

U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Numbers  
**CENAB-OP-RMS (MULLANEY, STEPHEN / RESIDENTIAL  
DEVELOPMENT) 2012-61461**

PN 15-37

Comment Period: June 8, 2015 to June 28, 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:** Stephen Mullaney  
1064 Taylors Island Road  
Madison, Maryland 21648

**LOCATION OF THE PROPOSED WORK:** In nontidal wetlands adjacent to the Little Choptank River on combined lots 1 and 2, situated off of Indian Trail Acres Road, near Madison, Dorchester County, Maryland.

**WORK AND PURPOSE:** The applicant proposes to permanently impact approximately 42,100 square feet of forested nontidal wetlands for the purpose of constructing a vehicular driveway in order to provide access to the site for construction of a single family dwelling, with attendant features, including the construction of a bermed infiltration pond (BIP) to serve as the sewage effluent treatment for the dwelling.

The applicant has submitted a plan to create approximately 1.053 acres of forested nontidal wetlands and to enhance a 2.0 acre nontidal wetland all on adjacent property owned by the applicant, to compensate for unavoidable, permanent nontidal wetland impacts. 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 [eugene.j.morgenthaler@usace.army.mil](mailto:eugene.j.morgenthaler@usace.army.mil).

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable. The proposed driveway and dwelling have been situated to maximize the use of the upland area and to avoid wetlands to the greatest extent possible and meet the project purpose.

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 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 MSFCMA. The project is unlikely to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat.

**WATER QUALITY CERTIFICATION:** 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.

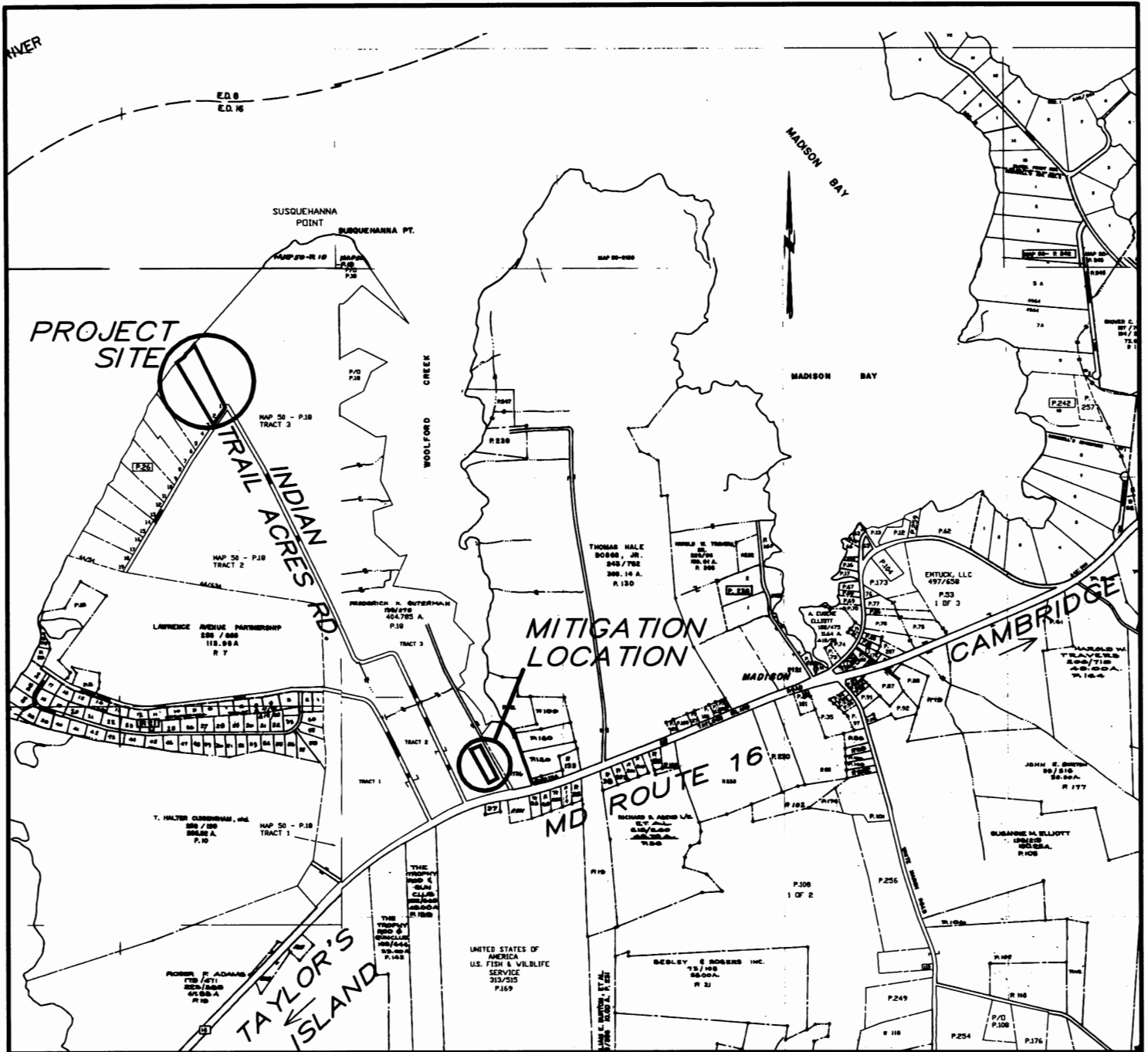
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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 21203-1715, 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 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 SCALE: 1" = 2,000'

SHEET 1 OF 4

REVISED 12/11/12

COVER SHEET/VICINITY MAP  
FOR  
**NON TIDAL  
WETLAND PERMIT**

APPLICANT: STEPHEN V. MULLANEY  
TAX MAP 50, GRID 8, PARCEL 26, LOT 1-2  
DORCHESTER COUNTY, MARYLAND



FINK, WHITTEN & ASSOCIATES, LLC.

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410-822-8484      410-228-8885  
8626 Brooks Drive Unit 103      108 Dorchester Avenue  
Easton, Maryland 21601      Cambridge, Maryland 21613

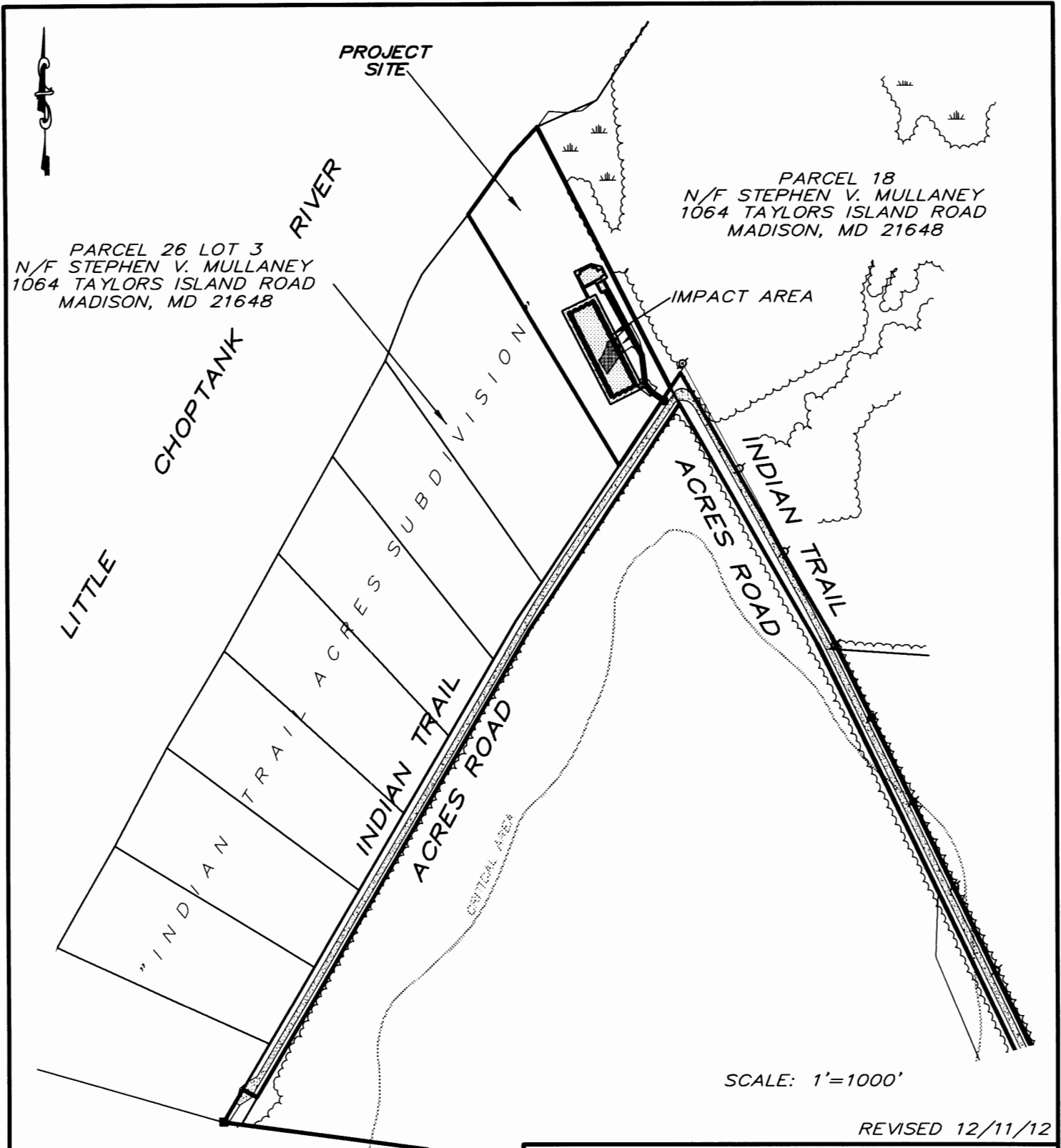
www.FINKWHITTEN.com

DATE: 4 / 9 / 12

SCALE: AS SHOWN

JOB No. D-50-7-18

DRAWN BY: MVD



PARCEL 26 LOT 3  
 N/F STEPHEN V. MULLANEY  
 1064 TAYLORS ISLAND ROAD  
 MADISON, MD 21648

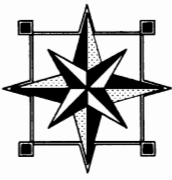
PARCEL 18  
 N/F STEPHEN V. MULLANEY  
 1064 TAYLORS ISLAND ROAD  
 MADISON, MD 21648

SCALE: 1'=1000'

REVISED 12/11/12

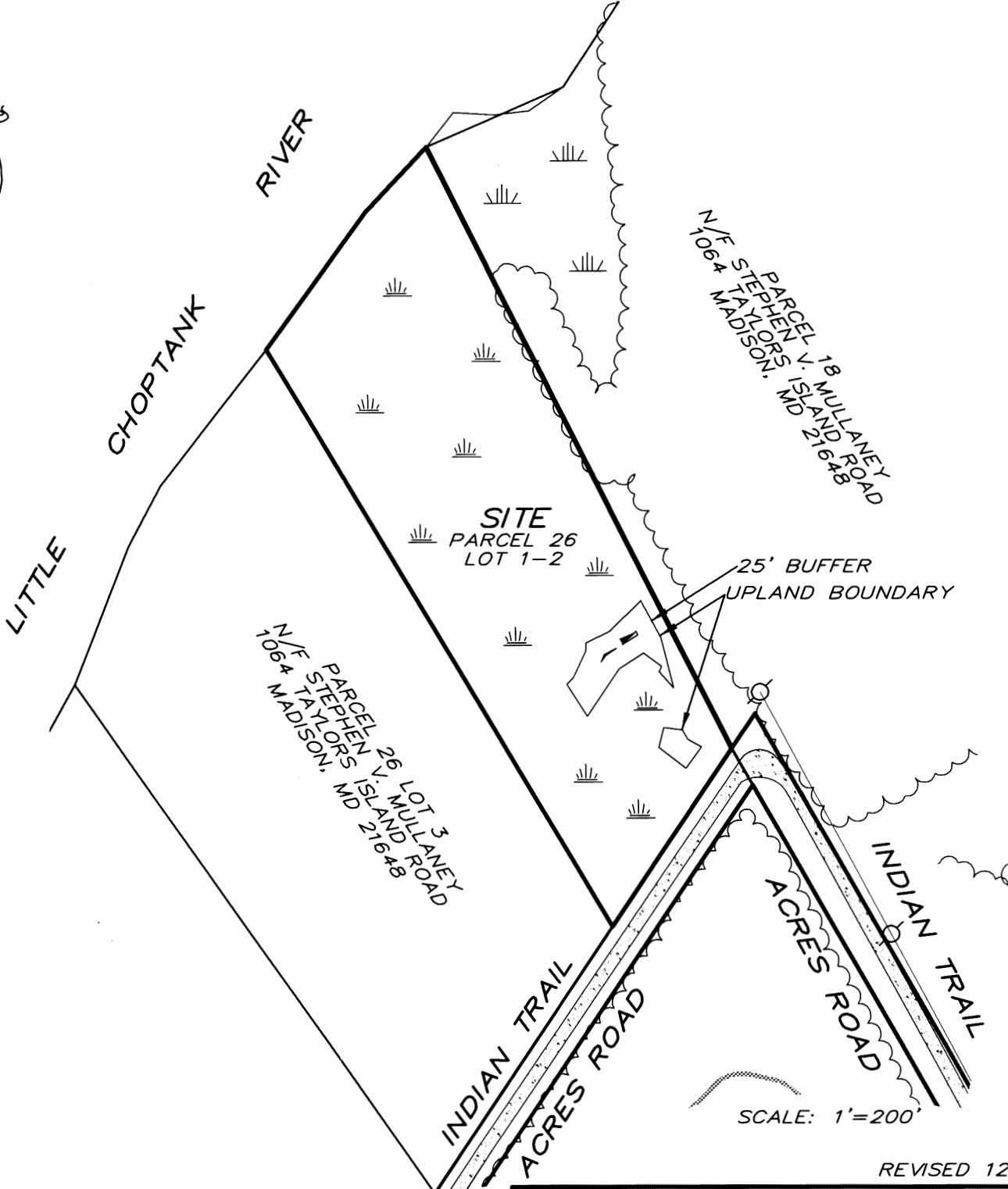
SHEET 2 OF 4  
 GENERAL PLAN  
 FOR  
**NON TIDAL  
 WETLAND PERMIT**

APPLICANT: STEPHEN V. MULLANEY  
 TAX MAP 50, GRID 8, PARCEL 26, LOT 1-2  
 DORCHESTER COUNTY, MARYLAND



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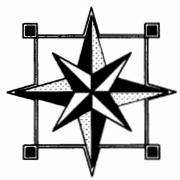
DATE: 4 / 9 / 12	SCALE: AS SHOWN
JOB No. D-50-7-18	DRAWN BY: MVD



REVISED 12/11/12

SHEET 3 OF 4  
**EXISTING CONDITIONS**  
 FOR  
**NON TIDAL**  
**WETLAND PERMIT**

APPLICANT: STEPHEN V. MULLANEY  
 TAX MAP 50, GRID 8, PARCEL 26, LOT 1-2  
 DORCHESTER COUNTY, MARYLAND



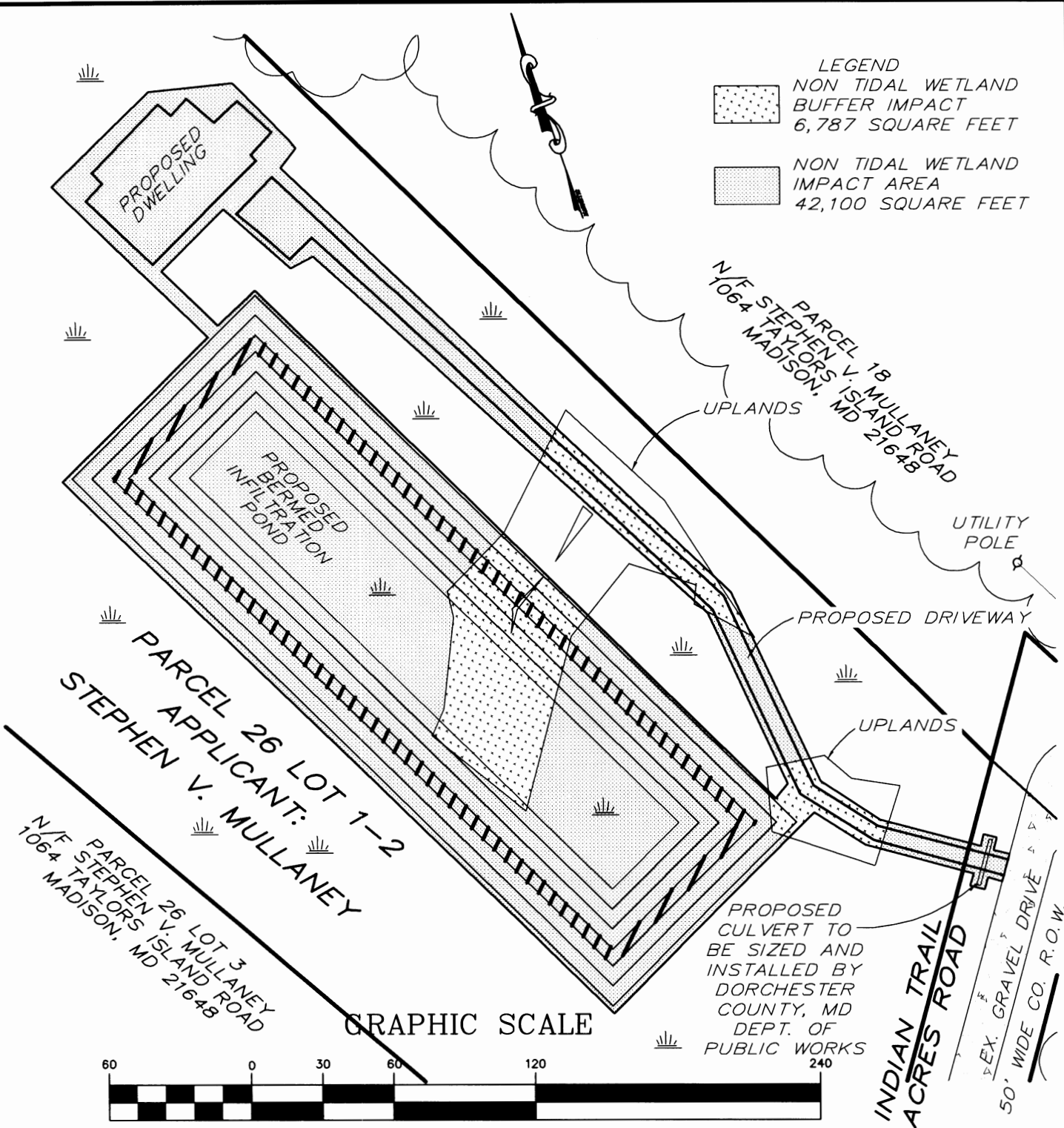
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SHEET 4 OF 4  
**PLAN VIEW**  
**PROPOSED CONDITIONS**  
 FOR  
**NON TIDAL WETLAND PERMIT**  
 APPLICANT: STEPHEN V. MULLANEY  
 TAX MAP 50, GRID 8, PARCEL 26, LOT 1-2  
 DORCHESTER COUNTY, MARYLAND



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