

U.S. Army Corps
of Engineers
Baltimore District
PN 20-39

Public Notice

In Reply to Application Number
NAB-2020-60551 (MO DEP Snouffer School Road/SMP Retrofit)

Comment Period: June 23, 2020 to July 07, 2020

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: Montgomery County DEP
255 Rockville Pike #120
Rockville, MD 20850

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in an unnamed tributary to Cabin Branch in Gaithersburg, Montgomery County, Maryland. (39.167352°, -77.174371°)

OVERALL PROJECT PURPOSE: To maintain a stormwater management pond.

PROJECT DESCRIPTION: To perform maintenance dredging in an approximately 92,364 square foot (2.12 acre) area of existing stormwater pond by mechanically removing approximately 4,779 cubic yards of accumulated sediment via bucket excavator. After removal of accumulated sediment, the pond would be graded to return elevations to as-built design.

The work is proposed in accordance with the enclosed plans.

EFFECTS ON AQUATIC RESOURCES:

Activity	Permanent wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)
Pond	92,364	404

LEAD FEDERAL AGENCY: The U.S. 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: Steps were taken to ensure avoidance and minimization of impacts to

waters of the United States to the maximum extent possible. The proposed stormwater pond maintenance is limited to only the area of the previously permitted stormwater pond, and avoids the majority of waters present on the site. Compensatory mitigation is not being proposed by the applicant for impacts to the approximate 92,364 square feet of existing stormwater management pond, as it would restore the pond to its original configuration and function.

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, U.S. Environmental Protection Agency.

ENDANGERED SPECIES: The lead federal agency is responsible for Endangered Species Act coordination. A preliminary review of this application indicates that the proposed work will have no effect 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 lead federal agency is responsible for Essential Fish Habitat coordination. 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), 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:

The lead federal agency is responsible for historic resources coordination. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) 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 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 NHPA 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. The lead federal agency is responsible for tribal coordination. 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 USACE. 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/section408/>.

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 (CZM) 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.

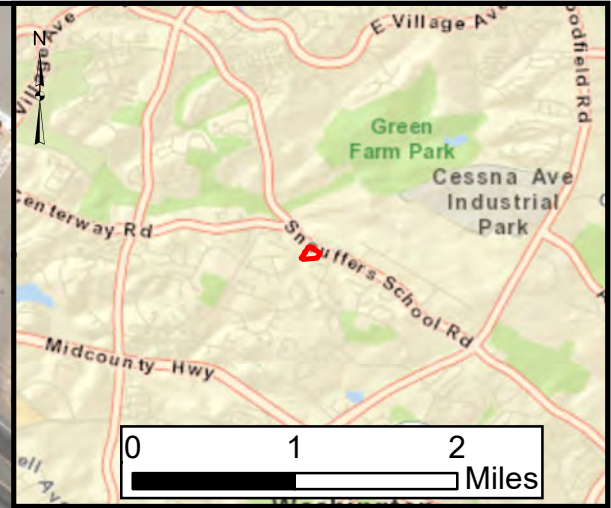
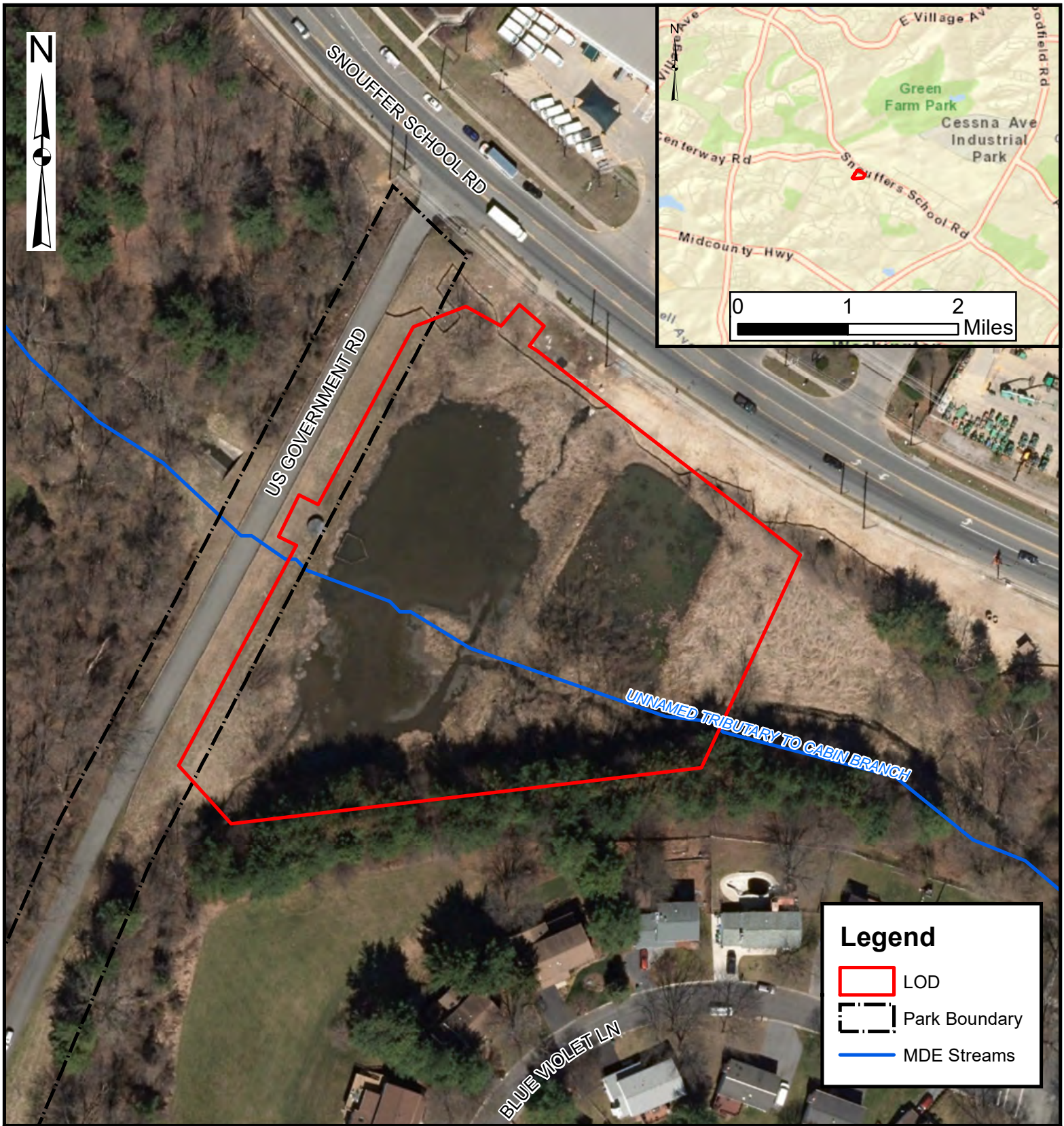
Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAP-ORP-P-2018-61991.

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:




Mr. Robert Fewster
Robert.j.fewster@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, MD 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 Mr. Robert Fewster, at 410-962-6144, or at Robert.j.fewster@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.



Legend

-  LOD
-  Park Boundary
-  MDE Streams

0 50 100 200 Feet

1" = 100'

SOURCE: MD IMAP, MDE
CREATED BY: CJ

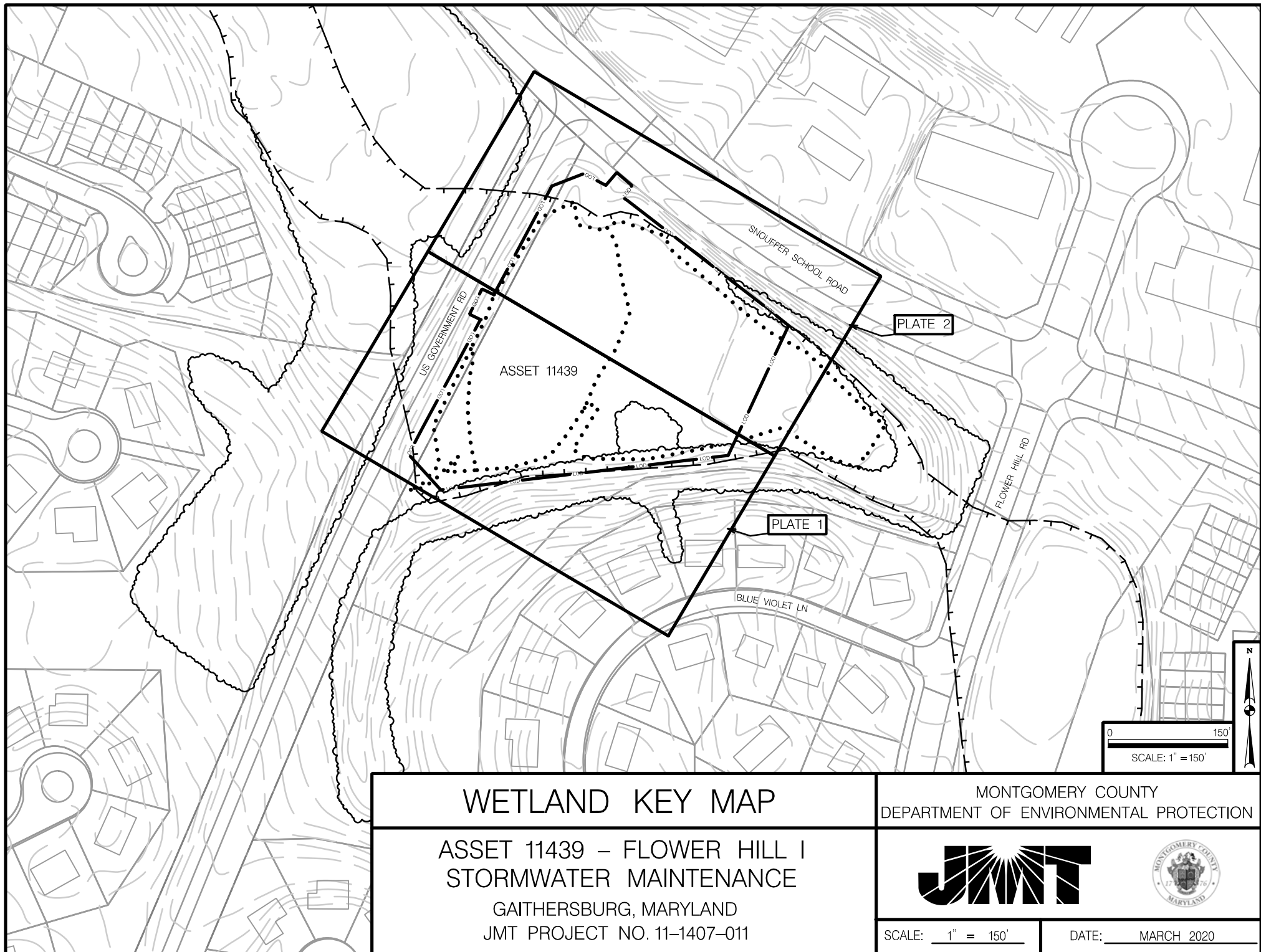


VICINITY MAP

ASSET 11439 - FLOWER HILL I
ENGINEERING SERVICES FOR POND
DREDGING PROJECTS

GAITHERSBURG, MARYLAND

DATE: MARCH 2020



WETLAND KEY MAP

ASSET 11439 – FLOWER HILL I
STORMWATER MAINTENANCE

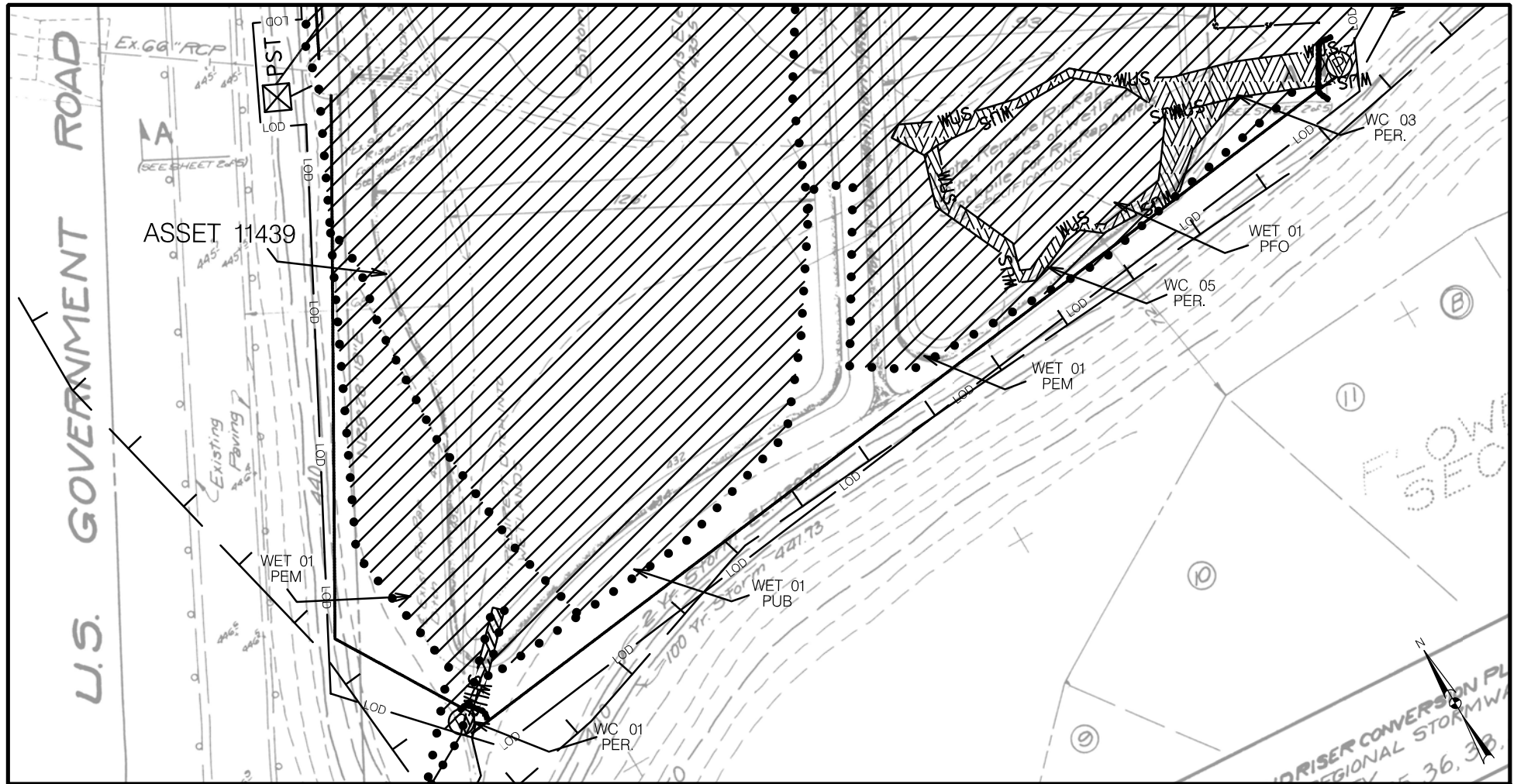
GAITHERSBURG, MARYLAND
JMT PROJECT NO. 11-1407-011

MONTGOMERY COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



SCALE: 1" = 150'

DATE: MARCH 2020



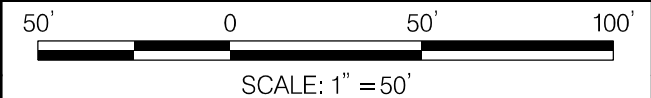
WETLAND IMPACT PLATE

LEGEND

LIMITS OF DISTURBANCE	— LOD —	NON-TIDAL WETLAND IMPACTS	
NON-TIDAL WETLAND	• • • • •	WATERCOURSE IMPACTS	
WATERCOURSE	— WUS —		
100-YEAR FLOODPLAIN	— — — — —		

NOTES:
WETLANDS, WATERCOURSES, OR 100-YEAR FLOODPLAIN WITHIN THE BOUNDARY OF THE LOD (SWM FACILITY) ARE NOT REGULATED BY MDE NON-TIDAL WETLANDS OR WATERWAY CONSTRUCTION DIVISIONS.

WATERCOURSE (LF / SF)	IMPACT TOTALS
PERENNIAL	350/2,310
WETLANDS (SF)	
PEM	14,164
PFO	2,982
PUB	25,730
TOTAL WETLANDS IMPACT PLATE I ONLY	42,876



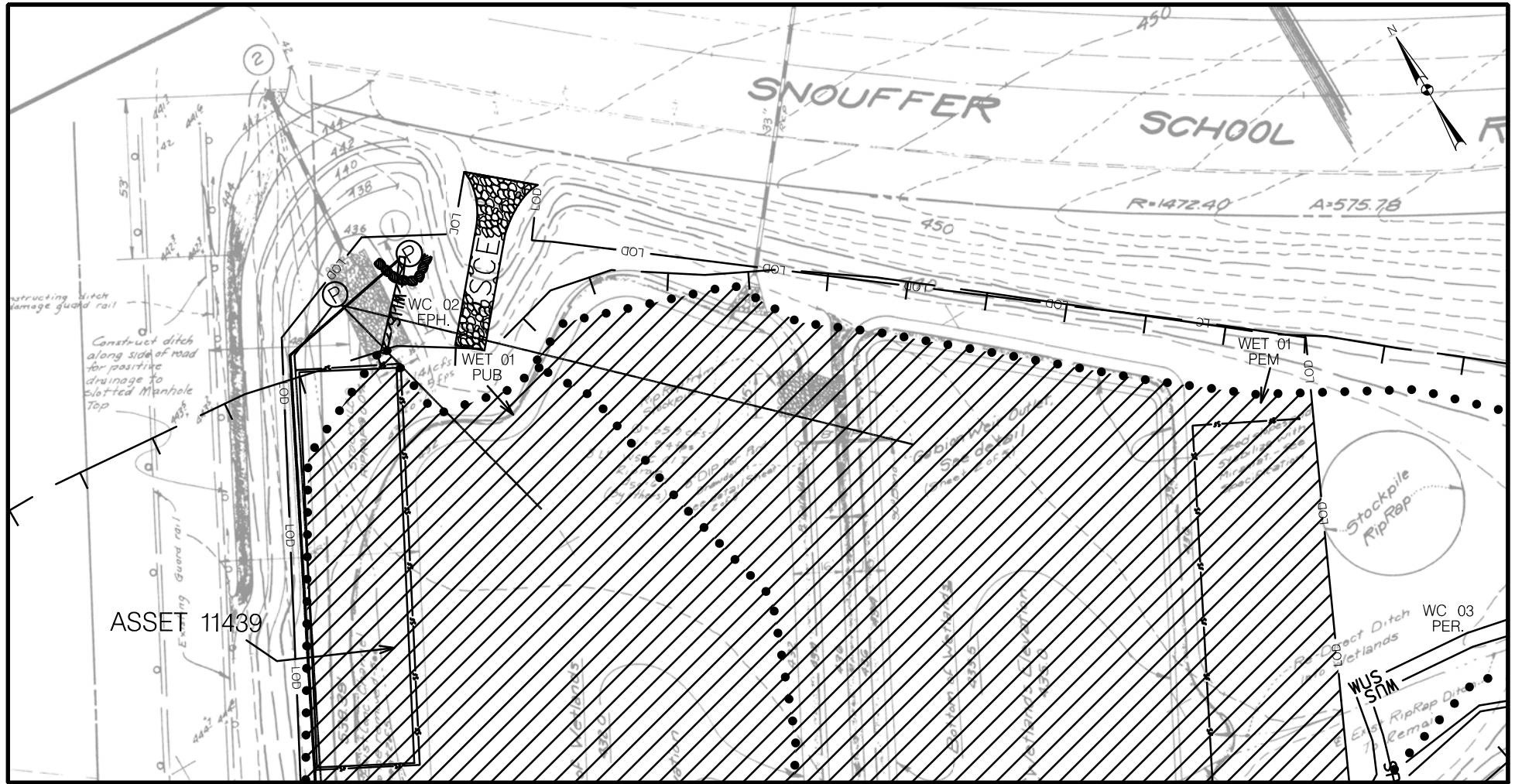
ASSET 11439 - FLOWER HILL I
STORMWATER MAINTENANCE

GAITHERSBURG, MARYLAND
JMT NO. 11-1407-011

DATE: MARCH 2020

SCALE: 1" = 50'

PLATE 1 OF 2



MATCHLINE PLATE 1

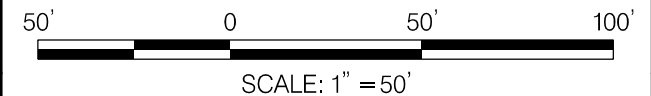
WETLAND IMPACT PLATE

LEGEND

LIMITS OF DISTURBANCE	— LOD —	NON-TIDAL WETLAND IMPACTS	
NON-TIDAL WETLAND	• • • • •	WATERCOURSE IMPACTS	
WATERCOURSE	— WUS —		
100-YEAR FLOODPLAIN			

NOTES:
WETLANDS, WATERCOURSES, OR 100-YEAR FLOODPLAIN WITHIN THE BOUNDARY OF THE LOD (SWM FACILITY) ARE NOT REGULATED BY MDE NON-TIDAL WETLANDS OR WATERWAY CONSTRUCTION DIVISIONS.

	IMPACT TOTALS
WATERCOURSE (LF / SF)	
EPHEMERAL	32/66
WETLANDS (SF)	
PEM	30,799
PFO	0
PUB	18,689
TOTAL WETLANDS IMPACT PLATE 2 ONLY	49,488



ASSET 11439 - FLOWER HILL I
STORMWATER MAINTENANCE
GAITHERSBURG, MARYLAND
JMT NO. 11-1407-011

DATE: MARCH 2020

SCALE: 1" = 50'

PLATE 2 OF 2

INDEX OF SHEETS

SHEET NO.	DWG NO.	PLAN NAME	DESCRIPTION
1	TS-01	SC0001	TITLE SHEET
2	ES-01	SC0002	EROSION & SEDIMENT CONTROL PLAN
3	ES-02	SC0003	EROSION & SEDIMENT CONTROL SEQUENCE OF CONSTRUCTION
4	ES-03	SC0004	EROSION & SEDIMENT CONTROL GENERAL NOTES
5	ES-04	SC0005	EROSION & SEDIMENT CONTROL STANDARD DETAILS

RELATED REQUIRED PERMITS

To be completed by the consultant and placed on the first sheet of the Sediment Control / Stormwater Management plan set for all projects

IT IS THE RESPONSIBILITY OF PERMITTEE?OWNER OF THIS SITE TO OBTAIN ALL
REQUIRED PERMITS PRIOR TO ISSUANCE OF THE APPROVED SEDIMENT CONTROL
PERMIT

TYPE PF PERMIT	REQD	NOT REQD	PERMIT #	EXPIRATION DATE	WORK RESTRICTION DATES
MCDPS floodplain District	X				
WATERWAYS/WETLAND(S):	X				
a. Corps of Engineers	X				
b. MDE		X			
c. MDE Water Quality Certification	X				
MDE Dam Safety		X			
DPS Roadside Trees Protection Plan		X		Approval Date	
N.P.D.E.S. NOTICE OF INTENT	X				DATE FILED
FEMA LOMR (Required Post Construction)		X			
Other		X			

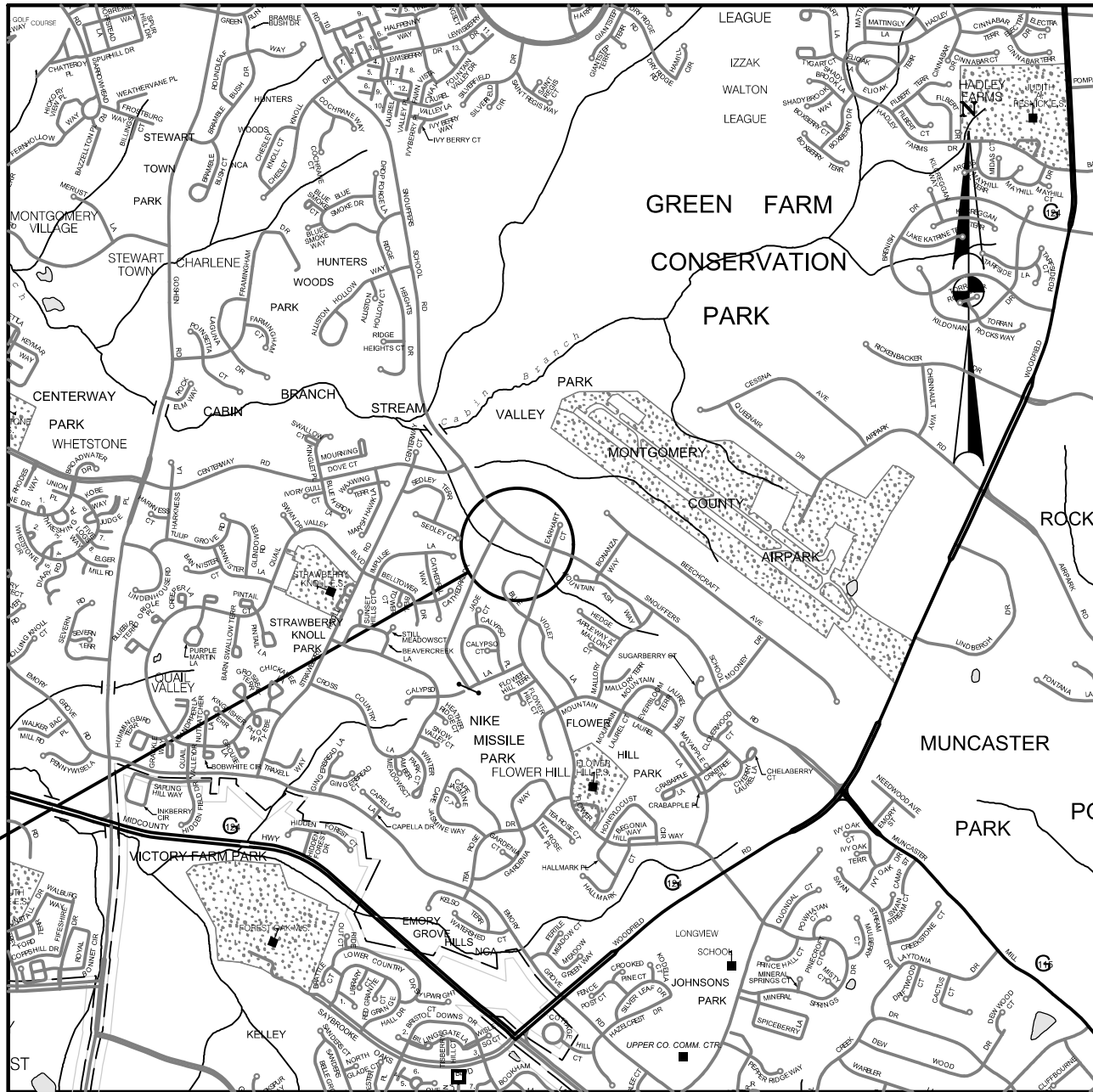
TREE CANOPY REQUIREMENTS TABLE

To be completed by the consultant and placed on the first sheet of the Sediment Control / Stormwater Management plan set for all projects

Exempt: Yes ☐ No ☒ If exempt under Section 55-5 of the Code, please check the applicable exemption category below.

Total Property Area	Total Disturbed Area
5.05 acres	115,415 square feet
Shade Tree Required	Shade Tree Proposed to be Planted
43	\$10,750
Fee in Lieu (Trees Required - Trees Planted) x \$250	\$
Required Number of Shade Tree	
Area (sq. ft.) of the Limits of Disturbance	Number of Shade Trees Required
FROM TO	
1 6,000	3
6,001 8,000	6
8,001 12,000	9
12,001 14,000	12
14,001 40,000	15
If the square footage of the limits of disturbance is more than 40,000, then the number of shade trees required must be calculated using the following formula: (Number of Square Feet in Limits of Disturbance ÷ 40,000) x 15	
EXEMPTION CATEGORIES:	
<input type="checkbox"/> 55-5(a) any activity that is subject to Article II of Chapter 22A	<input type="checkbox"/> 55-5(n) any stream restoration project if the person performing the work has obtained all necessary permits
<input type="checkbox"/> 55-5(b) any commercial logging or timber harvesting operation with an approved exemption from Article II of Chapter 22A	<input type="checkbox"/> 55-5(t) cutting or clearing any tree to comply with applicable provisions of any federal, state, or local law governing safety of dams
<input type="checkbox"/> 55-5(f) any activity conducted by the county Parks Department	<input type="checkbox"/> OTHER: Specify per Section 55-5 of the Code
<input type="checkbox"/> 55-5(g) routine or emergency maintenance of an existing stormwater management facility. Including an existing access road, if the person performing the maintenance has obtained all required permits	

FLOWER HILL - ASSET 11439



VICINITY MAP

OWNER/DEVELOPER CERTIFICATION

I/We hereby certify that all clearing, grading, construction, and or development will be done pursuant to this plan and that any responsible personnel involved in the construction project will have a Certificate of Attendance at a Department of Natural Resources approved traing program for the control of sediment and erosion before beginning the project.

Signature

Date

Printed Name and Title

DESIGN CERTIFICATION

I hereby certify that this plan has been prepared in accordance with the "2011 Maryland Standards and Specification for Soil Erosion and Sediment Control", Montgomery Department of Permitting Services Executive Regulations 5-90, 7-02AM and 36-90, and Montgomery County Department of Public Works and Transportation "Storm Drain Design Criteria" dated August 1988.

Design Engineer Signature

Date

Printed Name

Registration Number

CERTIFICATION OF THE QUANTITIES

I hereby certify that the estimated total amount of excavation and fill as shown on these plans has been computed to 4,222 cubic yards of excavation, 75 cubic yards of fill, 1,425 cubic yards of topsoil, and the total area to be disturbed as shown on these plans has been determined to be 115,415 square feet.

Signature

Date

Printed Name and Title

Registration Number

MISS UTILITY

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code. CERTIFICATIONS ON THIS SHEET ARE REQUIRED ON ANY PLAN INVOLVING STORMWATER MANAGEMENT. THE STRUCTURAL CERTIFICATION IS REQUIRED FOR UNDERGROUND STORMWATER MANAGEMENT ASTRUCTURES WHERE POURED CONCRETE WALLS ARE TO BE UTILIZED, OR ANY OTHER STRUCTURE MCDPS DEEMS APPROPRIATE.

PROFESSIONAL CERTIFICATION.

"I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND."

LICENSE NO. 29181 EXPIRATION DATE: 06/13/2021

RECORD DRAWING CERTIFICATION

A record set of approved Sediment Control/Stormwater Management plans must be maintained on-site at all times. In addition to stormwater management items, these plans must include the number and location of all trees proposed to be planted to comply with the Tree Canopy Law. Any approved modifications or deletions of stormwater practices or tree canopy plantings or information must be shown on this record set of plans and on the Tree Canopy Requirements table. Upon completion of this project, this record set of plans, including hereon this signed Record Drawing Certification, must be submitted to the MCDPS inspector. In addition to this Record Drawing Certification, a formal Stormwater Management As-Built submission [] is required [] is not required for this project.

If this project is subject to a Stormwater Management Right of Entry and Maintenance Agreement, that document is recorded in Montgomery County Land Records at:

Liber Folio . This Record Drawing will serve as referenced in the recorded document.

"This record drawing accurately and completely represents the stormwater management practices and tree canopy plantings as they were constructed or planted. All stormwater management practices were constructed per the approved Sediment Control/Stormwater Management plans or subsequent approved revisions."

Owner/Developer Signature Date

FIELD CHECK OF RECORD DRAWING BY MCDPS INSPECTOR: INITIALS: DATE:

Effective for sediment control permit applications made on or after January 1, 2016.

TECHNICAL REVIEW OF
SEDIMENT CONTROL

ADMINISTRATIVE REVIEW

DPS approval of a sediment control or stormwater management plan is for demonstrated compliance with minimum environmental runoff treatment standards and does not create or imply any right to divert or concentrate runoff onto any adjacent property without that property owner's permission. It does not relieve the design engineer or other responsible person of professional liability or ethical responsibility for the adequacy of the drainage design as it affects uphill or downhill properties.

REVIEWED DATE

REVIEWED DATE

TECHNICAL REVIEW OF
STORMWATER MANAGEMENT

SMALL LOT DRAINAGE APPROVAL

SEDIMENT CONTROL PERMIT NO.

REVIEWED DATE

REVIEWED DATE

SM. FILE NO.
STORMWATER MANAGEMENT:

MCDPS APPROVAL OF THIS PLAN WILL EXPIRE TWO YEARS FROM THE DATE OF APPROVAL IF THE PROJECT HAS NOT STARTED.

NOTE: MCDPS APPROVAL DOES NOT NEGATE THE NEED FOR A MCDPS ACCESS PERMIT.

XIAOBING LIU (JULIA), PE
240-777-7762
MONTGOMERY COUNTY
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
255 ROCKVILLE PIKE, SUITE
120 ROCKVILLE, MARYLAND
20850



MIKE CUNNINGHAM
443-662-4288
JOHNSON MIRMIRAN &
THOMPSON
40 WIGHT AVE.
COCKEYSVILLE MARYLAND
21030



ASSET 11439 - FLOWER HILL
FLOWER HILL WAY, PT OUTLOT 1 FLOWER HILL

GRADING AND
EROSION & SEDIMENT CONTROL
ONLY

DRAWN BY ARO CHECKED BY SGC

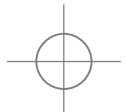
DATE MARCH 2020 SCALE 1" = 30'

TAX MAP: GU 121
WSSC GRID # 226NW08

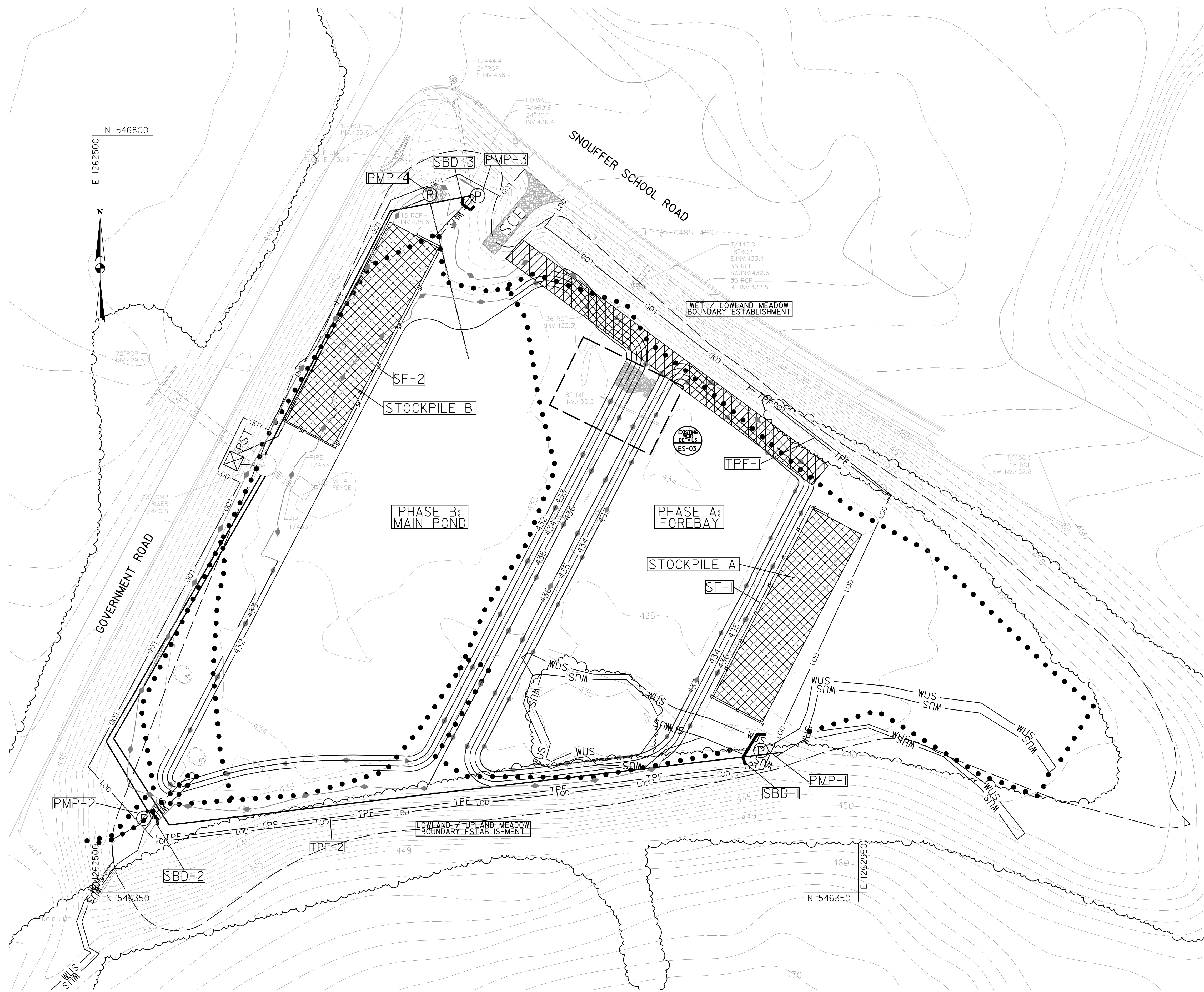
DRAWING NO.
TS - 01

SHEET NO.

1 OF 5



C:\2019\11402_01_Engineering_Services\11402\Drawings\11402-01.dwg
BY: [redacted]



LEGEND

- SANDBAG DIKE
- WOODS LINE
- EXISTING CONTOURS
- PROPOSED CONTOURS
- WATERS OF THE US (WUS)
- HOSE
- LIMIT OF DISTURBANCE (LOD)
- WETLAND BOUNDARY
- PORTABLE SEDIMENT TANK
- PUMP AROUND
- STAGING AREA
- SILT FENCE
- MEADOW BOUNDARY
- 100-YR WATER SURFACE ELEVATION
- TREE PROTECTION FENCE
- TEMPORARY MULCH ACCESS ROAD
- STABILIZED CONSTRUCTION ENTRANCE

SANDBAG DIKE						
ID	LENGTH (FT)	HEIGHT (FT)	FROM		TO	
			NORTHING	EASTING	NORTHING	EASTING
SBD-1	27	4	546,444	1,262,895	546,426	1,262,883
SBD-2	13	4	546,390	1,262,534	546,398	1,262,527
SBD-3	13	4	546,758	1,262,722	546,762	1,262,715

EARTHWORK	
CLASS I EXCAVATION	4222 C.Y.
FILL	75 C.Y.
TOPSOIL [4' DEPTH]	1425 C.Y.

• INCIDENTAL TO EXCAVATION

PORTABLE SEDIMENT TANK		
ID	NORTHING	EASTING
PST-1	546,606	1,262,579

SEED ESTABLISHMENT	
WET MEADOW ESTABLISHMENT	7076 S.Y.
LOWLAND MEADOW ESTABLISHMENT	2917 S.Y.
UPLAND MEADOW ESTABLISHMENT	2831 S.Y.

STABILIZED CONSTRUCTION ENTRANCE			
ID	QUANTITY	LOCATION	
		NORTHING	EASTING
SCE-1	1 EACH	546,770	1,262,764

SILT FENCE					
ID	LENGTH (FT)	FROM		TO	
		NORTHING	EASTING	NORTHING	EASTING
SF-1	175	546,575	1,262,932	546,450	1,262,893
SF-2	187	546,741	1,262,688	546,630	1,262,608

PUMP-AROUND		
ID	NORTHING	EASTING
PMP-1	546,343	1,262,892
PMP-2	546,395	1,262,526
PMP-3	546,764	1,262,724
PMP-4	546,765	1,262,695

• INCIDENTAL TO PORTABLE SEDIMENT TANK

TREE PROTECTION FENCE					
ID	LENGTH (FT)	TO			
		NORTHING	EASTING	NORTHING	EASTING
TPF-1	106	546,585	1,262,969	546,650	1,262,885
TPF-2	364	546,427	1,262,895	546,381	1,262,533

XIAOBING LIU (JULIA), PE
240-777-7762
MONTGOMERY COUNTY
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
255 ROCKVILLE PIKE, SUITE
120 ROCKVILLE, MARYLAND
20850



MIKE CUNNINGHAM
443-662-4288
JOHNSON MIRMIRAN &
THOMPSON
40 WIGHT AVE.
COCKEYSVILLE MARYLAND
21030



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ASSET 11439 - FLOWER HILL
FLOWER HILL WAY, PT OUTLOT 1 FLOWER HILL

GRADING AND
EROSION & SEDIMENT CONTROL
ONLY

DRAWN BY ARO
CHECKED BY SGC
DATE MARCH 2020
SCALE 1" = 30'

TAX MAP: GU 121
WSSC GRID # 226NW08

DRAWING NAME:
ES - 01

SHEET NO.
2 OF 5