

U.S. Army Corps of Engineers Baltimore District

# **Public Notice**

In Reply to Application Number
CENAB-OP-RMS (VILLAGE AT PISCATAWAY/NVR MS
CAVALIER PRESERVE LLC) 1995-63445

PN 14-34

Comment Period: June 13, 2014 to June 27, 2014

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Mr. Christopher Rudy

NVR MS Cavalier Preserve, LLC 11700 Plaza America Drive, Suite 310

Reston, Virginia 20190

LOCATION: In unnamed tributaries of the Piscataway Creek south of the intersection of Floral Park Road and Piscataway Road, Piscataway, Prince Georges County, Maryland.

WORK: To install an 8-inch sanitary sewer line temporarily impacting approximately 663 square feet along 221 linear feet of stream and to temporarily impact approximately 55,624 square feet of palustrine forested (PFO) wetlands at impact areas # 20, 22, 23, 25 A &B, 27 A & B, 28, 37, and 41; to widen an existing road permanently impacting approximately 22,112 square feet of PFO wetlands at impact # 44; to construct six 10-foot wide by 10-foot long stone scour pad outfalls permanently impacting approximately 500 square feet along 202 linear feet of streams; permanently impact 77 square feet of PFO wetlands; temporarily impact 33 square feet along 100 square feet of streams; and temporarily impact 310 square feet of PFO wetlands at Impact # 29, 30, 34, 35, 36, and 38; to construct four sediment traps and associated 10-foot wide by 10-foot long stone scour pads temporarily impacting approximately 250 square feet along 152 linear feet of streams at impact areas # 57, 58, 61, 68, 69, and 71; and to install a utility line temporarily impacting approximately 126 square feet of PFO wetland at impact #72. All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or Erica.Schmidt@usace.army.mil.

The proposed work is for re-authorization of DA permit (VILLAGE AT PISCATAWAY /NVR MS CAVALIER PRESERVE LLC) 1995-63445-4 that was issued on November 29, 2004 as an individual permit. A permit modification was issued on February 17, 2009 for increased impacts. The applicant has either avoided or completed most of the originally permitted work which authorized to impact approximately 299,399 square feet of wetlands and 1,908 linear feet of streams.

Avoidance and minimization measures were incorporated into the proposed project by minimizing the project's design to meet the project purpose. Site layout for this project was based upon existing construction that would most practicably avoid and minimize impacts to jurisdictional waters. Efforts were made to avoid, to the extent possible, the long and short-term adverse impacts associated with the proposed project.

Compensatory mitigation has been satisfied by the purchase of 1.94 acres of PFO wetlands credits from the Miller Dobson Consolidated user site. The mitigation has been built and is currently being monitored.

The purpose of the project is to provide access and infrastructure for a 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 effect essential fish habitat (EFH). The project site does not lie in or adjacent to EFH as described under MSFCMA.

However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 reasonably 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, economics, 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, 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which 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 listed 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.

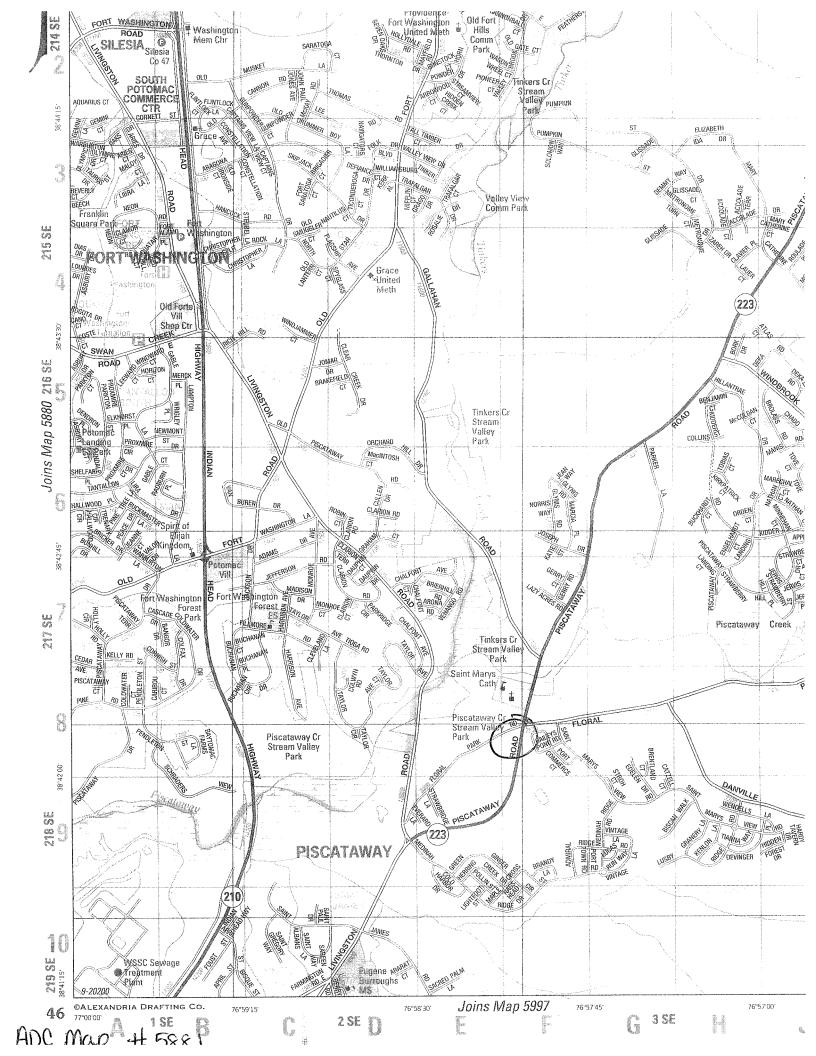
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

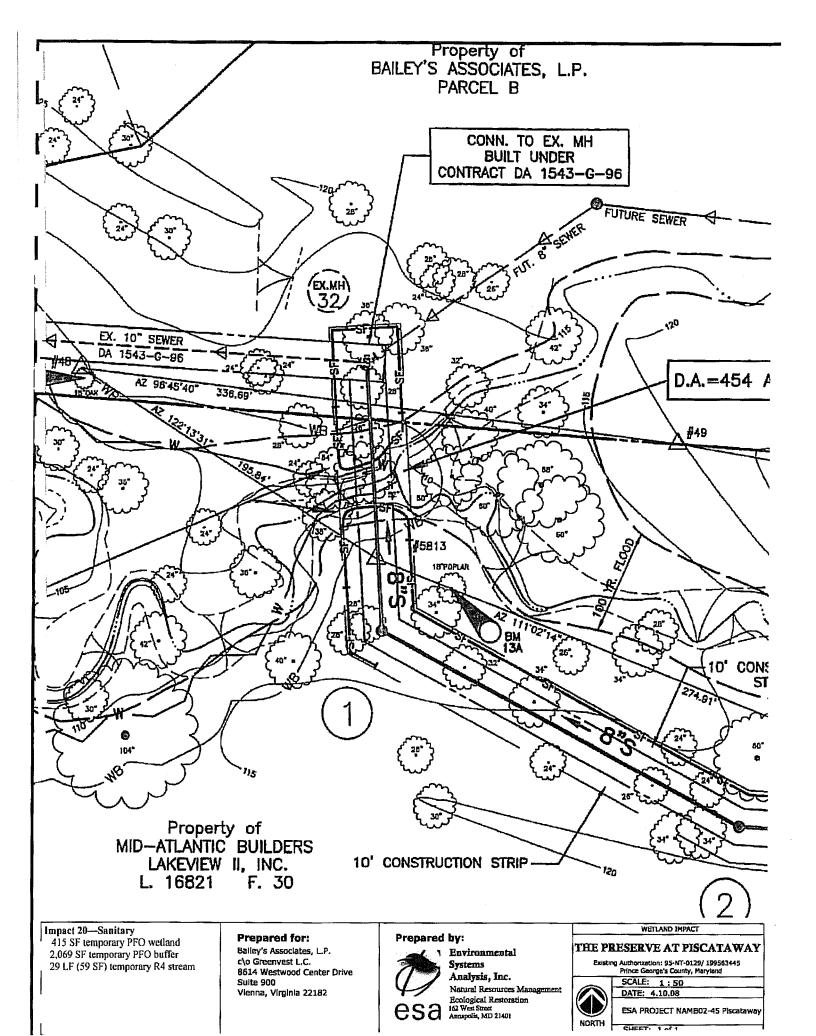
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest, which may be adversely affected by the issuance of this permit, may request a public hearing. The District Engineer must receive the request, which must be in writing, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

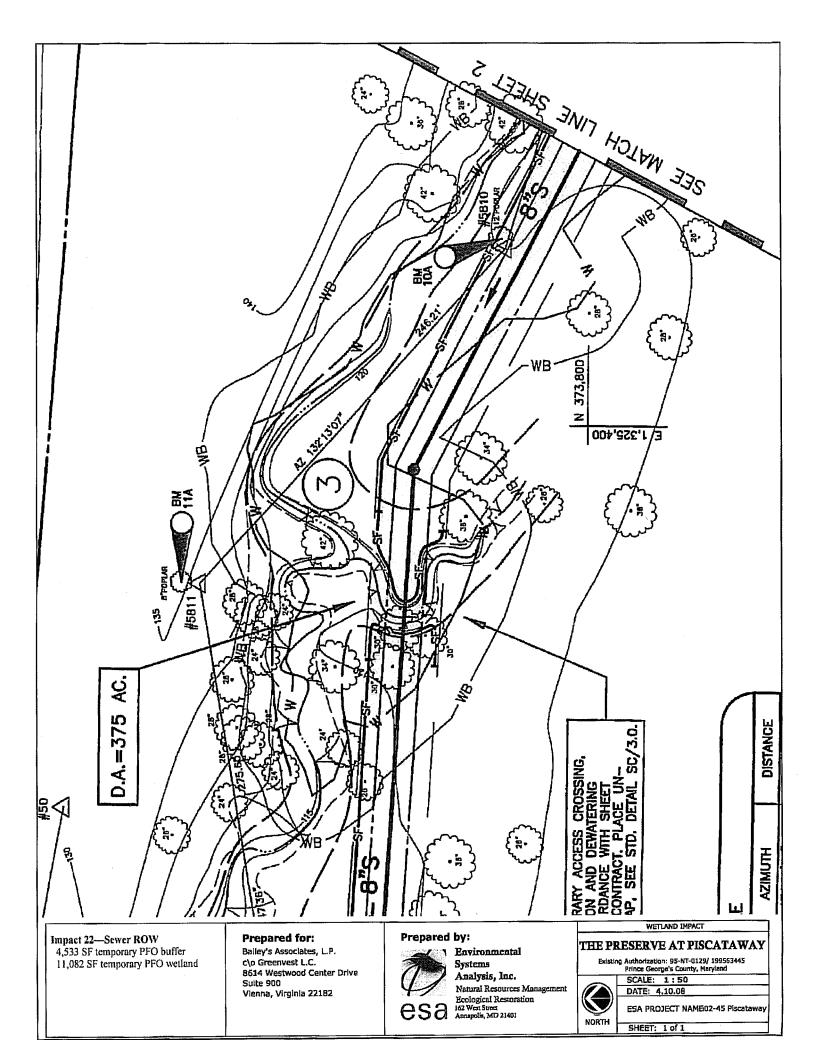
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

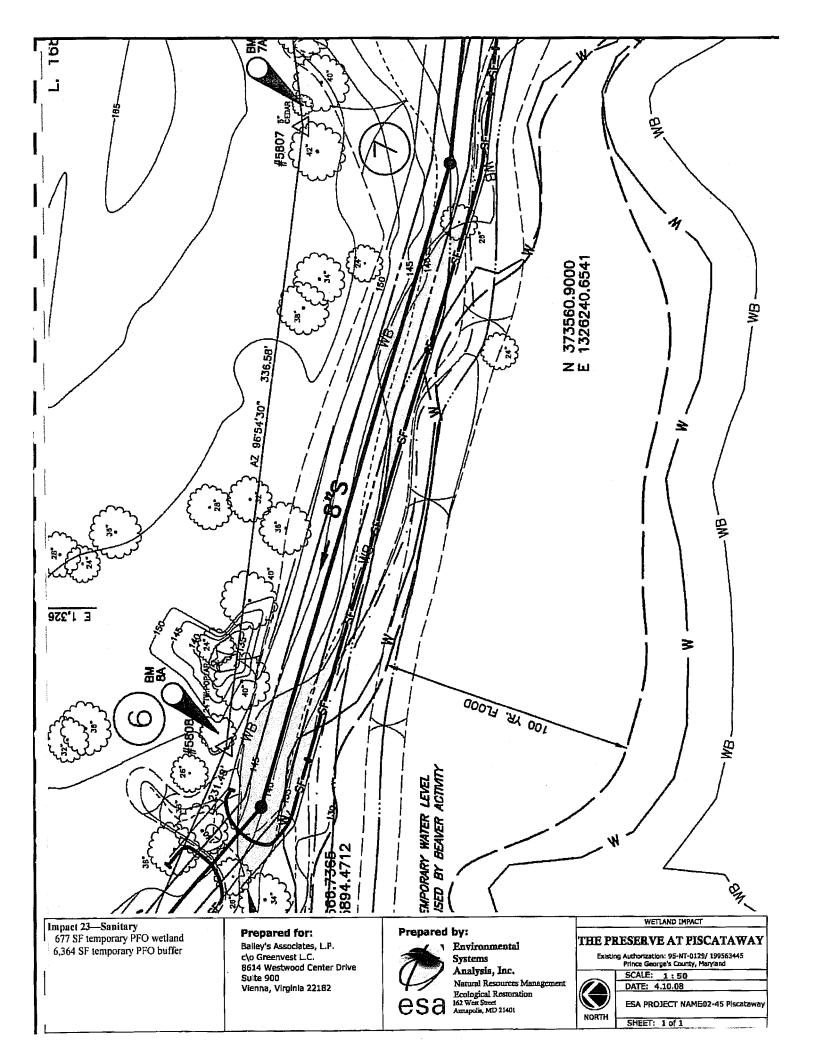
FOR THE DISTRICT ENGINEER:

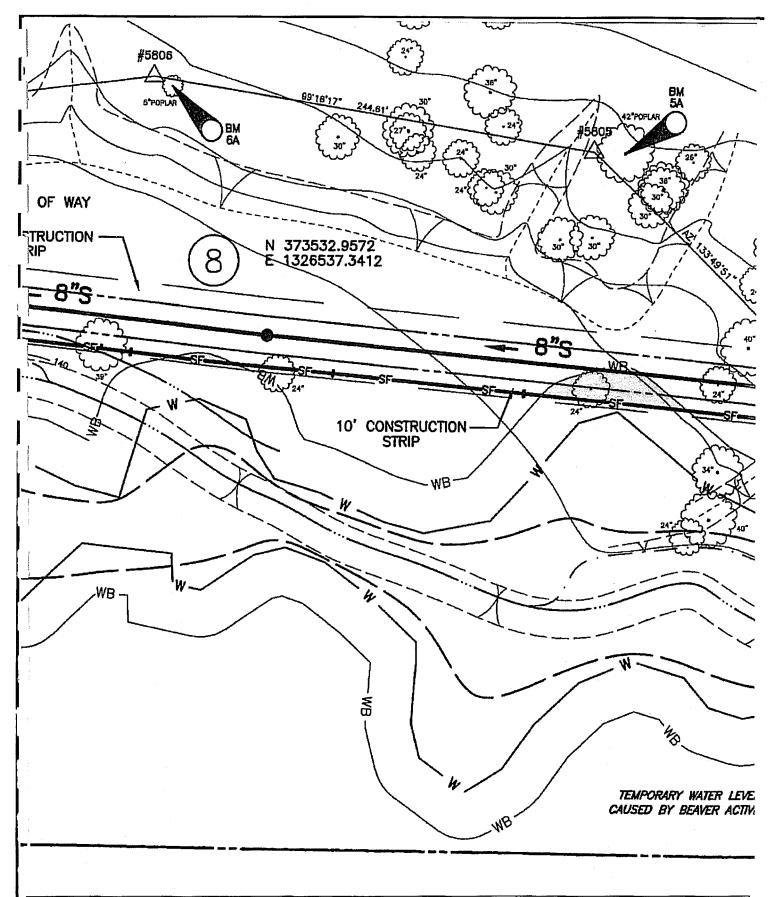
Kathy B. Anderson Chief, Maryland Section Southern











Impact 24—Sanitary 1,420 SF temporary PFO buffer

Prepared for:

Bailey's Associates, LP. c\o Greenvest L.C. 8614 Westwood Center Drive Sulte 900 Vienna, Virginia 22182

## Prepared by:



Environmental Systems Analysis, Inc.

Natural Resources Management Ecological Restoration
162 West Street
Ammapolia, MID 21401

### WETLAND IMPACT

#### THE PRESERVE AT PISCATAWAY

Existing Authorization: 95-NT-0129/ 199563445 Prince George's County, Maryland

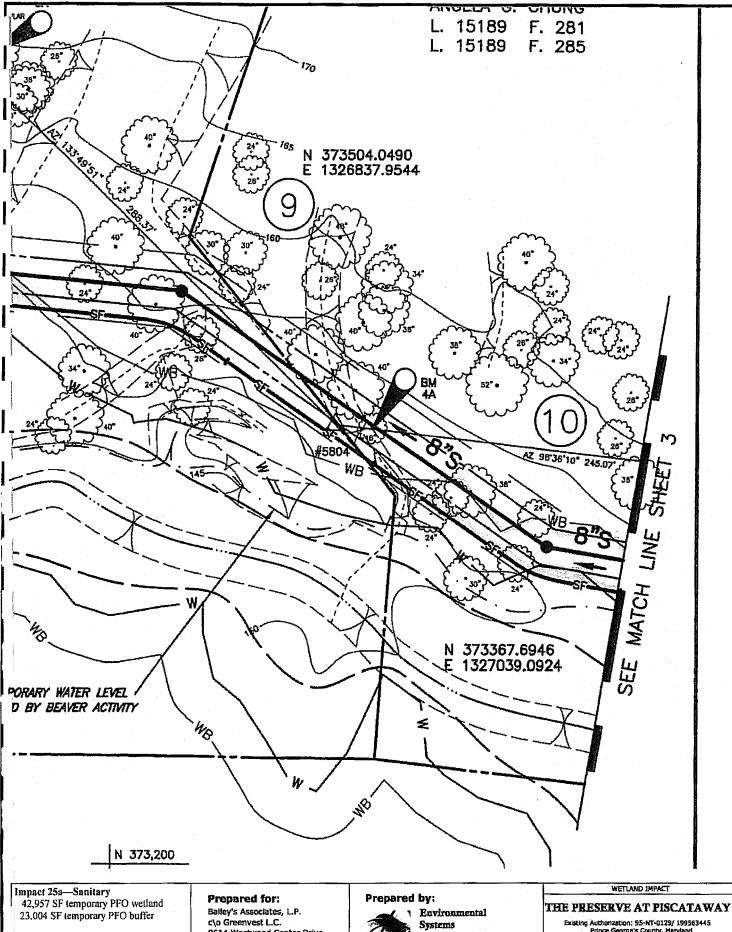


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SCALE: 1:50 DATE: 4.10.08

ESA PROJECT NAMED2-45 Piscataway

SHEET: 1 of 1



c\o Greenvest L.C. 8614 Westwood Center Drive Suite 900 Vienna, Virginia 22182



Analysis, Inc. Natural Resources Management esa Ecological Restoration
162 West Street
Annapolis, MD 21401

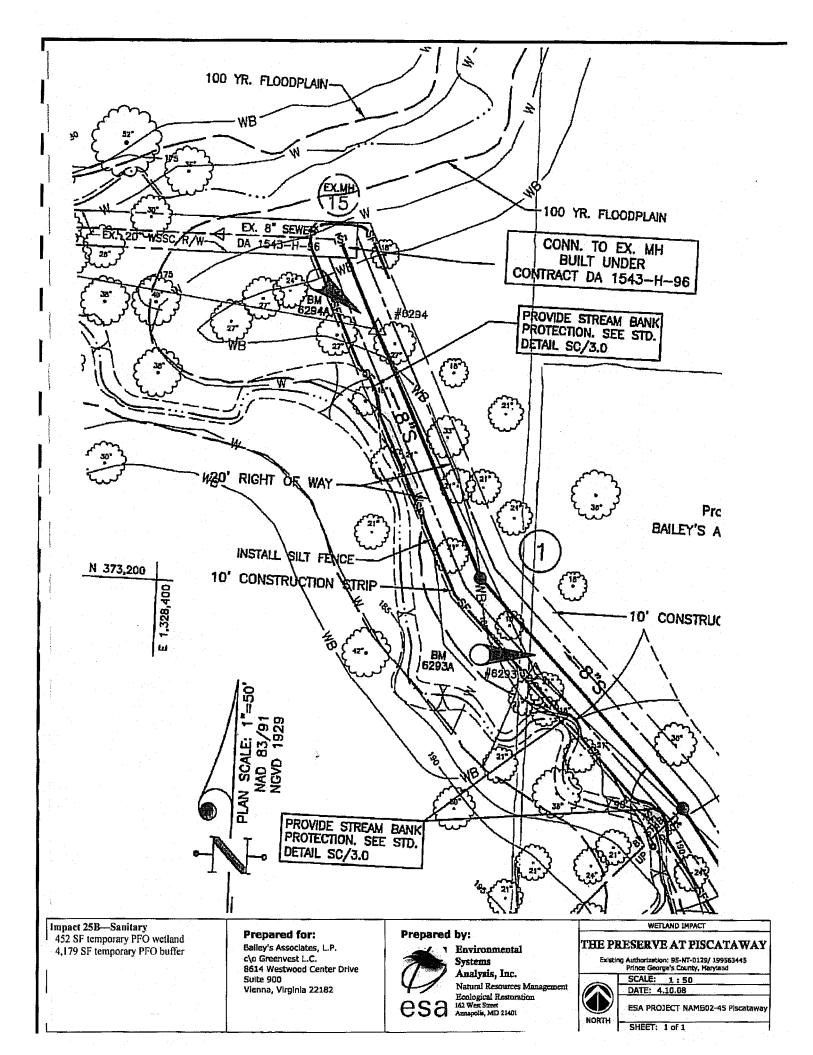
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Prince George's County, Maryland
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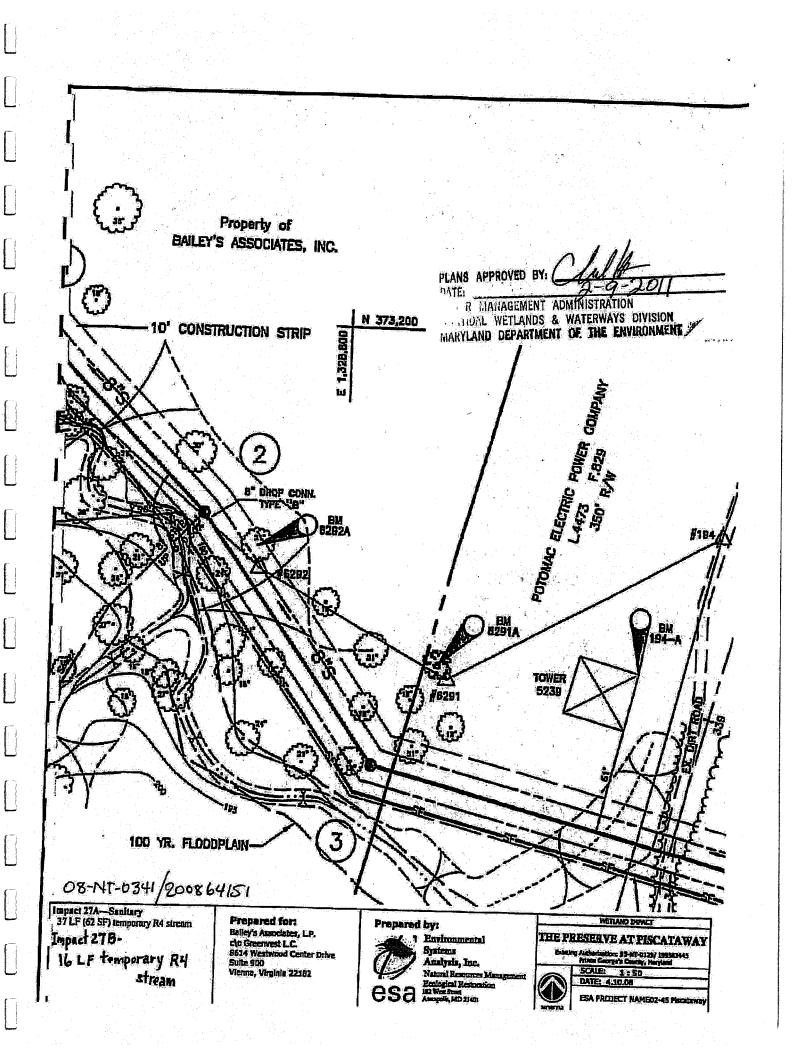
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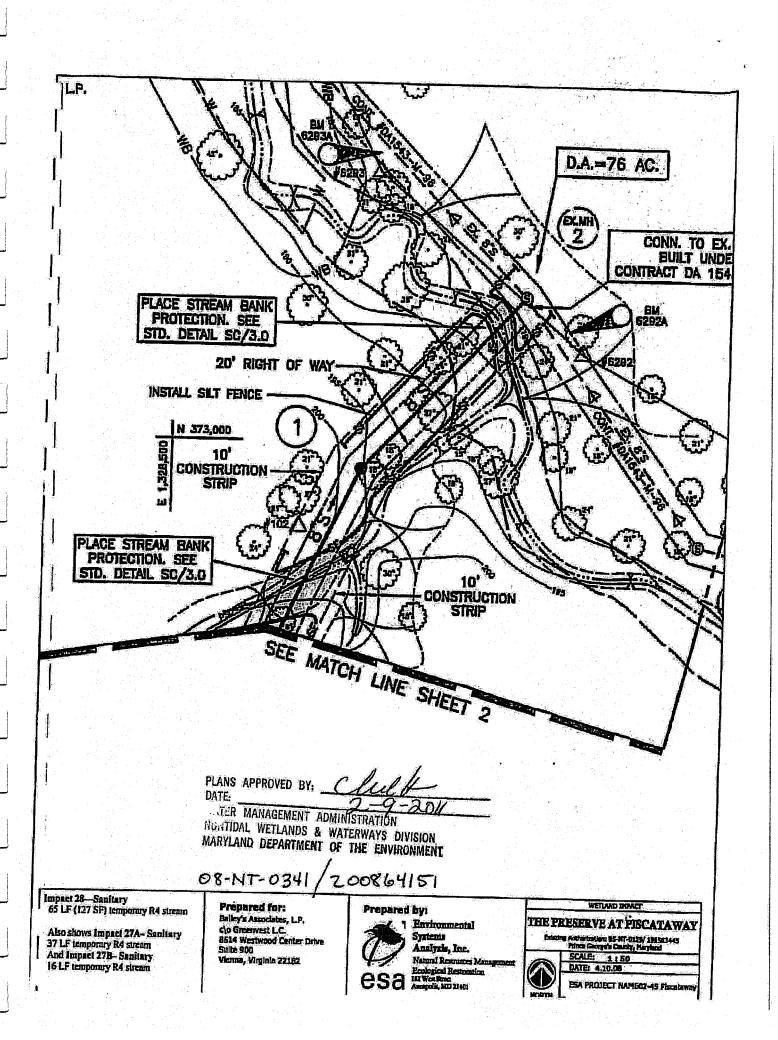
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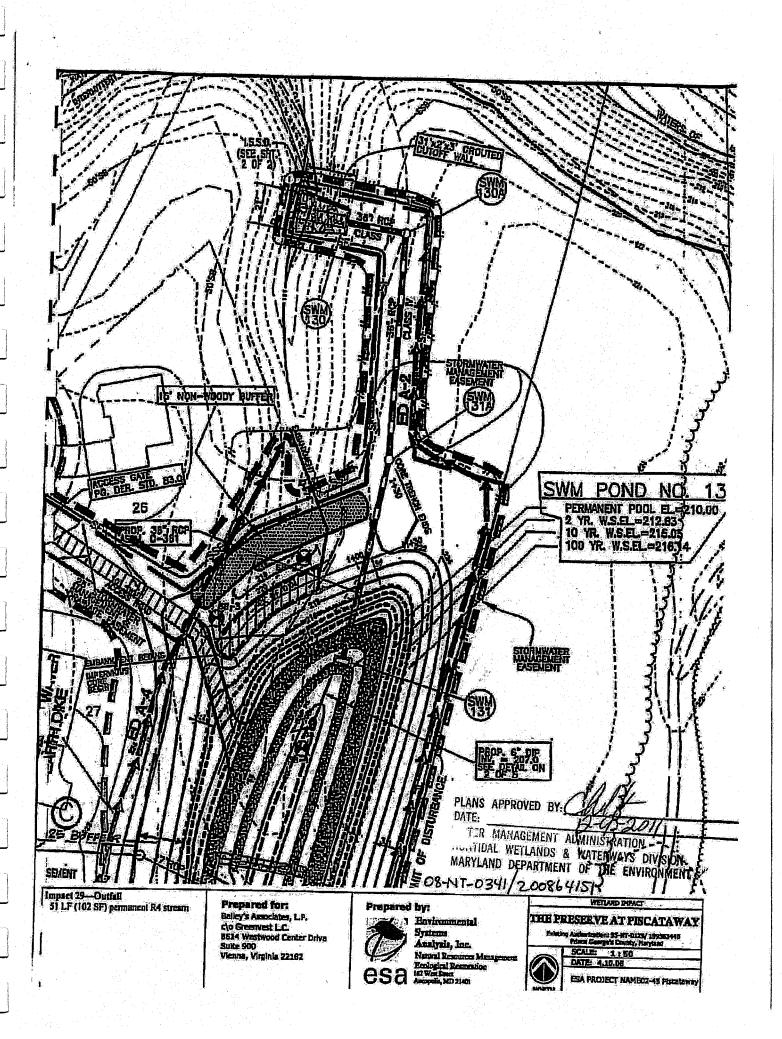
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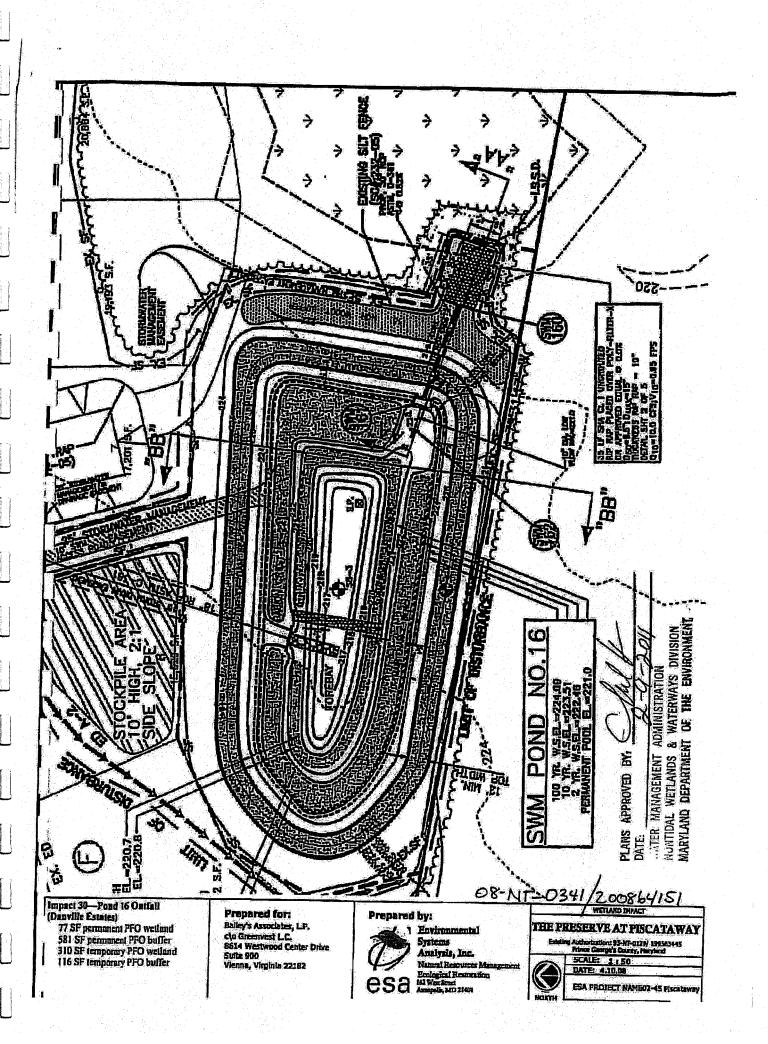
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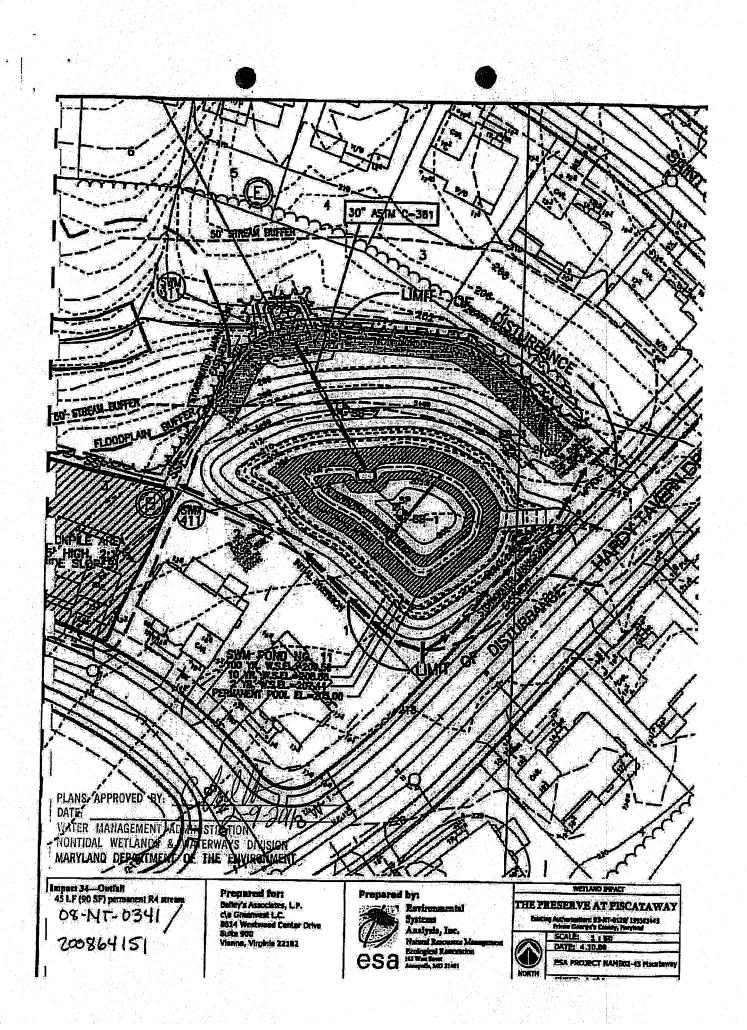


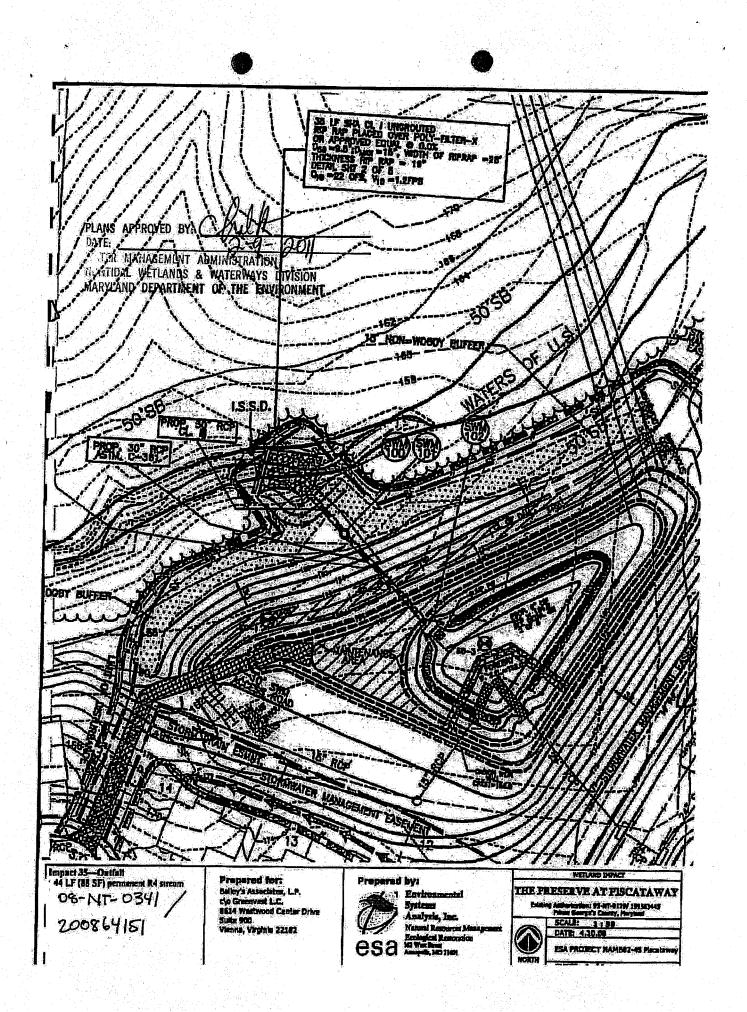


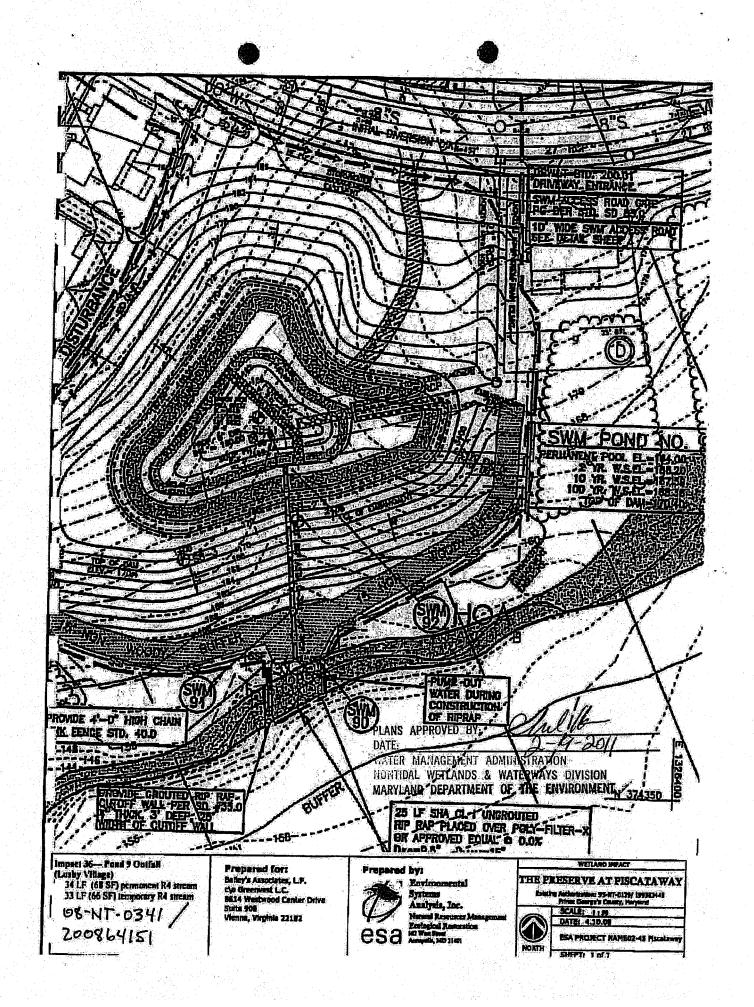


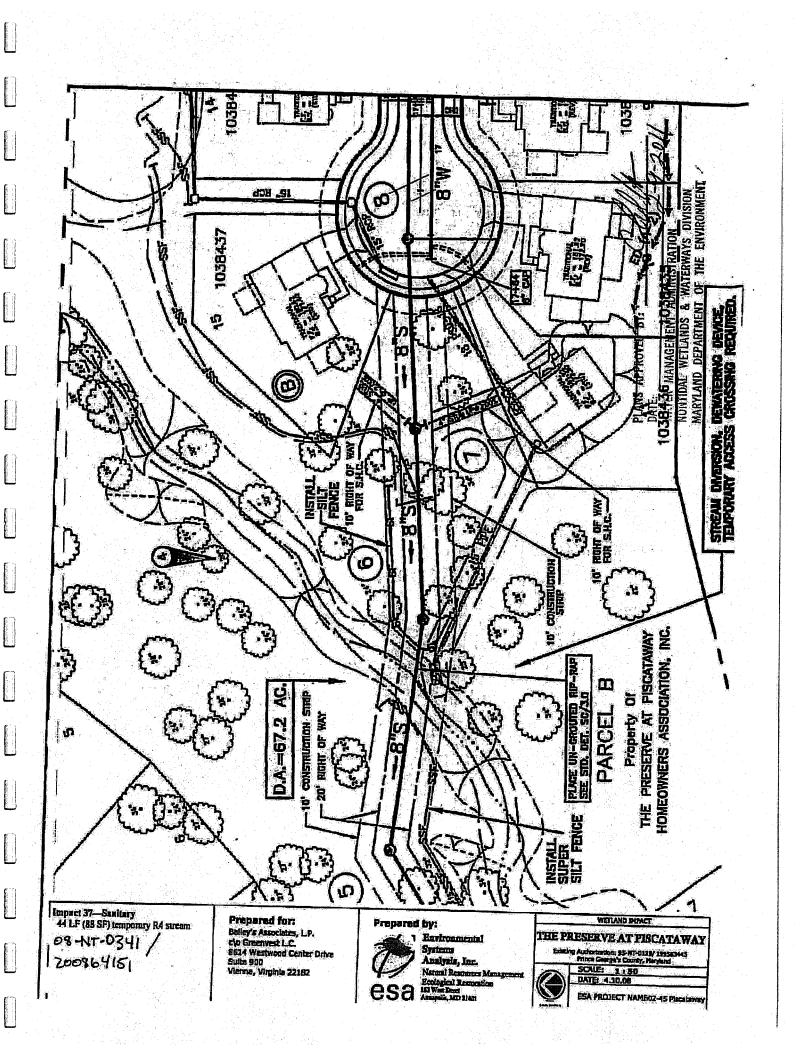


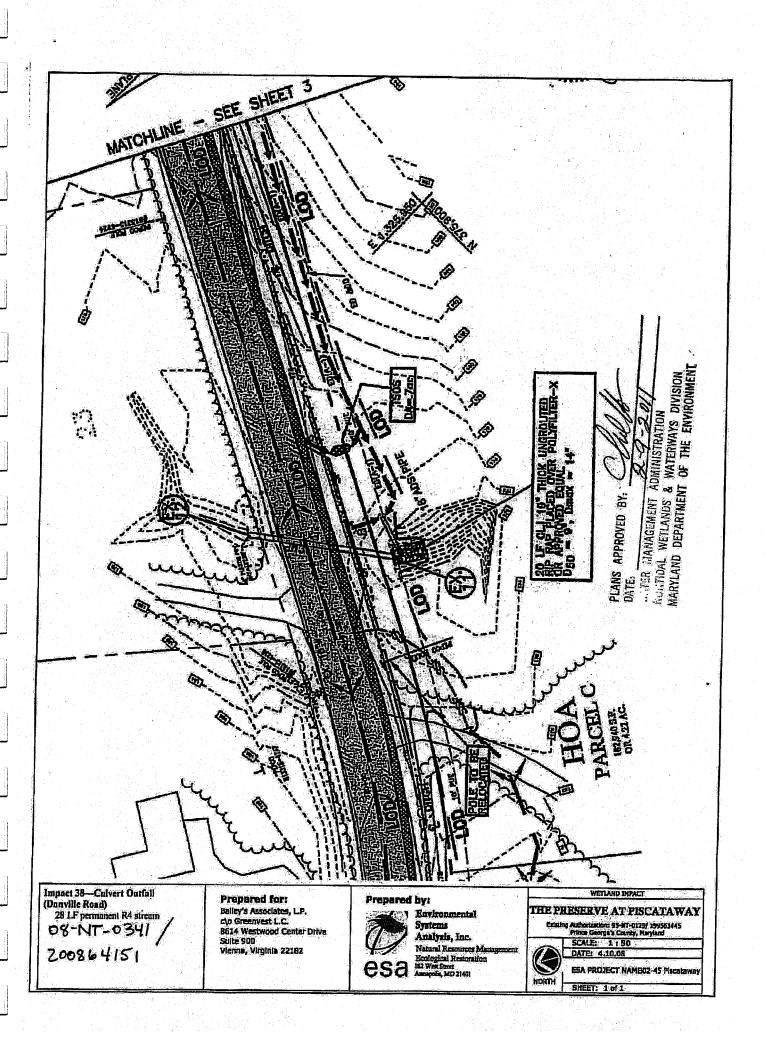


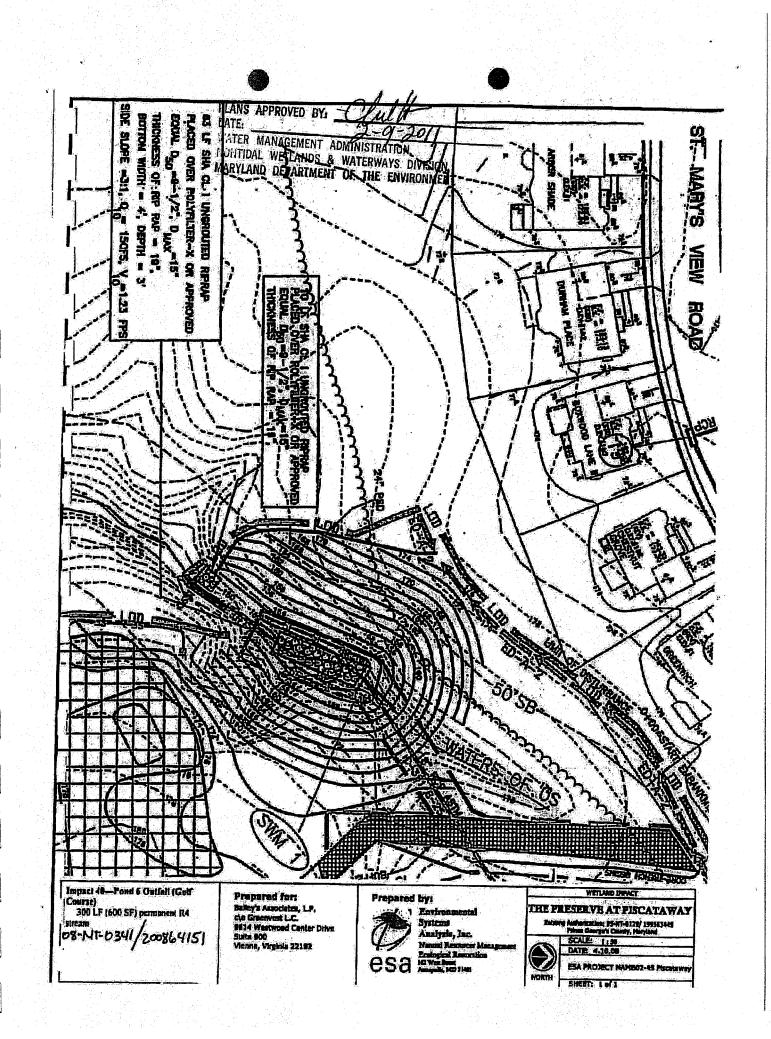


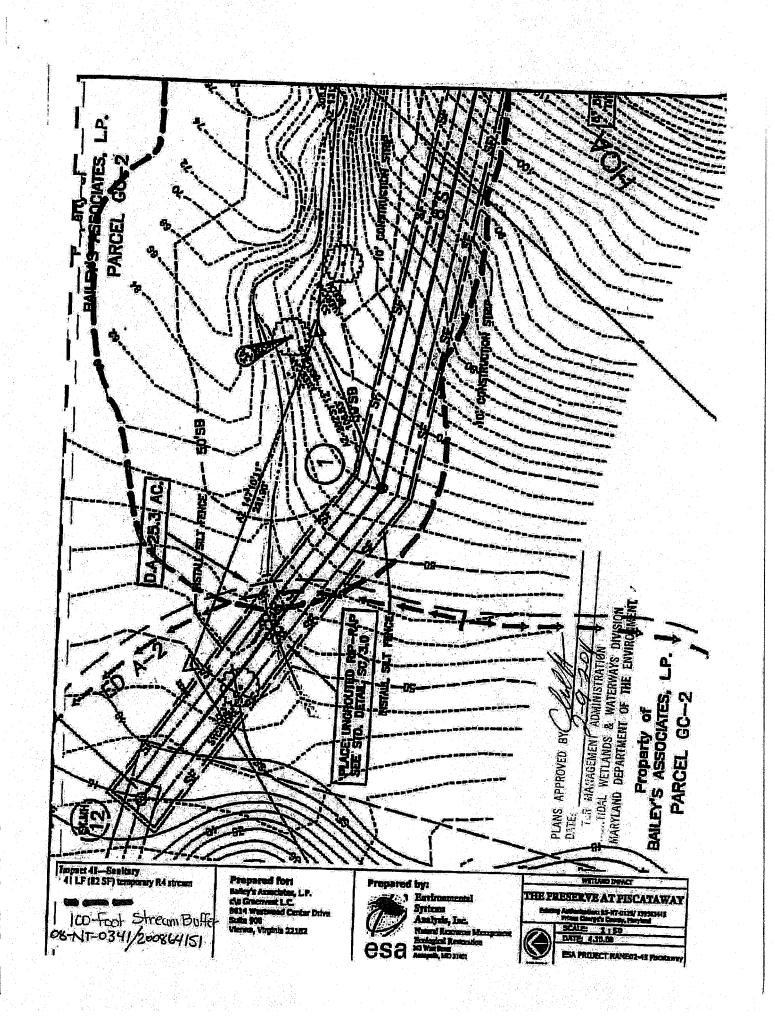


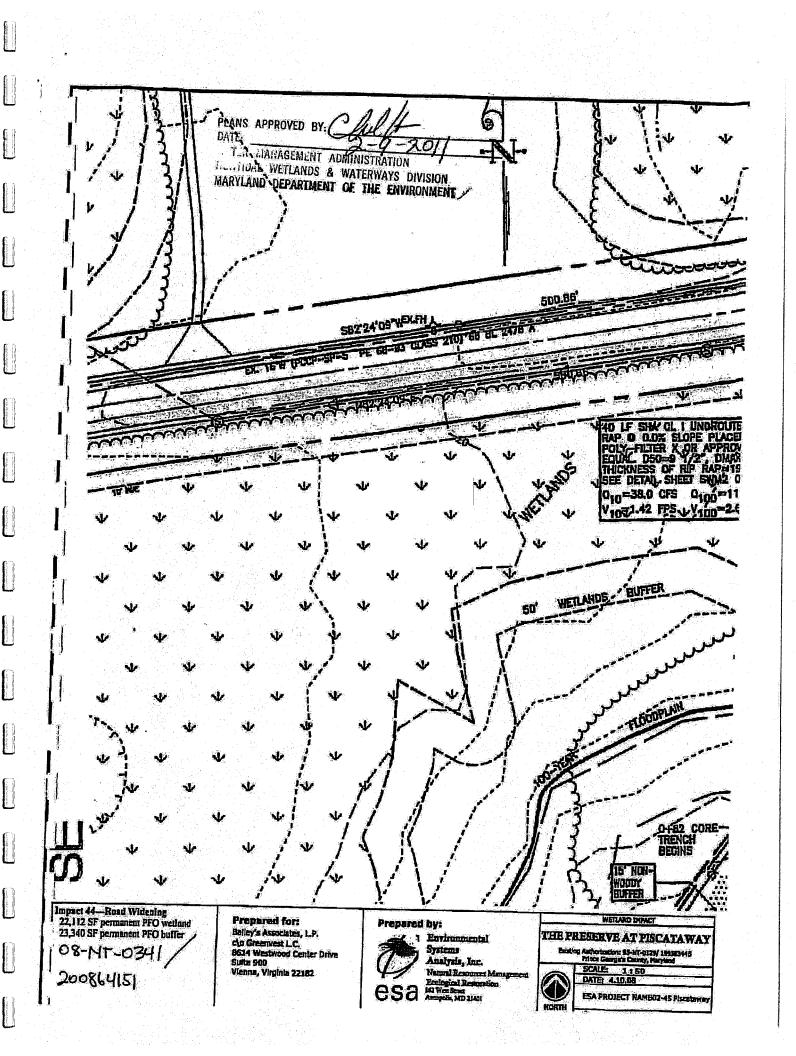


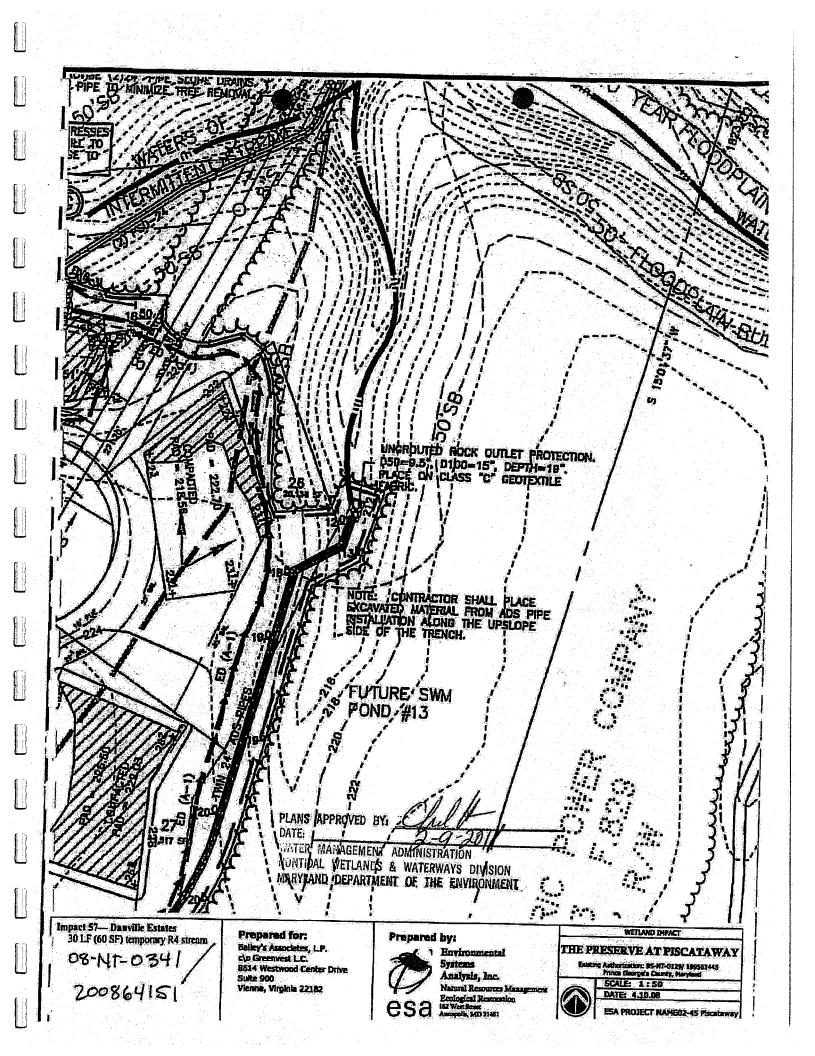


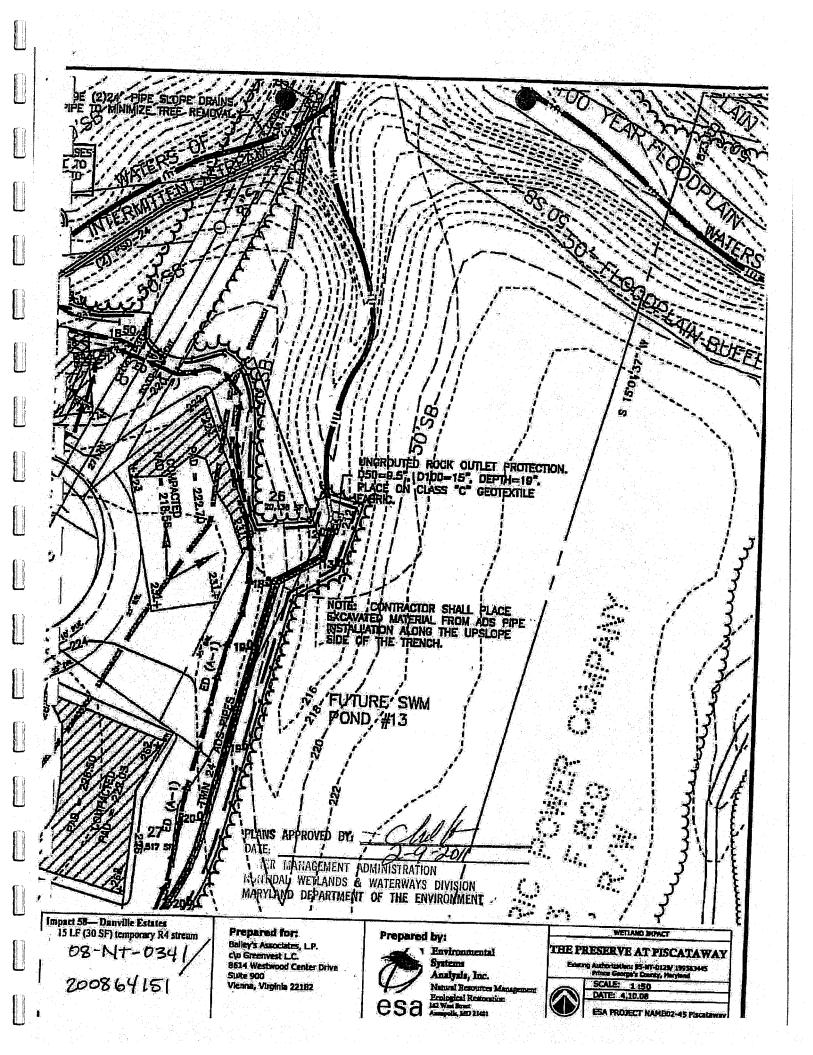


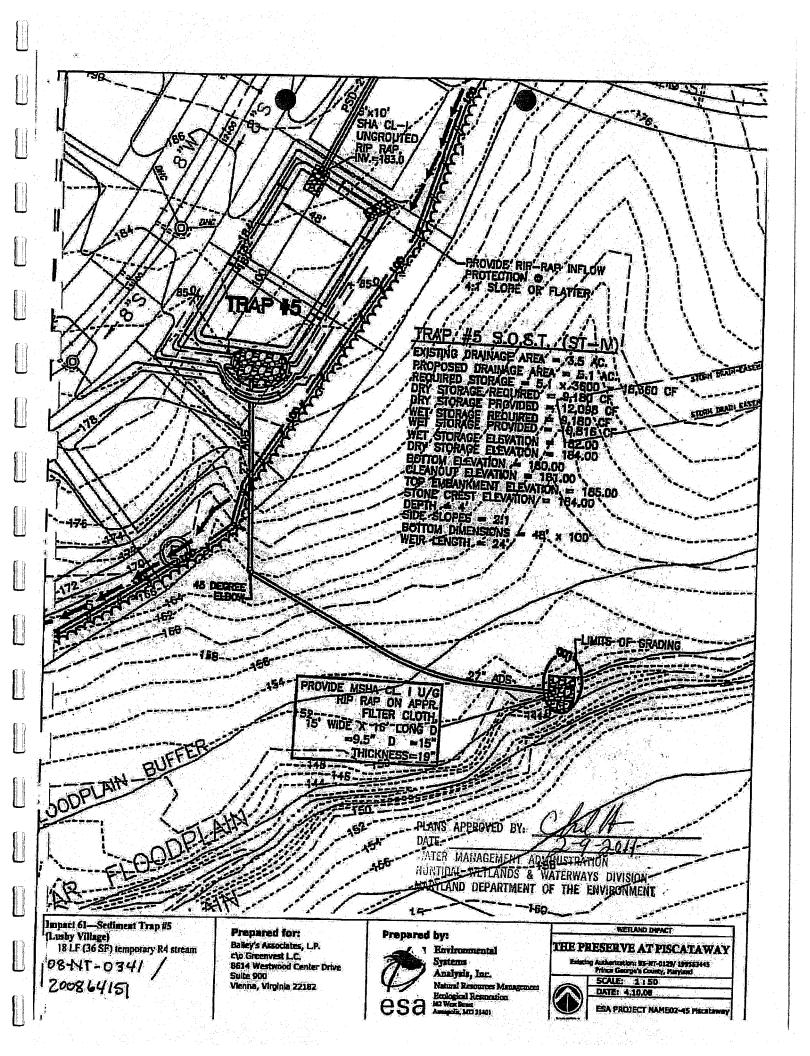




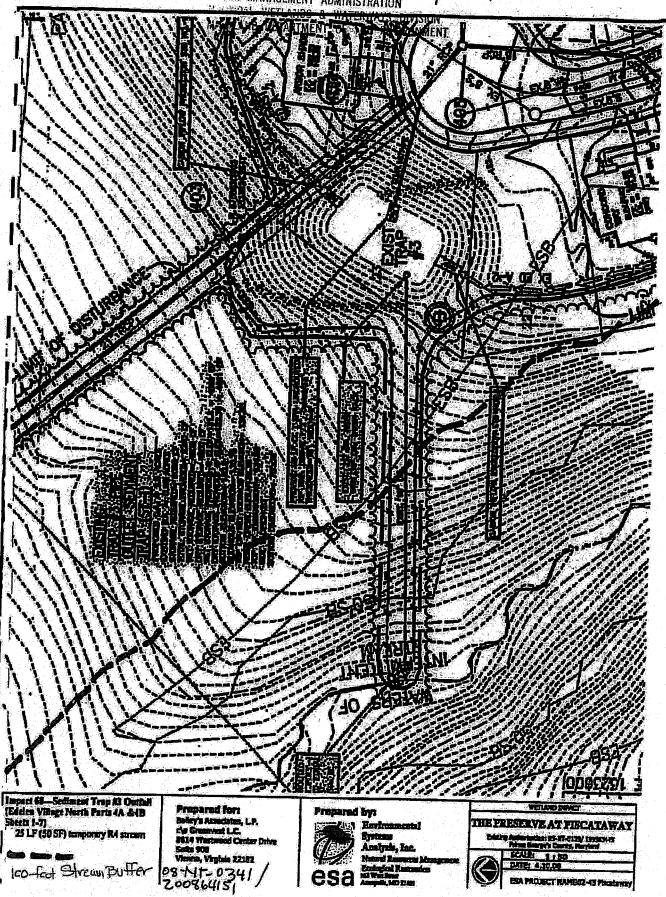




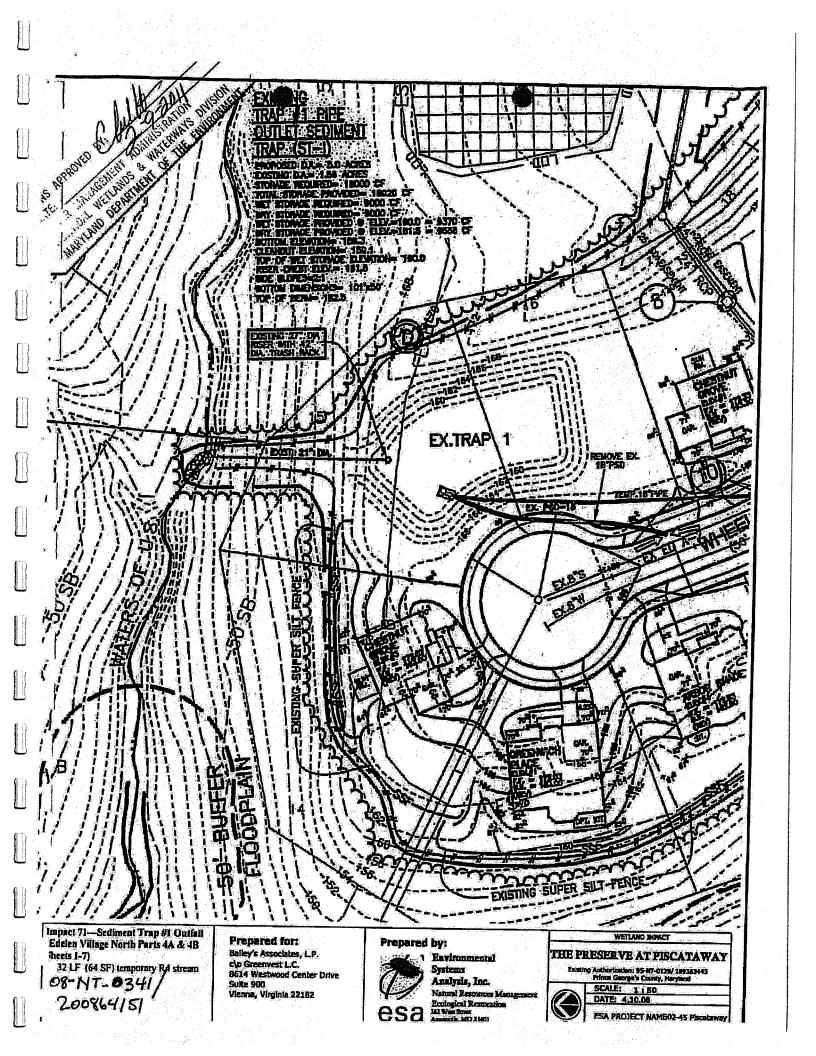


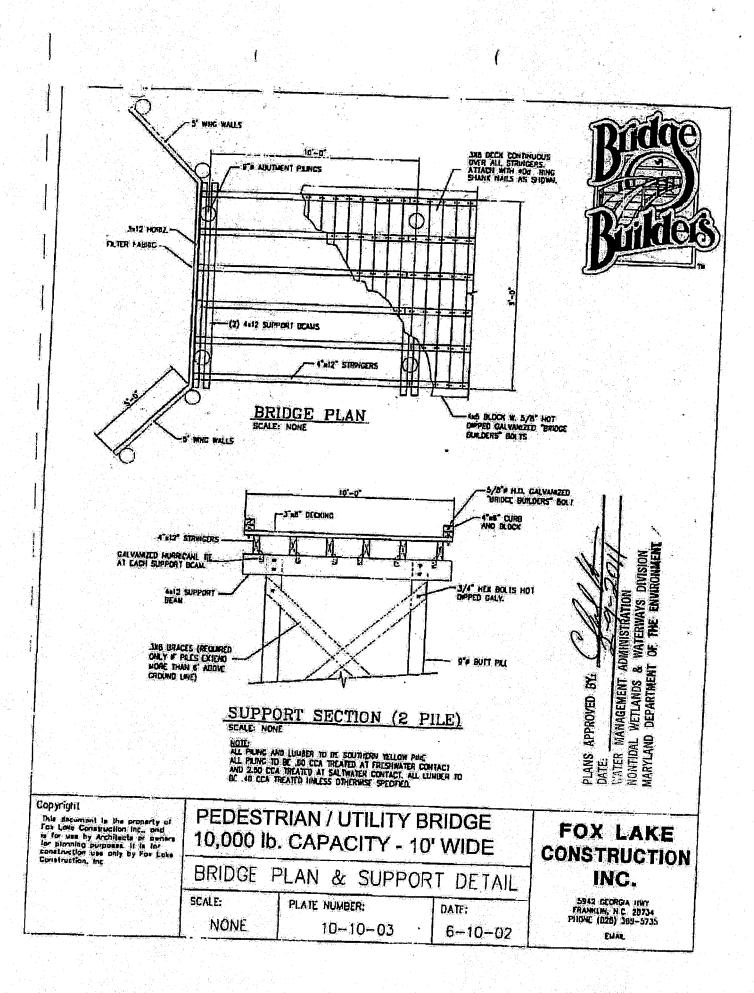


PLANS APPROVED BY: Child



PLANS APPROVED BY: A LIANAGEMENT ADMINISTRATION METLANDS & WATERWAYS DIVISION ect 69:--Sedioscul Trup #2 Outlail les Village North Parts 4A & 4B Proposed for: Belleys Associates, LP. Col Greanwell LC. 8614 Westerpool Carter Drive Sides 900 Vienne, Virgente 22182 ikerio 1-7) 32 LP (64 SF) jemporary R4 sircan THE PRESERVE AT PISCATAWAY 100-foot Stream Buffer ESA PROPECT NAMEDIA-45 PARENTS





The Preserve at Piscataway - USACE and MDE Permitted Impacts, NAB-1995-63445
Updated 05-06-2014

	Impact #	Temporary wetland(sf)	Temporary waters (If)	wetland conversion (sf)	Perm. Buffer Impact (sf)	Temp Buffer Impact (sf)	Status
	1			1, 1	923		taken/completed
	2						taken/completed
	3				5,161		taken/completed
	4 5 Tames	4.040			1,694	0.000	taken/completed
	5 Temp	4,048				6,836	taken/completed
	6 Temp	162	40			1,842	taken/completed
	7 Temp	77,047	48			1,104	taken/completed
	8 Temp	2,983				2,327	taken/completed
	9 Temp	4,917	40			2,276	taken/completed
	10 Temp	7,191				9,436	taken/completed
	11Temp	6,914				3,343	taken/completed
	12 Temp	9,155				2,895	taken/completed
	13 Temp	2,898	54	11.0		3,746	taken/completed
	14 Temp	29,550	86			4,262	taken/completed
	15 Temp	28,402	42			1,067	taken/completed
Pond 3	16		400		1,357		taken/completed
	17 Temp		25				taken/completed
	18		and a second	1	*		avoided
4.1	19 Temp	18,986				6,234	taken/completed
H Contract	20 Temp	415	29		30 0 E E E E	2,069	need reauthorization.
Pond 8	~ 21	for the second	16				taken/completed
H Contract		11,082				4,533	need reauthorization
H Contract	23 Temp				P\$4005 (111546)	6,364	need reauthorization
	24 Temp		107	Page 1 Page 1	STREET HE SECOND	1,420	need reauthorization
H Contract		<b>42,957</b>	\$560 C	1,275.0		23,004	need reauthorization
M Contract		452					
Pond 12	25B remp		910 - 110	Property Control	394	4,179	need reauthorization
			recovered prescalable and a first process.		W. C.	551	need reauthorization
M Contract			37				need reauthorization
S Contract			16		CEST 13 79	644 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	need reauthorization
S Contract		to entering	*****65		water to the second		need reauthorization
Pond 13	The second second second	85.7% W.C. 14	200 (\$2.36).				need reauthorization
Pond 16		310	The second		581	116	need reauthorization
100	31				1,910		taken/completed
the second second	32				1,085		taken/completed
	33				10		taken/completed
Pond 11	34		Fig.	Secretary Secretary	PROMETER !	40 CORRESPO	need reauthorization
Pond 10	35		\$400 PM	The second second		30.43093	need reauthorization
Pond 9	36		33				taken/completed
Outfall Sewer	37	Barra de Cara	44			\$15.400 E45E200	need reauthorization
Danville Road	38 💸	60 S.M. 133	Secretary and				need reauthorization
	39	SALAKS PROBLEM NEW YORK	30	CONTRACTOR ASSESSMENT	420.00000000000000000000000000000000000	Franchischer aus für der Seine wir Seine	taken/completed
Pond 6	40		- 00				taken/completed
U Contract	41 Temp	12.1 %	41				taken/completed
O GOMINGO	42 Temp	51,052	40			2,470	taken/completed
Pond 1	43	75	- 10	· · · · · · · · · · · · · · · · · · ·	387	582	taken/completed
contract, No on	44'	7.5			23,340	002	need reauthorization.
Pond 4	45						
FOIIU 4					48		need reauthorization
D 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	46	3 3 3 3	1 1 1		2,253	·	avoided
Bailey's Village	N. 1.34				13.11		
S&E	47		<u> </u>		12,036		taken/completed
Bailey's Village							
S&E	48		1.		13,756		taken/completed
	49				* *	0	avoided
	50 Conv			4,650	7,337		avoided
	51		450				avoided
The state of the s	52		570				avoided
	53		<b>X</b>				avoided
	54				4,975		avoided
1 - 1	55		1, 11,		12,635		taken/completed
	56	Total Section	10 and 10 an	150000000000000000000000000000000000000	i vitatoria	300	need reauthorization
Sed Trap #2	-57		30		Charles and consul	1. 1. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2.	need reauthorization
Sed Trap #3	58		15				need reauthorization
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<u> </u>					155		taken/completed
Cod Tree "P"	60	THE RESERVE OF THE PARTY OF THE	STATE OF THE STATE	all to the contract of the con	100	Programme Statement of Statement	
Sed Trap #5	61		18		#0.000745 1 KG, 1675	n/ S	need reauthorization
Pond 7	62		50				taken/completed
1. 1	63			3 3 1 N			avoided
<u> </u>	64	. 4	P. S.				avoided
	65				920		taken/completed
	66				100		taken/completed
-	67						avoided
100	68		25				taken/completed
	69		32	1. 1. 1.			taken/completed
	70		40	7 8 3			taken/completed
	70		32				taken/completed
<del></del>	72	126	UZ			2,710	taken/completed
			1.000	4.050	01.070		- Caroni ou inpieteu
	Tatala						
	Totals Totals	299,399 55,893	1,908 254	4,650 0	91,870 24,363	93,666 42,536	need reauthorization