

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

# Public Notice

**In Reply to Application Number**  
NAB-2008-62504 (Phillip Parker and Brock Parker/Parker & Associates/  
Sandy Wood Subdivision)

PN 13-63

Comment Period: November 1, 2013 to November 23, 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 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

**APPLICANT:** Phillip Parker and Brock Parker  
Parker & Associates  
528 Riverside Drive  
Salisbury, Maryland 21801

**LOCATION:** The work is located in jurisdictional wetlands and an unnamed tributary that drains to Forest Grove Branch at the property located at 6803 Forest Grove Road, Parsonsburg, Wicomico County, Maryland.

**WORK:** The applicant proposes the following work based on the conceptual drawings:

Impact Area 1 (Sheet 2): To construct a typical culverted crossing in an unnamed tributary to Forest Grove Branch for two 12-foot wide driveways to provide vehicular access to Lots 11 and 12 which would include filling approximately 20,698.49 square feet of emergent nontidal wetlands.

Impact Area 2 (Sheet 3): To install a stormwater discharge outfall with protective apron for the proposed stormwater management facility located between Lots 5 and 10 (Parcel A), which would impact approximately 332.02 square feet of forested nontidal wetlands.

Impact Area 3 (Sheet 4): To fill a forested nontidal wetland area associated with an old borrow area, located on Lots 14 and 15, which would permanently impact approximately 2,532.46 square feet of forested nontidal wetland.

Impact Area 4 (Sheet 4): To fill approximately 3,488.91 square feet of a jurisdictional ditch on Lots 13 and 14, as the ditch will be abandoned.

The entire project would impact approximately 27,051.88 square feet of nontidal wetlands.

Note: local water and sewer authority is likely to require any sewer and water crossings of streams to armor stream banks with riprap, which may alter the total permanent impacts for some aspects of the proposed work. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Eugene Morgenthaler at (410) 820-8629 or by e-mail [eugene.j.morgenthaler@usace.army.mil](mailto:eugene.j.morgenthaler@usace.army.mil).

The applicant has submitted a conceptual plan to create approximately 33,409.80 square feet of nontidal wetlands. Mitigation for unavoidable, permanent nontidal wetland impacts will occur onsite and consist of creating approximately 33,409.80 square feet of forested/emergent nontidal wetlands. The applicant has submitted mitigation plans for the proposed project. The applicant

has received preliminary Phase I mitigation approval for the selected onsite location, where the proposed permanent impacts will be mitigated by creating forested/emergent nontidal wetlands.

Avoidance and minimization measures were incorporated into the proposed project by minimizing the project's design to meet the project purpose. Access to the site is limited, since the State Highway Department will not allow access from Maryland Route 50/Ocean Highway. Development was restricted to the area fronting Forest Grove Road and away from the non-tidal wetlands to reduce unnecessary disturbance. The stormwater outfall location is being proposed in an area on-site with the least disturbance to wetlands. According to the applicant, the proposed impacts cannot be further avoided since avoidance would not allow the project purpose to be achieved.

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

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 does not lie in or adjacent to EFH as described under the MSFCMA.

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, P.O. Box 1715, Baltimore, Maryland 21203-1715, 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 Non-Tidal Wetlands Division, 1800 Washington Boulevard, Baltimore, Maryland 21230 within

the comment period 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, P.O. Box 1715, Baltimore, Maryland 21203-1715, 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 known 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



**SCOPE OF WORK:**

**NTW DISTURBANCE AREA**

|  |                     |
|--|---------------------|
| AREA OF NTW TO BE FILLED (2:1 REPLACEMENT) -                       | 2,532.46 SF         |
| AREA OF DITCH TO BE FILLED (2:1 REPLACEMENT) -                     | 3,488.91 SF         |
| AREA OF NTW DISTURBANCE FOR STORMWATER OUTFALL (2:1 REPLACEMENT) - | 332.02 SF           |
| AREA OF EMERGENT NTW DISTURBANCE FOR DRIVEWAYS (1:1 REPLACEMENT) - | 20,698.49 SF        |
| <b>TOTAL NTW DISTURBANCE -</b>                                     | <b>27,051.88 SF</b> |

**NTW MITIGATION AREA**

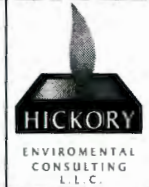
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| REQUIRED NTW MITIGATION AREA 6,353.39 SF @ 2:1 + 20,698.49 SF @ 1:1) - | 33,405.27 SF        |
| MITIGATION AREA #1 -   | 12,589.54 SF        |
| MITIGATION AREA #2 -   | 20,820.26 SF        |
| <b>TOTAL MITIGATION -</b>  | <b>33,409.80 SF</b> |

**OVERALL SITE LAYOUT PLAN**

| NO. | DATE | REVISION |
|-----|------|----------|
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|     |      |          |

**SANDY WOOD SUBDIVISION**

(TAX MAP 40, GRID 3, PARCEL 45)  
 6803 FOREST GROVE ROAD  
 PARSONSBURG  
 WICOMICO COUNTY, MARYLAND

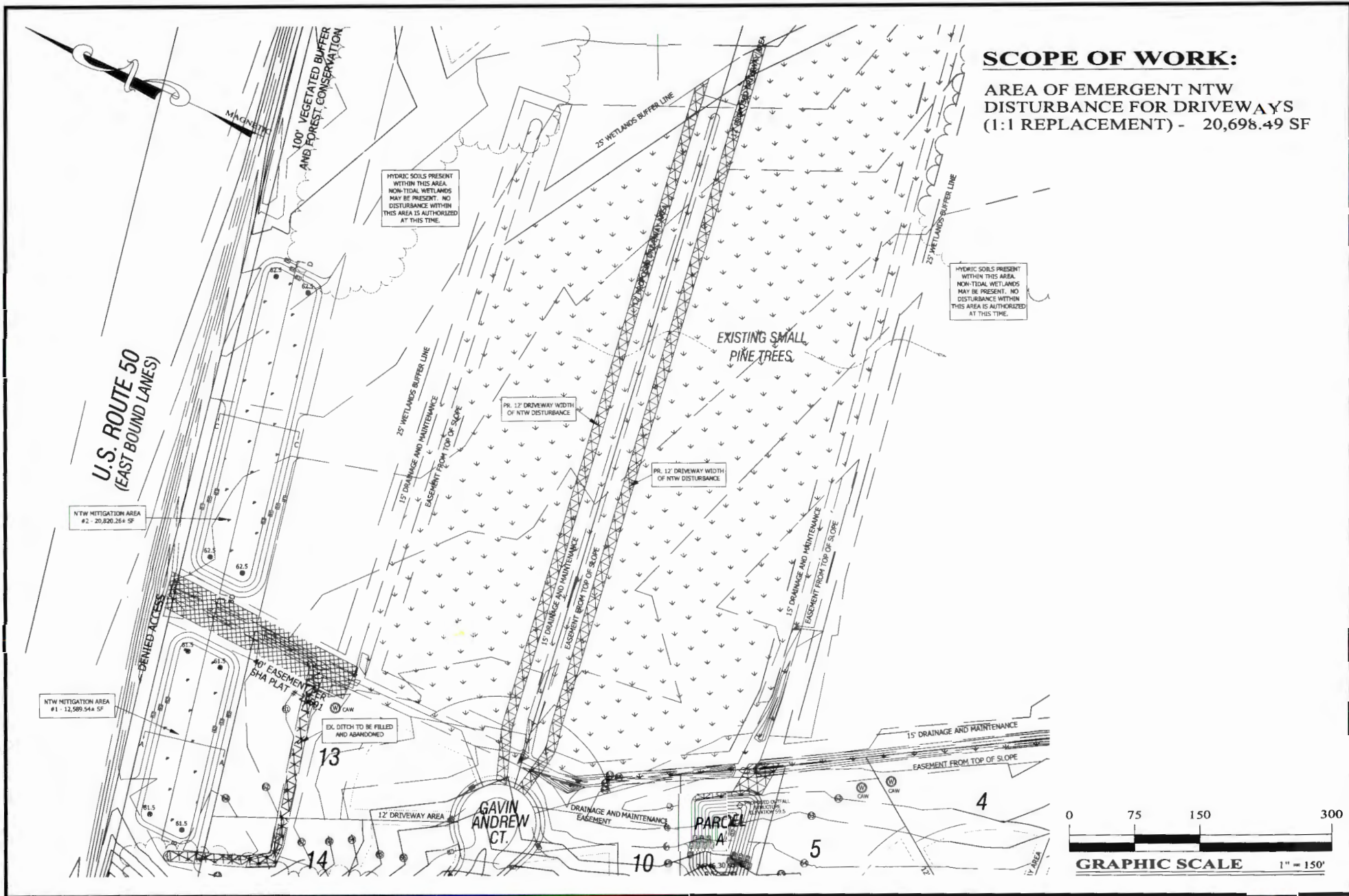


**HICKORY ENVIRONMENTAL CONSULTING L.L.C.**

100 WEST MAIN STREET  
 FRUITLAND, MD 21826  
 PH 410-860-8850  
 FAX 410-860-2299

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| DATE     | 02/04/10       |
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| SHEET    | <b>1 OF 10</b> |





**SCOPE OF WORK:**  
**AREA OF EMERGENT NTW DISTURBANCE FOR DRIVEWAYS (1:1 REPLACEMENT) - 20,698.49 SF**

**DRIVEWAY DISTURBANCE**

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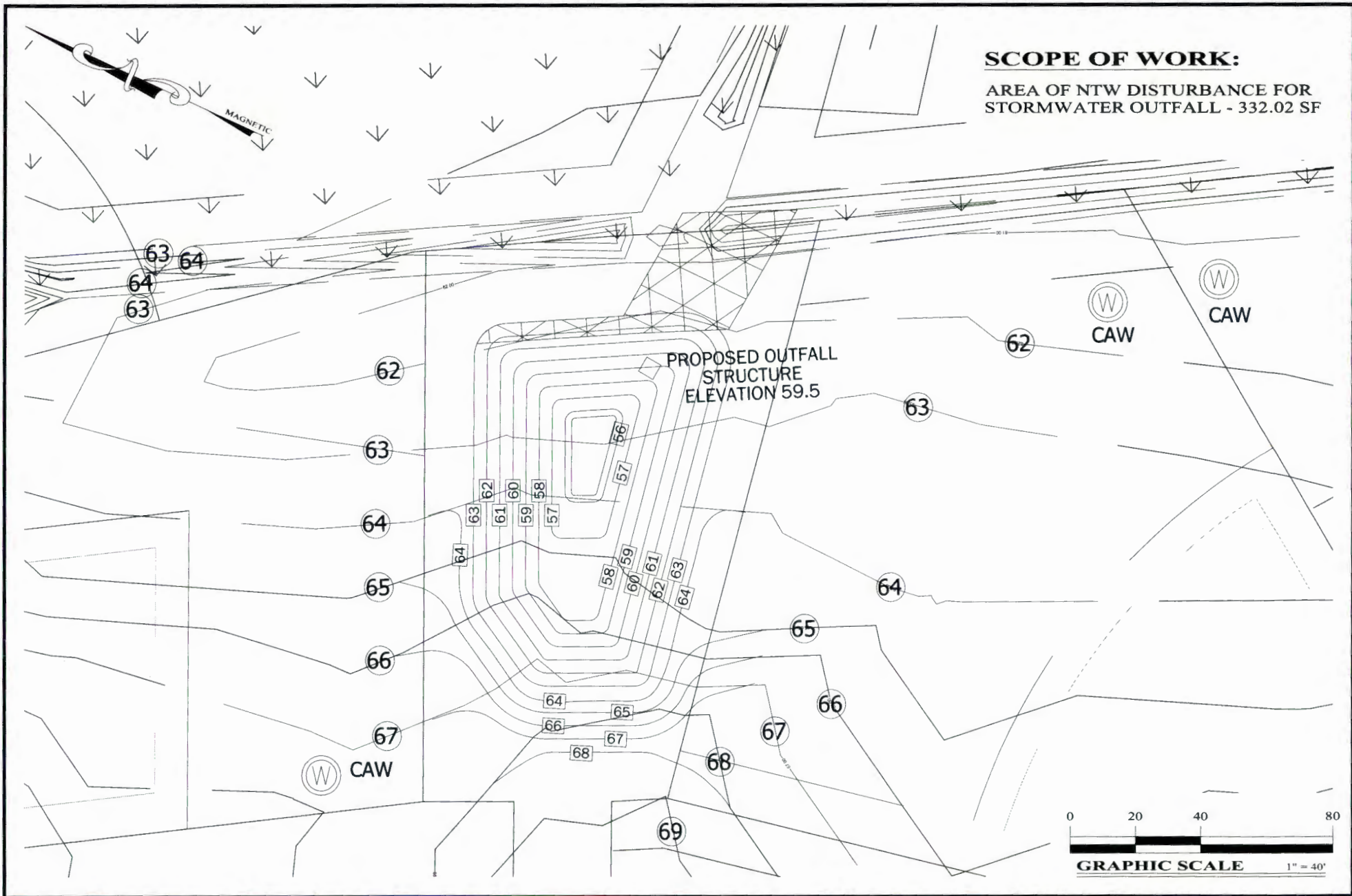
**SANDY WOOD SUBDIVISION**

(TAX MAP 40, GRID 3, PARCEL 45)  
 6803 FOREST GROVE ROAD  
 PARSONSBURG  
 WICOMICO COUNTY, MARYLAND



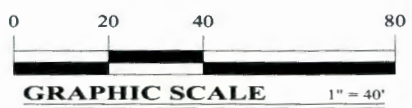
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**SCOPE OF WORK:**  
 AREA OF NTW DISTURBANCE FOR  
 STORMWATER OUTFALL - 332.02 SF

PROPOSED OUTFALL  
 STRUCTURE  
 ELEVATION 59.5



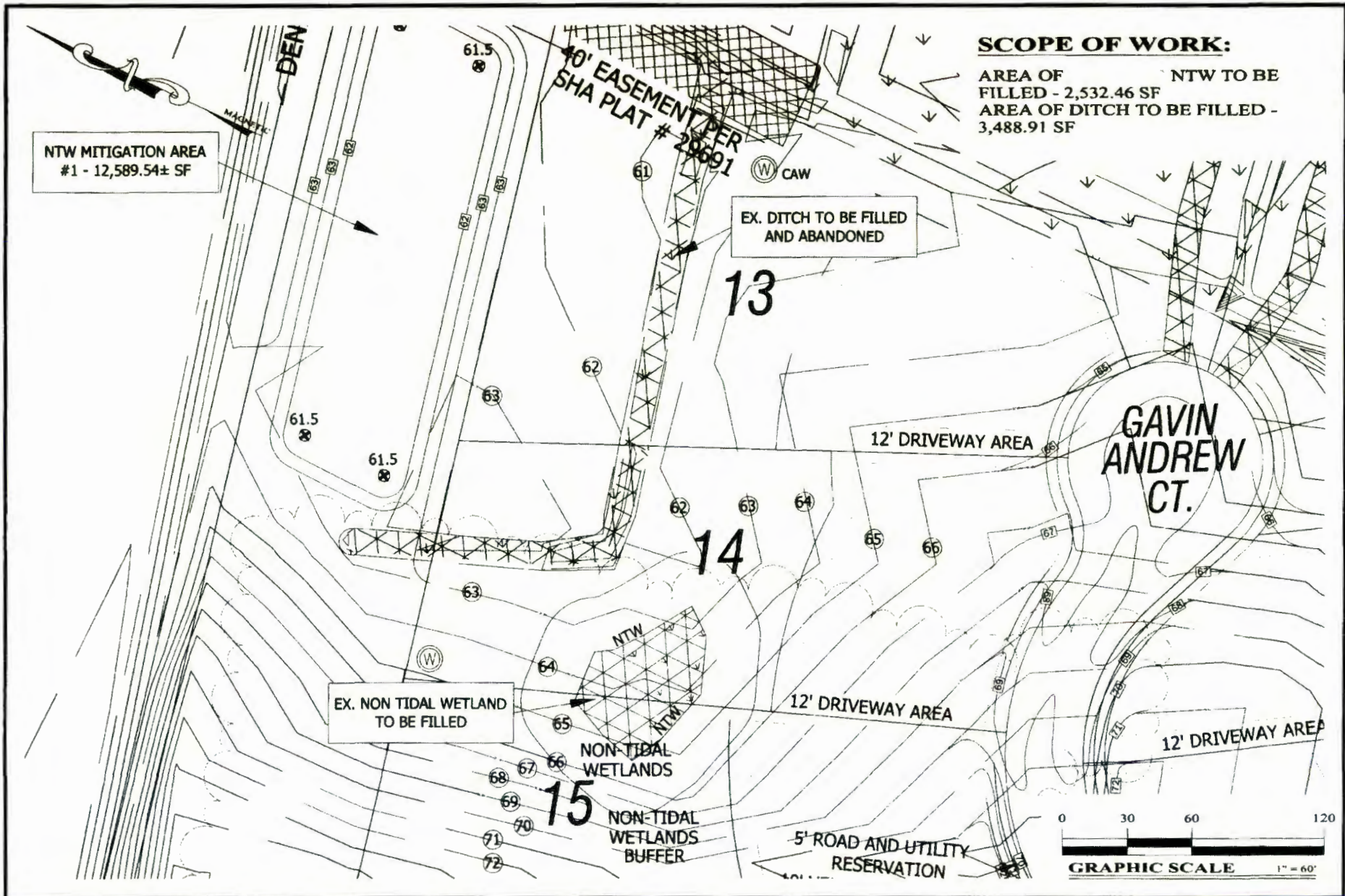
| STORMWATER POND<br>OUTFALL DISTURBANCE |      |          |
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**SANDY WOOD  
 SUBDIVISION**  
 (TAX MAP 40, GRID 3, PARCEL 45)  
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 FAX 410-860-2299

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| DATE     | 02/04/10       |
| SCALE    | 1" = 40'       |
| DRAWN BY | MAP            |
| SHEET    | <b>3 OF 10</b> |





**SCOPE OF WORK:**

AREA OF NTW TO BE FILLED - 2,532.46 SF  
 AREA OF DITCH TO BE FILLED - 3,488.91 SF

NTW MITIGATION AREA #1 - 12,589.54± SF

EX. DITCH TO BE FILLED AND ABANDONED

13

12' DRIVEWAY AREA

GAVIN ANDREW CT.

14

EX. NON TIDAL WETLAND TO BE FILLED

12' DRIVEWAY AREA

12' DRIVEWAY AREA


NON-TIDAL WETLANDS

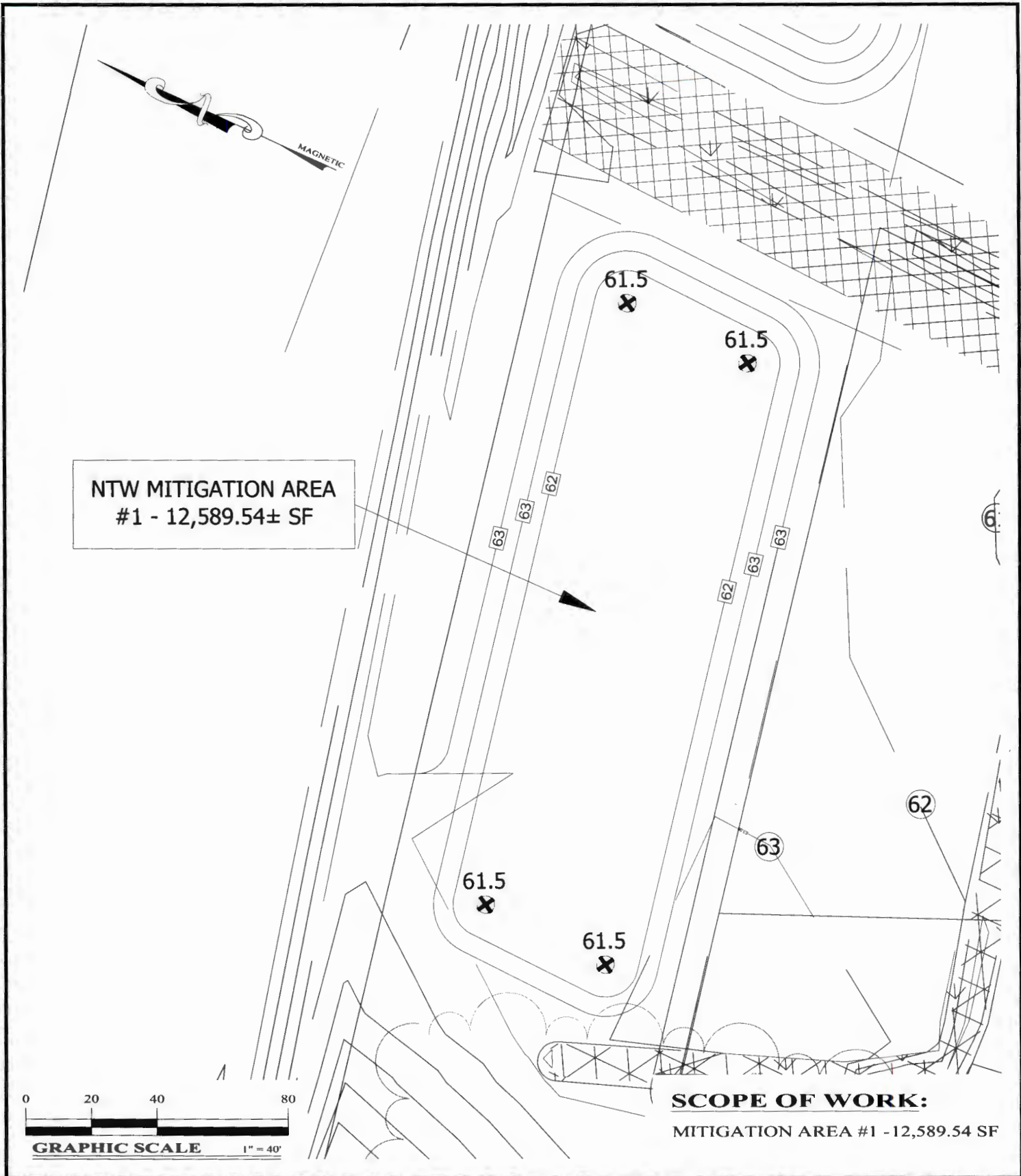
15

NON-TIDAL WETLANDS BUFFER

5' ROAD AND UTILITY RESERVATION

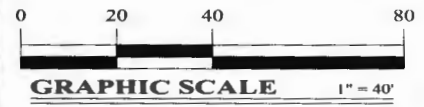


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|---|--|--|--|---|--|----------------|
| <b>FILLED NON-TIDAL WETLAND &amp; DITCH</b> |  |  | <b>SANDY WOOD SUBDIVISION</b><br>(TAX MAP 40, GRID 3, PARCEL 45)   |  | <b>HICKORY ENVIRONMENTAL CONSULTING L.L.C.</b><br>100 WEST MAIN STREET<br>FRUITLAND, MD 21826<br>PH 410-860-8850<br>FAX 410-860-2299 | DATE 02/04/10  |
| NO. DATE REVISION                           |  |  |  |   |  | SCALE 1" = 60' |
|   |  |  | 6803 FOREST GROVE ROAD<br>PARSONSBURG<br>WICOMICO COUNTY, MARYLAND |   |  | DRAWN BY MAP   |
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NTW MITIGATION AREA  
#1 - 12,589.54± SF

**SCOPE OF WORK:**  
MITIGATION AREA #1 - 12,589.54 SF



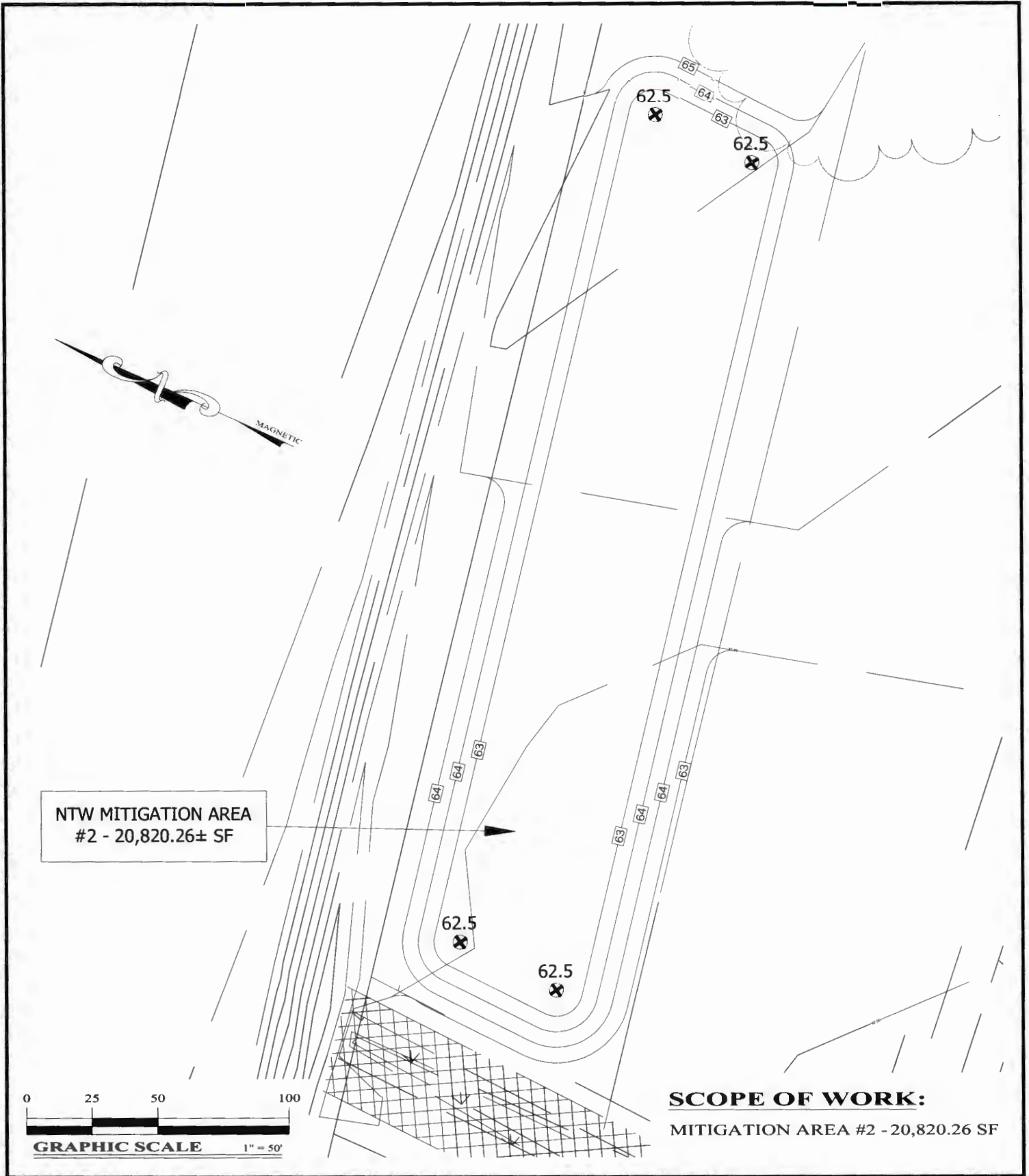
**NON-TIDAL MITIGATION AREA #1  
SANDY WOOD SUBDIVISION**  
(TAX MAP 40, GRID 3, PARCEL 45)  
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FAX 410-860-2299

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| DATE           | 02/04/10 |
| SCALE          | 1" = 40' |
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| <b>5 OF 10</b> |          |





**NON-TIDAL MITIGATION AREA #2  
SANDY WOOD SUBDIVISION**

(TAX MAP 40, GRID 3, PARCEL 45)

6803 FOREST GROVE ROAD  
PARSONSBURG  
WICOMICO COUNTY, MARYLAND



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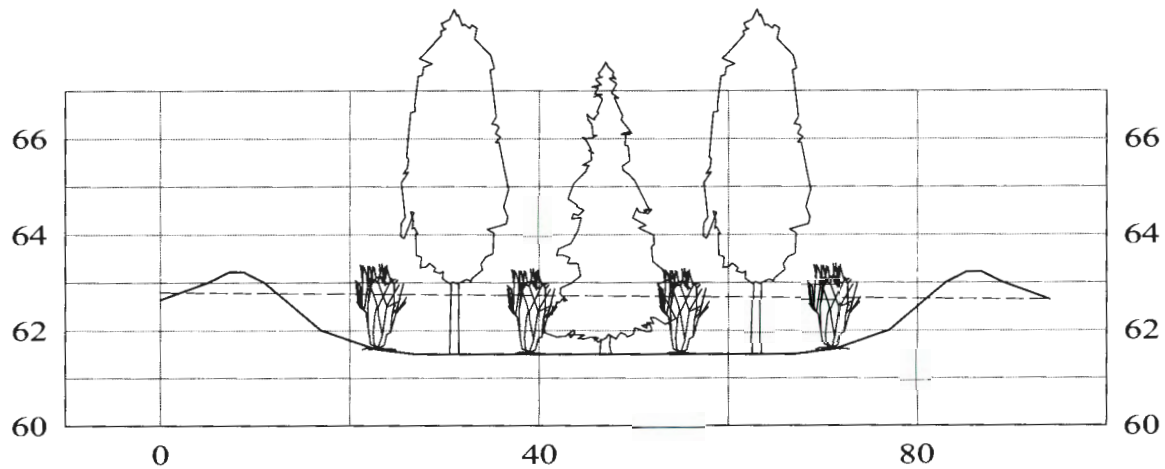
DATE 02/04/10

SCALE 1" = 50'

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SHEET

**6 OF 10**



**NTW MITIGATION AREA - SECTION A-A**  
**VERTICAL SCALE: 1" = 4'**  
**HORIZONTAL SCALE: 1" = 20'**

**TREE PLANTING NOTES:**

TREES & SHRUBS SHALL BE PLANTED ON AN 8'x8' TREE SPACING GRID WITHIN THE PROPOSED MITIGATION AREA.

TOTAL NUMBER OF PLANTINGS: 197 (12,589.54 SF / 64 SF ≈ 197)

TREES

RED MAPLE: 25  
 WILLOW OAK: 25  
 TULIP POPLAR: 25

SHRUBS

RED CHOKEBERRY: 49  
 SWEET PEPPERBUSH: 49

UNDERSTORY

AMERICAN HOLLY: 24

**NTW MITIGATION AREA SECTION A-A**

| NO. | DATE | REVISION |
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|     |      |          |

**SANDY WOOD SUBDIVISION**

(TAX MAP 40, GRID 3, PARCEL 45)

6803 FOREST GROVE ROAD  
 PARSONSBURG  
 WICOMICO COUNTY, MARYLAND



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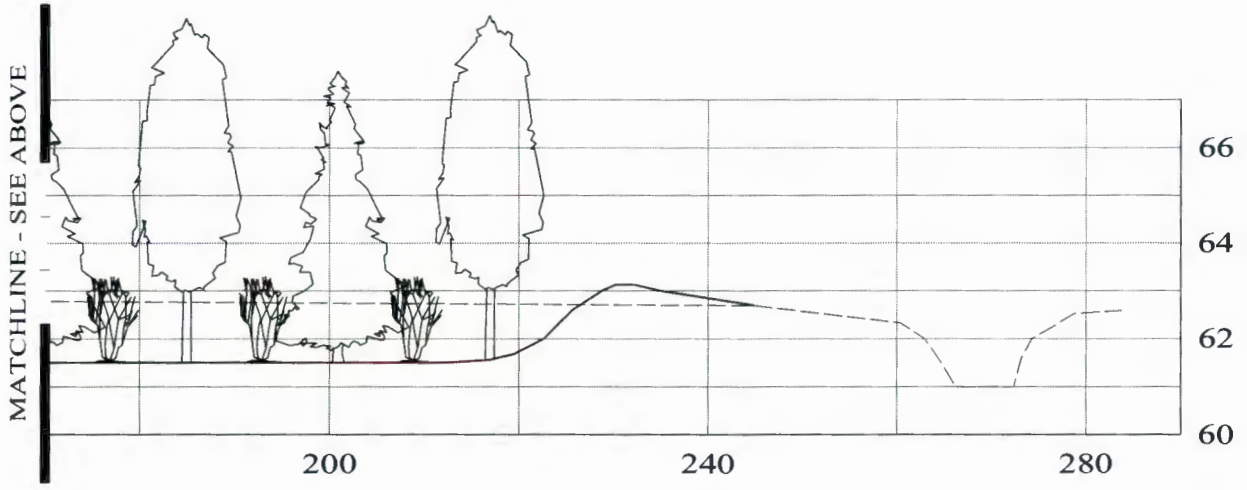
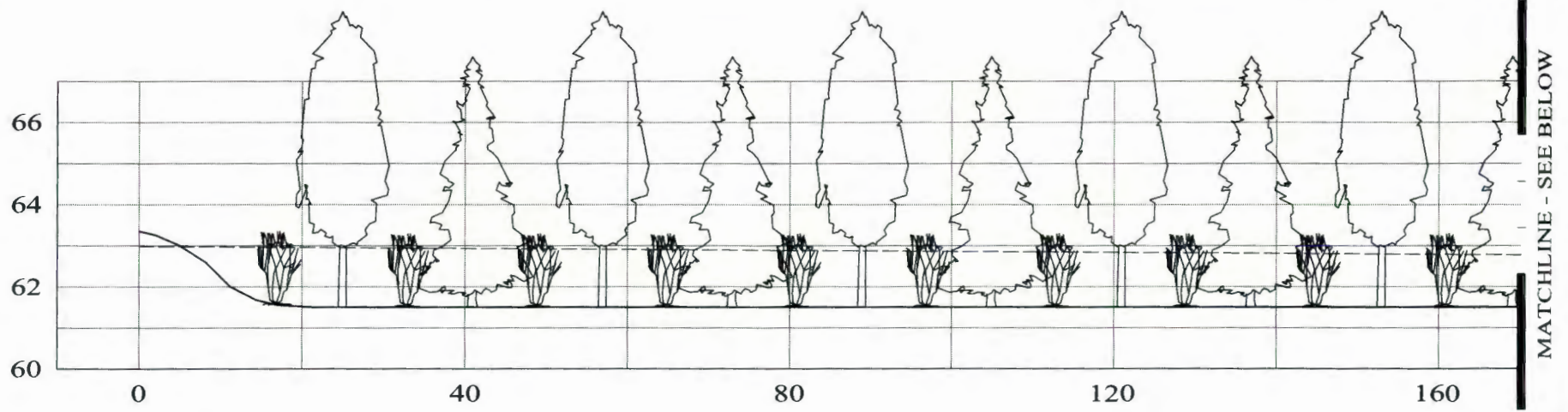
DATE 02/04/10

SCALE AS SHOWN

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SHEET

**7 OF 10**



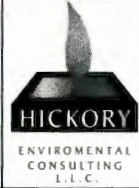
**NTW MITIGATION AREA - SECTION B-B**  
**VERTICAL SCALE: 1" = 4'**  
**HORIZONTAL SCALE: 1" = 20'**

**NTW MITIGATION AREA SECTION B-B**

| NO. | DATE | REVISION |
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**SANDY WOOD SUBDIVISION**

(TAX MAP 40, GRID 3, PARCEL 45)  
 6803 FOREST GROVE ROAD  
 PARSONSBURG  
 WICOMICO COUNTY, MARYLAND

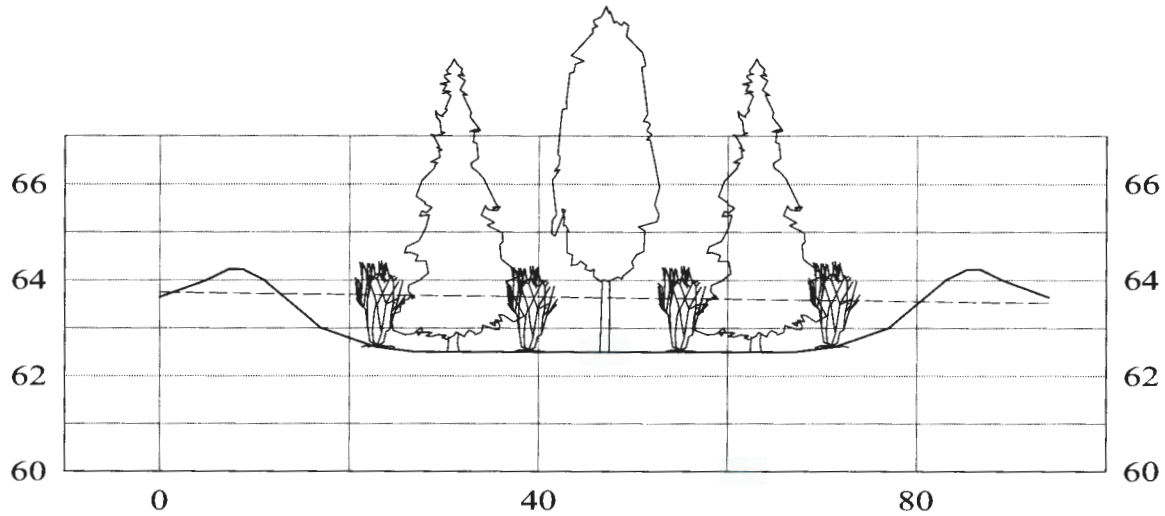


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| DATE     | 02/04/10 |
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**NTW MITIGATION AREA - SECTION C-C**  
**VERTICAL SCALE: 1" = 4'**  
**HORIZONTAL SCALE: 1" = 20'**

**TREE PLANTING NOTES:**

TREES & SHRUBS SHALL BE PLANTED ON AN 8'x8' TREE SPACING GRID WITHIN THE PROPOSED MITIGATION AREA.

TOTAL NUMBER OF PLANTINGS: 325 (20,820.26 SF / 64 SF ≈ 325)

**TREES**

RED MAPLE: 41  
 WILLOW OAK: 41  
 TULIP POPLAR: 41

**SHRUBS**

RED CHOKEBERRY: 81  
 SWEET PEPPERBUSH: 81

**UNDERSTORY**

AMERICAN HOLLY: 40

**NTW MITIGATION AREA  
SECTION C-C**

| NO. | DATE | REVISION |
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**SANDY WOOD  
SUBDIVISION**

(TAX MAP 40, GRID 3, PARCEL 45)

6803 FOREST GROVE ROAD  
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WICOMICO COUNTY, MARYLAND



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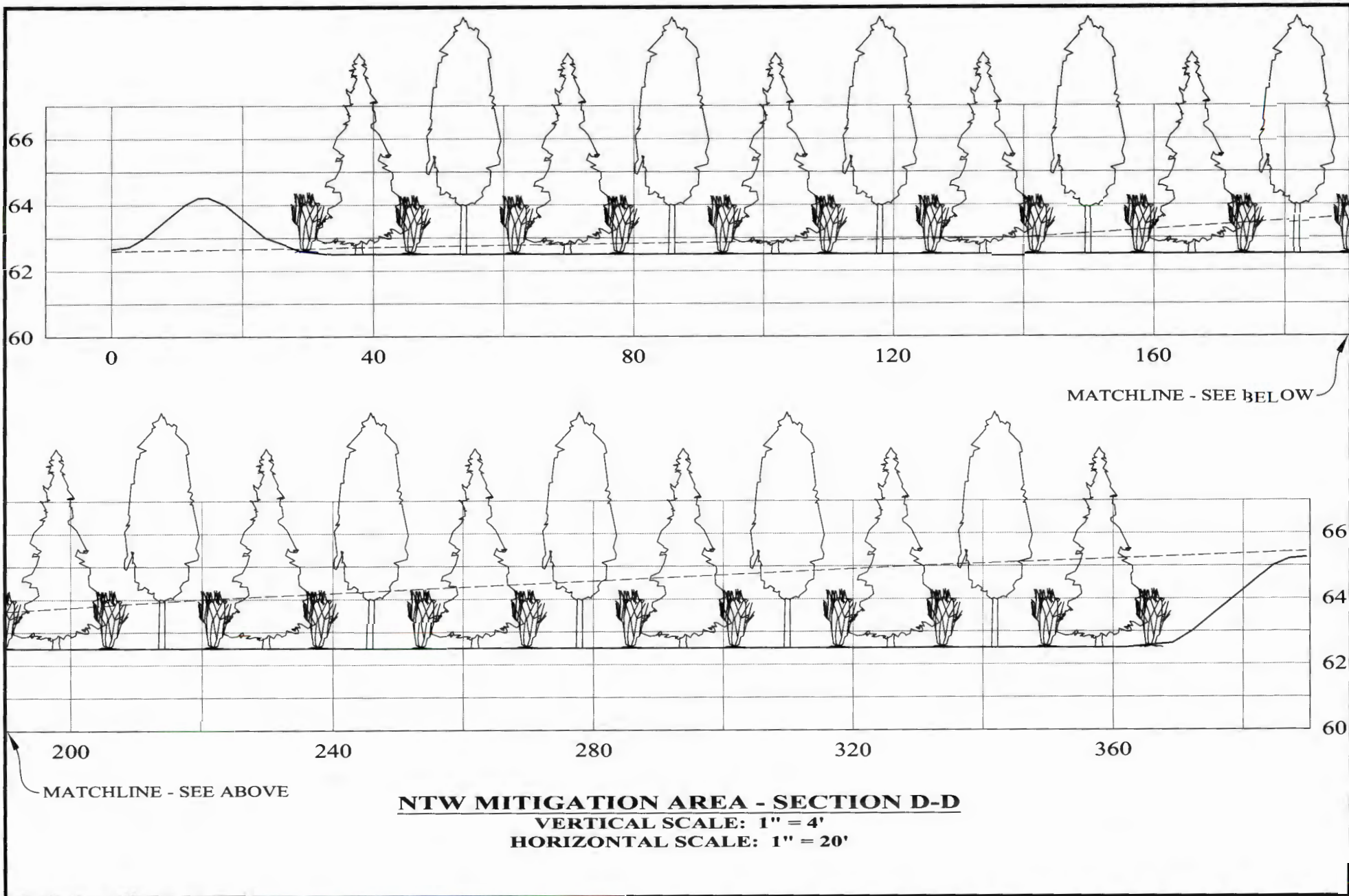
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**9 OF 10**



| NTW MITIGATION AREA SECTION D-D |      |          |
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| NO.                             | DATE | REVISION |
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**SANDY WOOD SUBDIVISION**  
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|          |                 |
|----------|-----------------|
| DATE     | 02/04/10        |
| SCALE    | AS SHOWN        |
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| SHEET    | <b>10 OF 10</b> |