



U.S. Army Corps  
of Engineers  
Baltimore District  
PN 13-32

# Public Notice

In Reply to Application Number  
CENAB-OP-RMS (CABIN BRANCH MANAGEMENT LLC/WEST OLD  
BALTIMORE ROAD) 2013-60424  
Comment Period: May 14, 2013 to June 14, 2013

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**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:** Ms. Sylke Knipple  
Cabin Branch Management, LLC  
6905 Rockledge Drive, Suite 800  
Bethesda, Maryland 20817-1873

**LOCATION OF THE PROPOSED WORK:** In an unnamed tributary to Cabin Branch, Cabin Branch, and an unnamed tributary of Little Seneca along Old Baltimore Road between Clarksburg Road and Dwight Eisenhower Highway (MD 270) in Clarksburg, Montgomery County, Maryland

**PROPOSED WORK AND PURPOSE:** In conjunction with the Clarksburg Master Plan, Montgomery County Transportation and Mobility Plan, the applicant proposes to upgrade three existing culvert road crossings by constructing the following:

**Impact Area 1:** to permanently impact approximately 12,600.18 square feet of wetlands, temporarily impact approximately 3,920.98 square feet of wetland; to permanently impact approximately 3,399.86 square feet along 471.79 linear feet of stream; and creation of approximately 798.66 square feet along 159.68 linear feet of stream for the grading associated with the widening of the road and relocation of the stream channels through a proposed 20-foot wide by 100-foot long elliptical super-span culvert with a 10-foot long by 30-foot wide stone scour pad at the upstream portion and a 25-foot long by 30-foot wide stone scour pad at the downstream portion in an unnamed tributary of Cabin Branch.

**Impact Area 2:** to permanently impact approximately 2,770.80 square feet of wetlands, to permanently impact approximately 911.19 square feet along 151.80 linear feet of streams, and creation of approximately 269.95 square feet of 67.54 linear feet of stream for the grading and associated with the widening of the road and relocation of the stream channel through a proposed 15-foot wide by 85-foot long structural plate pipe arch with a 10-foot long by 25-foot wide stone scour pad on the upstream side and a 20-foot long by 25-foot wide stone scour pad on the downstream side in Cabin Branch.

**Impact Area 3:** to permanently impact approximately 5,092.81 square feet of wetland, temporarily impact approximately 298.76 square feet of wetland, to permanently impact approximately 1,339.85 square feet along 126.52 linear feet, and creation of approximately 299.43 square feet along 59.64 linear feet of streams for the grading associated with widening of the road and relocation of the

stream through a proposed 20-foot wide by 120-foot long bed elliptical super-span culvert with a 25-foot long by 25-foot wide stone scour pad at the downstream portion and a 25-foot long by 40-foot wide stone scour pad at the upstream portion of an unnamed tributary to Little Seneca.

The total project proposes to impact approximately 24,683.53 square feet of nontidal wetlands and 5,650.90 square feet along 750.11 linear feet of stream portions. 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.

**Purpose:**

The purpose of the project is to provide improved access for residential and commercial development.

**Mitigation:**

The applicant proposes conceptual mitigation plans to restore a total of approximately 610 linear feet of stream downstream of the proposed crossings within the same three reaches as on-site mitigation to compensate for stream impacts associated with the proposed project and proposes on-site wetland mitigation by creation of approximately 0.4 acres of wetlands and enhancement of 0.75 acres of existing wetlands. The approximate 1.15 acres of wetland mitigation is above the required 0.94 acres at a 2:1 ratio.

**Avoidance and Minimization:**

Avoidance and minimization measures were incorporated into the proposed project by minimizing the project's design to meet the project purpose. The proposed road crossing upgrades are located at existing culverted road crossings and are in accordance with the Clarksburg Master Plan, Montgomery County Transportation and Mobility Master Plan. According to the applicant, the proposed impacts cannot be further avoided since avoidance would not allow the project purpose to be achieved.

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, Attn: Erica Schmidt, P.O. Box 1715, Baltimore, Maryland 21203, within the comment period specified above.

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.

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 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.

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.

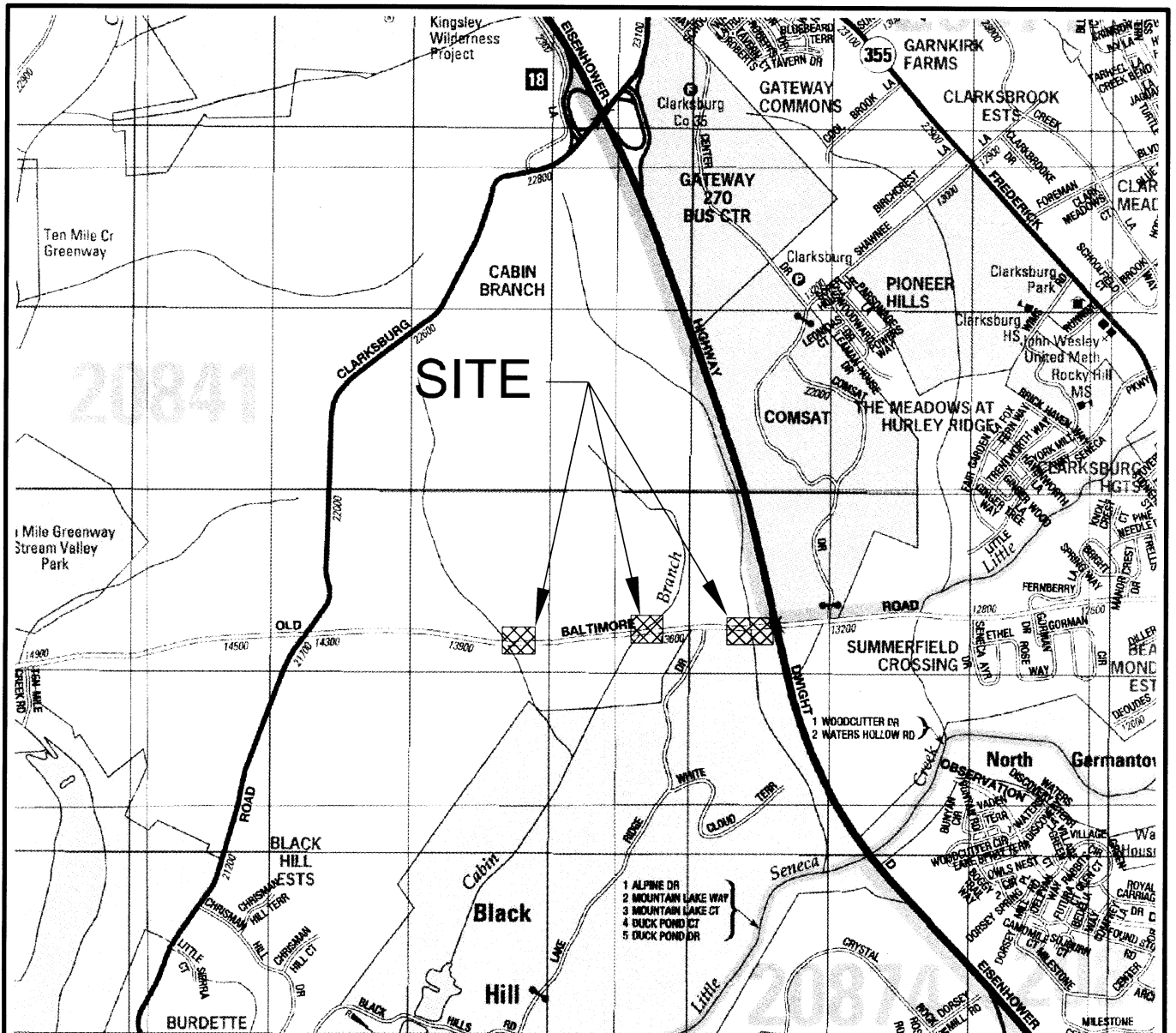
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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, Attn: Erica Schmidt, P.O. Box 1715, Baltimore, Maryland 21203, 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



## VICINITY MAP

1"=2000'

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PERMITTED USE NUMBER 20711182



# Dewberry®

DATE

01/13/13

PROJ. NO.

50055296

TITLE

MONTGOMERY COUNTY  
IMPACT STUDY PLAN

PROJECT

OLD BALTIMORE ROAD  
VICINITY MAP SHEET

SHEET NO.

1

1 OF ##

WEST OLD BALTIMORE ROAD - MONTGOMERY COUNTY, MARYLAND

IMPACT EXHIBITS

JANUARY 2013

AREA NUMBER	SHEET LOCATION	PERMANENT WETLAND IMPACT	PERMANENT WETLAND BUFFER IMPACT			TEMPORARY WETLAND IMPACT				
1	SHEET 4	12,600.18	16,263.14	3,399.86	471.79	3,920.98	5,087.55	50,103.59	798.66	159.68
2	SHEET 6	2,770.80	7,322.28	911.19	151.80		744.90	36,035.13	269.95	67.54
3	SHEETS 8 & 9	5,092.81	6,719.21	465.52	89.99	298.76	378.66	31,828.30	299.43	59.64
4	SHEET 8			874.33	36.57			13,583.07		
TOTAL SF		20,464	30,305	5,651	750	4,220	6,211	131,550	1,368	287
TOTAL AC		0.47	0.70	0.13		0.10	0.14	3.02	0.03	



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DATE

01/13/13

TITLE

MONTGOMERY COUNTY  
IMPACT STUDY PLAN

SHEET NO.

2

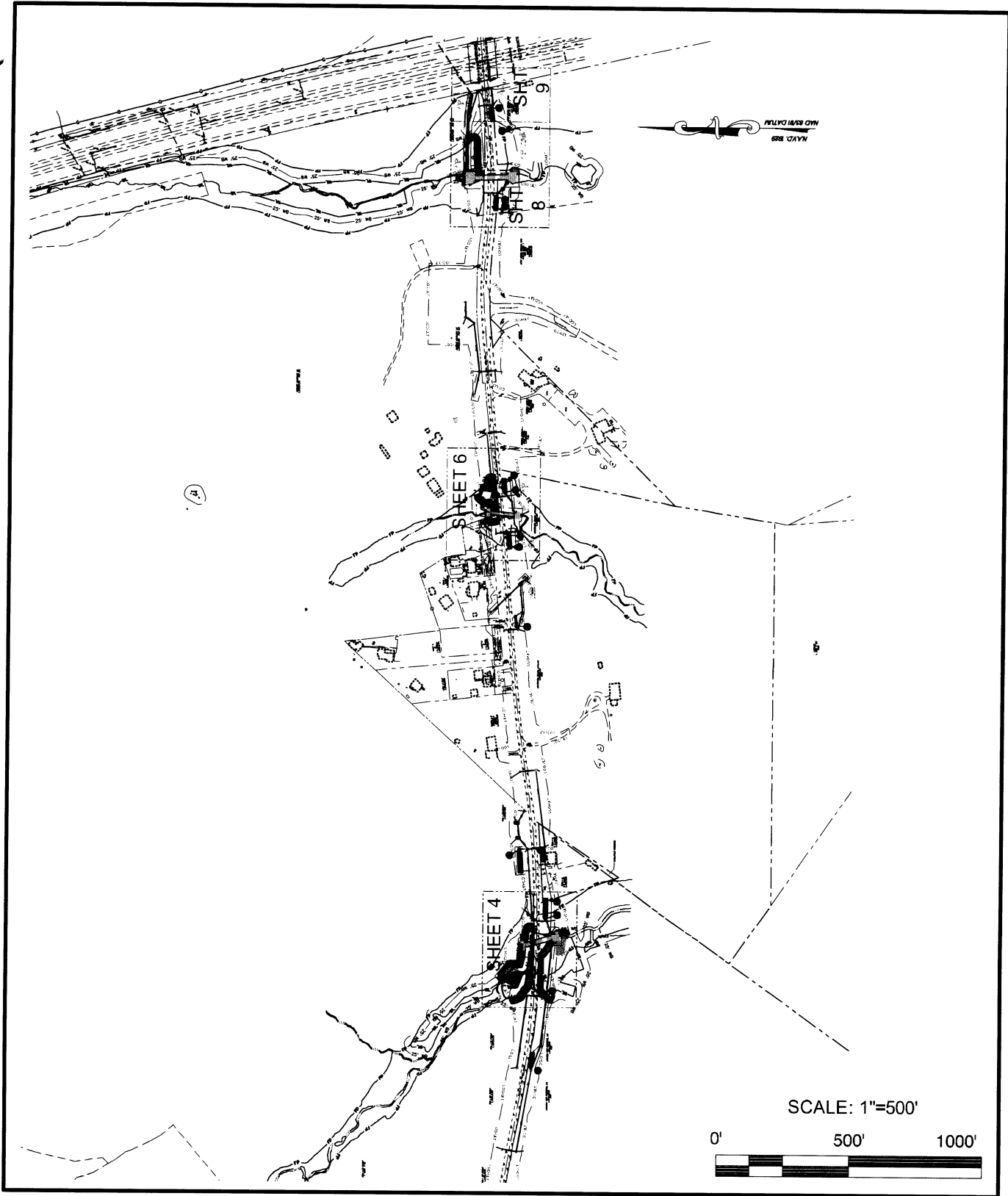
PROJ. NO.

50055296

PROJECT

OLD BALTIMORE ROAD  
IMPACT CHART

2 OF ##



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DATE  
01/13/13

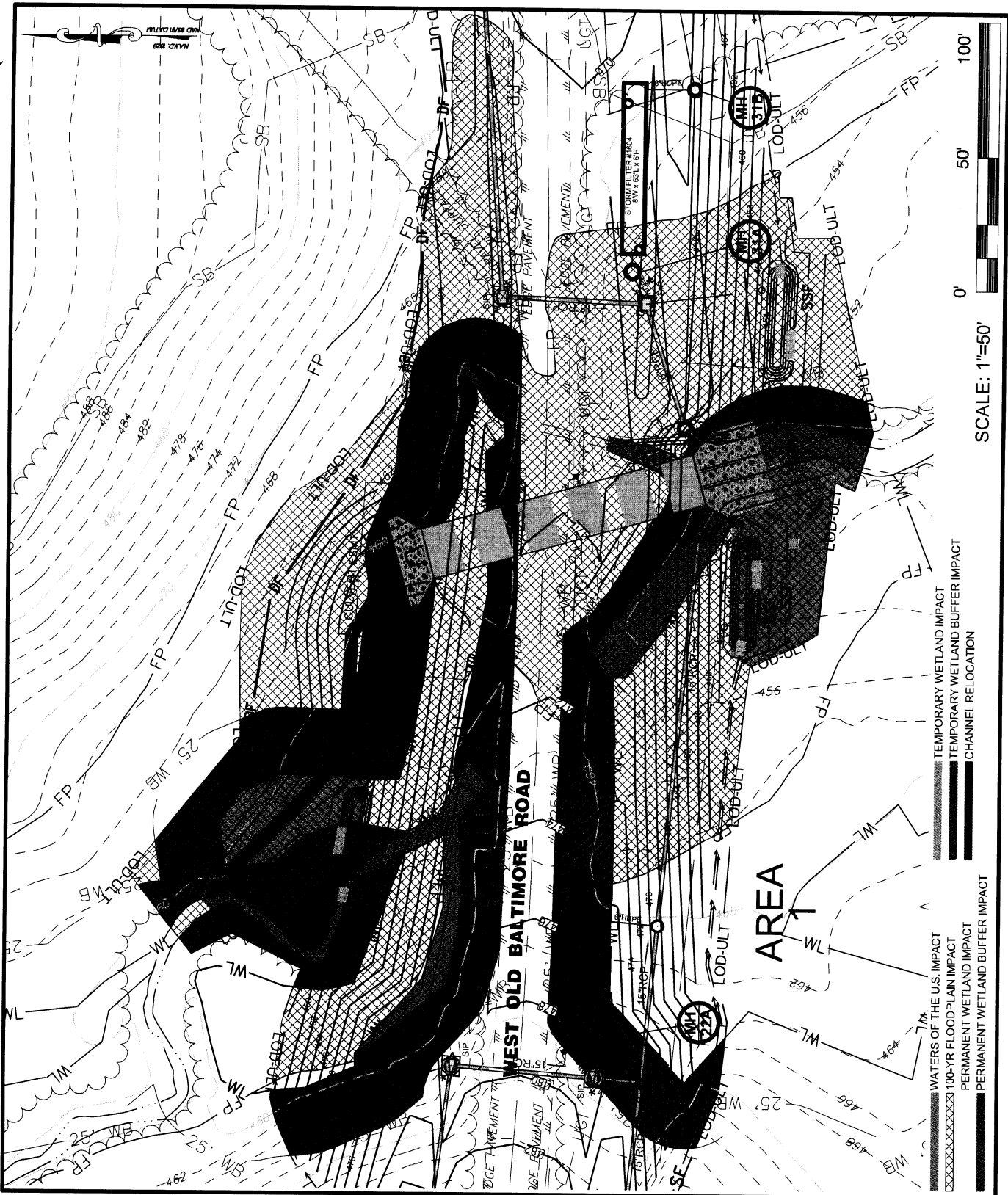
PROJ. NO.  
50055296

TITLE  
MONTGOMERY COUNTY  
IMPACT STUDY PLAN

PROJECT  
OLD BALTIMORE ROAD  
OVERALL VIEW

SHEET NO.  
**3**

3 OF ##



**Dewberry**®

DATE  
01/13/13

PROJ. NO.  
50055296

TITLE  
MONTGOMERY COUNTY  
IMPACT STUDY PLAN

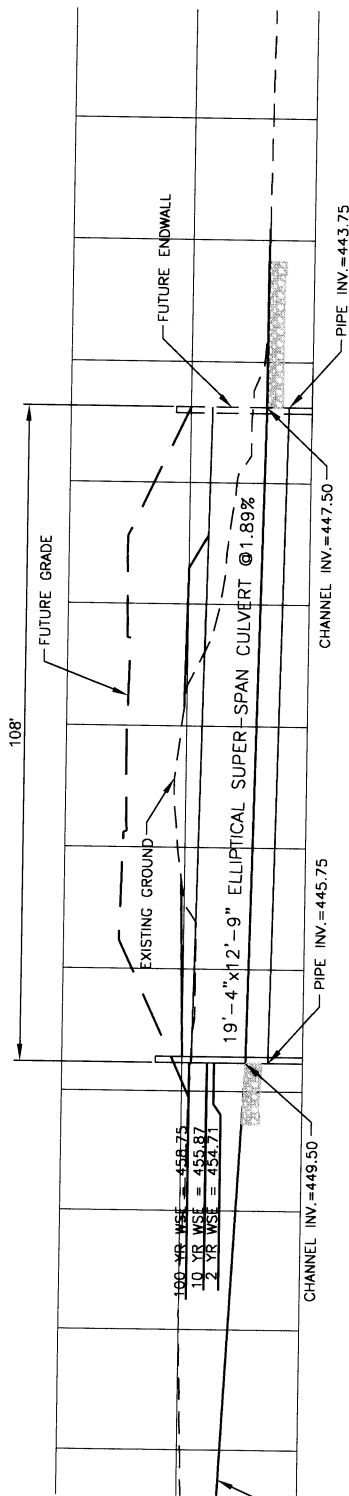
PROJECT  
OLD BALTIMORE ROAD  
CULVERT 6 PLAN VIEW

SHEET NO.  
**4**

4 OF ##

CL STA. 37+00.57  
 RECONSTRUCTED WEST OLD BALTIMORE ROAD

CL EXISTING WEST OLD BALTIMORE ROAD



SCALE: 1"=30'



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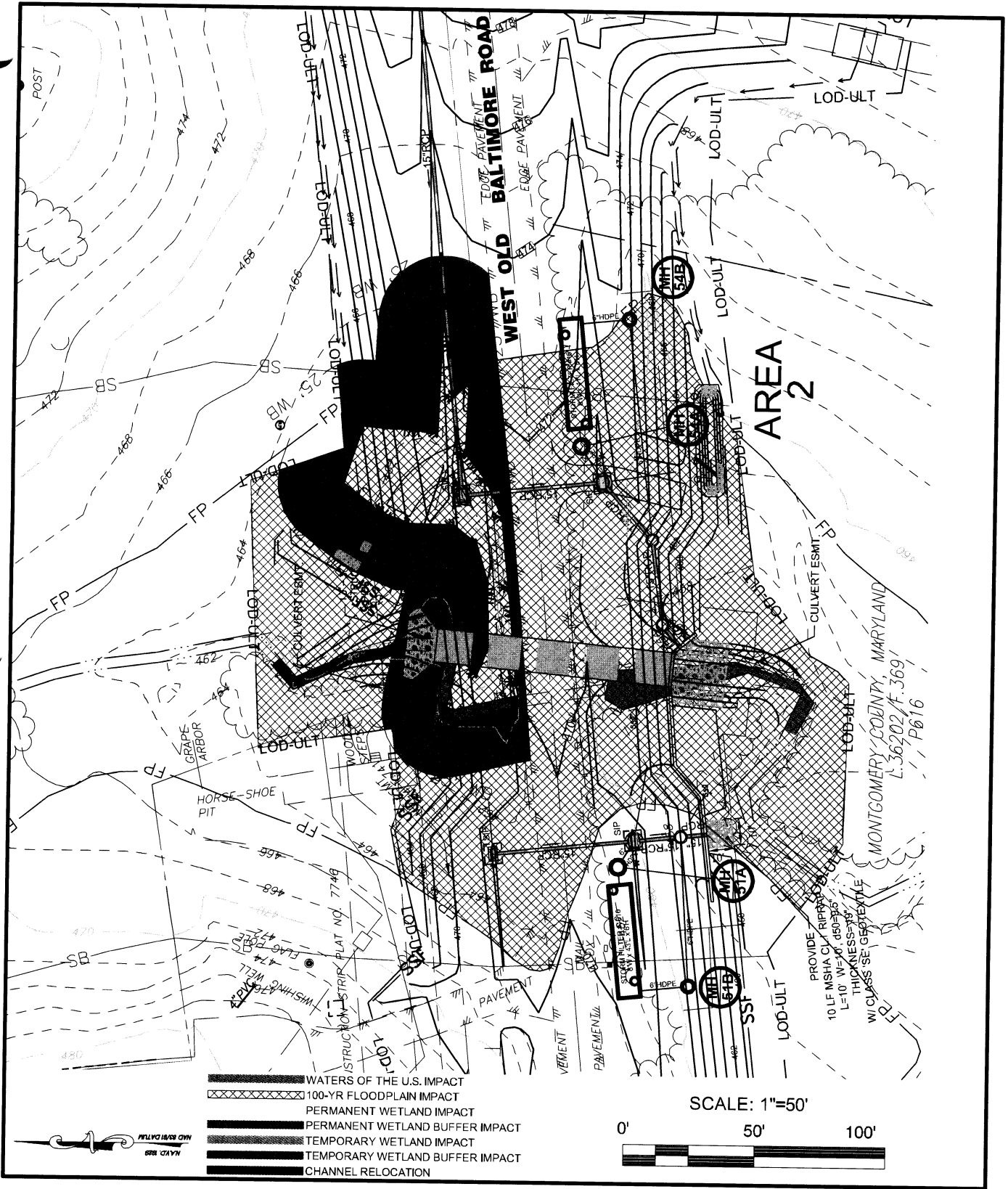
DATE	01/13/13	TITLE	MONTGOMERY COUNTY IMPACT STUDY PLAN
PROJ. NO.	50055296	PROJECT	OLD BALTIMORE ROAD CULVERT 6 PROFILE

SHEET NO.

5

5 OF ##





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DATE  
01/13/13

PROJ. NO.  
50055296

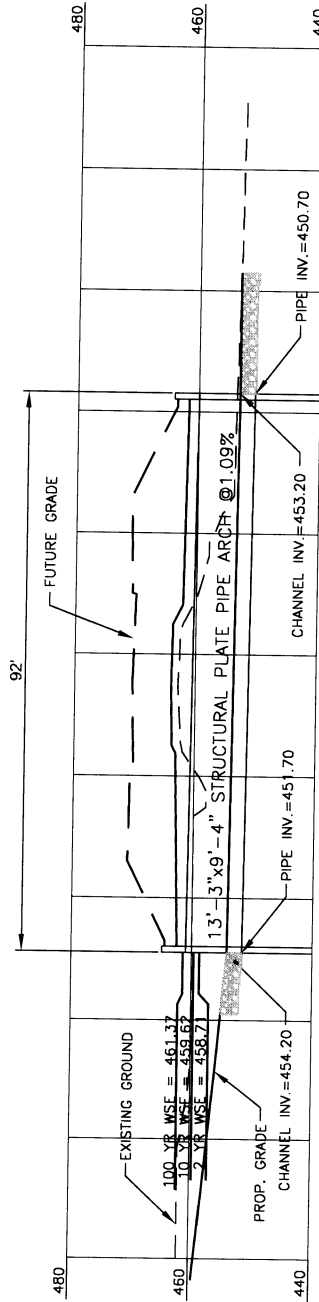
TITLE  
MONTGOMERY COUNTY  
IMPACT STUDY PLAN

PROJECT  
OLD BALTIMORE ROAD  
CULVERT 2 PROFILE

SHEET NO.  
**6**

6 OF ##

CL STA. 20+90.61  
 RECONSTRUCTED WEST OLD BALTIMORE ROAD  
 CL EXISTING WEST OLD BALTIMORE ROAD



SCALE: 1"=30'



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DATE  
01/13/13  
 PROJ. NO.  
50055296

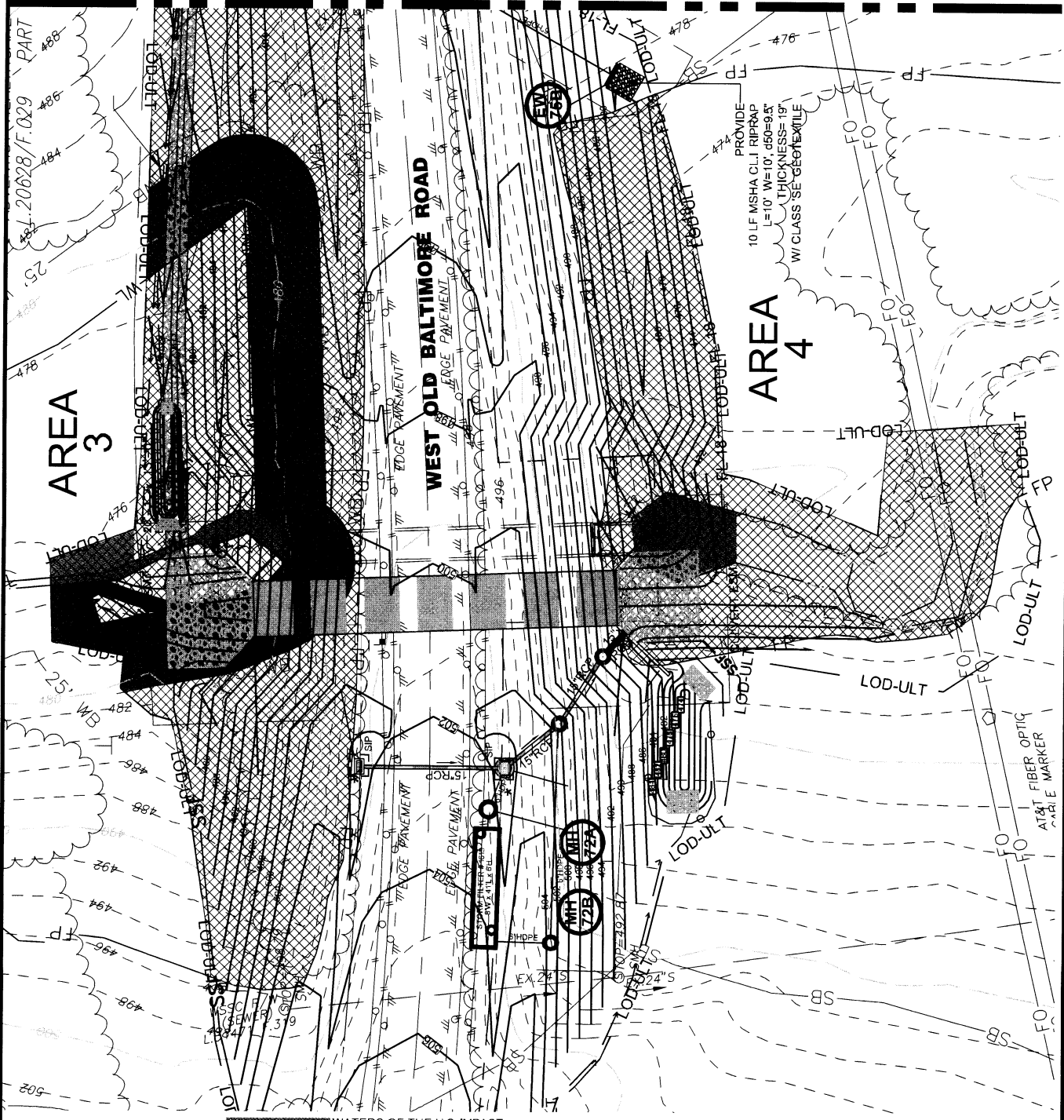
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MONTGOMERY COUNTY  
IMPACT STUDY PLAN  
 PROJECT  
OLD BALTIMORE ROAD  
CULVERT 2 PROFILE

SHEET NO.

7

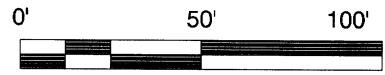
7 OF ##

MATCHLINE SEE SHEET 9



- WATERS OF THE U.S. IMPACT
- 100-YR FLOODPLAIN IMPACT
- PERMANENT WETLAND IMPACT
- PERMANENT WETLAND BUFFER IMPACT
- TEMPORARY WETLAND IMPACT
- TEMPORARY WETLAND BUFFER IMPACT
- CHANNEL RELOCATION

SCALE: 1"=50'



**Dewberry**

DATE	TITLE	SHEET NO.  <b>8</b>
01/13/13	MONTGOMERY COUNTY IMPACT STUDY PLAN	
PROJ. NO. 50055296	PROJECT OLD BALTIMORE ROAD CULVERT 3 PLAN VIEW	

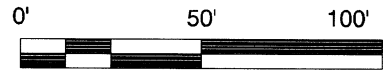


MATCHLINE SEE SHEET 8



- WATERS OF THE U.S. IMPACT
- 100-YR FLOODPLAIN IMPACT
- PERMANENT WETLAND IMPACT
- PERMANENT WETLAND BUFFER IMPACT
- TEMPORARY WETLAND IMPACT
- TEMPORARY WETLAND BUFFER IMPACT
- CHANNEL RELOCATION

SCALE: 1"=50'



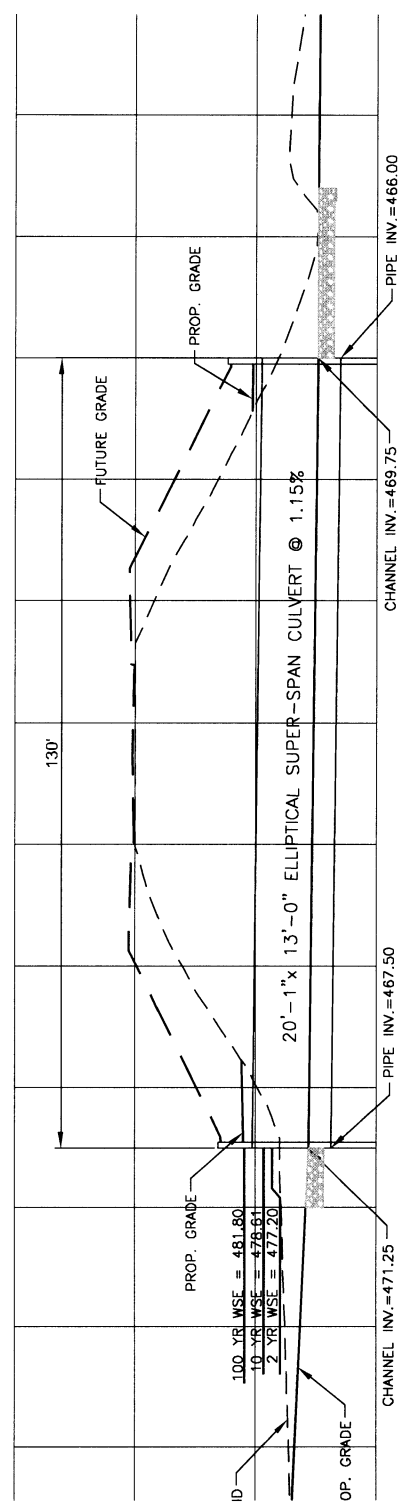
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DATE  
01/13/13  
PROJ. NO.  
50055296

TITLE  
MONTGOMERY COUNTY  
IMPACT STUDY PLAN  
PROJECT  
OLD BALTIMORE ROAD  
CULVERT 3 PLAN VIEW

SHEET NO.  
**9**  
9 OF ##

CL EXISTING WEST OLD BALTIMORE ROAD  
 CL STA. 8+31.27  
 RECONSTRUCTED WEST OLD BALTIMORE ROAD



SCALE: 1"=30'

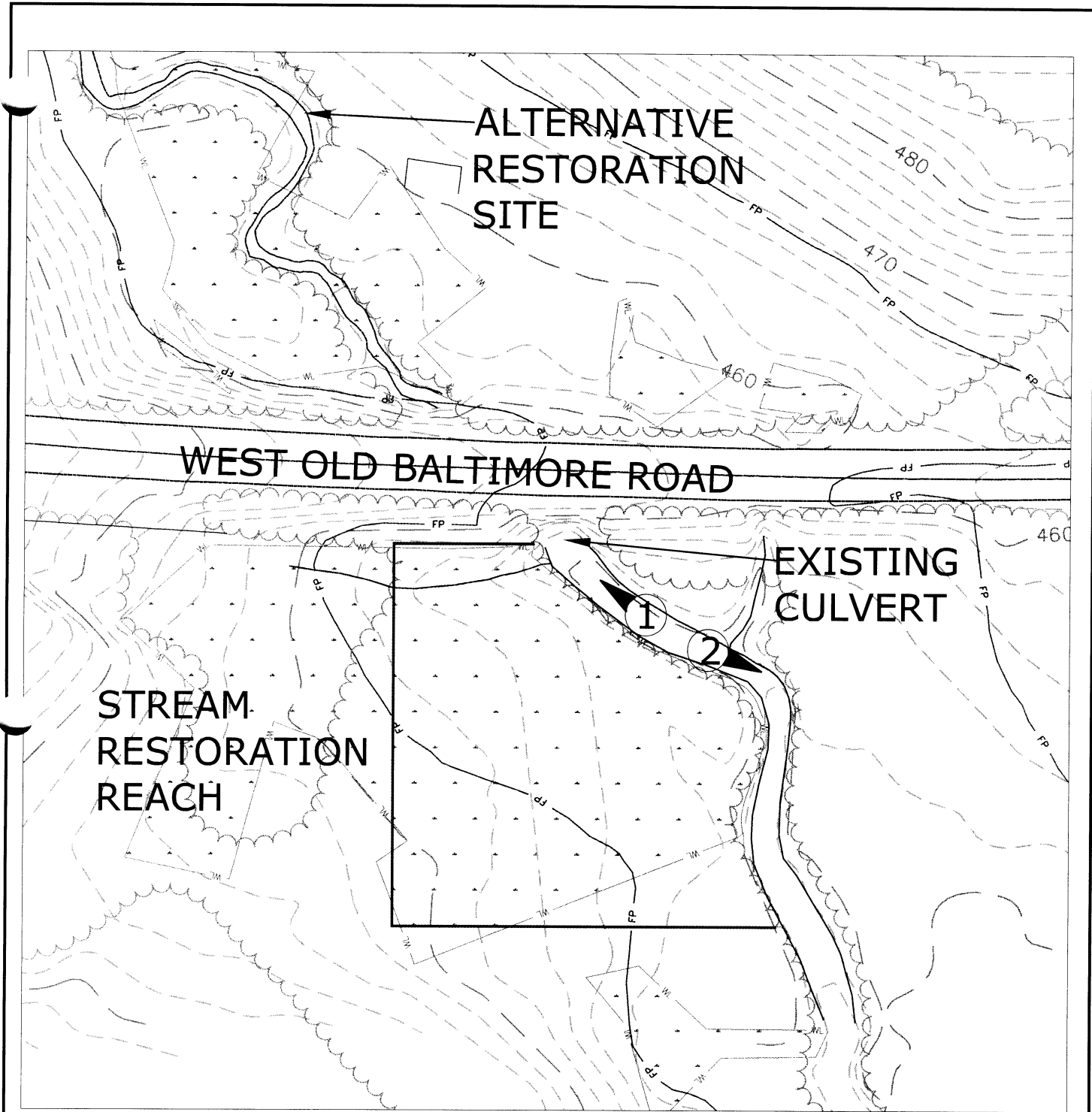


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DATE  
01/13/13  
 PROJ. NO.  
50055296

TITLE  
MONTGOMERY COUNTY  
IMPACT STUDY PLAN  
 PROJECT  
OLD BALTIMORE ROAD  
CULVERT 3 PROFILE



SHEET NO.  
**10**  
 10 OF ##



**STREAM #6**  
**Cabin Branch**  
 180 Linear Feet of Proposed Treatment

**LEGEND**

 1 Photo Locations

<p><b>Engineer:</b>          Loiderman Soltész &amp; Associates          Rockville Office          1390 Piccard Drive          Suite 100          Rockville, Maryland 20850</p>	<p><b>Prepared for:</b>          Winchester Homes, Inc.          6905 Rockledge Drive          Suite 800          Bethesda, Maryland 20817</p>	<p><b>Prepared by:</b>   <b>Environmental Systems Analysis, Inc.</b>          Natural Resources Management          Ecological Restoration          162 West Street          Annapolis, MD 21401</p>	<p>CONCEPT WETLANDS/WATERS MITIGATION PLAN</p> <p><b>CABIN BRANCH</b>          Clarksburg (2nd) Election District          Montgomery County, Maryland</p> <p>SCALE: 1"=50'          DATE: February 2013          ESA PROJECT NAME: 2005\37 Cabin Branch\CAD\Received\WetlandMap</p> <p> NORTH</p> <p>SHEET: 1 of 1</p>
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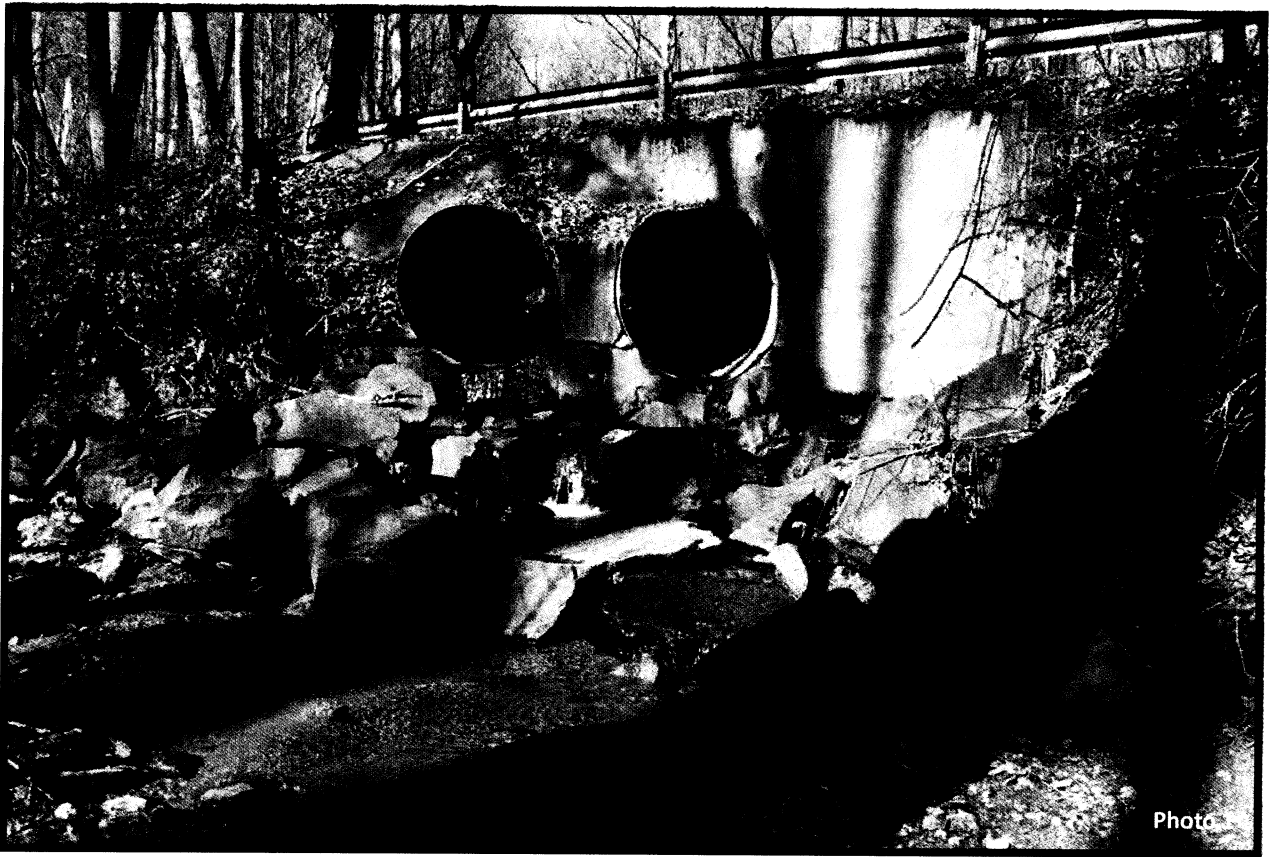


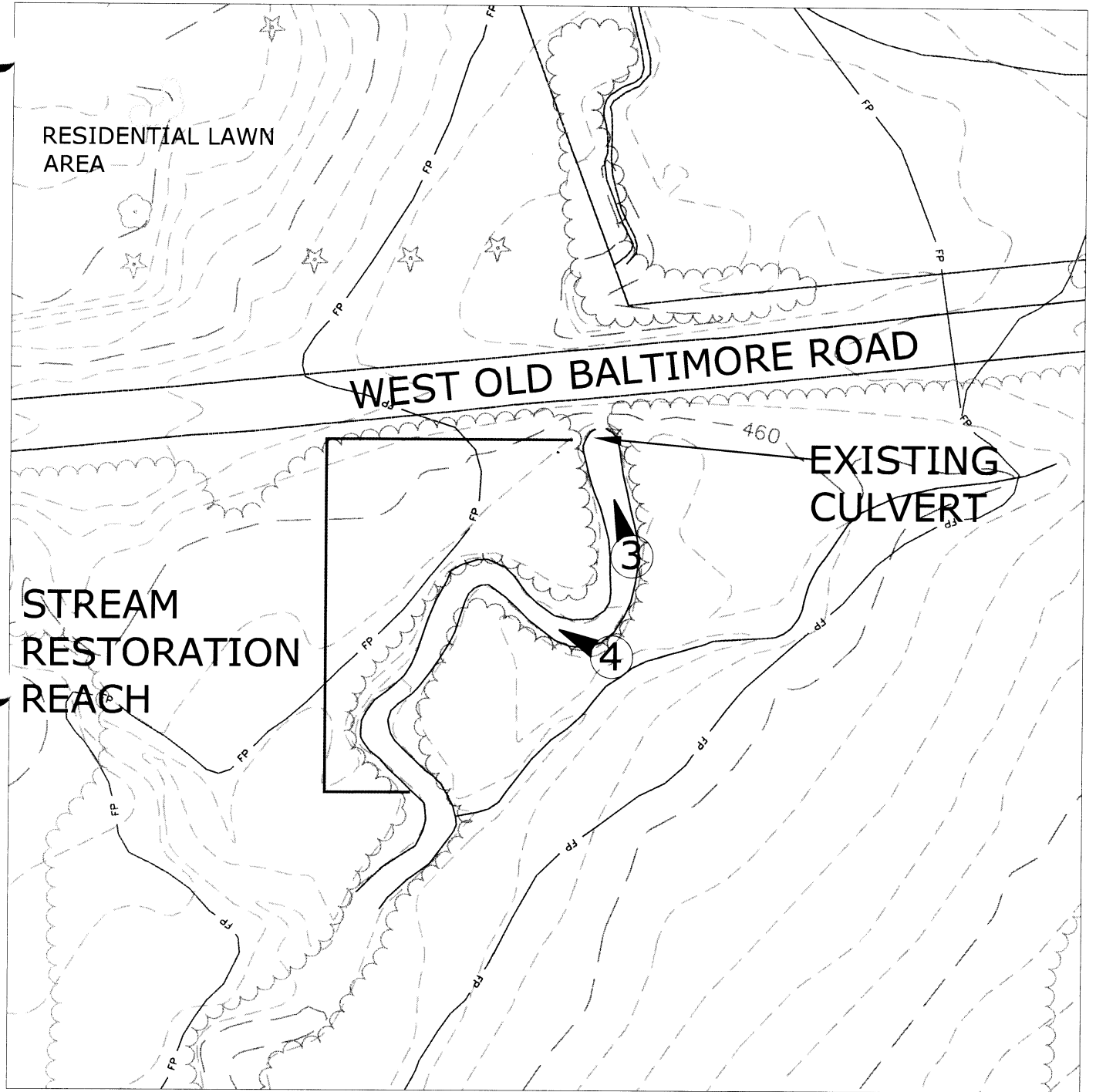
Photo 1

*Above: Stream #6, West Old Baltimore Road. A view of the outfall.*

*Below: A typical view of the escarped and sloughing first meander bend, with a proposed total of 180-linear feet of treatment.*



Photo 2




**STREAM #2**  
**Headwater Reach**  
 200 Linear Feet of Proposed Treatment

**LEGEND**

 **3** Photo Locations

**Engineer:**  
 Loiderman Soltész & Associates  
 Rockville Office  
 1390 Piccard Drive  
 Suite 100  
 Rockville, Maryland 20850

**Prepared for:**  
 Winchester Homes, Inc.  
 6905 Rockledge Drive  
 Suite 800  
 Bethesda, Maryland 20817

**Prepared by:**  
 **Environmental Systems Analysis, Inc.**  
 Natural Resources Management  
 Ecological Restoration  
 162 West Street  
 Annapolis, MD 21401

CONCEPT WETLANDS/WATERS MITIGATION PLAN

**CABIN BRANCH**

Clarksburg (2nd) Election District  
 Montgomery County, Maryland



SCALE: 1"=50'  
 DATE: February 2013  
 ESA PROJECT NAME: 2005\37 Cabin Branch\CAD\Received\WetlandMap

SHEET: 1 of 1





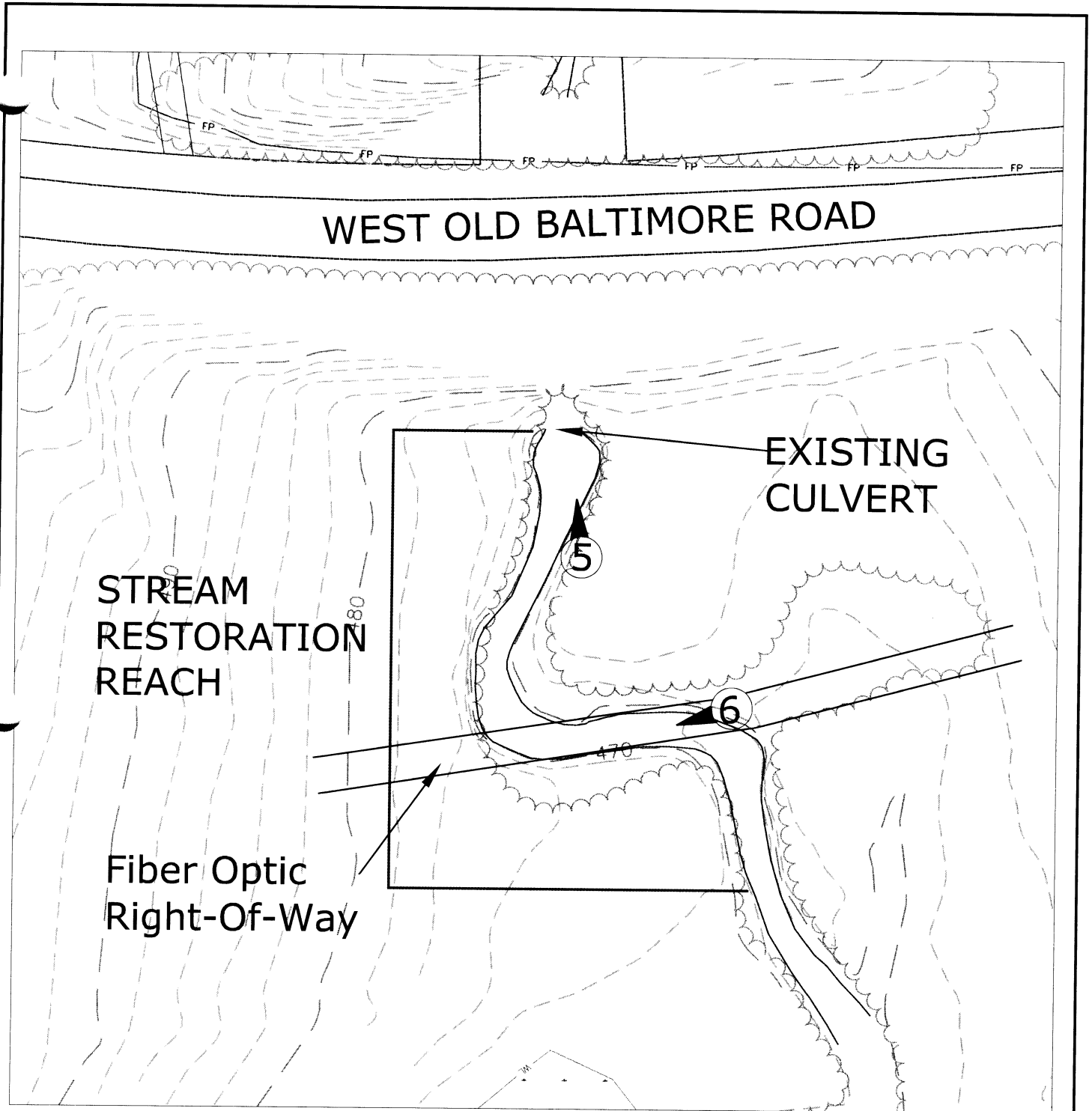
Photo 3

*Above: Stream #2, West Old Baltimore Road. A view of the outfall.*

*Below: A typical view of the escarped and sloughing first meander bend, with a proposed total of 200-linear feet of treatment.*



Photo 4




**STREAM #3**  
**Along I-270**  
 230 Linear Feet of Proposed Treatment

**LEGEND**  
 Photo Locations

**Engineer:**  
 Loiderman Soltesz & Associates  
 Rockville Office  
 1390 Piccard Drive  
 Suite 100  
 Rockville, Maryland 20850

**Prepared for:**  
 Winchester Homes, Inc.  
 6905 Rockledge Drive  
 Suite 800  
 Bethesda, Maryland 20817

**Prepared by:**  
 **Environmental Systems Analysis, Inc.**  
 Natural Resources Management  
 Ecological Restoration  
 162 West Street  
 Annapolis, MD 21401

CONCEPT WETLANDS/WATERS MITIGATION PLAN

**CABIN BRANCH**

Clarksburg (2nd) Election District  
 Montgomery County, Maryland

SCALE: 1"=50'

DATE: February 2013

ESA PROJECT NAME: 2005\37 Cabin Branch\CAD\Received\WetlandMap

SHEET: 1 of 1



NORTH



Photo 5

*Above: Stream #3, West Old Baltimore Road. A view of the outfall.*

*Below: A typical view of the escarped and sloughing first meander bend, with a proposed total of 230-linear feet of treatment.*



Photo 6

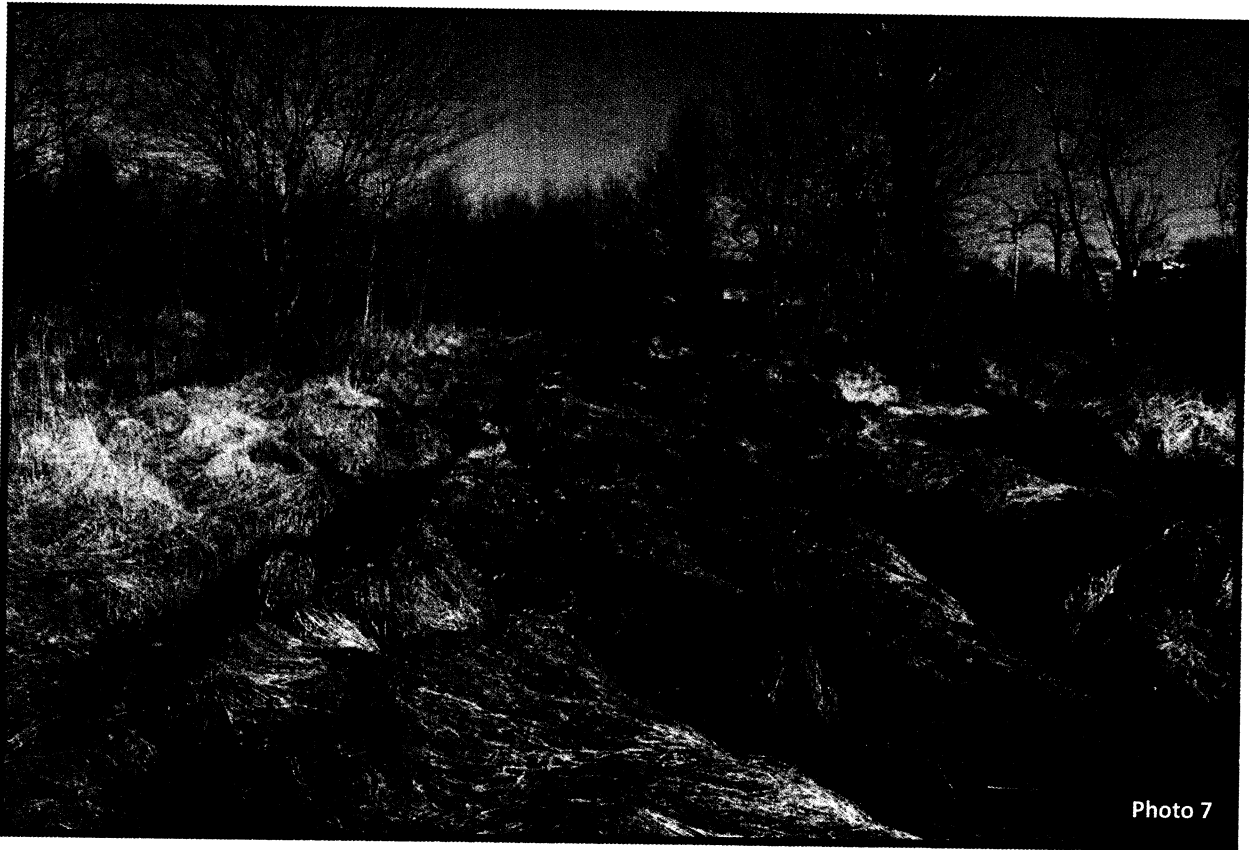


Photo 7

*Above: Wetland enhancement area. A typical photo of the need for Arthraxon and Microstegium management.*

*Below: The area to the right of the reforestation is a typical for the two proposed wetland creation cells.*

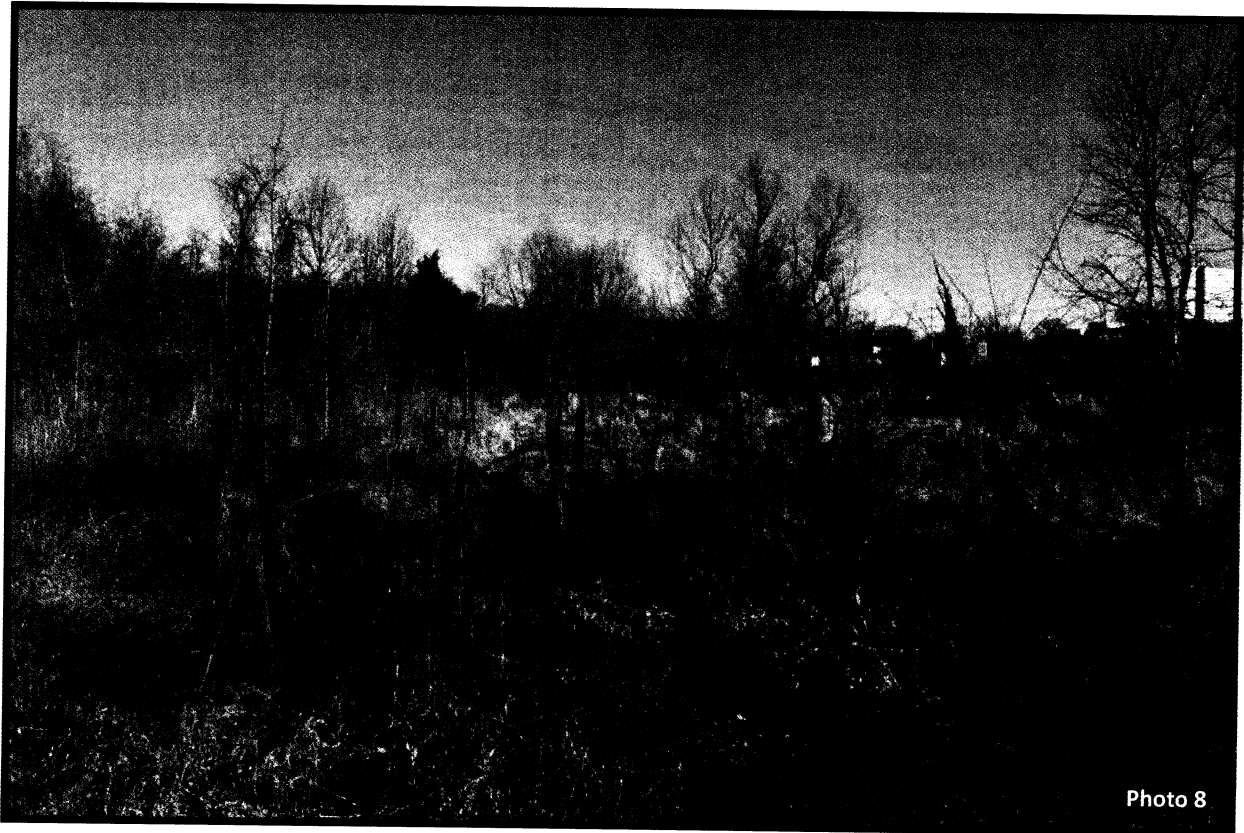
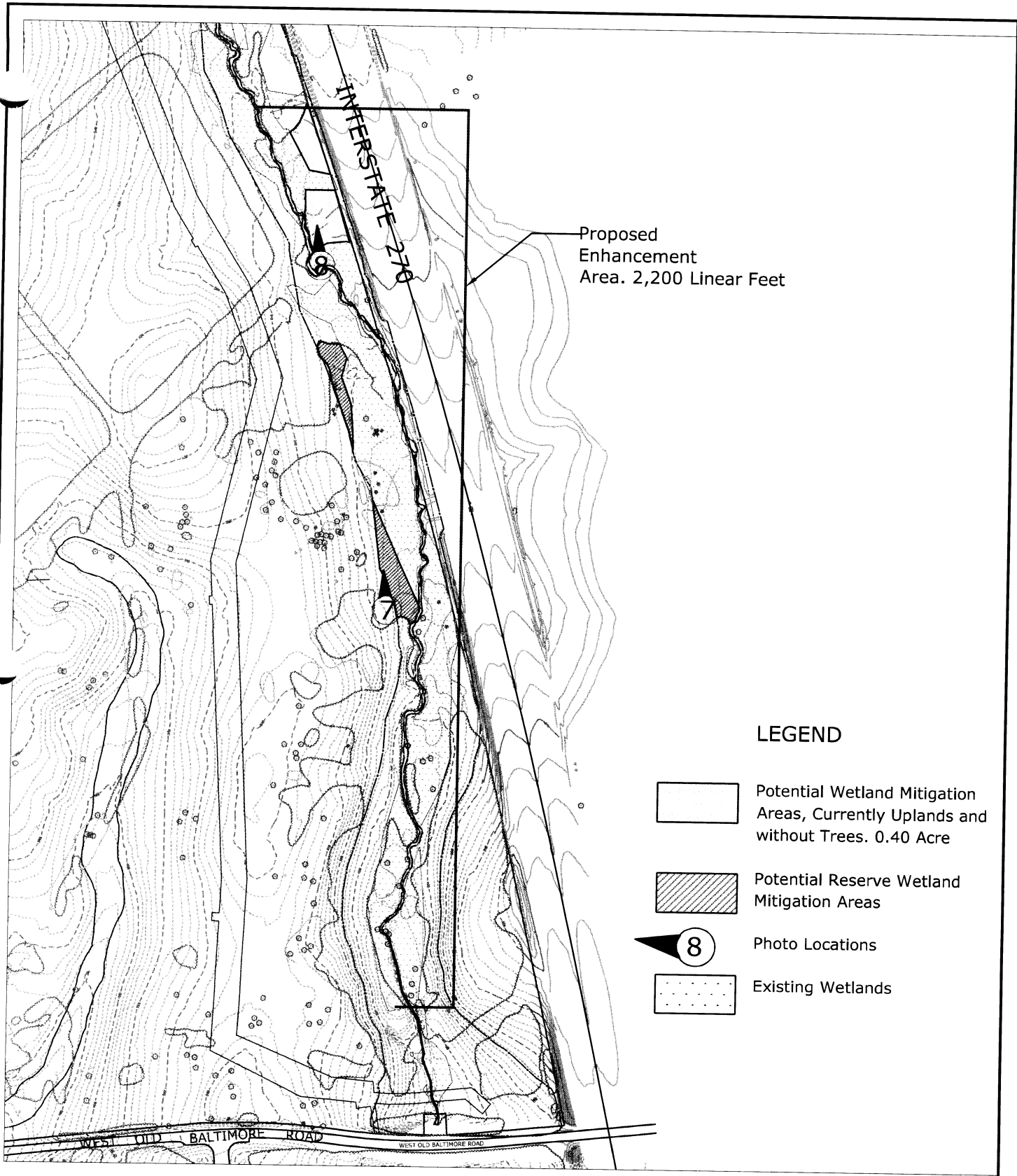
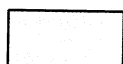
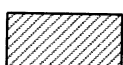

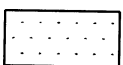


Photo 8




Proposed Enhancement Area. 2,200 Linear Feet


**LEGEND**

-  Potential Wetland Mitigation Areas, Currently Uplands and without Trees. 0.40 Acre
-  Potential Reserve Wetland Mitigation Areas
-  Photo Locations
-  Existing Wetlands

**Engineer:**  
 Loiderman Soltesz & Associates  
 Rockville Office  
 1390 Piccard Drive  
 Suite 100  
 Rockville, Maryland 20850

**Prepared for:**  
 Winchester Homes, Inc.  
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 Bethesda, Maryland 20817

**Prepared by:**  
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 162 West Street  
 Annapolis, MD 21401

CONCEPT WETLANDS/WATERS MITIGATION PLAN	
<b>CABIN BRANCH</b> Clarksburg (2nd) Election District Montgomery County, Maryland	
 NORTH	SCALE: 1"=50'
DATE: February 2013	
ESA PROJECT NAME: 2005\37 Cabin Branch\CAD\Received\WetlandMap	
SHEET: 1 of 1	