

U.S. Army Corps of Engineers Baltimore District

# **Public Notice**

In Reply to Application Number NAB-OP-RMS (OAK CREEK CLUB/RD XINGS & UTILITY LINE) 2002-64343

PN 14-21

Comment Period: March 31, 2014 to April 21, 2014

## 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.

The 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: NVR MS Cavalier Oak Creek Owner LLC c/o Mr. Michael German Woodlawn Development Group, LLC 11700 Plaza America Drive, Suite 310 Reston, Virginia 20190

**LOCATION:** The work is proposed in Black Branch, unnamed tributaries to Black Branch, and wetlands adjacent to Black Branch and its tributaries along Church Road between Oak Grove Road and MD Route 214 – Central Avenue in Upper Marlboro, Prince George's County, Maryland.

#### WORK:

**Impact 5**: To temporarily emplace two sections of sandbags of approximately 26 square feet along 2 linear feet of stream, temporarily impacting a total of approximately 52 square feet along 4 linear feet of stream; and to install 104 linear feet of twin 6-foot tall by 7-foot wide and 6-foot tall by 8-foot wide aluminum bottomless arch culverts with gravel bottom depressed 1-foot below the stream bottom, with a 18-foot long by 52-foot wide riprap scour pad upstream of the proposed culvert and a 47-foot long by 60-foot wide riprap scour pad downstream of the proposed culvert, permanently impacting approximately 4,078 square feet of wetlands and approximately 2,522 square feet along 194 linear feet of stream.

**Impact 16**: To temporarily emplace two sections of sandbags of approximately 24 square feet along 2 linear feet of stream, temporarily impacting a total of approximately 48 square feet along 4 linear feet of stream; and to extend an existing 26-foot long, 12-foot tall by 18-foot wide concrete box culvert by 52 linear feet on the west end and 72 linear feet on the east end, both extensions with a gravel bottom depressed 1-foot below the stream bottom, and to emplace a 22-foot long by 32-foot wide riprap scour pad upstream of the proposed culvert and a 26-foot wide by 91-foot long riprap scour pad downstream of the proposed culvert, and to install an 18-inch diameter gravity sanitary sewer line, all permanently impacting approximately 10,671 square feet of wetlands and approximately 4,385 square feet along 442 linear feet of stream

**Impact 17**: To install an 8-inch diameter, gravity sanitary sewer line and to emplace a 16-foot wide by 21-foot long riprap scour pad for a stormwater outfall, temporarily impacting approximately 192 square feet along 32 linear feet of stream and permanently impacting approximately 107 square feet along 22 linear feet of stream.

**Impact 18**: To install a 21-inch diameter round culvert pipe for stormwater and to emplace a 10foot wide by 15-foot long concrete scour pad for the construction of a stormwater outfall, all for the expansion of a road, all permanently impacting approximately 446 feet along 73 linear feet of stream.

**Impact 20**: To temporarily emplace two sections of sandbags of approximately 20 square feet along 2 linear feet of stream, temporarily impacting a total of approximately 40 square feet along 4 linear feet of stream; and to install 90 linear feet of twin 48-inch diameter circular concrete culverts with gravel bottom depressed 1-foot below the stream bottom, with a 23-foot long by 30-foot wide riprap scour pad upstream of the proposed culvert and a 19-foot wide by 44-foot long riprap scour pad downstream of the proposed culvert, permanently impacting approximately 1,670 square feet along 182 linear feet of stream.

**Impact 22**: To temporarily emplace two sections of sandbags of approximately 26 square feet along 2 linear feet of stream, temporarily impacting a total of approximately 52 square feet along 4 linear feet of stream; and to install 75 linear feet of a 48-inch diameter circular concrete culvert with gravel bottom depressed 1-foot below the stream bottom, with a 20-foot wide by 20-foot long riprap scour pad upstream of the proposed culvert and a 25-foot wide by 38-foot long riprap scour pad downstream of the proposed culvert, permanently impacting approximately 2,028 square feet along 156 linear feet of stream.

**Impact 23**: To extend an existing 24-inch diameter round RCP culvert with an approximately 13foot long by 15-foot wide riprap scour pad at the outfall of the culvert, all for the expansion of Oak Creek Road, permanently impacting approximately 3,550 square feet of nontidal wetlands and 580 square feet along 87 linear feet of stream.

**Impact 30**: To fill approximately 3,747 square feet of nontidal wetlands for the expansion of Marie Bowie Parkway, permanently impacting approximately 3,747 square feet of nontidal wetlands.

**Impact 33**: To extend an existing 55-foot long 29-inch wide by 45-inch tall round culvert pipe by 13 linear feet and emplace an approximately 16-foot wide by 20-foot long stormwater outfall riprap scour pad for the expansion for Oak Grove Road, permanently impacting approximately 690 square feet along 86 linear feet of stream.

**Impact 41**: To install approximately 22 linear feet of 24-inch diameter round RCP culvert with one 7-foot wide by 9-foot long riprap scour pads at each of the ends of the culvert, all for the construction of an 8-foot wide hiker/biker trail, permanently impacting approximately 356 square feet along 49 linear feet of stream.

**Impact 62**: To install an 8-inch diameter, gravity sanitary sewer line, temporarily impacting approximately 692 square feet along 57 linear feet of stream.

**Impact 64**: To install a 21-inch diameter round stormwater culvert pipe and to emplace a 12-foot wide by 28-foot long riprap scour pad permanently impacting approximately 391 square feet along 36 linear feet of stream.

**Impact 65**: To install approximately 22 linear feet of 24-inch diameter round RCP culvert with one 7-foot wide by 9-foot long riprap scour pads at each of the ends of the culvert, all for the construction of an 8-foot wide hiker/biker trail, permanently impacting approximately 371 square feet along 46 linear feet of stream. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Vera Koskelo of this office at 410-962-6144 or email at Vera.B.Koskelo@usace.army.mil.

The proposed work is a request for re-authorization of DA permit CENAB-OP-RMS (OAK CREEK CLUB/RD XINGS & UTILITY LINE) 2002-64343, issued on July 30, 2004 and modified on July 28, 2005, August 14, 2006, and January 15, 2010.

The overall project constructed work and work proposed to be completed would impact a total of approximately 55,346 square feet of non-tidal wetlands and 23,223 square feet along 2,164 linear feet of stream.

The applicant proposes to use 1.27 acres of the existing 1.39-acre on-site wetland mitigation area to compensate for 55,346 square feet of permanent wetland impacts for fill activities associated with the completed authorized work and the proposed work.

Avoidance and minimization measures were incorporated into the proposed project by minimizing the project's design to meet the project purpose. The applicant proposes to construct a bridge to cross wetlands and a stream as part of a hiker/biker path and a bridge to cross a stream as part of a golfcart path in lieu of culvert crossings, eliminating stream and wetland impacts at Impact 54. Impacts 7, 32, 37, 39, 40, 42, 44, 45, 47, 50, 51, 53, 56, 61, and 63 that were authorized by the original authorization and three modifications have been eliminated from the plans prior to the request for project re-authorization.

The purpose of the project is to construct road, sewer and stormwater management infrastructure for a proposed 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 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.

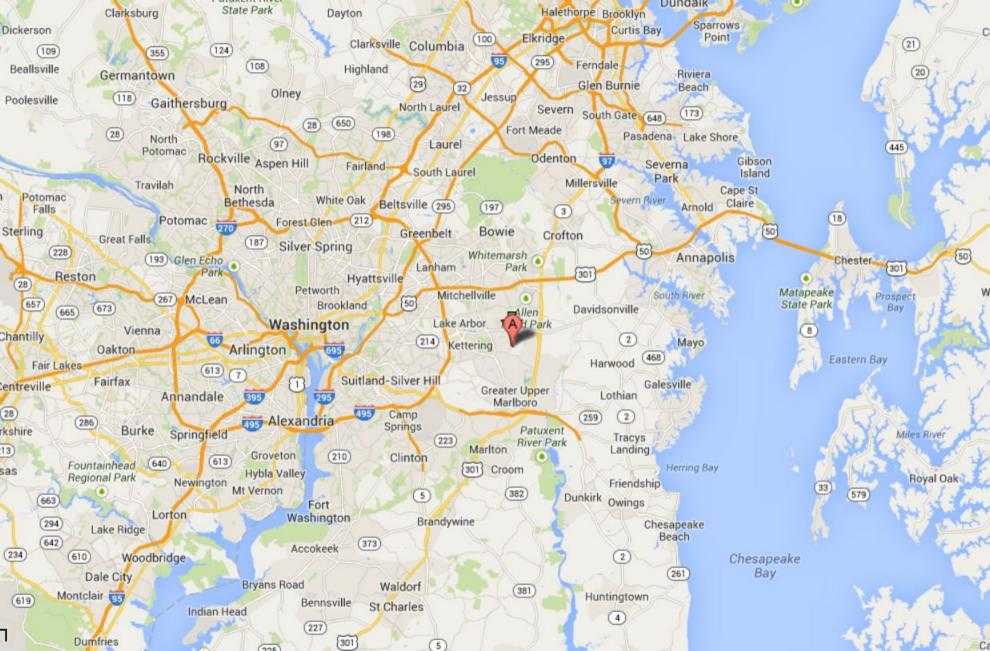
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

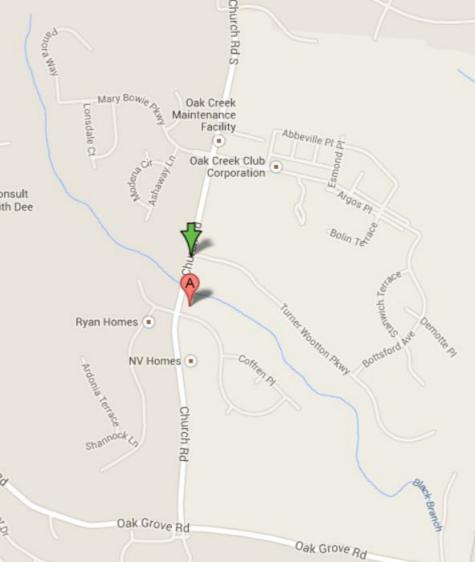
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203, within 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 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



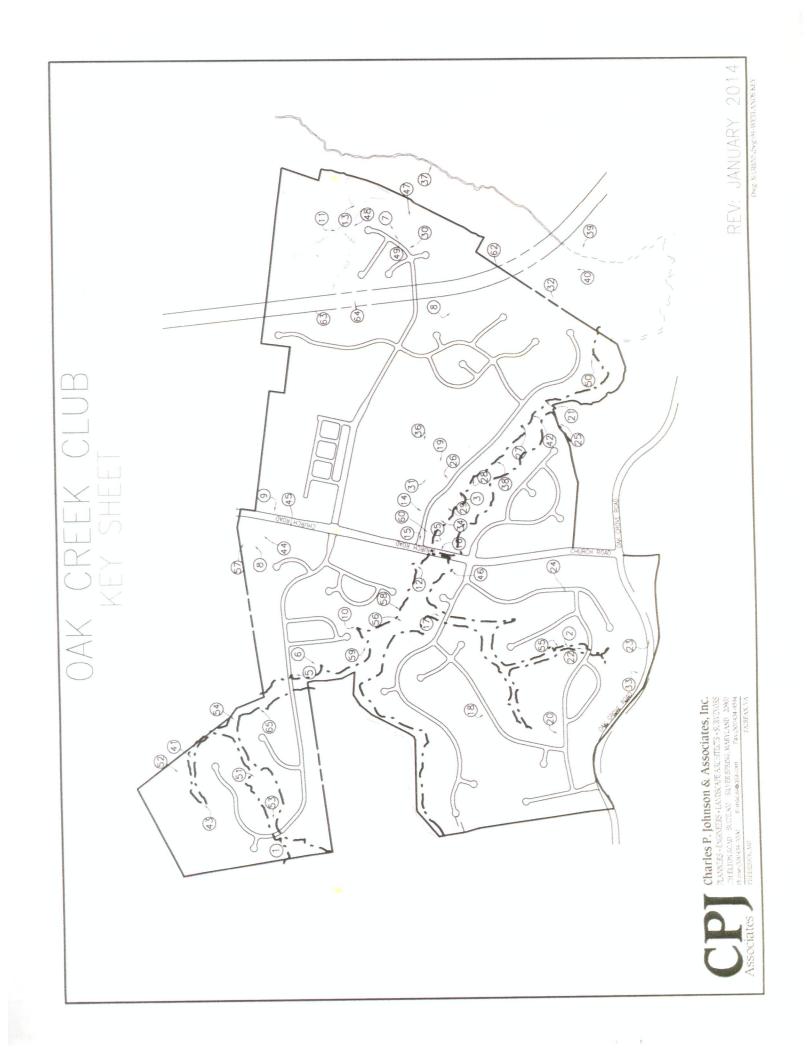


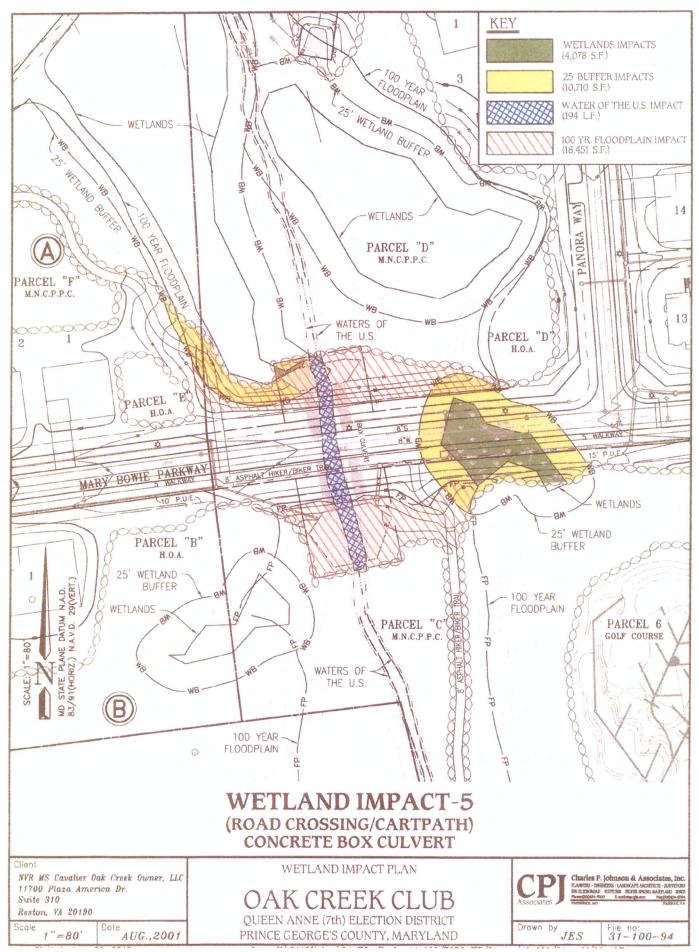
OAK CREEK CLUB IMPACT TABLES					
	Revised March, 2014 PERMANENT WETLANDS IMPACT TABLE				
IMPACT AREA	WETLANDS (sf)		WATERS OF THE U.S. (LF)	DISTURBANCE (sf)	FILL (cy)
5	4,078	10,710	194	18,451	4,500
16	10,761	13,470	442	75,112	0
17	0	0	22	666	0
18	0	0	73	0	0
20	0	0	182	0	0
22	0	0	156	2,795	0
23	3,550	11,221	87	0	0
30	3,747	9,665	0	0	0
33	0	0	86	0	0
41	0	2,490	0	1,408	0
46	0	0	0	1,646	0
48	0	0	0	490	0
49	0	1,047	0	0	0
52	0	0	0	1,726	0
54	0	1,831	0	4,668	0
64	0	0	36	0	0
65	0	1,867	46	647	0
TOTAL	22,136	52,301	1,324	107,609	4,500

TEMPORARY WETLANDS IMPACT TABLE				
IMPACT AREA	WETLANDS (sf)	25' WETLANDS BUFFER (sf)	WATERS OF THE U.S. (LF)	100 YEAR FLOODPLAIN DISTURBANCE (sf)
17	0	0	32	3,754
62	0	0	57	0
TOTAL	0	0	89	3,754

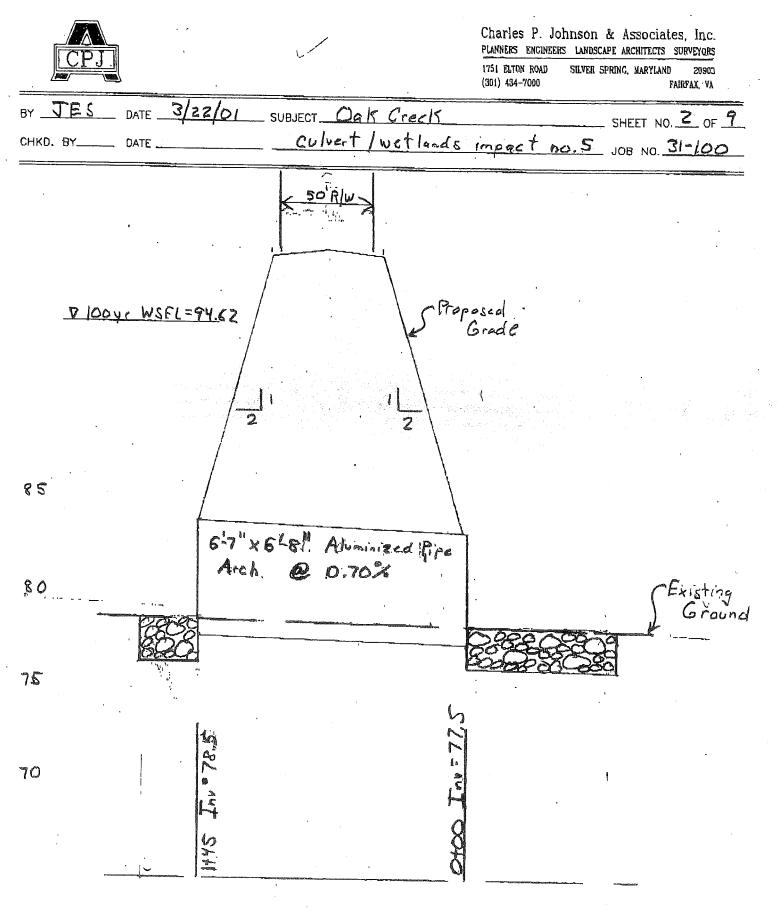
CONVERSION IMPACT FROM FORESTED TO SCRUB/SHRUB AREA				
IMPACT AREA	WETLANDS (sf)	25' WETLANDS BUFFER (sf)	WATERS OF THE U.S. (LF)	100 YEAR FLOODPLAIN DISTURBANCE (sf)
23	0	8,180	0	0
TOTAL	0	8,180	0	0

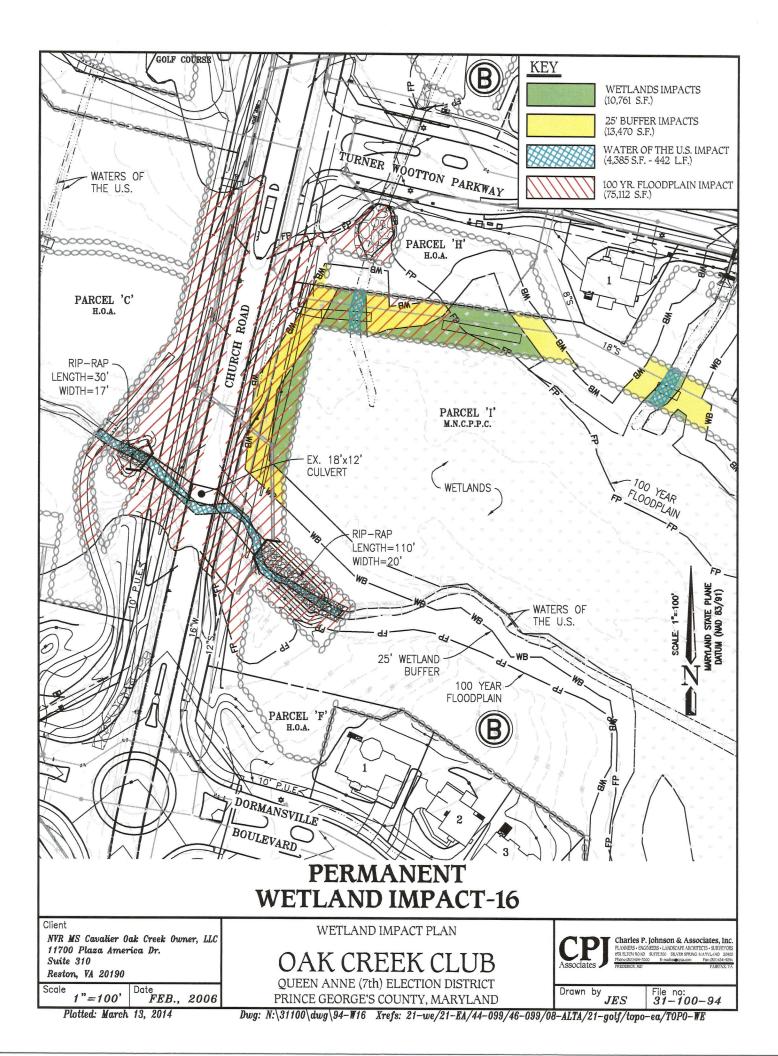
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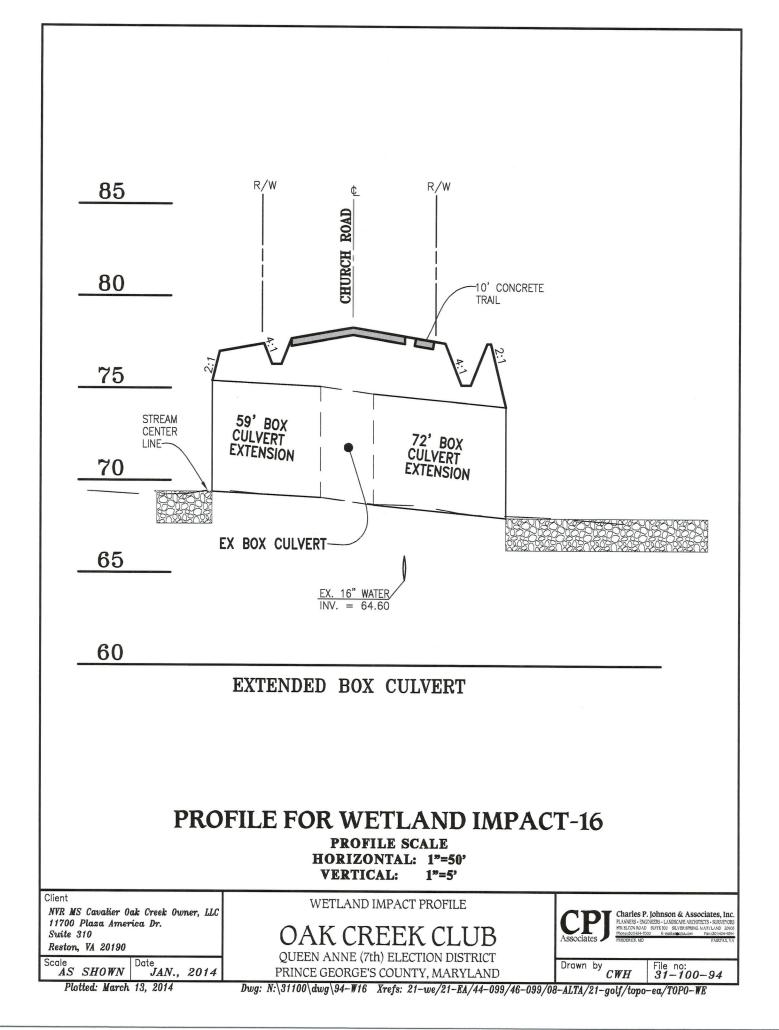


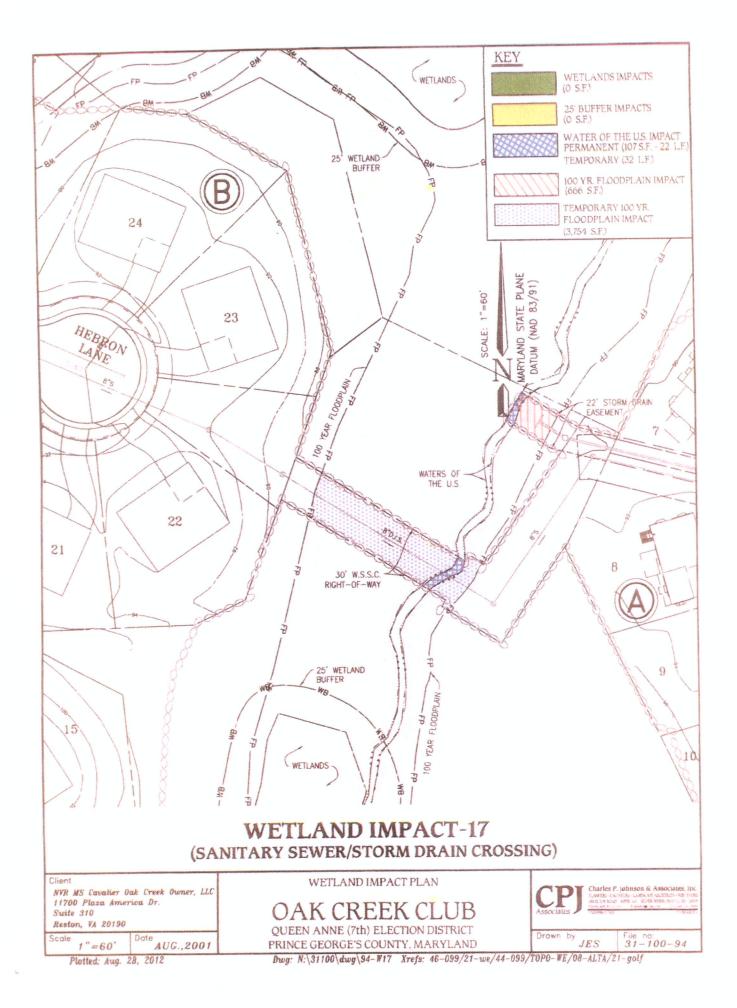


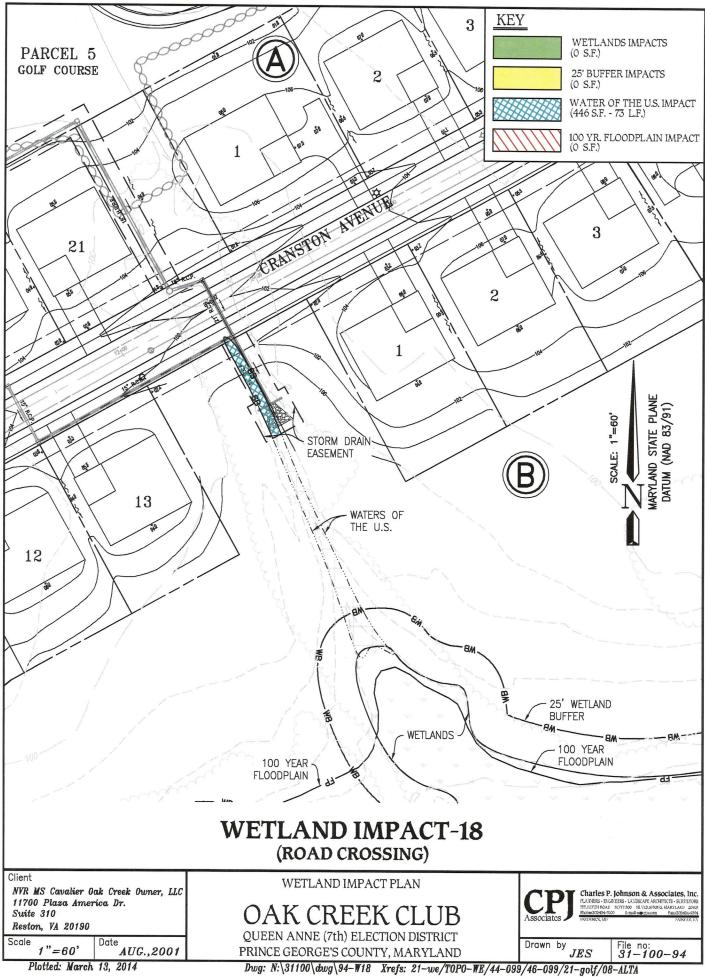
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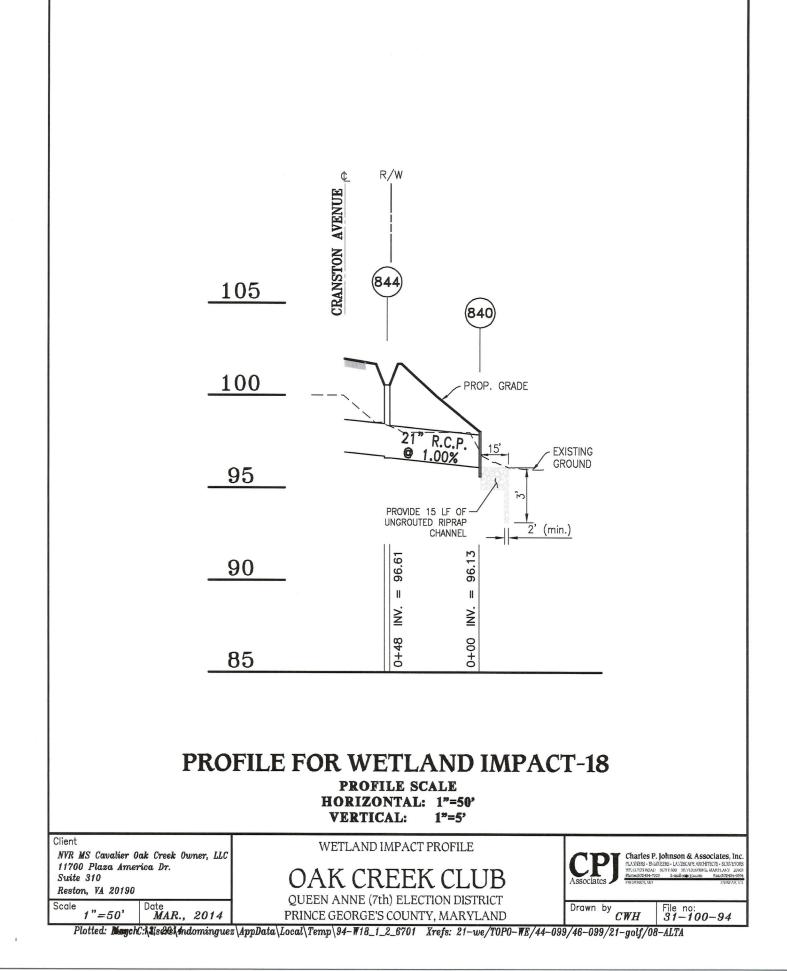


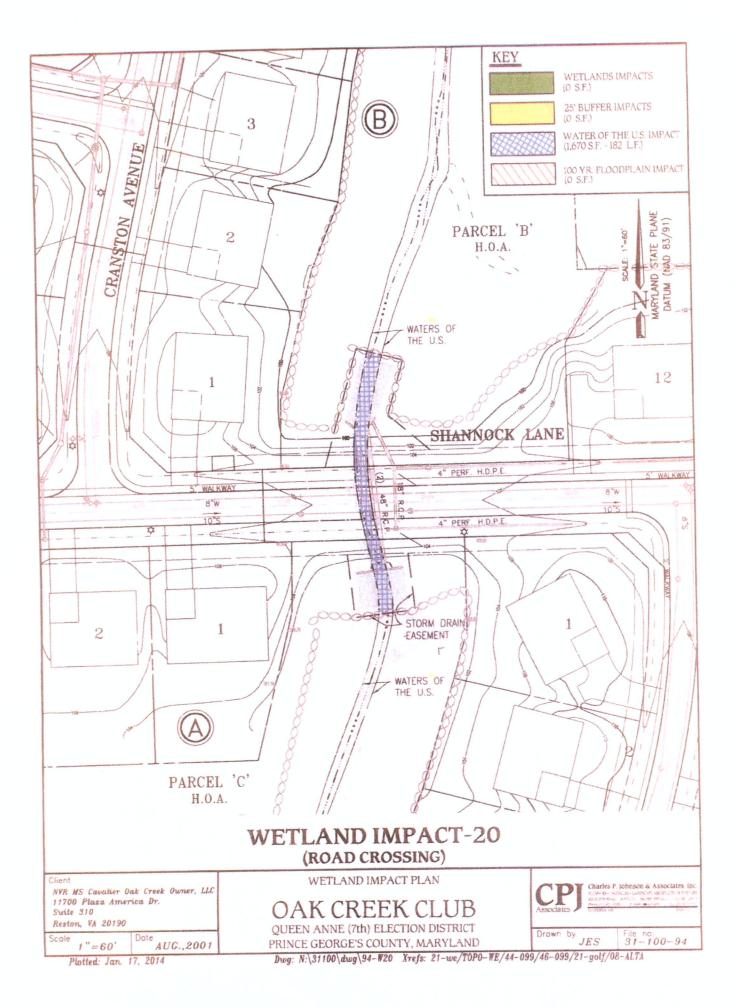








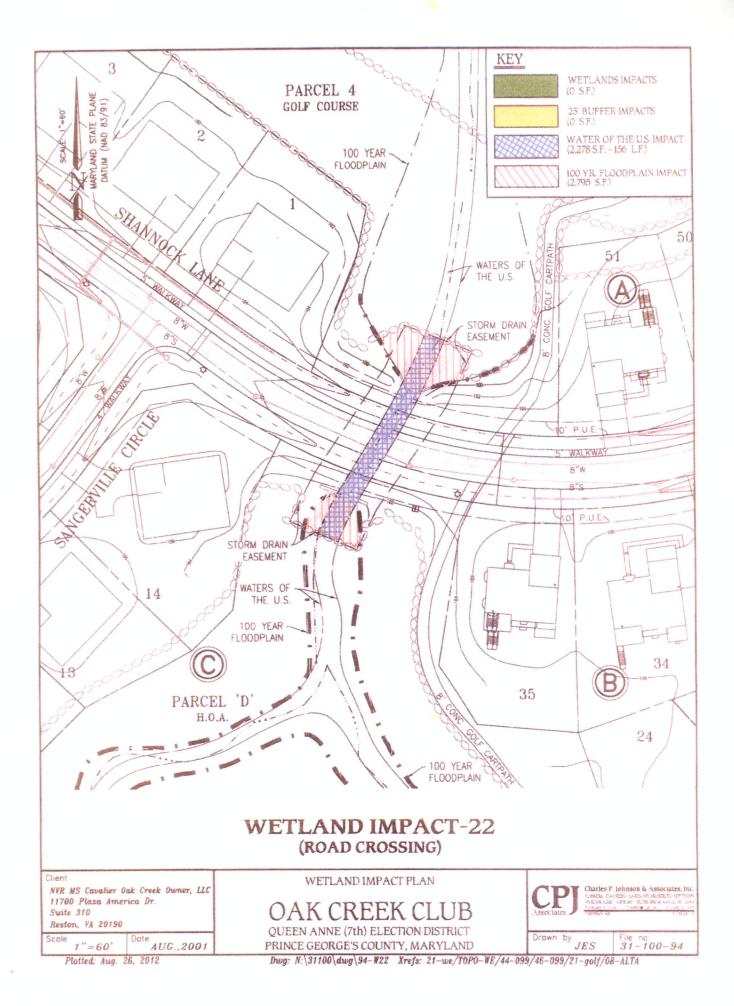




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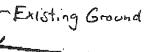
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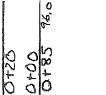
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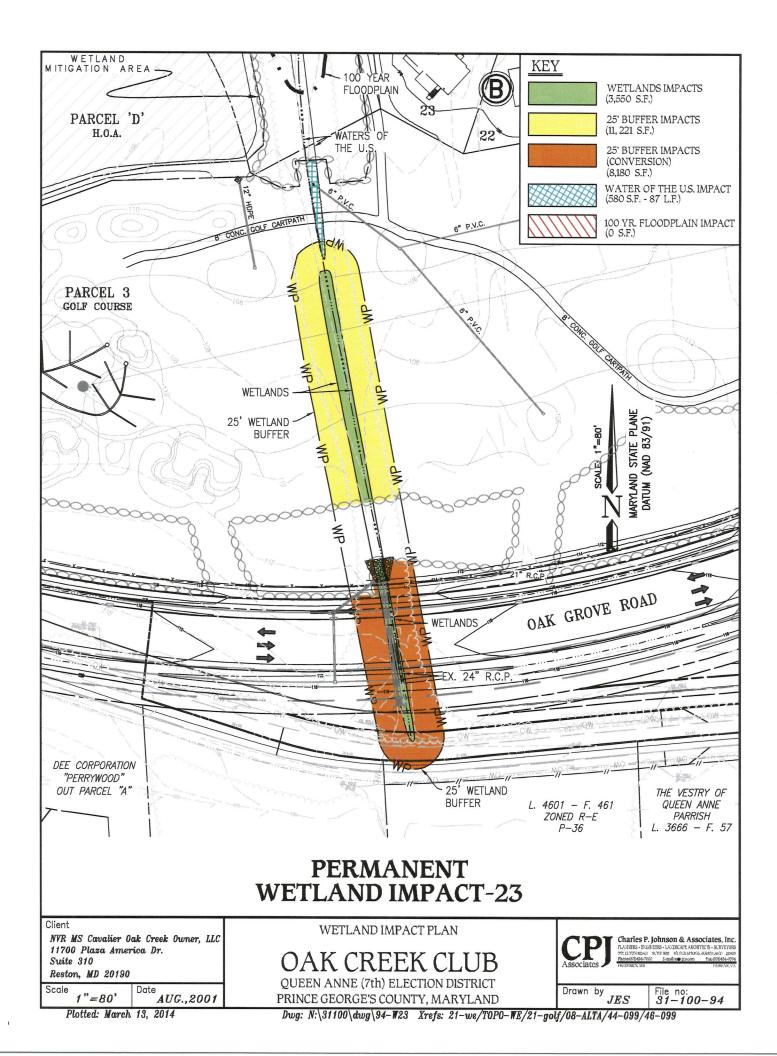
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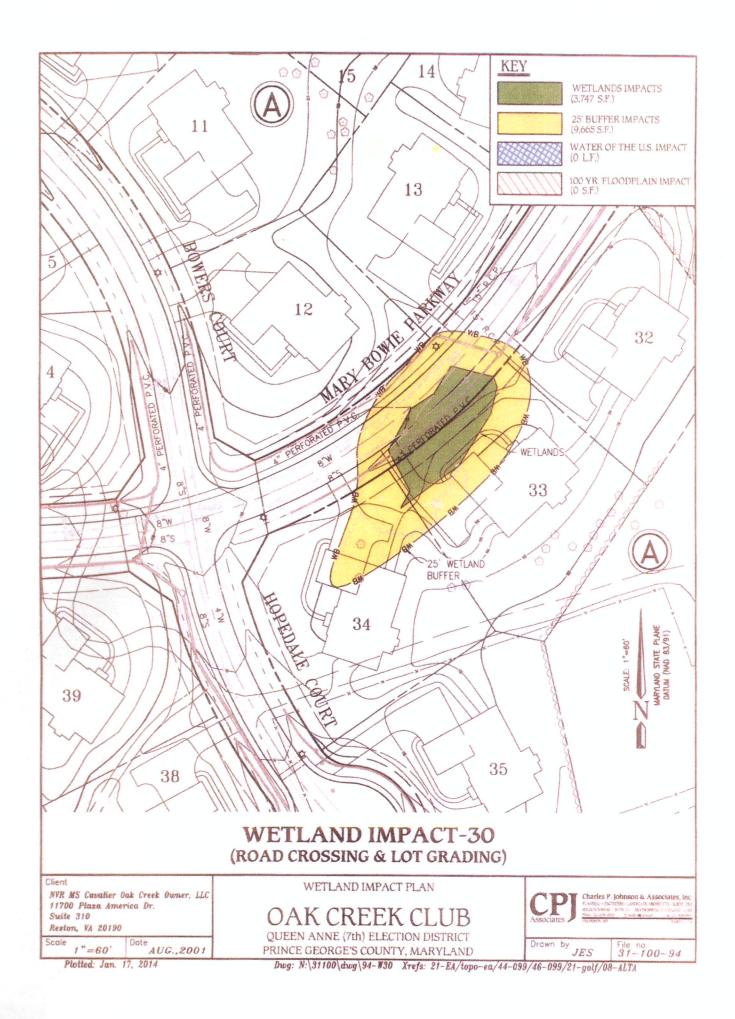
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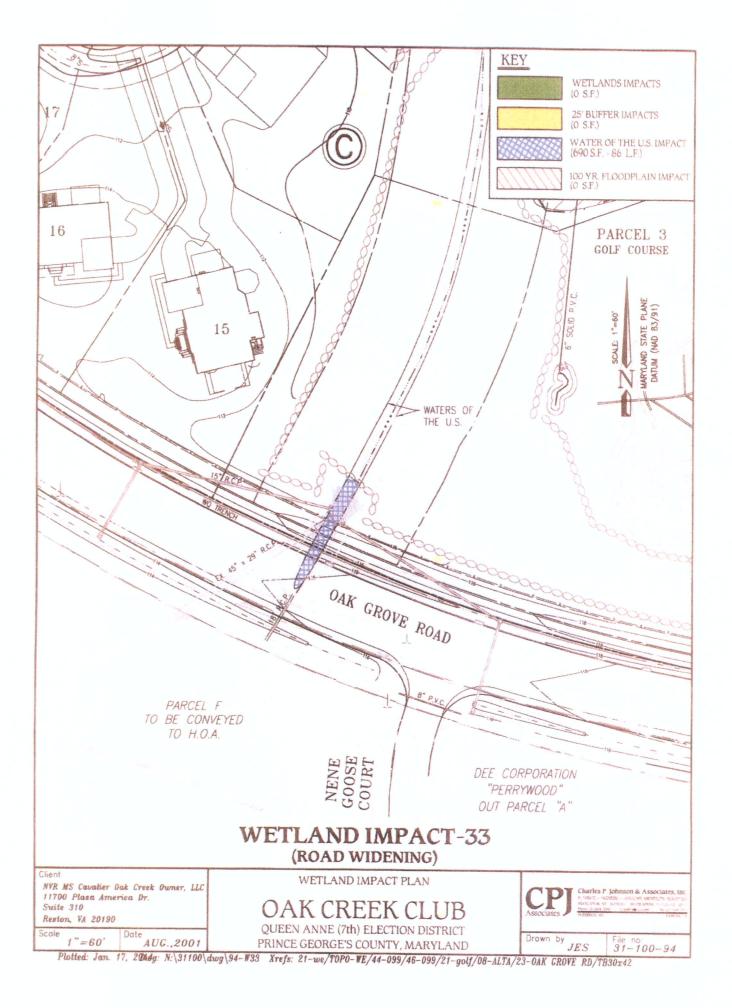


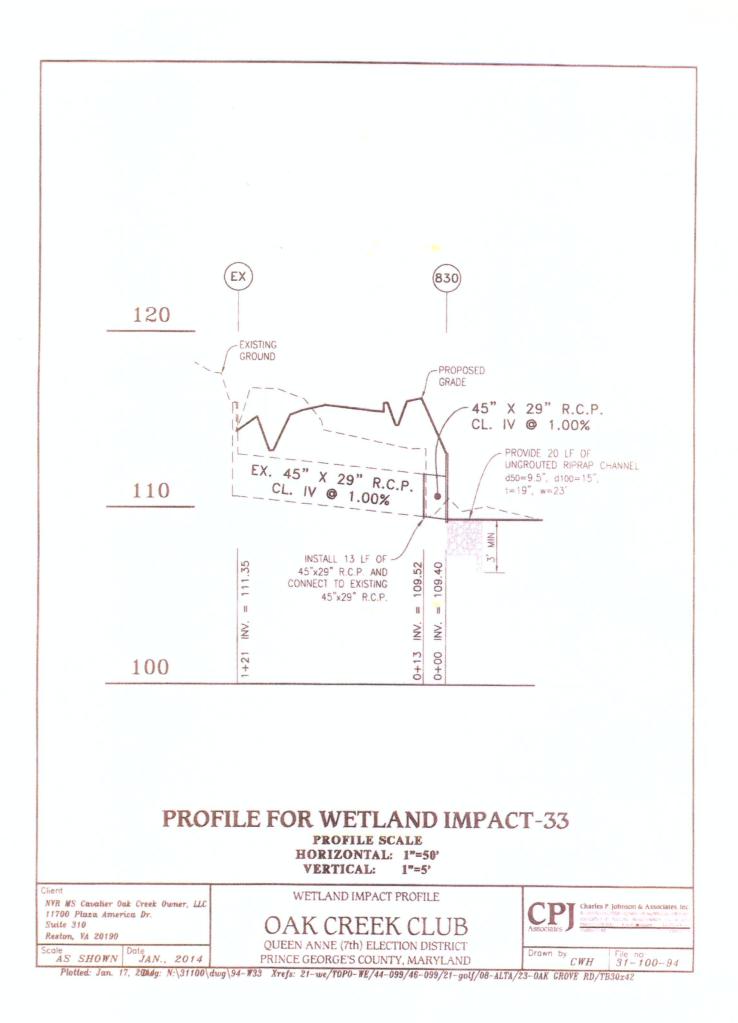
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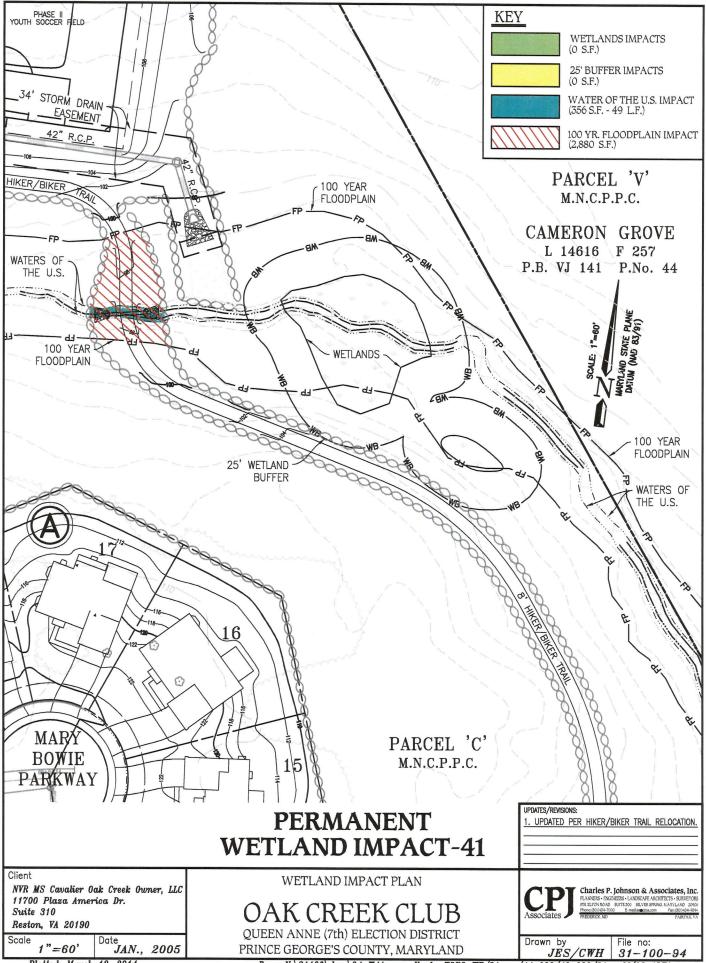
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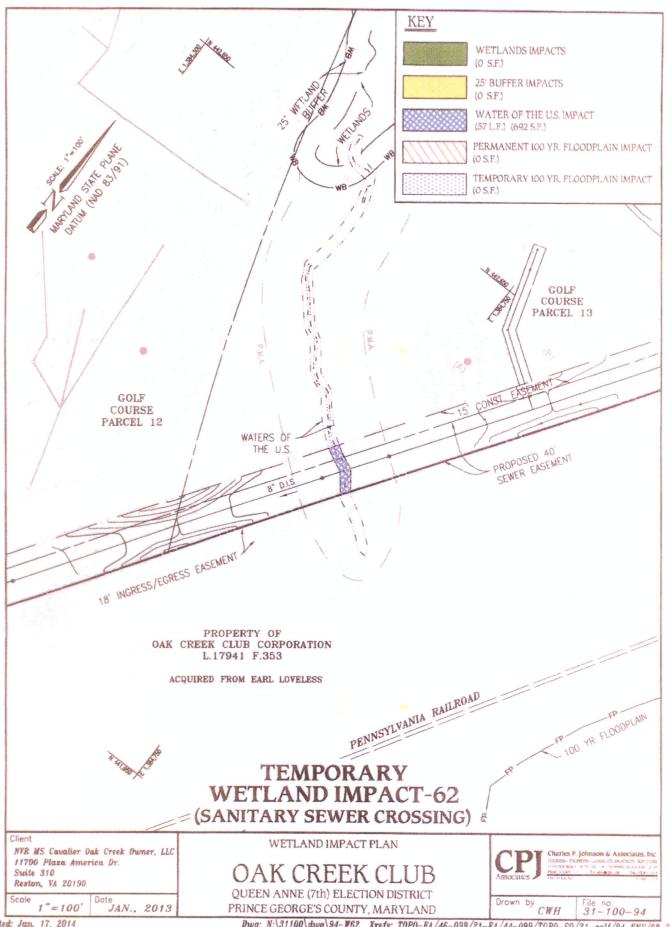






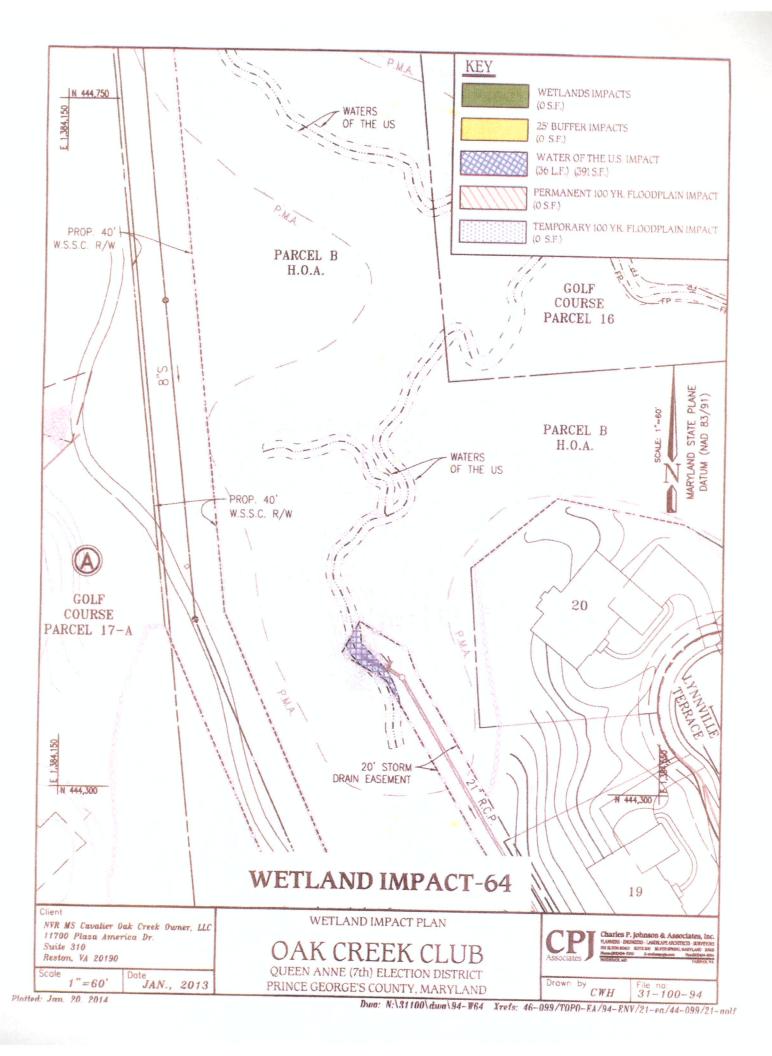
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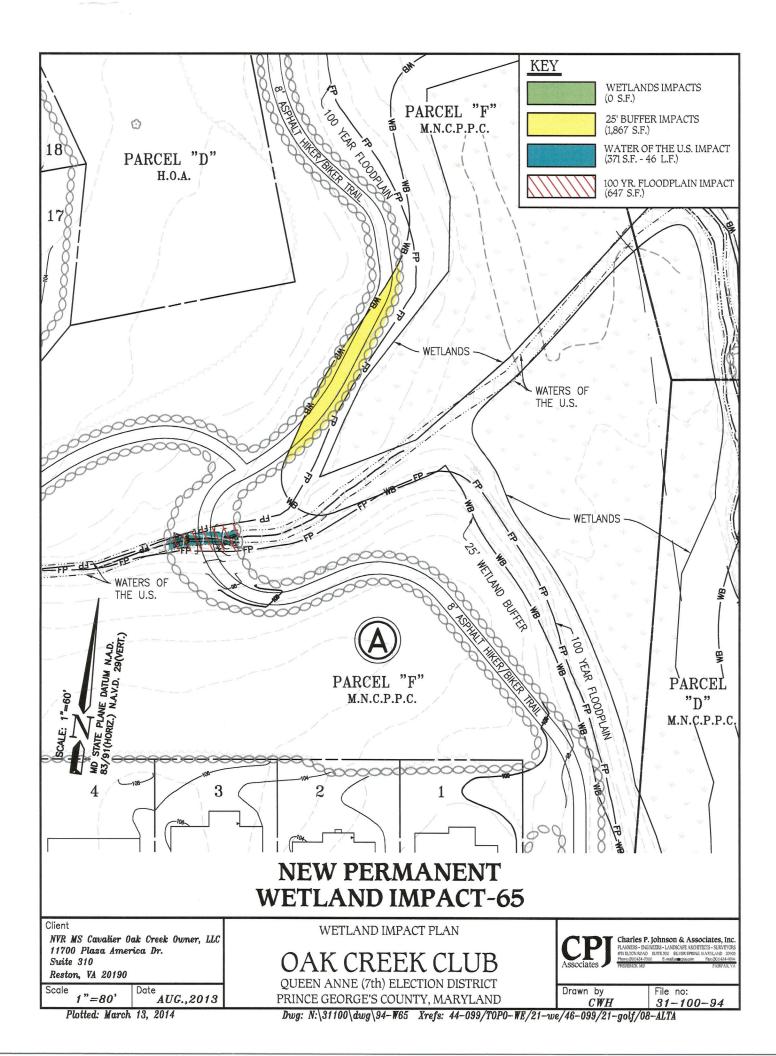
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Plotted: Jan. 17, 2014

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### SITE TABULATIONS

Required Forested Nontidal Wetland Mitigation..... Provided Forested Nontidal Wetland Mitigation..... ......47,700 s.f. (1.10 acres) ......56,100 s.f (1.29 acres)

#### WETLAND MITIGATION NOTES

- The Final Wetland Mitigation Plan has been prepared to satisfy the requirements of Condition 21 of the Maryland Department of the Environment's Nontidal Wetlands and Waterways Permit (02-NT-0257/200264343) and Special Condition #1 of the Department of the Army Permit (CENAB-OP-RMS(Oak Creek Club Corp/RD Xings & Utility Line)02-64343-15) for the Oak Creek Club residential/golf course community project. Both permits require the construction of 47,700 square feet (1.10 acres) of forested nontidal wetlands.
- 2. The 56,100-square foot (1.29 acres) Wetland Mitigation Area is located in the southwest quadrant of the site, immediately north of proposed Golf Hole #3 green and Oak Grove Road. The mitigation area is an active agricultural field.
- 3. The mapped soil type within the entire mitigation area is Shrewsbury fine sandy loam (SmA). The Shrewsbury series consists of poorly drained soils that have been classified as hydric by the U.S.D.A. Natural Resources Conservation Services (NRCS).
- 4. Records made by the Prince George's County Soil Conservation District indicate that drainage improvements were made to this field prior to 1966 through the installation of drain tile. Hydrology will be obtained by two primary methods: (1) disruption of the existing drain field; and (2) lowering of soil surface elevation to intersect the groundwater table.
- 5. Because ample seed sources surround the wetland mitigation area, it will be allowed to revegetate naturally for a period of four (4) years. At the end of the two years, the vegetation will be monitored to determine if colonization through native seed sources is adequate, or if supplementing plantings are necessary to achieve the required plant densities.
- 6. The entire wetland mitigation area will be placed in a permanent Forest Conservation Easement and deeded to the Oak Creek Club Homeowner's Association.
- 7. At the time of construction, minor field adjustments to the wetland mitigation plan will be made by the environmental consultant, as deemed necessary. Any significant changes to the approved plan will be first approved by MDE and/or the Corps.
- 8. The wetland mitigation site will be monitored in accordance with MDE guidelines for a period of ten years. One year after completion of grading activities within the wetland mitigation area, an as-built drawing will be prepared. The permittee will provide to MDE and to the Corps an initial as-built report and plan within 12 months of the completion of grading activities. Interim monitoring reports will also be submitted after the second, fourth, sixth, and eighth years. A final monitoring report will be submitted to MDE and to the Corps for approval after the tenth year. The monitoring will determine if additional maintenance measures (i.e. replanting, invasive species removal, wildlife exclusion measures, etc.) are necessary during the course of the ten year monitoring period. Such maintenance measures will be carried out by the permittee as needed.
- 9. Land Owner Representative and Site Developer: Oak Creek Club Corporation

2900 Linden Lane, Suite 200 Silver Spring, Maryland 20910 (301) 588-5696

10. Environmental Consultant:

McCarthy & Associates, Inc. 14458 Old Mill Road, Suite 201 Upper Marlboro, Maryland 20772 (301) 627-7505

Day 1

Day 1

Days 1 and 2

Days 2 - 4

Day 5

Day 5

	SEQUENCE OF CONSTRUCTION
1.	Install stabilized construction entrance (SCE) to provide access from Oak Grove Road.
2.	Install silt fence around perimeter of wetland mitigation area.
3	Install temporary haul road culvert crossing over linear wetland ditch

- within authorized limits of disturbance for proposed relocated Oak Grove Road.
- 4. Grade wetland mitigation area and haul excess dirt to Land Bay M in Phase 2 to be level spread.
- 5. Following completion of grading activities, seed bottom of wetland mitigation area with approved Wetland Seed Mix and side slopes with tall fescue. Straw and seed dirt spread in Land Bay M.
- 6. Remove temporary haul road crossing and stabilize.

