



U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

In Reply to Application Number:  
CENAB-OPR-M (MD SHA/BMP Maint. 100065-TMDL/  
Bay Trust Fund) 2018-61047-M15

PN 18-51

Comment Period: August 1, 2018 to August 16, 2018

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW ON THE SUBJECT APPLICATION. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.**

The Baltimore 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:** Maryland Department of Transportation  
State Highway Administration  
Attn: Mr. Todd Nichols  
707 North Calvert Street  
Baltimore, MD 21202

**LOCATION:** The proposed project is located in an unnamed tributary to Pike Branch in Frederick County, Maryland.

**PURPOSE:** To restore the design stormwater treatment capacity of an existing on-line stormwater management facility.

**WORK:** For the purposes of meeting Chesapeake Bay Total Maximum Daily Load (TMDL) nutrient and sediment target goal reductions, the State Highway Administration (SHA) proposes to restore the treatment capacity of BMP No. 100065 to its original design by mechanical removal of sediment. Restoring BMP 100065 will temporarily impact approximately 61,774 square feet of open water and 1,425 linear feet of intermittent stream channel. The dredged material will be disposed of in an approved upland facility. The on-line stormwater management wet pond is located within the I-70 Eastbound ramp to U.S. 15 Northbound, in Frederick County, Maryland.

All work will be completed in accordance with the enclosed plans submitted with the Joint Permit Application.

**WRITTEN COMMENTS:** To be included in the official record, written comments and information by interested parties must be received by the Public Notice closing date, August 16, 2018, to receive consideration. The mailing address for submission of written comments is:

U.S. Army Corps of Engineers  
Baltimore District  
Attn: Mr. Jack Dinne, CENAB-OPR-M  
2 Hopkins Plaza  
Baltimore, Maryland 21201  
or to e-mail: john.j.dinne@usace.army.mil.

If you have any questions concerning this matter, please contact Mr. Jack Dinne, at (410) 962-6005 or e-mail at john.j.dinne@usace.army.mil.

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 may reasonably 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 evaluation of the impact of the work described above on the public interest will include the application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

Comments are being solicited 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 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 overall public interest of the proposed activity.

**SECTION 401 WATER QUALITY CERTIFICATION:** The applicant is required to obtain a Water Quality Certification, (WQC) in accordance with Section 401 of the Clean Water Act from MDE, the Section 401 certifying agency. Any written comments concerning the work described above which relate to the WQC 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. MDE has a statutory limit of one year from the date of this public notice to make its decision.

**COASTAL ZONE MANAGEMENT PROGRAM:** The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with Maryland's federally approved Coastal Zone Management Program (CZMP) as required by Section 307 of the Federal Coastal Zone Management Act of 1972. Public comments relating to consistency 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. By this public notice, the CORPS is requesting the State concurrence to the applicant's consistency statement. It should be noted that the MDE has a statutory limit of 6 months to concur or object to the applicant's consistency determination.

The applicant must obtain any other State and local permits/approvals which are required for the proposed activities.

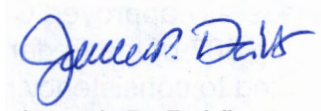
A preliminary review of this application indicates that the proposed work will not affect Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that the proposed project will not affect properties listed as eligible for inclusion. On-going coordination with the Maryland Historic Trust will determine if known archeological, scientific, prehistoric, or historical data may be affected by the work to be accomplished under the requested permit.

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: Mr. Jack Dinne, CENAB-OP-R, 2 Hopkins Plaza, Baltimore, Maryland 21201, within the comment period as specified above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in 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, but may not have received a copy of this public notice.

FOR THE DISTRICT ENGINEER:



Joseph P. DaVia  
Chief, Maryland Section Northern





bing



0 500 1,000  
 Feet  
 1 inch = 1,000 feet

**Legend**



Study Area

Streams



NWI Wetlands



DNR Wetlands



100-Year Floodplain



**Attachment A  
 Location Map**

**BMP No. 100065**

Frederick County, Maryland  
 April 2018



USACE Jurisdiction - Temporary Waters of the U.S. Impacts			
Resource	Type	LF; AC	SF
WL002B	INTERMITTENT	92	1,424
SWM Facility 100065	POW	1.42 AC	61,774
<b>TOTALS</b>		<b>92 LF; 1.42 AC</b>	<b>63,198</b>

USACE Total Impacts (Waters) = 1.45 AC

MDE Jurisdiction - Temporary Waters of the U.S. Impacts			
Resource	Type	LF	SF
WL001	INTERMITTENT	92	1,424
<b>TOTALS</b>		<b>92</b>	<b>1,424</b>

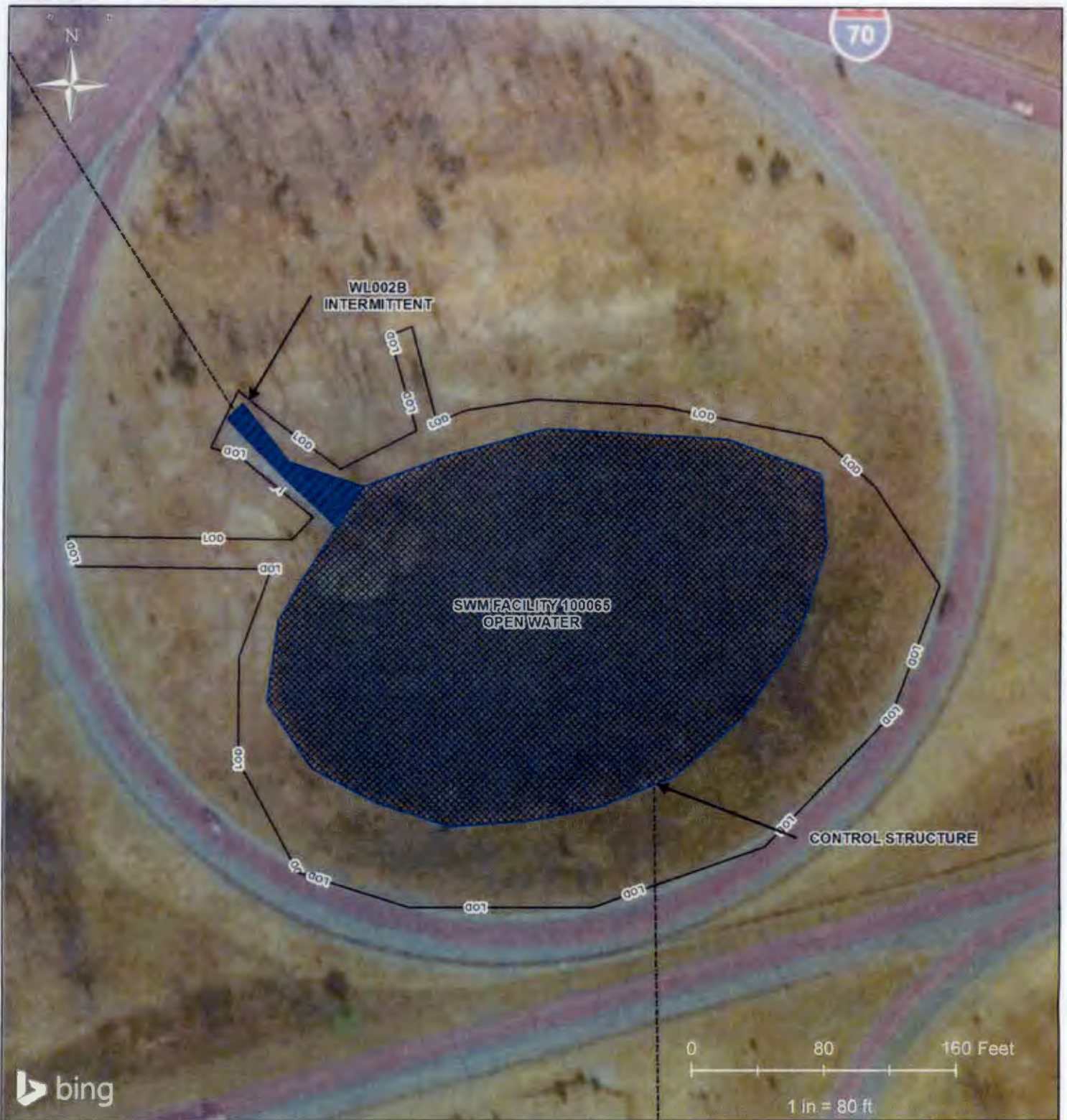


**Areawide Stormwater Management  
Facility Remediation  
BMP No. 100065**







Contract No.: AX9295482  
 FMIS No.: AX710A22  
 County: Frederick  
 Date: 5/31/2018  
 Sheet: 1 of 2







**Legend**

- |  |   |
|--|---|
|  Limit of Disturbance |  Open Water Impacts          |
|  Open Water           |  Intermittent Stream Impacts |
|  Intermittent Stream  |  Pipes                       |

**Areawide Stormwater Management Facility Remediation  
BMP No. 100065**

Contract No.: AX9295482  
 FMIS No.: AX710A22  
 County: Frederick  
 Date: 5/31/2018  
 Sheet: 2 of 2

