



US Army Corps
Of Engineers
Baltimore District

Public Notice

In reply to Application Number
CENAB-OP-RMN (Harbaugh Farm LLC/William Miller
Farm) 2013-60083-M24

PN 13-19

Comment Period: April 8, 2013 – April 23, 2013

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 the 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. William Miller
Harbaugh Farm LLC
3514 Basler Road
Hampstead, Maryland 21074

LOCATION AND WATERWAY: In farmed, nontidal emergent wetlands adjacent to Bear Branch near Westminster, Carroll County, Maryland.

WORK: To construct a shallow water area in a farmed wetland pasture to improve wildlife habitat diversity. Approximately 30% of the area will be 5-6 foot deep with the remaining area having an average depth of 18 inches or less. Permanent emergent wetland impacts include approximately 82,000 square feet resulting from fill for the dam, grading, and excavation. No compensatory mitigation is proposed since the existing condition is a farmed wetland pasture, and the proposed shallow water area is designed to increase wildlife habitat diversity. The purpose of the project is to provide an open water area to a farmed wetland pasture dominated by reed canary grass, which is currently harvested for hay. All work is to be completed in accordance with the enclosed plans dated March, 2013.

If you have any questions concerning this matter, please contact *Mrs. Mary Frazier* at 410-962-5679 or mary.a.frazier@usace.army.mil.

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, water supply and conservation, water quality, energy needs, safety, food and fiber production, 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 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.

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 and 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, [Attn: Mrs. Mary Frazier, CENAB-OP-RMN], 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 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.

SECTION 401 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 Maryland Department of the Environment, Nontidal Wetlands Division, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 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 applicants 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

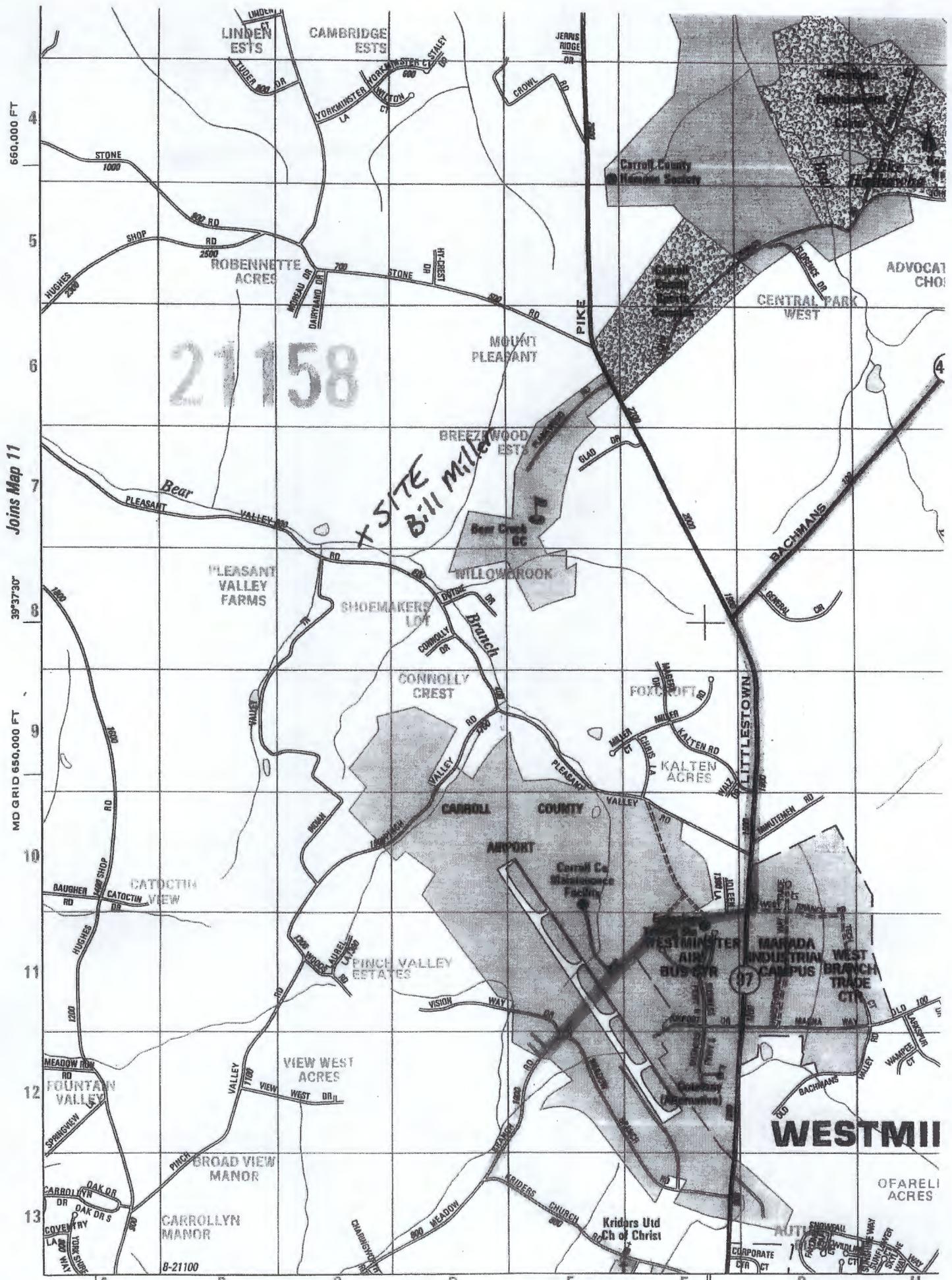
proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the request permit.

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: Mrs. Mary Frazier, CENAB-OP-RMN], P.O. Box 1715, Baltimore, Maryland, 21203-1715, within the comment period specified above to receive consideration. Also, the request must clearly state 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 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:

JOSEPH P. DAVIA
Chief, Maryland Section Northern



21158

X SITE
Bill Miller

Joins Map 11

39°37'30"

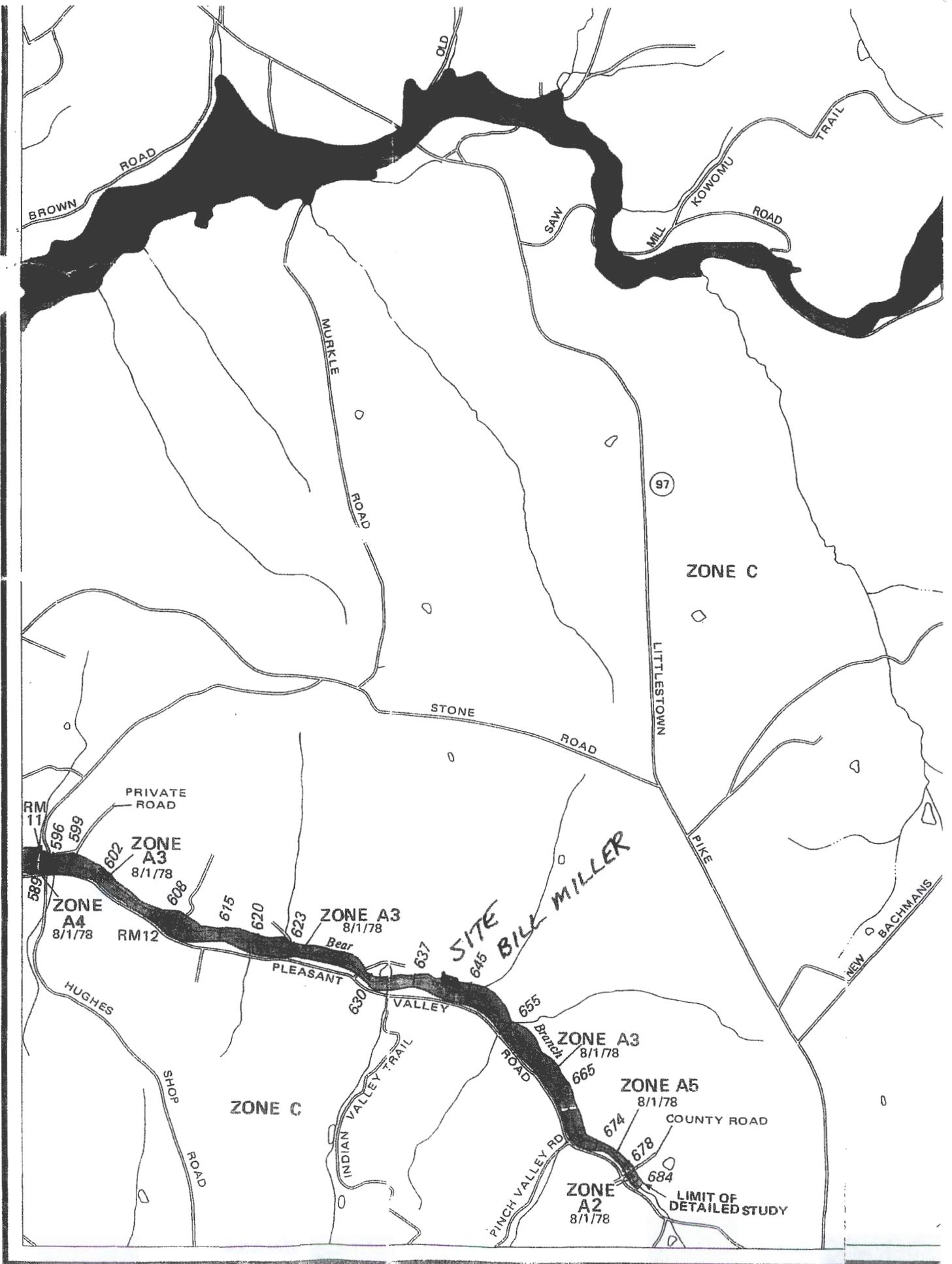
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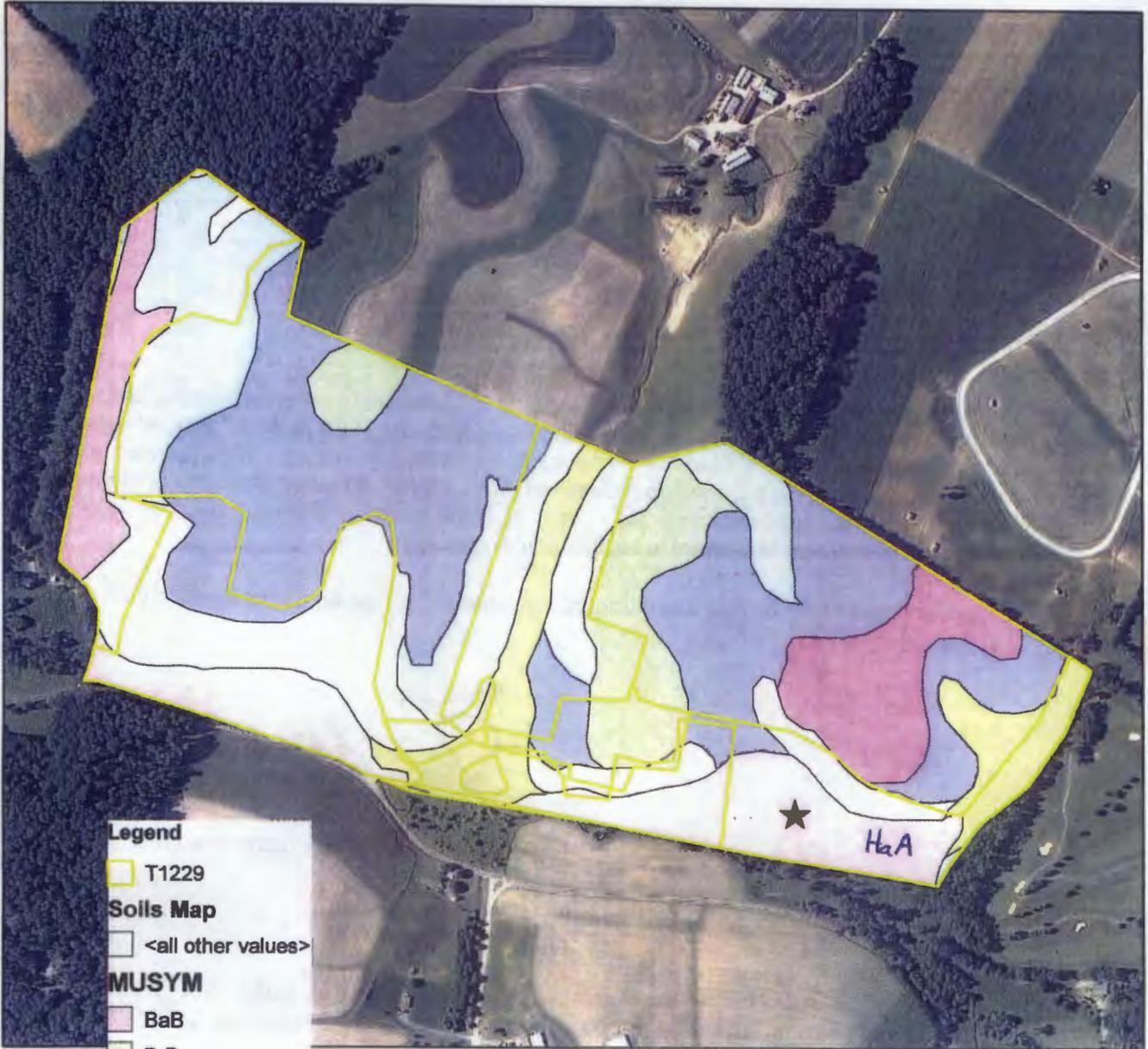


SOIL MAP

Customer(s):

Billy Miller

Agency:



Legend

T1229

Soils Map

<all other values>

MUSYM

BaB

BrB

BrC

BrD

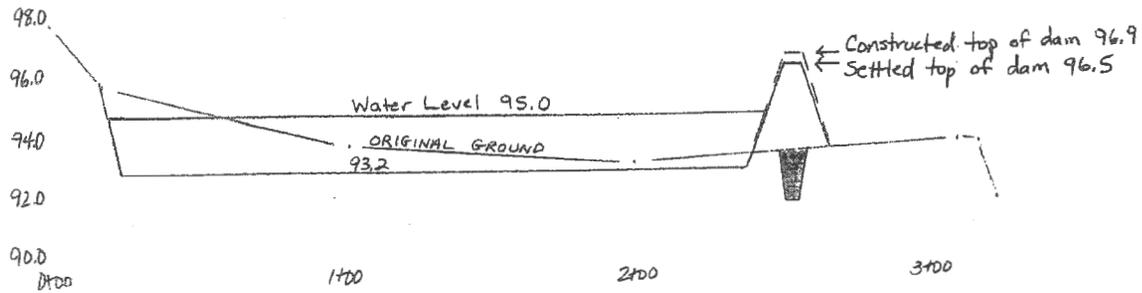
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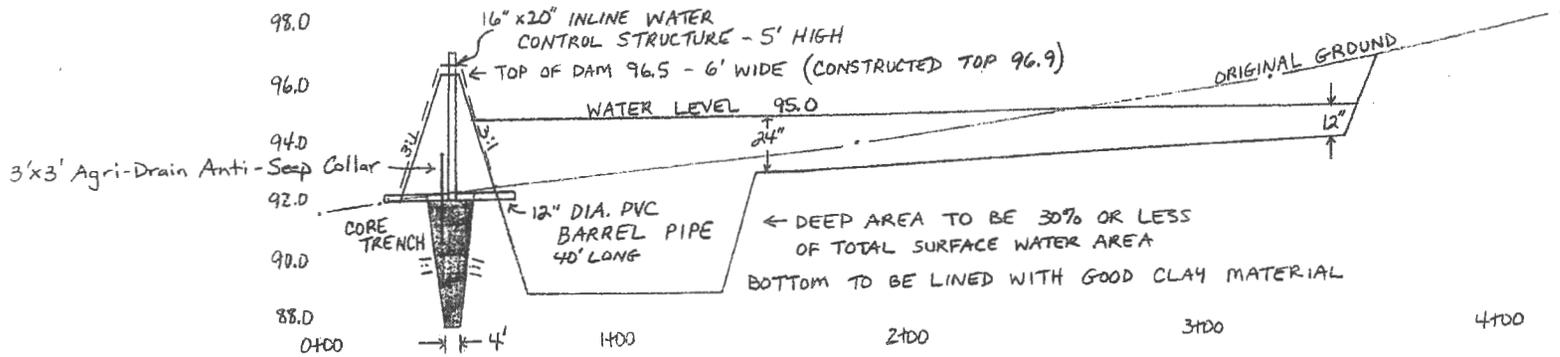
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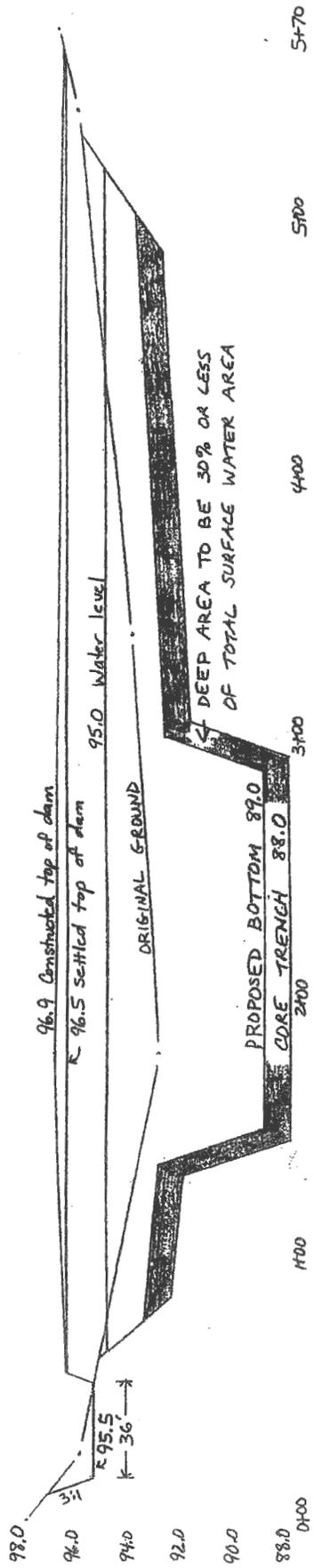


Cross Section B-B'
 SCALE: 1" = 40' HORIZ
 1" = 4' VERT



Pipe Profile A-A'
 SCALE: 1" = 40' HORIZ
 1" = 4' VERT

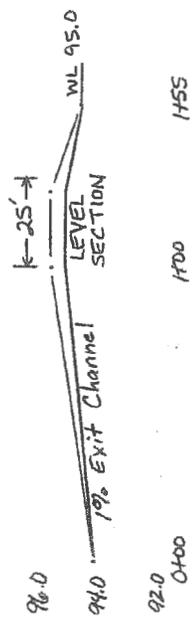
Bill Miller



Q Profile of Dam

SCALE: 1" = 40' HORIZ
1" = 4' VERT

Bill Miller



Profile of Emergency Spillway
 SCALE: 1" = 40' HORIZ
 1" = 4' VERT

Bill Miller

Conservation Plan Map

BYRON STAMBAUGH
MILLER.LLC

Agency: CSCD

Assisted By: Tracey, Michael

Approximate Acres: 134.9



Legend

— WATER WAYS

■ POND

— STREAMS

