

U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number  
**CENAB-OP-RMS(HERITAGE GREEN DEVELOPMENT/RD  
XING, CULVERTS, LOT FILL & SWM POND) 2006-63551**

PN 15-21

Comment Period: March 20, 2015 to April 10, 2015

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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:** Heritage Green Development LLC  
Attn: Charis Lapis  
1420 Beverly Road, Suite 144  
McLean, Maryland 22101

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** The project is located in non-tidal Waters of the U.S., including unnamed tributaries and wetlands contiguous and adjacent to the Clark Run and Zekiah Swamp, in La Plata, Charles County, Maryland.

**PROPOSED WORK AND PURPOSE:** To complete development of the mixed-use Heritage Green development previously authorized by Department of the Army (DA) Individual Permit, CENAB-OP-RMS (HERITAGE GREEN DEVELOPMENT LLC/ROAD XING, CULVERTS, LOT FILL & SWM POND) 2006-63551, issued August 13, 2008. As a result of the economic down, the development of the project was delayed. Since the original authorization, the proposed golf course has been removed from the project resulting in a reduction of wetland impacts. The applicant proposed to utilize the golf cart paths and their associated wetland/stream crossings as part of a neighborhood trail system.

**Work Description:** To construct 16 road crossings permanently impacts a total of 151,413 square feet of non-tidal wetland and temporarily impacting a total of 6,834 square feet of non-tidal wetlands, permanently impacting a total of 36,166 square feet along 2,349 linear feet of stream channel and temporarily impacting 3,747 square feet along 78 linear feet of stream channel; to create residential lots at 5 locations by permanently impacting a total of 11,867 square feet of non-tidal wetlands and permanently impacting a total of 5,028 square feet along 1,242 linear feet of stream channel; to construct 4 stormwater management facilities and outfalls by permanently impacting a total 13,887 square feet of non-tidal wetlands and 1,237 square feet along 247 linear feet of stream channel; to construct 13 golf cart/walking trail crossings by permanently impacting a total of 5,971 square feet of non-tidal wetlands; and to install 9 sewer crossings of non-tidal wetlands temporarily impacting a total of 25,131 square feet of non-tidal wetlands. The proposal also includes the conversion of 151, 847 square feet (3.48 acres) of forested and emergent wetlands and open water. These impacts will not be regulated by the Corps if

the work is performed in accordance with the attached "Sequence of Construction for the Excavation/Conversion of Beaver Ponds to Stormwater Management Ponds" and "Wetland Woody Vegetation Clearing Sequence".

The project includes modifications of Impact #2 which was originally planned to be a bottomless arch culvert and Impact #H1, which removes the haul road from the project. The amended Impact #2 road crossing proposes installation of two 72-inch RCP pipes depressed one-foot below the invert of the stream.

All areas of temporary impacts to wetlands would be replanted and stabilized. Areas of temporary impacts to waters would be stabilized.

All work would be done on-site. The applicant proposes to provide compensatory mitigation for impacts to all waters of the United States on the project site. The applicant proposes to mitigate the 66,706 square feet (1.53 acres) of forested wetland and 116,433 square feet (116,433 acres) of emergent wetland impacts by creating 133,410 square feet (3.06 acres) of forested wetlands and 116,433 square feet (2.67 acres) of emergent wetlands. The applicant proposes to mitigate impacts to water of the United States by restoring 658 feet of stream, installing fish habitat structures along 4,312 feet of stream and installing grade control structures periodically along 8,547 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 Mr. Steven Harman at 410-962-6082 or U.S. Army Corps of Engineers, Baltimore, District, P.O. Box 1715, Baltimore, Maryland 21203-1715.

The purpose of the project is to provide commercial, community, and recreational development.

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 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.

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. It should be noted that the CZM Program 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.

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.

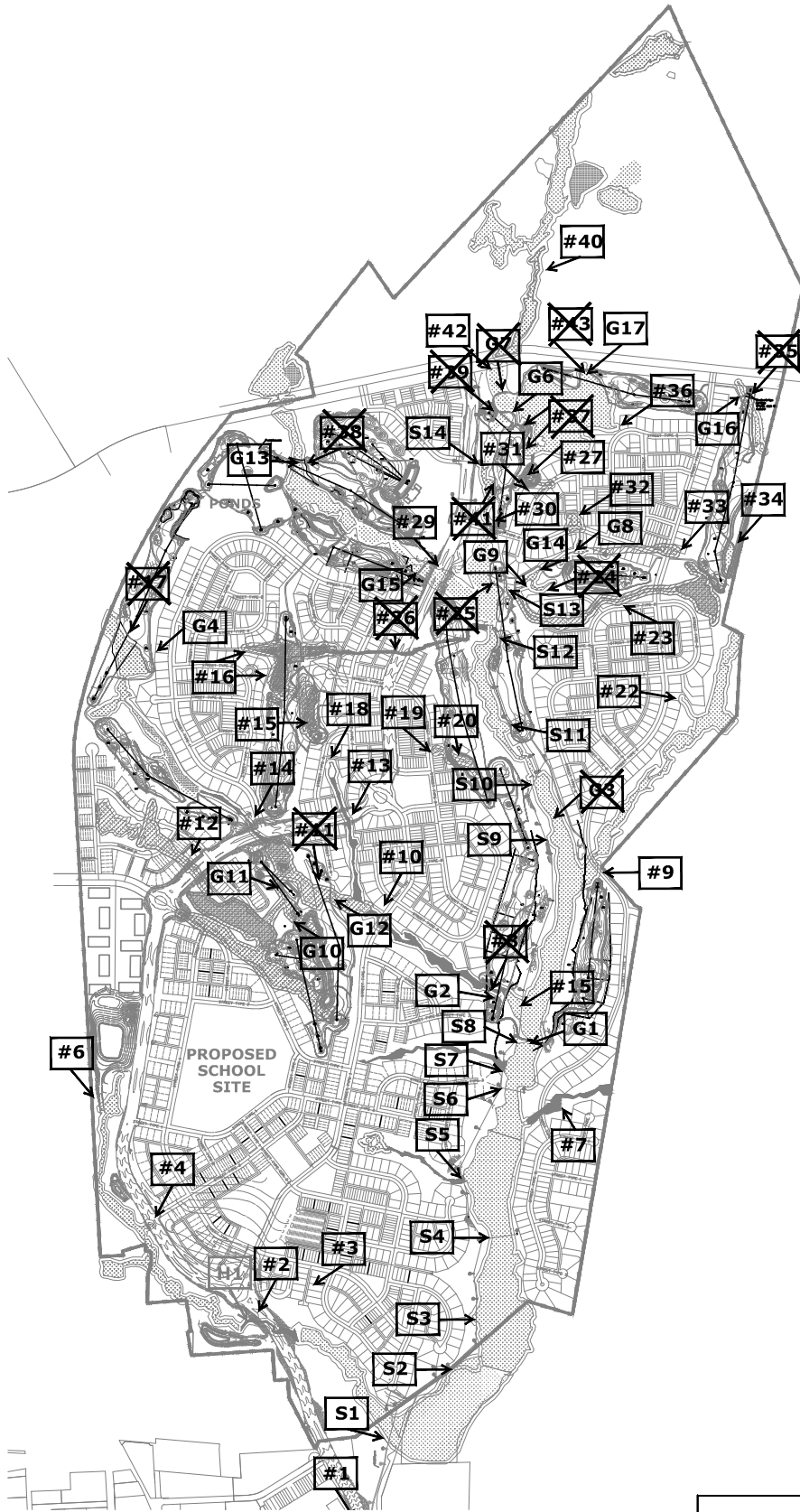
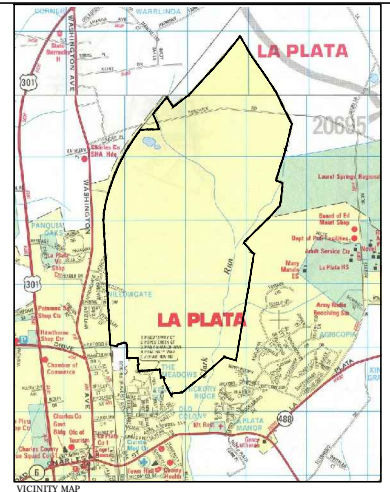
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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



**LEGEND**

- Property Boundary
- Natural Vegetative Wetlands
- Created Wetlands
- Wetland Buffer
- Natural Waters of the U.S.
- Created Waters of the U.S.
- Open Water (POW)
- Wetland Impact Location
- Sewer Line
- Impact Removed

**PROPOSED WETLAND IMPACT LOCATOR MAP**

PHASES 1, 2, & 3

**Heritage Green**

Town of La Plata  
1st Election District  
Charles County Maryland



L.S. ASSOCIATES, INC.

SCALE 1" = 500'

SHEET 1

OF 1

PROJECT NO. 1374-00

NO.	REVISIONS	BY	DATE
1	Revised Map (ESA)	JH	1/19/06
2	Revised Map (ESA)	JH	6/06
3	Revised Map (ESA)	JH	7/06
4	Revised Map (ESA)	JC	9/06
5	Revised Map (ESA)	JH	3/07
6	Revised Map (ESA)	MR	7/07
7	Revised Map (ESA)	JH	9/07

**L.S. Associates, Inc.**  
Lolederman  
Soltész Associates, Inc.  
**WALDORF OFFICE**  
401 Post Office Road, Suite 103  
Waldorf, MD 20602  
t. 301.870.2166 f. 301.870.2884  
www.LSAssociates.net

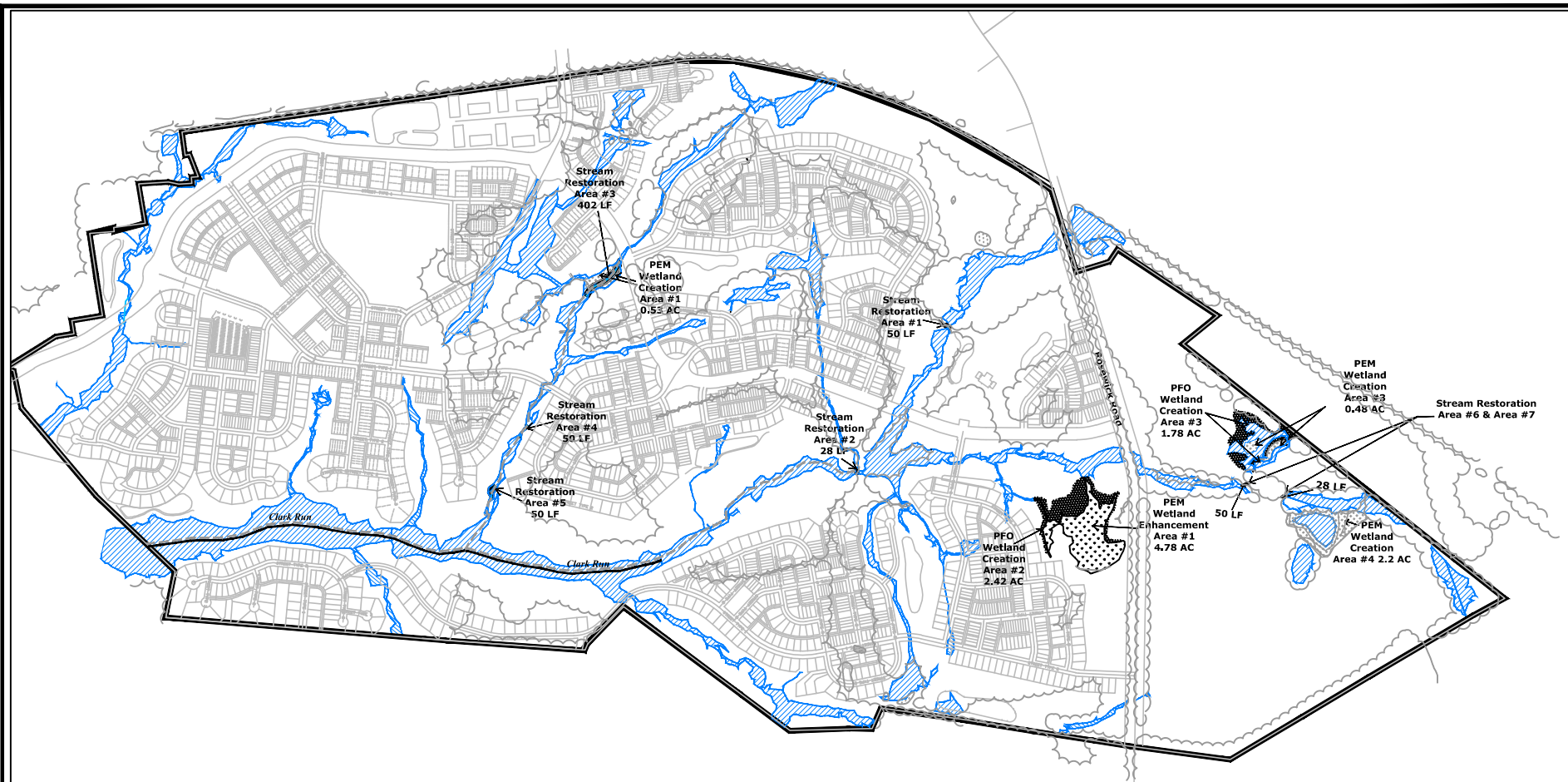
Rockville  
Lanham  
Frederick  
Waldorf  
Lanhamtown  
Chantilly

Engineering  
Planning  
Surveying  
Environmental Sciences

Summary for Public Notice March 2015

	Wetland Permanent Impact Area sf	Wetland Temporary Impact Area sf	Waters Temporary Impact lf	Waters Temporary Impact sq. ft.	Waters Permanent Impact lf	Waters Permanent Impact sq. ft.	Impact #s
Road Impacts	151413	6834	78	3747	2349	36166	1, 2, 4, 7, 9b, 10, 12, 13, 14, 18, 23, 29, 30, 31, 32, 33, 36, 40, 42
Lots	11867	0	0	0	1242	5028	3, 19, 22, 26, 32
SWM Ponds	13887	0	0	0	247	1237	3, 6, 15, 16, 20, 27, 34
Golf cart path	5971	0	0	0	0	0	25, G-1, G-2, G-4, G-6, G-8, G-9, G-11, G-12, G-13, G-15, G-16-, G-17
Sewer crossings	0	25131	0	0	0	0	S-1 through S-15.
TOTALS	183138	31965	78	3747	3838	42431	

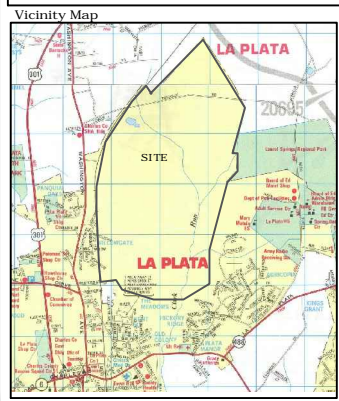




Total Wetland Mitigation Required by USACE:

PFO Mitigation	3.06 AC
PEM Mitigation	2.67 AC
<b>Total Waters Mitigation Required:</b>	<b>3,838 LF</b>
<b>Total Stream Restoration Areas:</b>	<b>658 LF</b>
<b>Stream Length of Fish Habitat</b>	<b>4,312 LF</b>
<b>Grade Control Structures Install:</b>	<b>8,547 LF</b>

IMPACT TOTALS	Impact Amount		Mitigation Ratio	Amount of Mitigation Required (sf)	
Permanent Forested Wetland Impacts	66,705 sf	1.53 acres	2:1	133,810 sf	3.06 acres (PFO)
Permanent Emergent and Open Water Wetland Impacts	116,433 sf	2.67 acres	1:1	116,433 sf	2.67 acres (PEM)
Permanent Waters Impacts	3,838 lf	--	1:1	3,838 lf (stream)	--



- Legend**
- Property Boundary
  - Proposed Development
  - PEM Wetland Creation (3.21 acres)
  - PFO Wetland Creation (4.2 acres)
  - PEM Wetland Enhancement (4.78 acres) = 2.39 acres credit
  - Stream Restoration (658 LF)
  - Stream Restoration-Fish Habitat Structures (4,312 LF)
  - Stream Restoration-Grade Control Structures (8,547 LF)
  - Existing Natural Wetlands/Waters
  - Existing Forested Area

Applicant:  
**Heritage Green Development, LLC**  
 1420 Beverly Road  
 Suite 144  
 McLean, Virginia 22101

Survey Provided by:  
**Loiederman Soltesz Associates**  
 401 Post Office Road  
 Waldorf, Maryland 20602



**Phase I Mitigation**

# HERITAGE GREEN

CENAB-OP-RMS 2006-63551  
 1st Election District  
 Charles County, Maryland

	SCALE: <b>Not to Scale</b>
	DATE: <b>01.08.2015</b>
	ESA JOB #: <b>01-45</b>
	DRAWING: T:\NEWPROJ\2001\045-Heritage Green\11(CAD\Mitigation)\Individual Drawings\15\Gratic 9.1.08.dwg
<b>SHEET: 1 of 1</b>	

## **SEQUENCE OF CONSTRUCTION FOR THE EXCAVATION/CONVERSION OF BEAVER PONDS TO STORMWATER MANAGEMENT PONDS**

### **DESCRIPTION:**

This work shall consist of excavating the bottoms and sides of existing beaver pond areas in order to increase the water depth and water volume storage within the ponds. All construction equipment will be located outside of all wetlands and pond areas during the entire operation. An on-site environmental monitor will inspect the excavation operation on a daily basis to insure compliance with the design, approvals and permits.

### **SEQUENCE:**

1. Install sediment and erosion control measures per approved plans.
2. All pond edges and wetland boundaries are to be clearly marked in the field so that the equipment operators can avoid staging equipment or materials within these areas.
3. Using a small drag-line or similar equipment, excavate the pond areas per the approved design plans. All material excavated from the ponds shall be placed in an approved upland storage/drying area on-site for later placement on-site in areas requiring fill outside of existing wetlands. No fill material is to be discharged into the pond or wetland area.
4. Upon excavating ponds to design depths and width, remove heavy equipment from work area and stabilize upland areas within the LOD per the approved stabilization plans.
5. With approval from the County S&E inspector, remove all sediment and erosion control devices.