

U.S. Army Corps of Engineers Baltimore District

PN 19-14

Public Notice

In Reply to Application Number CENAB-OPR-MN 2018-62153-M07 (TOPGOLF USA BALTIMORE LLC)

Comment Period: March 7, 2019 to April 8, 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/or Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

APPLICANT:	Mr. Tanner Micheli Topgolf USA Baltimore LLC
	8750 N. Central Expressway, Suite 1200 Dallas, TX 75231

WATERWAYS AND LOCATIONS OF THE PROPOSED WORK: The proposed project is located along Warner and Stockholm Streets, within the northern portion of the Middle Branch Patapsco River, Baltimore City, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes to discharge clean fill into approximately13,535 square feet of tidal wetlands not to exceed a maximum of 150 feet channelward of the approximate mean high water shoreline for the establishment of a golf complex outfield and a living shoreline consisting of a transitional planting zone, high and low marsh, and low profile oyster bag containment structure; and relocate an existing stormwater outfall by constructing a 300-foot long by 12-foot wide culvert extension that would outfall into a 58-foot long by 50-foot wide riprap plunge pool to a maximum depth of -4 feet below mean low water. The project would result in permanent impacts to approximately 16.890 square feet/0.39 acres of tidal wetlands and approximately 11,227 square feet/0.26 acres of open water; and temporary impacts to approximately 2,425 square feet/0.06 acres of tidal wetlands and approximately 22,713 square feet/0.52 acres of open water. Additionally, the applicant proposes mitigation for approximately 0.65 acres of permanent impacts through enhancement of approximately 0.69 acres of tidal marsh and creation of approximately 0.69 acres of open water (1.38 acres total) not to exceed a maximum of 100 feet channelward of the mean high water shoreline located off-site at Ridgely's Cove in tidal waters channelward of Warner Street between Alluvion and Bayard Streets.

The limits of the regulated work is confined to open tidal waters and tidal wetlands. The work is associated with the construction of a golf entertainment complex including an outfield with dartboard-like targets within the ground, stormwater outfall, stream diversion, shoreline stabilization, and mitigation. Several design iterations have identified a minimization of impacts to aquatic resources. Through preapplication consultation with the agencies, the applicant has reduced the permanent impacts to tidal wetlands and tidal open waters from 2.13 acres to 0.65

acres.

The purpose of the project is to construct a golf entertainment complex for recreation, in the Baltimore City area, and stabilize and protect the shoreline for erosion control. All work will be completed in accordance with the enclosed plans dated December 2018. If you have any questions concerning this matter, please contact Ms. Maria N. Teresi, CENAB-OPR-M, 2 Hopkins Plaza, Baltimore, Maryland, 21201 or <u>maria.teresi@usace.army.mil</u>

As part of the planning process for the proposed projects, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. Compensatory mitigation is being proposed by the applicant for impacts to open water tidal waters and tidal wetland habitat.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 proposals 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 impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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 these proposed activities. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny permits for these proposals. 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 these actions. 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, Attn: Ms. Maria N. Teresi, CENAB-OPR-M, 2 Hopkins Plaza, Baltimore, Maryland, 21201 or <u>maria.teresi@usace.army.mil</u> 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 EFH as described under MSFCMA for windowpane flounder (Scopthalmus aquosos) juvenile and adult; blue fish (Pomatomus saltatrix) juvenile and adult; summer flounder (Paralicthys dentatus) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (Sciaenops ocellatus), king mackerel (Scomberomorus cavalla), spanish mackerel (Scomberomorus maculates), and cobia (Rachycentron canadum), all 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. This habitat consists of a mostly sand and silt substrate which does not support submerged aquatic vegetation (SAV). According to the Maryland Aquatic Siting Tool survey maps, there is no SAV within the project area. 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: 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.

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 (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. MDE 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.

ENDANGERED SPECIES: 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.

CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, is 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 requested permit.

SECTION 408: The Corps is reviewing the proposed activity, pursuant to 33 USC 408 (Section 408). A determination has not been made at this time.

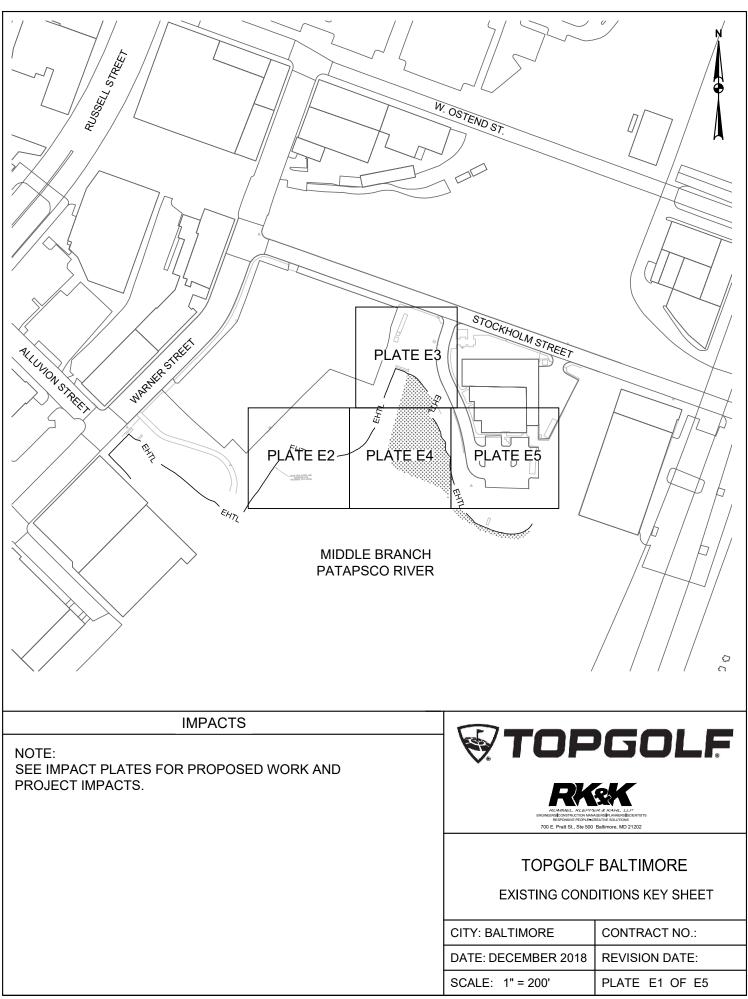
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Attn: Ms. Maria N. Teresi, CENAB-OPR-M, 2 Hopkins Plaza, Baltimore, Maryland, 21201 or <u>maria.teresi@usace.army.mil</u>, within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by these activities and the manner in which the interest may be adversely affected.

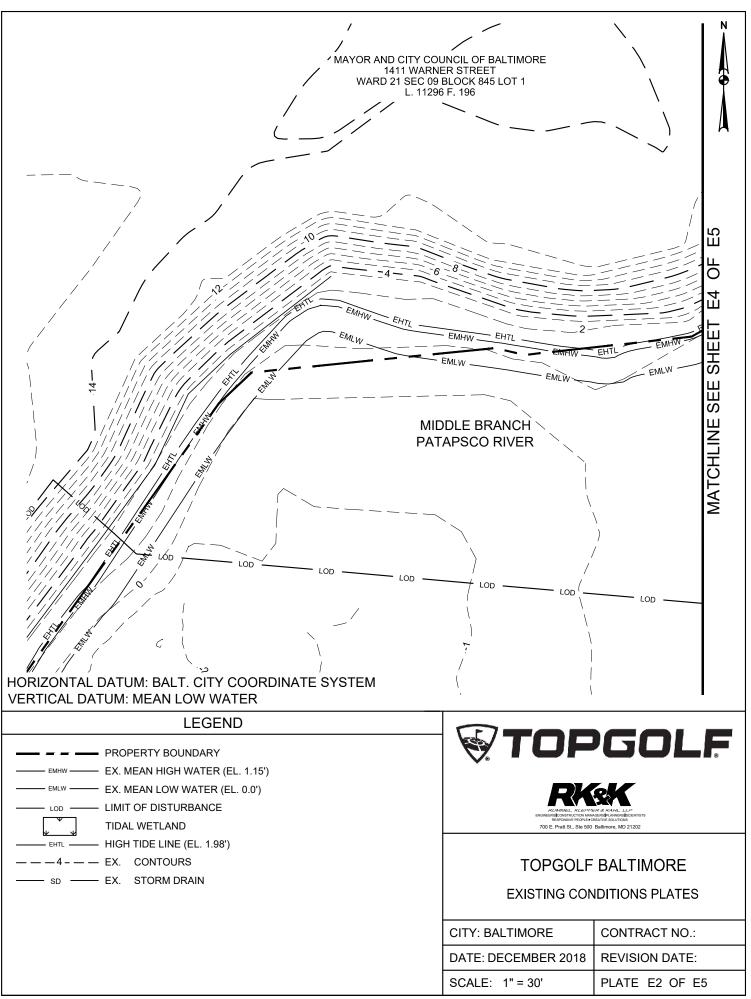
It is requested that you communicate this information concerning the proposed work to any persons know by you to be interested and not being known to this office, who did not receive a copy of this notice.

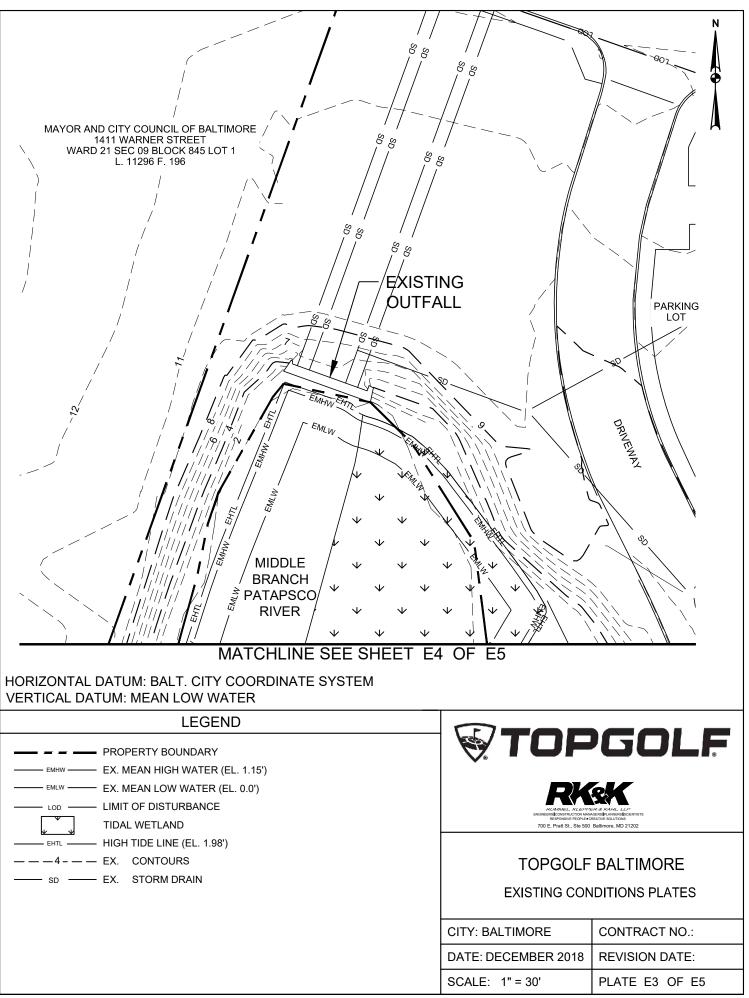
FOR THE DISTRICT ENGINEER:

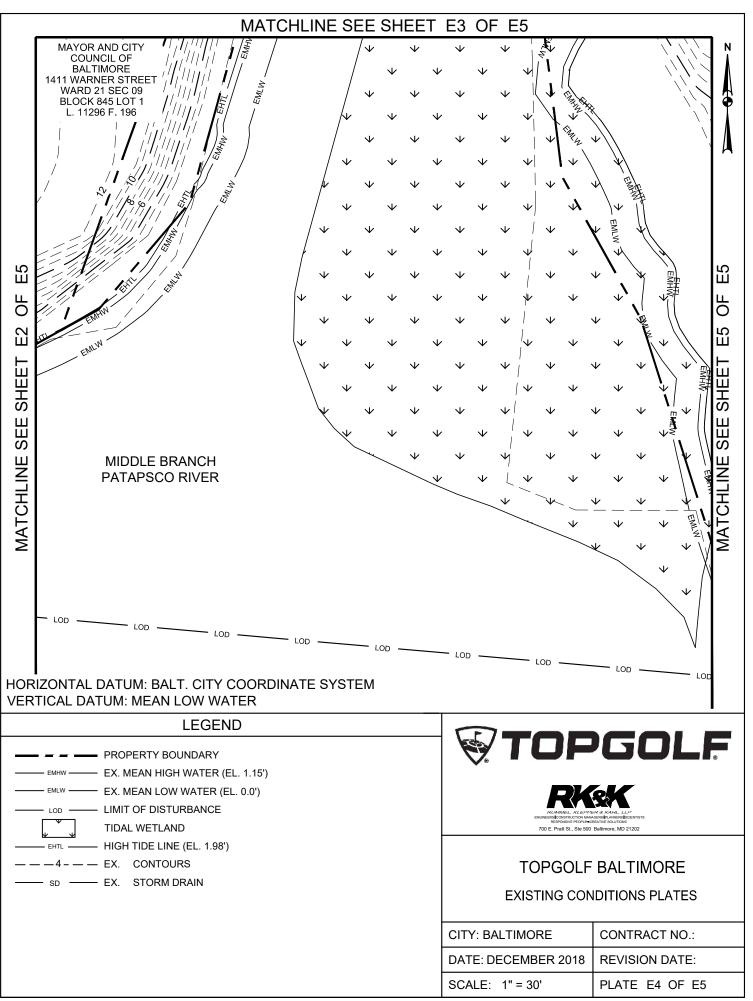
Joseph P. DaVia Chief, Maryland Section Northern

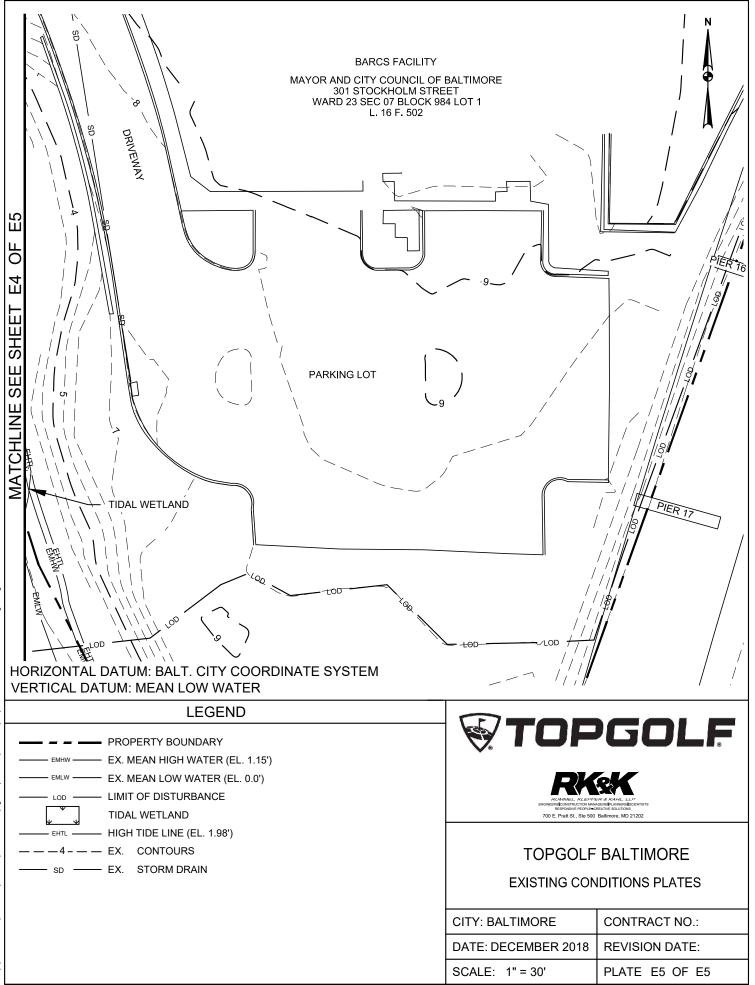


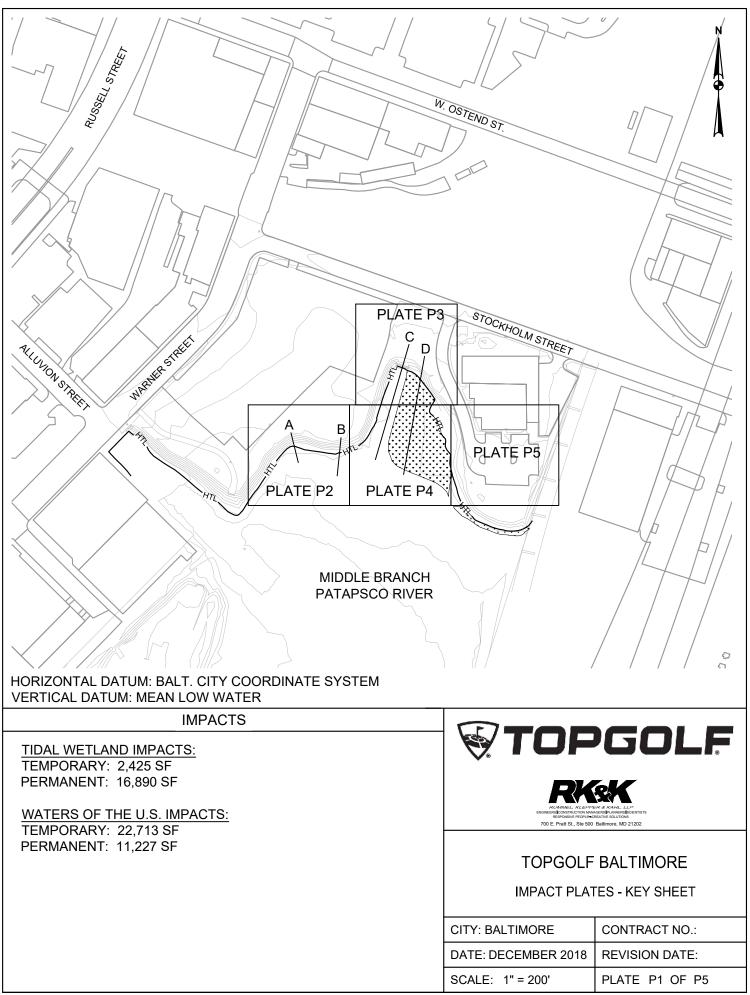


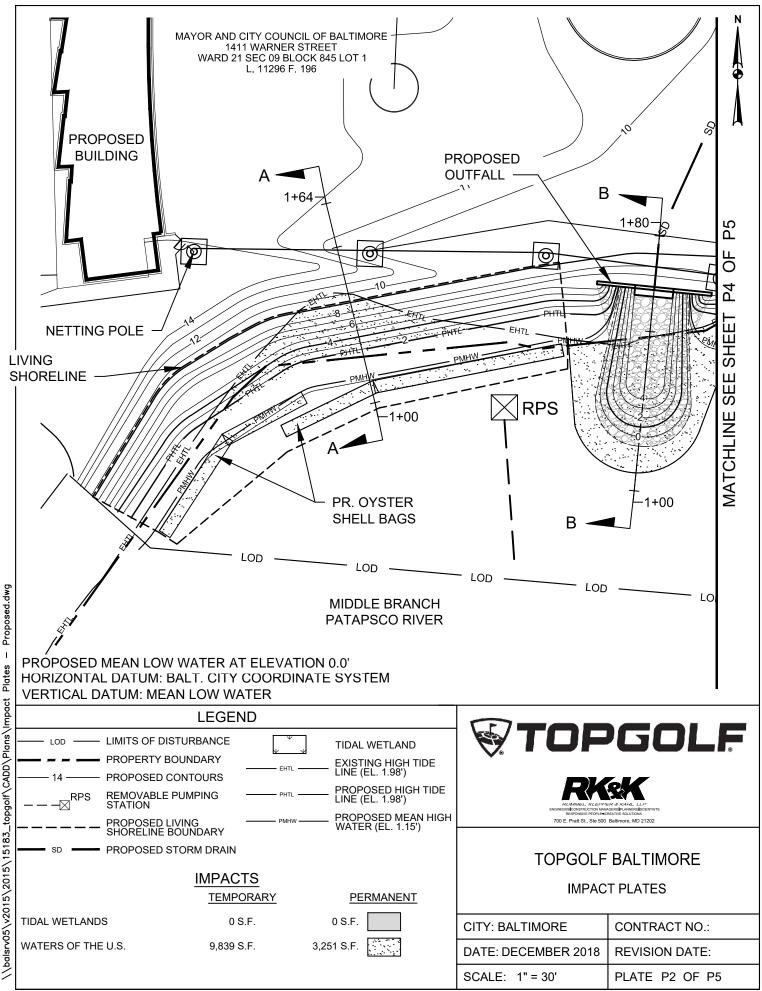




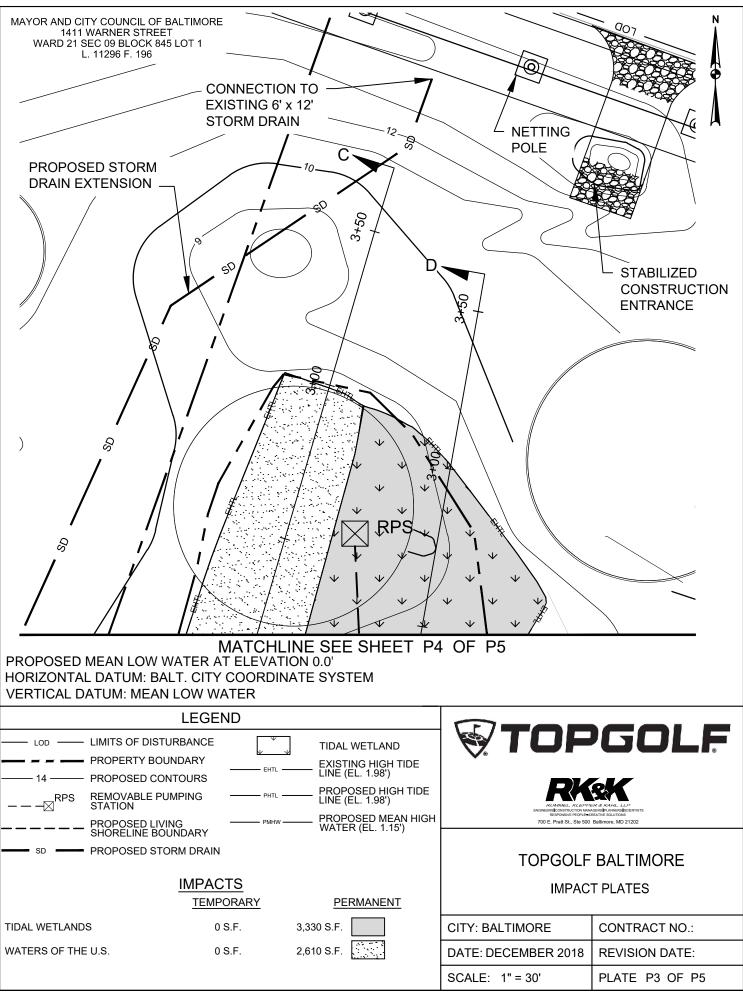


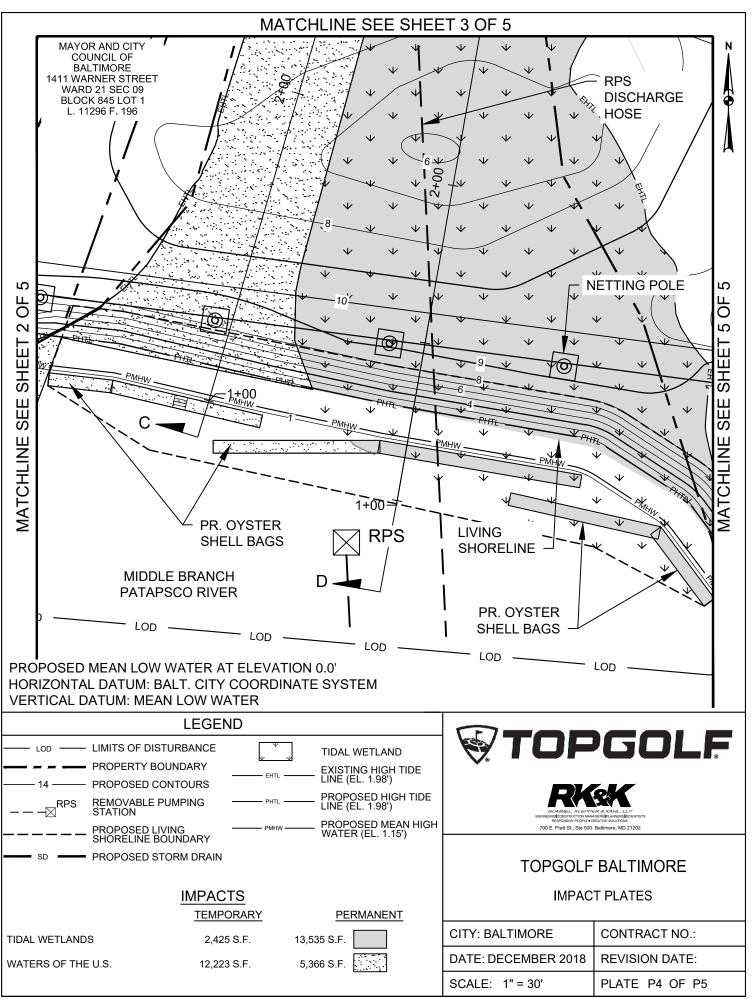


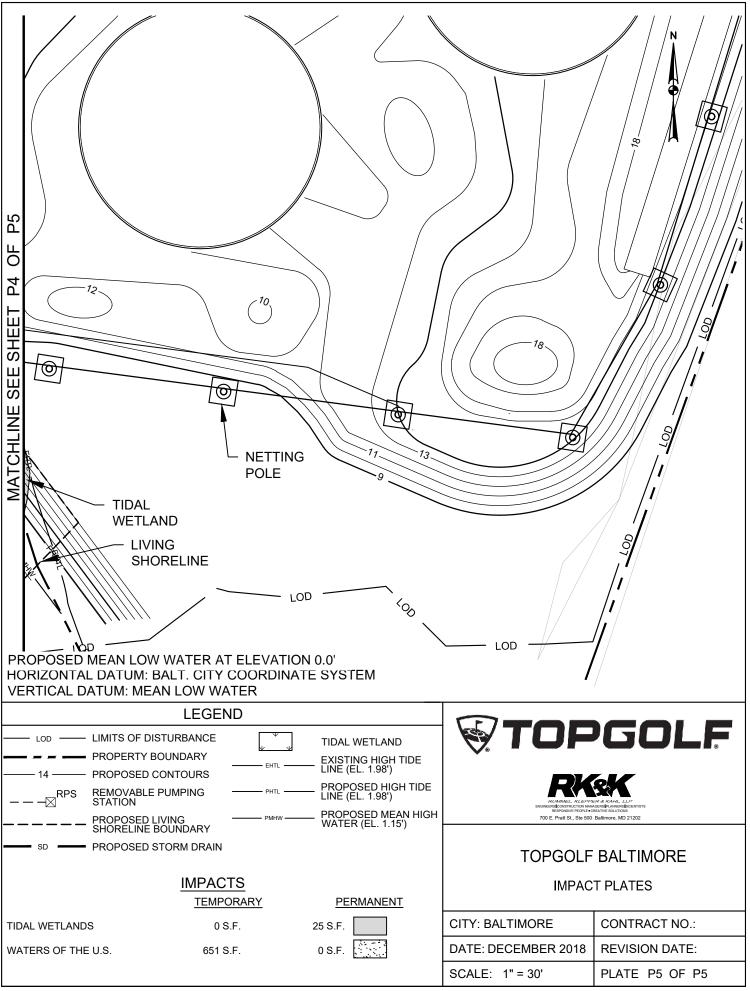




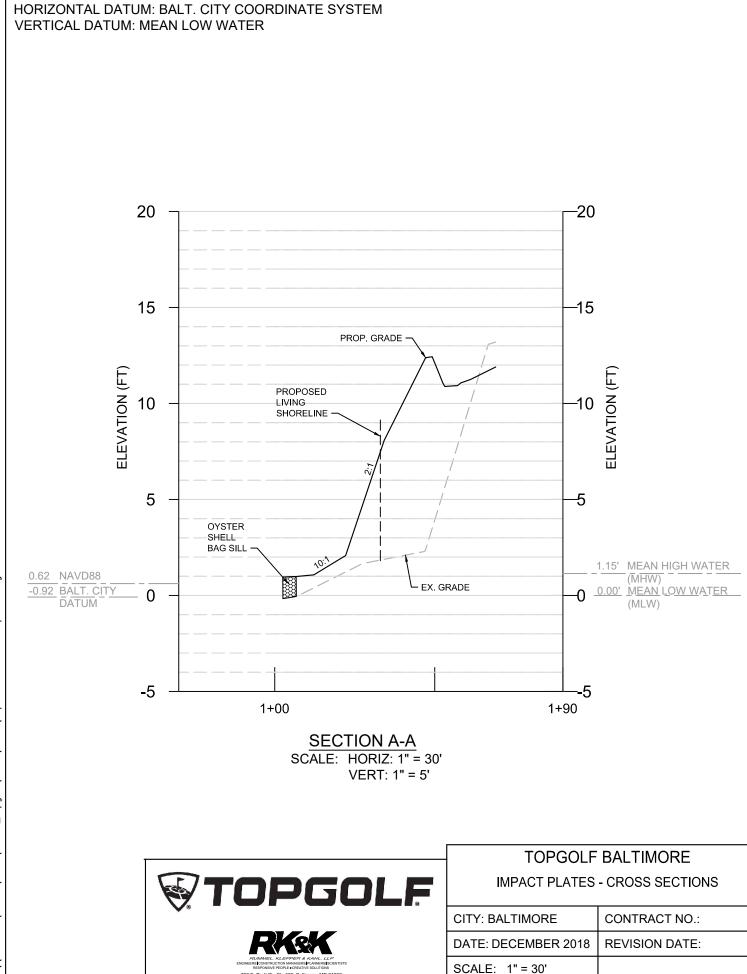
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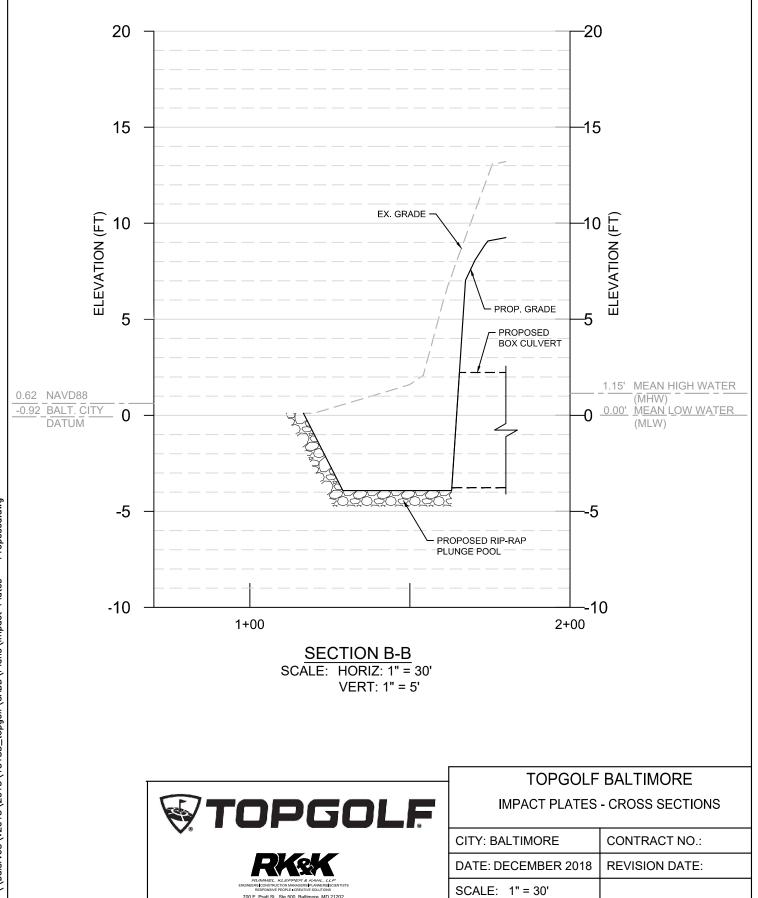


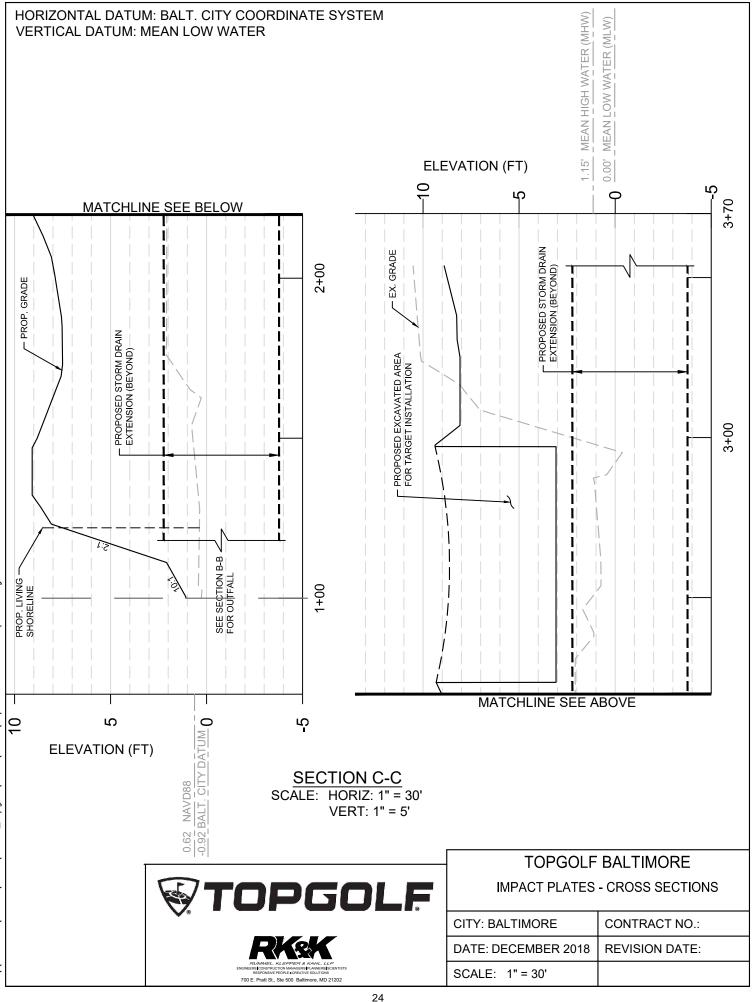


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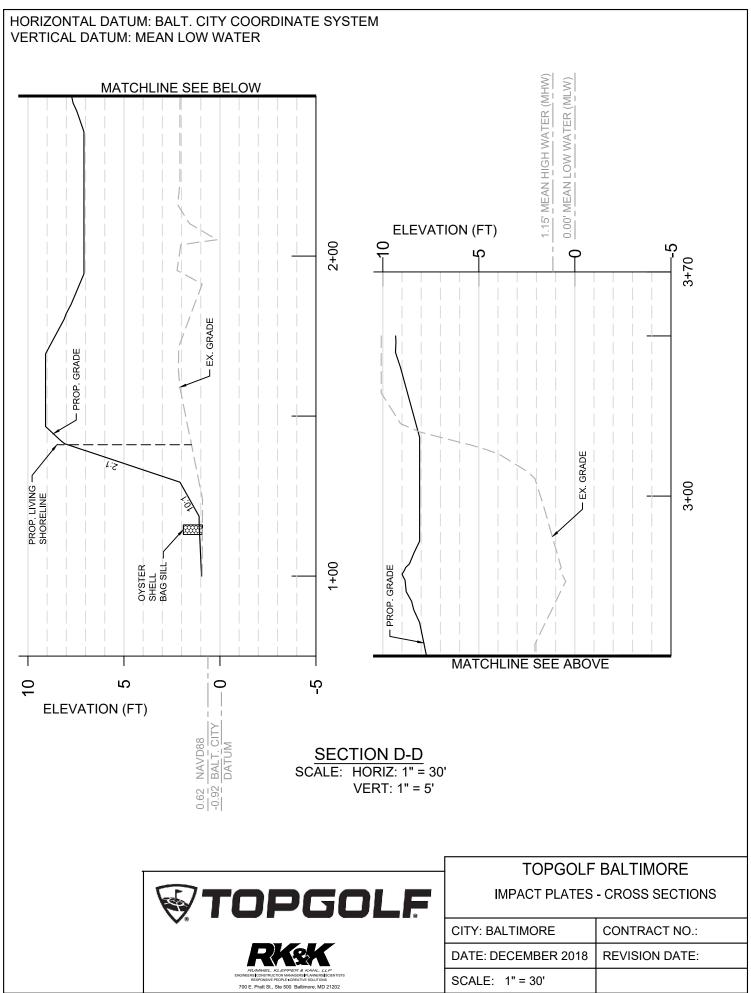


HORIZONTAL DATUM: BALT. CITY COORDINATE SYSTEM VERTICAL DATUM: MEAN LOW WATER





//baisrv05/v2015/2015/15183_topgolf/CADD/Plans/Impact Plates - Proposed.dwg





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FP	
TWTW -	
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EX. PROPERTY LINE EX. 1' CONTOUR EX. PAVING EX. TREELINE EX. SOIL BOUNDARY EX. BUILDING EX. FEMA 100-YEAR FLOODPLAIN FIELD-DELINEATED TIDAL WETLAND 100' CRITICAL AREA BUFFER APPROXIMATE LIMITS OF PROPOSED WETLAND ENHANCEMENT AREA APPROXIMATE LIMITS OF PROPOSED WETLAND CREATION AREA

SOILS CHART

SYMBOL ¹	OL ¹ NAME/DESCRIPTION ¹		HYDRIC COMPONENT ²	PERCENTAGE OF MAPPING UNIT ²	POSITION IN LANDSCAPE ²
43U	URBAN LAND - UDORTHENTS COMPLEX, OCCASIONALLY FLOODED		UNNAMED SOILS	3	FLATS
44UC	URBAN LAND, 0 TO 15 PERCENT SLOPES		-	-	-
37	37 SULFAQUEPTS, FREQUENTLY FLOODED		SULFAQUEPTS	100	FLATS
W WATER NO - <td>-</td>				-	
 SOURCE: THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION SERVICE'S WEB SOIL SURVEY, CONSULTED ON AUGUST 2, 2018, AVAILABLE ON-LINE http://websoilsurvey.nrcs.usda.gov/app/home-page.htm>. 					

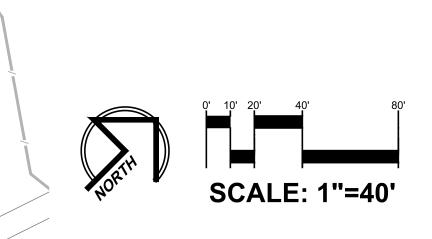
HYDRIC SOILS INFORMATION AVAILABLE FROM THE STATE SOIL DATA ACCESS HYDRIC SOILS LIST, AT <https://www.nrcs.usda.gov/internet/fse_documents/nrcseprd1316619.html #REPORTREF>. ACCESSED AUGUST 2, 2018.

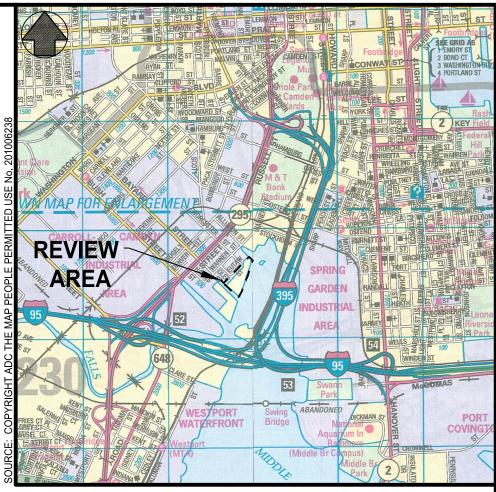
RIDGELY'S COVE

63

PROPOSED MITIGATION

TYPE	ACREAGE
WETLAND CREATION	0.69
WETLAND ENHANCMENT	0.69
TOTAL	1.38

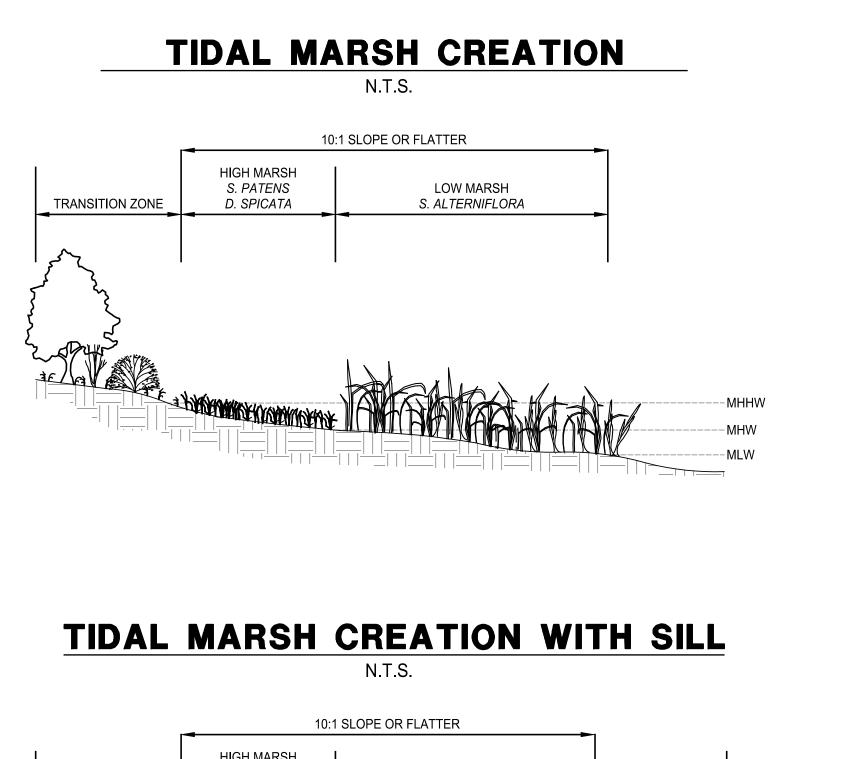




VICINITY MAP SCALE: 1" = 2,000'

PROJECT LOCATION:	SOUTHEAST OF WARNER STREET, BETWEEN THE TERMINUS OF WORCESTER STREET AND BAYARD STREET WITHIN THE RIDGELY'S COVE AREA OF THE BALTIMORE HARBOR
2. OWNER:	MAYOR AND CITY COUNCIL OF BALTIMORE
	100 HOLLIDAY STREET BALTIMORE, MARYLAND 21202
3. PLAN PREPARED FOR:	BALTIMORE DEVELOPMENT CORPORATION
	CHARLES CENTER STATION
	36 SOUTH CHARLES STREET, SUITE 2100 BALTIMORE, MARYLAND 21201
	ATTN: MS. KIM CLARK
- PLAN PREPARER:	GEO-TECHNOLOGY ASSOCIATES, INC. (GTA)
	3445-A BOX HILL CORPORATE CENTER DRIVE
	ABINGDON, MARYLAND 21009 ATTN: MATTHEW JENNETTE
	PHONE: 410-515-9446
	EMAIL: MJENNETTE@GTAENG.COM
5. TAX MAP/LOTS:	TAX MAP 0021 / LOTS 5A, 6, 7, 8, AND AN APPROXIMATE RIGHT-OF-WAY
. REVIEW AREA:	5± ACRES
. THIS PLAN WAS PREPARED ON A TO ASSOCIATES, INC.	POGRAPHIC AND EXISTING CONDITIONS BASE MAP PROVIDED BY MORRIS & RITCHIE
REVIEW AREA WERE LOCATED BY G	EVIEW AREA WAS PERFORMED BY GTA IN JULY 2018. WETLAND FLAG LOCATIONS WITHIN THE TA USING A GLOBAL POSITIONING SYSTEM (GPS) UNIT RATED WITH SUBMETER ACCURACY. A SITE, IT IS GTA'S PROFESSIONAL OPINION THAT THERE ARE JURISDICTIONAL WETLANDS A.
THE REVIEW AREA DRAINS TOWAR	DS THE PATAPSCO RIVER, EAST OF THE REVIEW AREA. THE PATAPSCO RIVER IS A TRIBUTARY
TO THE BALTIMORE HARBOR (BASI PATAPSCO RIVER CLASSIFIED IN TH	N NUMBER 02-13-0903). IN THE VICINITY OF THE REVIEW AREA, TIDAL TRIBUTARIES TO THE E CODE OF MARYLAND REGULATIONS (COMAR) 26.08.02.08 AS DESIGNATED USE "CLASS II: NE AQUATIC LIFE AND SHELLFISH HARVESTING" WATERS.
0. THIS PLAN WAS PREPARED BY GTA	FOR THE SOLE AND EXCLUSIVE USE OF BALTIMORE DEVELOPMENT CORPORATION. ANY
	NY OTHER PERSON WITHOUT THE EXPRESSED WRITTEN PERMISSION OF GTA AND BALTIMOR NAUTHORIZED, AND SUCH USE IS AT THE SOLE RISK OF THE USER.

	GEO-TECHNOLOGY ASSO GEOTECHNICAL AND ENVIRONMENTA		•	
	3445-A BOX HILL CORPORATE CENTER DRIVE ABINGDON, MARYLAND 21009 410-515-9446 FAX: 410-515-4895 WWW.GTAENG.COM © 2018 GEO-TECHNOLOGY ASSOCIATES, INC.			
		120, 110		
	PHASE 1 WETLAND MITIC	GATION	PLAN	
	RIDGELY'S (COVE	<u> </u>	
	BALTIMORE CITY, MARYL	AND		
REVISIONS:		JOB NO:	31162228	
		SCALE:	1" = 40'	
		DATE:	NOVEMBER 8, 2018	
		DRAWN BY:	MAJ	
		DESIGN BY:	MAJ	
		REVIEW BY:	MAJ/TAS	
		SHEET:	1 OF 1	



HIGH MARSH S. PATENS LOW MARSH TRANSITION ZONE D. SPICATA S. ALTERNIFLORA STONE SILL MHHV

GEOTEXTILE FABRIC -

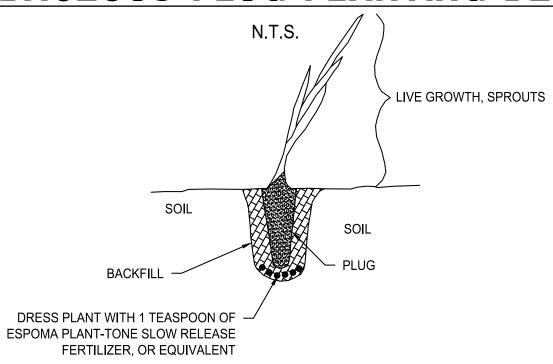
COMMON NAME

SMOOTH CORDGRASS

SALTMEADOW CORDGRA

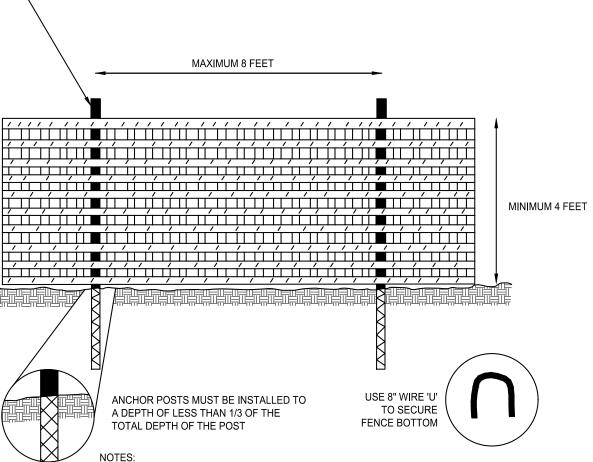
SALTGRASS

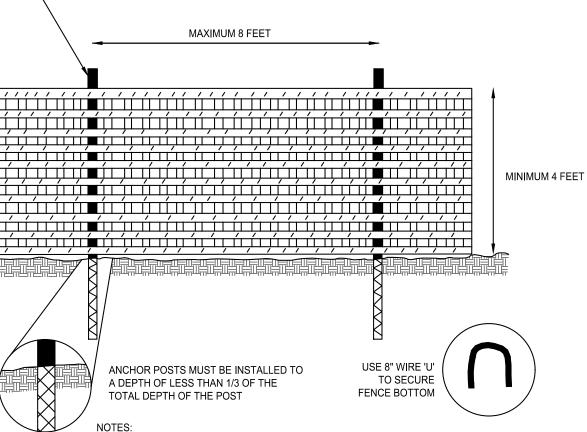
HERBACEOUS PLUG PLANTING DETAIL

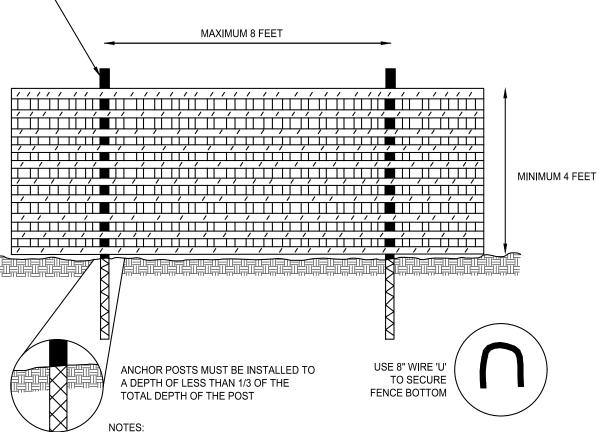


BLAZE ORANGE PLASTIC MESH FOR TRASH EXCLUSION

ANCHOR POSTS SHOULD BE MINIMUM 2" -----STEEL 'U' CHANNEL OR 2"X2" TIMBER. 6' IN LENGTH.







HERBACEOUS PLANTING SPECIFICATIONS

Ē	SCIENTIFIC NAME	INDICATOR STATUS	SPACING (FEET)	PLANTING SPECIFICATIONS
SS	SPARTINA ALTERNIFLORA	OBL	2	DIG SMALL HOLE AS DEEP AS PLUG HEIGHT AND TWICE THE SIZE OF PLUG ROOT BALL'S DIAMETER. DRESS WITH ONE TEASPOON OF SLOW RELEASE FERTILIZER. REMOVE PLUG
RASS	SPARTINA PATENS	FACW	2	FROM NURSERY PLAT AND PLACE IN HOLE SO THAT THE TOP OF THE PLUG'S ROOT MASS IS LEVEL WITH THE GROUND.
	DISTICHLIS SPICATA	OBL	2	BACKFILL WITH QUALITY SOIL AND PACK SOIL FIRMLY AROUND PLANT WITH HANDS. SOILS SHOULD BE INUNDATED WITH 3-INCHES OF WATER OR SATURATED WHEN PLANTING PLUGS.

NOTES: 1. TOP OF FENCE SHOULD BE AT LEAST ONE FOOT ABOVE MEAN HIGH WATER ELEVATION. AND DE ANTS AND MAINTAINE 2. DEVICE SHOULD BE INSTALLED PRIOR TO PLANTING WETLAND PLANTS, AND MAINTAINED UNTIL PLANTS BECOME ESTABLISHED. 3. FOR PROPOSED FENCE LOCATION SEE SHEET 1.

> GEO-TECHNOLOGY ASSOCIATES, INC. **GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS** 3445-A BOX HILL CORPORATE CENTER DRIVE ABINGDON, MARYLAND 21009 410-515-9446 FAX: 410-515-4895 WWW.GTAENG.COM © 2018 GEO-TECHNOLOGY ASSOCIATES, INC. PHASE 1 WETLAND MITIGATION PLAN **RIDGELY'S COVE** BALTIMORE CITY, MARYLAND **REVISIONS**: JOB NO: 31162228 SCALE: 1" = 40' DATE: NOVEMBER 8, 2018 DRAWN BY: MA DESIGN BY: MAJ

> > **REVIEW BY:**

SHEET:

MAJ/TAS

1 OF 1