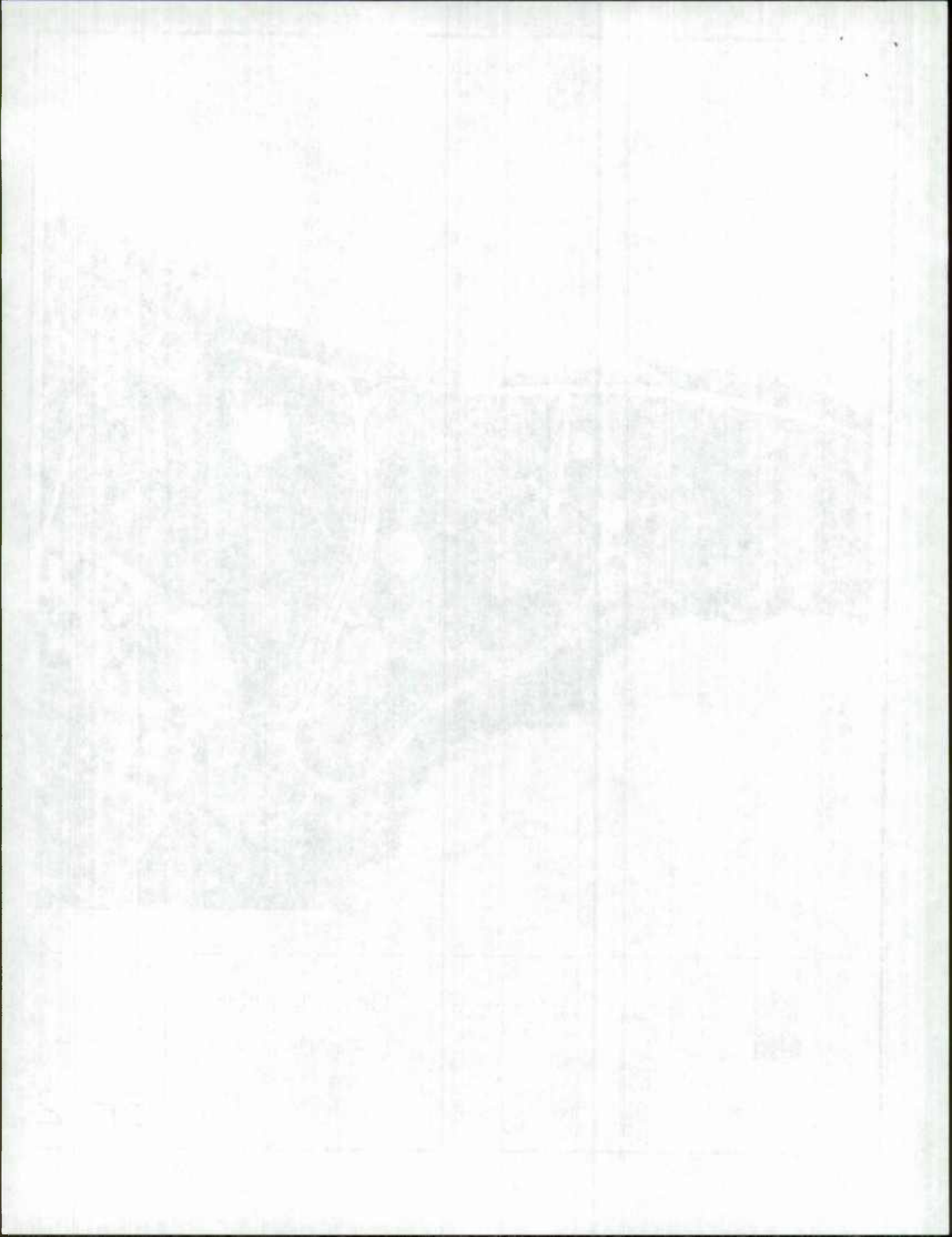
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| Map | Grid | Parcel |
| Sub-Dist | Sub-Div | Section |
| Block | Lot | Zoning |

Site Plan For:
PERRYVILLE BEACH

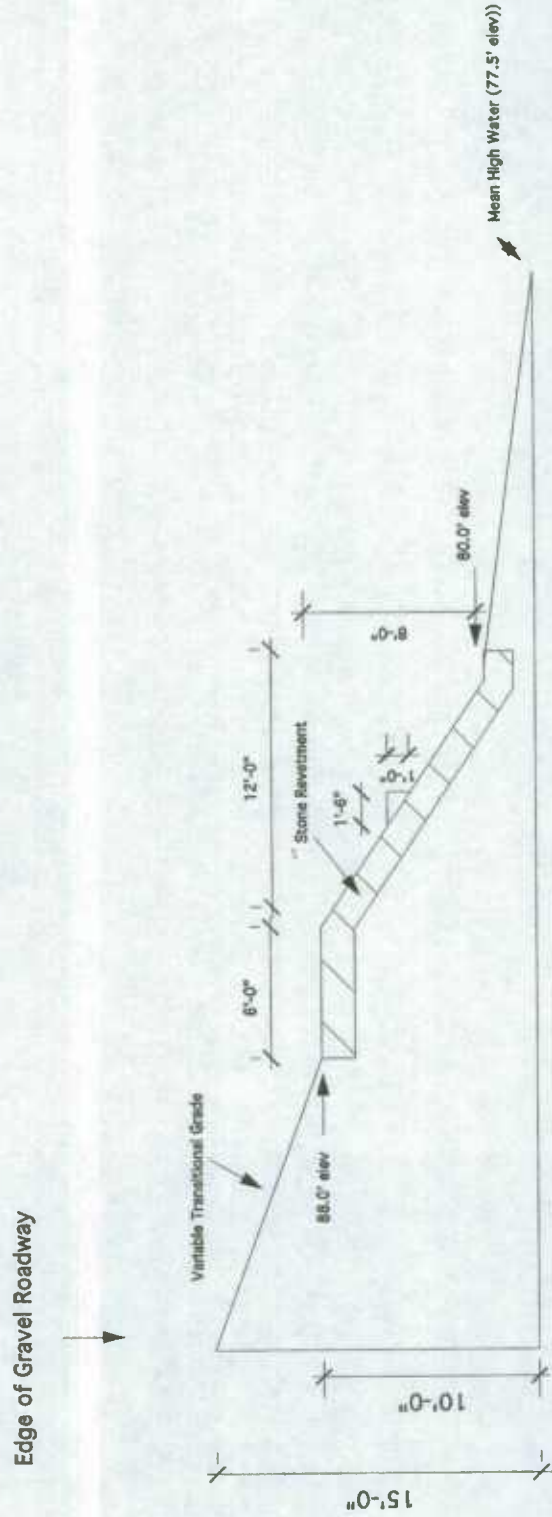
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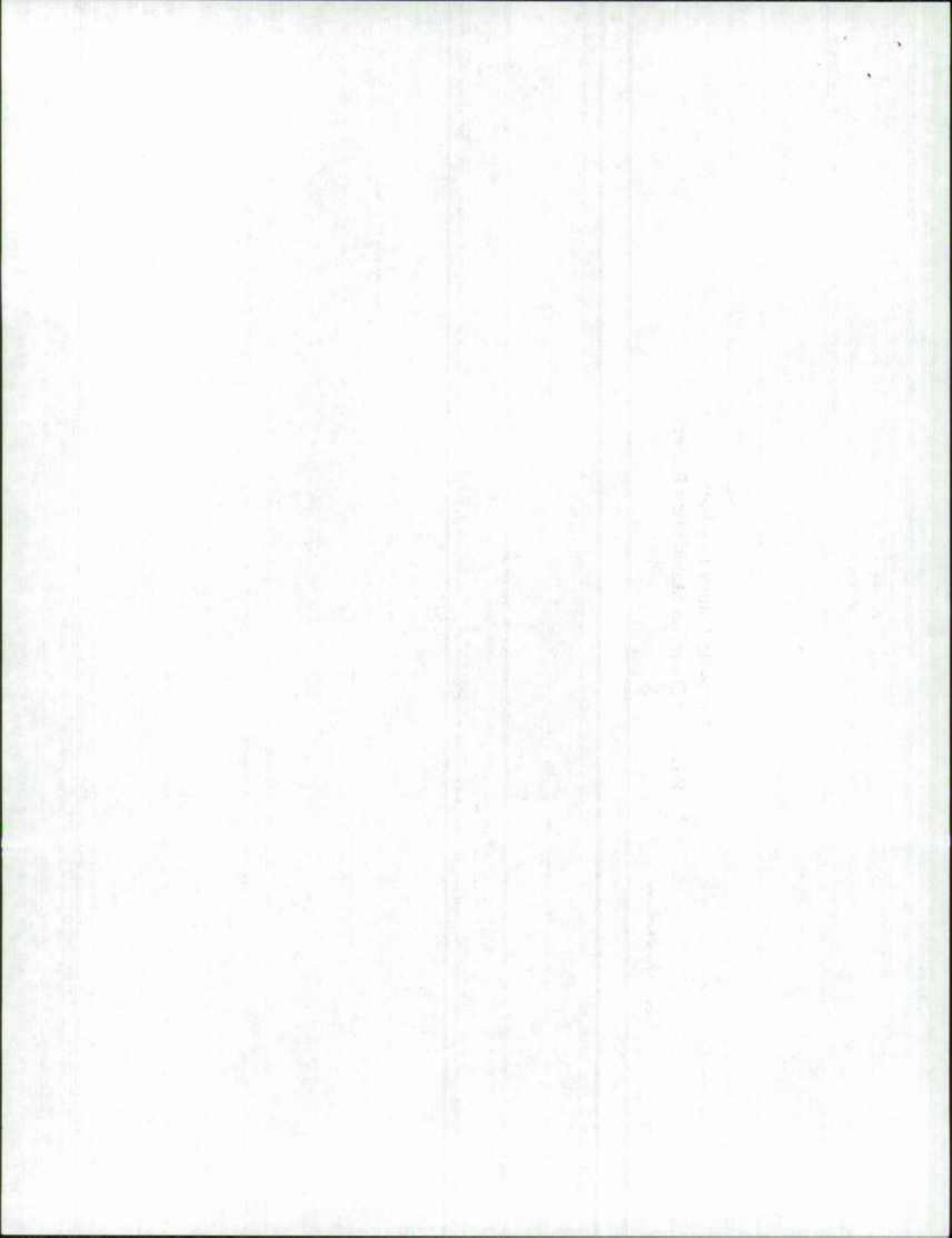
Date
1 SEPTEMBER 2007

Sheet No
SP-2



Perryville Community Park Proposed Shoreline Stabilization Project





GRAVEL ROADWAY

L.O.D.

STONE REVETMENT

FORCED SLOPE BETWEEN 1:1 AND 1:1.5

CONSTRUCTION PLANS TO BE DESIGNED BY OTHERS

GRAVEL ROADWAY

STONE REVETMENT

FORCED SLOPE BETWEEN 1:1 AND 1:1.5

S.F.

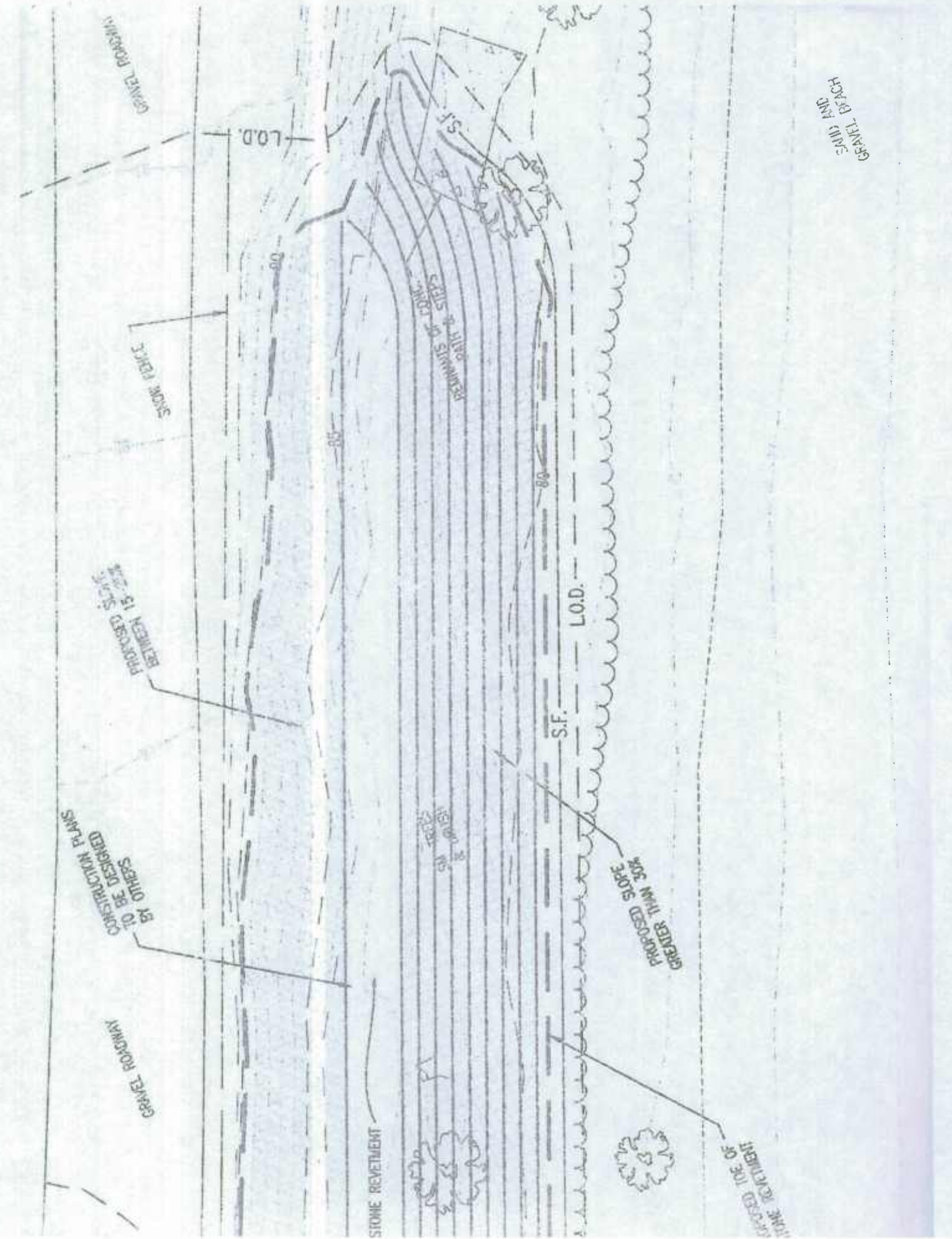
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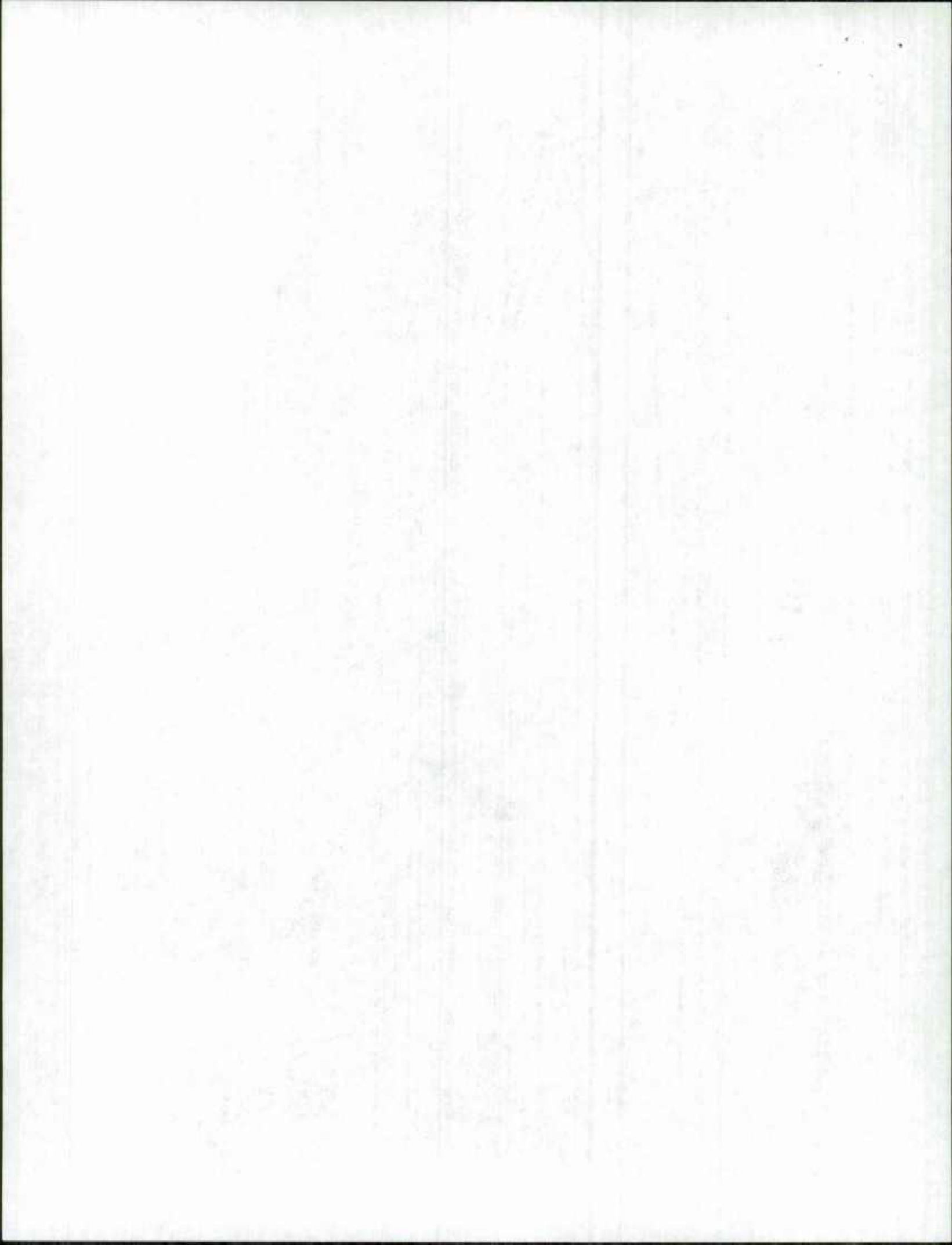
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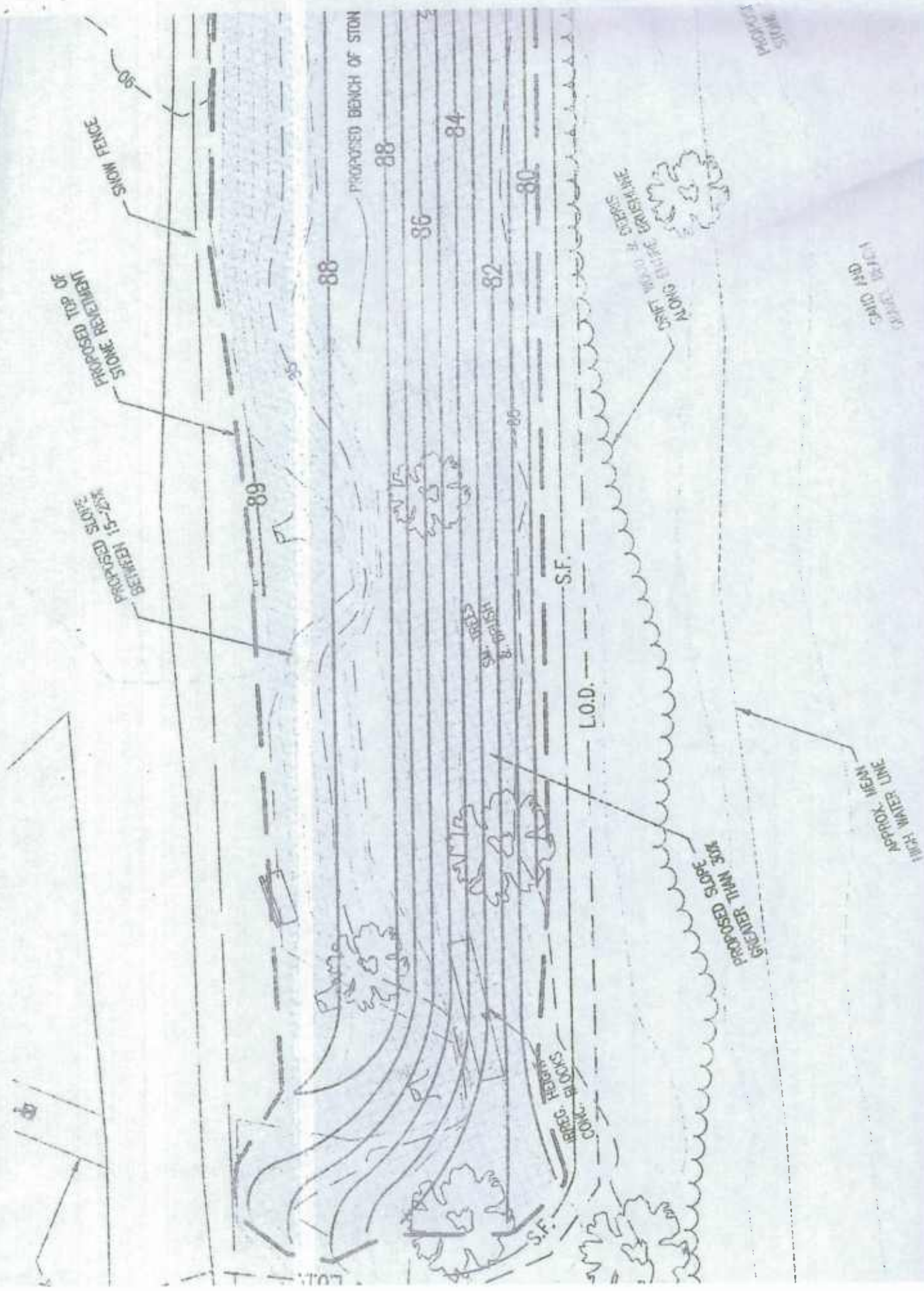
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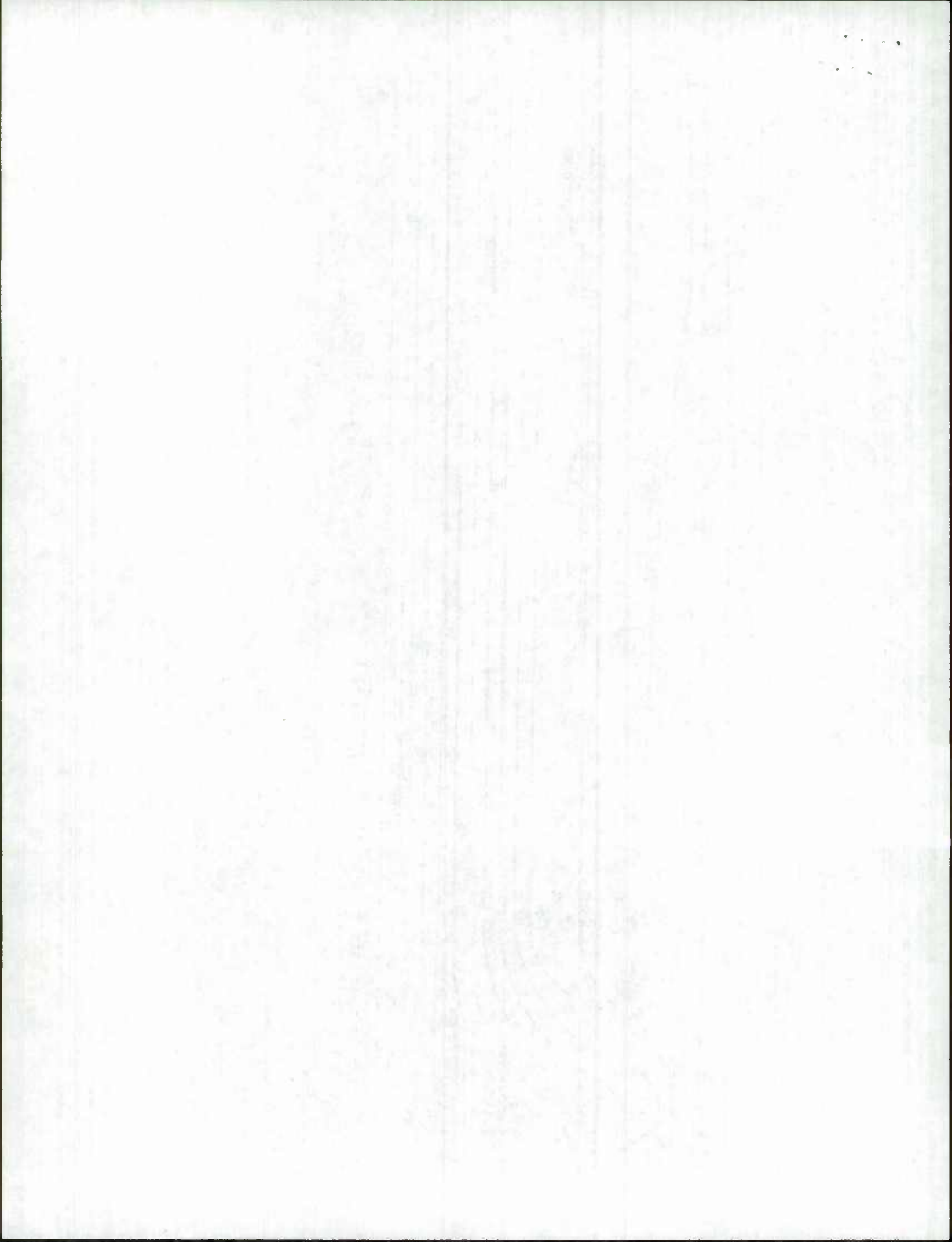
PERMANENT SURFACE OF ROAD

GRAVEL BACK SAND AND











Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

15 April 2008

Mr. Vance Hobbs, Chief
Maryland Section Northern
Regulatory Branch
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

RECEIVED

APR 17 2008

CRITICAL AREA COMMISSION

Attn: Steve Elinsky

Subject: **CENAB-OP-RMN (VAMHCS/Perry Point Medical Center/Revetment, Pier,
Boat Ramp & Dredging) 2007-9423-M12 (200765638); Susquehanna River;
Lower Susquehanna River Area; Cecil County**

Dear Mr. Hobbs:

The above referenced project has been reviewed by the Department of Natural Resources for associated ecological impacts. The applicant proposes to emplace approximately 6,441 linear feet of stone revetment with an average channelward extent four feet from the mean high water line and a maximum of 10 feet impacting 21,560 square feet of shoreline below the MHW line; extend 16 pipes through the revetment; construct a boat ramp and pier and dredge to the minus 3.5 foot depth at mean low water a 30-foot long by 26-foot wide area channelward of the proposed boat ramp and deposit 27 cubic yards of dredged material in an upland disposal location.

To ensure that impacts to aquatic resources on the project site and downstream are avoided, then minimized to the maximum extent possible, we request that the following concerns and recommendations be fully incorporated into the review of the proposed activities:

1. The Department's principal concern with this project is impacts from the proposed stone revetment. The Department has records for a State-listed plant species, Parker's Pipewort (*Eriocaulon parkeri*) growing at the project site. Currently, *E. parkeri* is listed as a threatened species in Maryland meaning that the species is likely to become endangered in the future. *E. parkeri* is a globally rare (21-80 populations worldwide) plant that occurs in intertidal zones of freshwater estuaries in eastern North America from Quebec to North Carolina. *E. parkeri* is listed at some level of conservation concern in every state or province where it is known to occur. Maryland's Chesapeake Bay populations form part of the core of the species distribution in the United States. *E. parkeri* has undergone range restriction in the lower Chesapeake Bay; it no longer occurs in the Wicomico River, the Potomac River, or the Pocomoke River where it is historically documented. Only one flowering plant was found on

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the Choptank River on the date of the last survey (1987). There are 21 known populations in Maryland, five are very small and may not be currently extant, seven others contained fewer than 100 plants at the time of the last survey and one has not been relocated. The habitat for *E. parkeri* is subject to continuous scouring from tidal currents that expose and inundate the plants twice a day, thus the available habitat is a narrow band of shoreline between mean high and mean low in locations with low to moderate tidal amplitude. *E. parkeri* is a poor competitor surviving in nutrient poor sand and gravel substrates with low organic matter where few other species occur. As with many annuals population sizes vary dramatically from year to year; however, *E. parkeri* produces basal offshoots that provide some level of persistence although most reproduction is likely from seed. Among the immediate threats to the species persistence in Maryland are shoreline stabilization, dredging, and sedimentation following shoreline clearing and construction. Longer-term threats include saltwater intrusion from repeated drought episodes and sea-level rise.

2. The Perry Point population of *E. parkeri* is the seventh largest in Maryland. The proposed shoreline revetment will have direct and unrecoverable impacts on the *E. parkeri* subpopulations at the project site. Using spatial survey data from a thorough survey in 1988 and a partial survey in 1998, two major subpopulations are located in the project area. The first subpopulation containing 46 patches of plants representing ca. 50-100 individuals is located just east of an existing stone jetty (sheet 8) within the construction area. The second subpopulation containing 105 patches of plants representing 2-300 individuals is located east of the impact area east of the existing boat ramp (sheet 10). Several smaller patches representing single to tens of individuals were located at seven other sites; the proposed stone revetment will directly impact five of these previously occupied and available habitats. In total, 67% of the population occurred east of the proposed stone revetment; however the other 33% of the population will be directly impacted, i.e., direct habitat loss and conversion. Additionally, the proposed shoreline repair may have future impacts on the remaining *E. parkeri* via changes in water current and sediment transport but these are largely unknown and the analysis of those potential impacts fall outside the scope of this document.
3. The Department recommends that the applicant continue to work with ecologists in the Department's Wildlife and Heritage Service on ways to further refine the proposed revetment design to avoid impacts to the populations of *E. parkeri* to the maximum extent possible. If, after further design refinement, impacts to *E. parkeri* would still occur, the applicant should be required to provide mitigation for those impacts. Any mitigation requirements for the revetment's impacts to *E. parkeri* should be developed in cooperation with the Department. Mr. David Brinker, Central Region Ecologist for the Department should be involved in evaluating and developing any design changes and, if needed, mitigation requirements. Mr. Brinker can be reached at (410) 744-8939.
4. The proposed project site is located with area designated as a Habitat Protection Area (CE-L-02) under the State's Critical Area law and the project should be coordinated

with the Critical Area Commission to ensure that it meets the requirements of the State's Critical Area law.

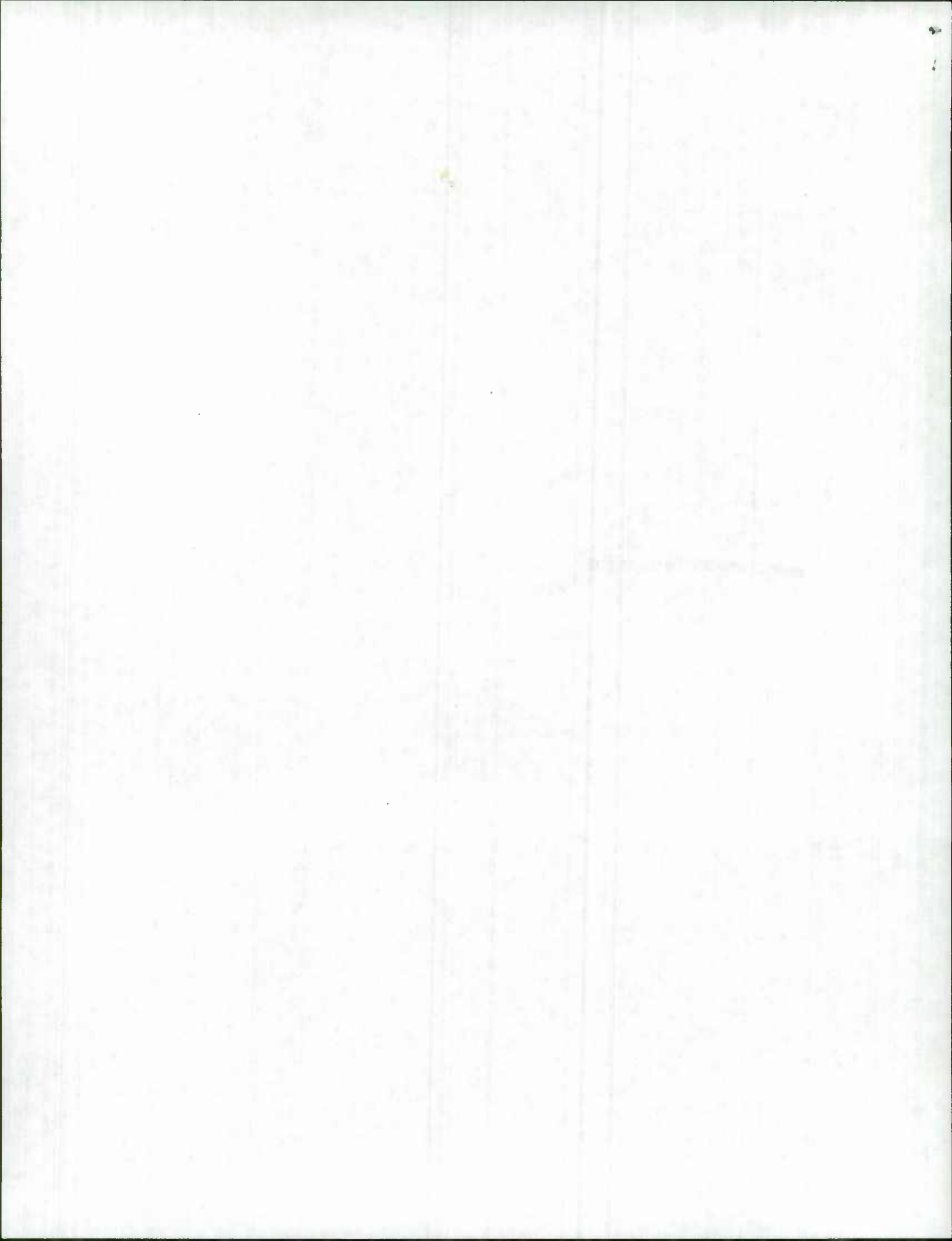
Should you require additional information regarding these comments, please feel free to contact me at 410-260-8333.

Sincerely,

A handwritten signature in cursive script that reads "Roland Limpert".

Roland Limpert
Environmental Review Unit

cc: Dave Brinker, DNR-WHS
Tim Larney, DNR-WHS
Chris Frye, DNR-WHS
Glenn Therres, DNR-WHS
Lisa Hoerger, DNR-CAC
Reggie Graves, MDE-Tidal Wetlands (200765638)



Schmidt, Katherine

From: Schmidt, Katherine
Sent: Tuesday, May 13, 2008 4:17 PM
To: Hoerger, Lisa; Serey, Ren
Subject: Perryville "shoreline" stabilization project

Ren and Lisa:

Here are the details on the Perryville Park project where they stabilized the bank adjacent to an existing road that is above MHW, but was damaged by Hurricane Isabel. The Town got money from MEMA for it.

1. The project is complete.
2. The project consisted of a rock revetment approximately 18 feet in width and 250 feet long for a total of 4,500 square feet.
3. The project removed 6 existing trees.

We need to discuss mitigation and approval of the planting plan.

We required 1:1 mitigation for the area of the revetment for the Amtrak project outside of North East. This sounds reasonable to me for this project. However, we may want to look at St. Mary's policy for revetments above MHW. They require 3:1 mitigation for any clearing that is necessary, plus a planted bufferyard (not sure the width).

My thoughts are 1:1 mitigation for the area of the revetment, in this case 4,500 square feet, is consistent.

As far as approval of the planting plan goes, the Town has room at the Park. However, all I have is an extremely simple plan from a previous project showing "planting areas" at the park. I'm not sure the space that is available, nor what has been taken up by previous approvals, namely the Water Treatment Plant, the new walkway at the Park, or the Perryville Boat Ramp project from earlier this year. I asked Marianne about this and was told some of it has been planted.

If we can deem this project consistent with 4,500 square feet of mitigation, I think we need to require the Town provides us with a site visit and update to all the previous mitigation requirements.

Thoughts?

Thanks,
Kate

Kate Schmidt
Natural Resource Planner
Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD 21401
410-260-3475

