

U.S. Army Corps of Engineers Baltimore District

## **Public Notice**

In Reply to Application Number NAB-OP-RMS(WALTON DEVELOPMENT & MANAGEMENT INC – WESTPHALIA TOWN CENTER) 2012-61387

PN 13-17

Comment Period: April 2, 2013 to May 2, 2013

## 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.

The 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:Ms. Melanie B. Graf<br/>Walton Development and Management (USA), Inc.<br/>11800 Sunrise Valley Drive, Suite 300<br/>Reston, Virginia 20191

**LOCATION:** The work is located in jurisdictional wetlands and unnamed tributaries that drain to Back Branch and in Back Branch, at the property known as the Westphalia Town Center, located northwest of the intersection of Melwood Road and Pennsylvania Avenue in Mellwood, Prince Georges County, Maryland.

**WORK:** The applicant proposes the following work based on conceptual drawings:

Impact Area 2: To temporarily emplace 40 linear feet of 8-foot wide sandbags and a 5-foot wide by 85-foot long stone dike along and in the stream; and to install 485 linear feet of 36-inch diameter circular concrete pipe with a gravel bottom depressed 1-foot below the stream bottom with one 15-foot wide by 15-foot long riprap scour pad downstream of the proposed culvert, all temporarily impacting approximately 745 square feet along 21 linear feet of stream and permanently impacting approximately 1,810 square feet along 362 linear feet of stream.

Impact Area 3: To temporarily emplace 40 linear feet of 8-foot wide sandbags and a 5-foot wide by 460-foot long stone dike along and in the stream; and to install 295 linear feet of twin 7-foot high by 8-foot wide reinforced concrete box culverts with a gravel bottom depressed 1-foot below the stream bottom with one 32-foot wide by 34-foot long riprap scour pad upstream and one 32-foot wide by 34-foot long riprap scour pad downstream of the proposed culvert, all temporarily impacting approximately 2,620 square feet along 21 linear feet of stream and permanently impacting approximately 3,810 square feet along 380 linear feet of stream.

Impact Area 4: To temporarily emplace 40 linear feet of 8-foot wide sandbags and a 5-foot wide by 380-foot long stone dike along and in the stream; to install 250 linear feet of twin 7-foot high by 8-foot wide reinforced concrete box culverts with a gravel bottom depressed 1-foot below the stream bottom with one 35-foot wide by 45-foot long riprap scour pad upstream and one 35-foot wide by 45-foot long riprap scour pad downstream of the proposed culvert; and to install a 12-inch diameter water line, all temporarily impacting approximately 2,220 square feet along 21 linear feet of stream and permanently impacting approximately 3,508 square feet along 342 linear feet of stream.

Impact Area 5: To install an 12-inch diameter gravity sewer line, permanently impacting approximately 329 square feet along 20 linear feet of stream.

Impact Area 6: To install an 8-inch diameter gravity sewer line; to install a 21-inch diameter gravity sewer line; and to install an 8-inch water line, all permanently impacting approximately 5,998 square feet of forested non-tidal wetland and 369 square feet along 20 linear feet of stream.

Impact Area 7: To install a 21-inch diameter gravity sanitary sewer line, permanently impacting approximately 11,724 square feet of forested non-tidal wetlands.

Impact Area 8: To temporarily emplace 40 linear feet of 8-foot wide sandbags and a 5-foot wide by 250-foot long stone dike along and in the stream; and to install approximately 240 linear feet of 42-inch diameter circular concrete pipe with a gravel bottom depressed 1-foot below the stream bottom and a 12-foot wide by 20-foot long riprap scour pad upstream of the proposed pipe, all temporarily impacting approximately 1,570 square feet along 21 linear feet of stream and permanently impacting approximately 1,175 square feet along 235 linear feet of stream.

Impact Area 9: To temporarily emplace 40 linear feet of 8-foot wide sandbags and a 5-foot wide by 300-foot long stone dike along and in the stream; and to install approximately 240 linear feet of 42-inch diameter circular concrete pipe with a gravel bottom depressed 1-foot below the stream bottom and a 15-foot wide by 15-foot long riprap scour pad downstream of the proposed pipe, all temporarily impacting approximately 1,820 square feet along 21 linear feet of stream and permanently impacting approximately 1,320 square feet along 263 linear feet of stream.

Impact Area 10: To temporarily emplace 44 linear feet of 10-foot wide sandbags and a 5-foot wide by 400-foot long stone dike along and in the stream; and to install 260 linear feet of twin 7-foot high by 8-foot wide box culverts with gravel bottom depressed 1-foot below the stream bottom with one 35-foot wide by 45-foot long riprap scour pad upstream and one 16-foot wide by 20-foot long riprap scour pad downstream of the proposed culvert, all temporarily impacting approximately 2,440 square feet along 25 linear feet of stream and permanently impacting approximately 3,650 square feet along 365 linear feet of stream.

Impact Area 11: To install an 15-inch diameter gravity sanitary sewer line, permanently impacting approximately 202 square feet along 20 linear feet of stream.

The entire project would impact approximately 27,588 square feet along 2,137 linear feet of stream portions and approximately 17,722 square feet of nontidal wetlands.

Note: local water and sewer authority is likely to require any sewer and water crossings of streams to armor the stream banks with riprap, which may alter the total of permanent impacts for some aspects of the proposed work. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Ms. Vera Jaffe of this office at 410-962-6144 or email at Vera.B.Jaffe@usace.army.mil.

The applicant proposes a conceptual plan to restore approximately 4,432 linear feet of Back Branch as onsite stream mitigation to compensate for stream-impacting activities associated with the proposed project. The proposed stream restoration to emplace 24 imbricated riprap walls with a total length of 650 linear feet; to emplace 17 coir fiber logs with a total length of 1,050 linear feet; to emplace 14 stone step pools with a total length of 280 linear feet; to emplace 5 velocity check dams with a total length of 310 linear feet; and 125 linear feet of single-boulder toe revetment, would all permanently impact approximately 2,415 linear feet of perennial stream in Back Branch, between Melwood Road and Pennsylvania Avenue in Mellwood, Prince Georges County, Maryland.

The applicant is also investigating on-site and off-site mitigation opportunities to mitigate for the proposed wetland impacts associated with the proposed project. No mitigation plans other than the proposed restoration of Back Branch have been provided at this time.

Avoidance and minimization measures were incorporated into the proposed project by minimizing the project's design to meet the project purpose. The alignment of the proposed roads is based on a Master Planned Road System and the location was established by Prince George's County Department of Public Works and Transportation. The alignment of the proposed gravity sewer infrastructure is dicatated by existing site topography and by existing off-site infrastructure that the sewer lines and other utility lines are proposed to tie into. Impacts from riprap scour pads upstream of the proposed culverts have been minimized to the maximum extent practicable and would be expected to have a beneficial impact of stabilizing the area upstream of the proposed culverts. Prior to the submittal of the permit application to the Corps, 6191 square feet of wetland impacts associated with the outfall of Pond 1 on site were avoided by pulling the proposed pond outfall out of the wetland and the applicant changed the original design of two separate entrances to the parcel to be one entrance, avoiding 2,395 square feet of wetland impacts and minimizing stream impacts from 589 linear feet to 380 linear feet. Following the submittal of the permit application to the Corps, the proposed impacts associated with Impact Area 3 were minimized by 210 square feet along 22 linear feet by reducing the proposed slope grade from 3:1 to 2:1. According to the applicant, the proposed impacts cannot be further avoided since avoidance would not allow the project purpose to be achieved.

The purpose of the project is to provide access and infrastructure for residential and commercial 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 affect Essential Fish Habitat (EFH). The project site does not lie in or adjacent to EFH as described under the MSFCMA.

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 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.

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.

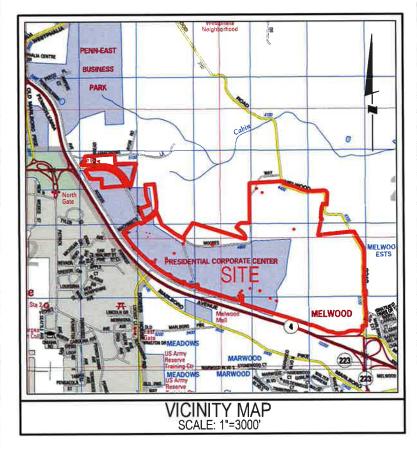
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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, 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



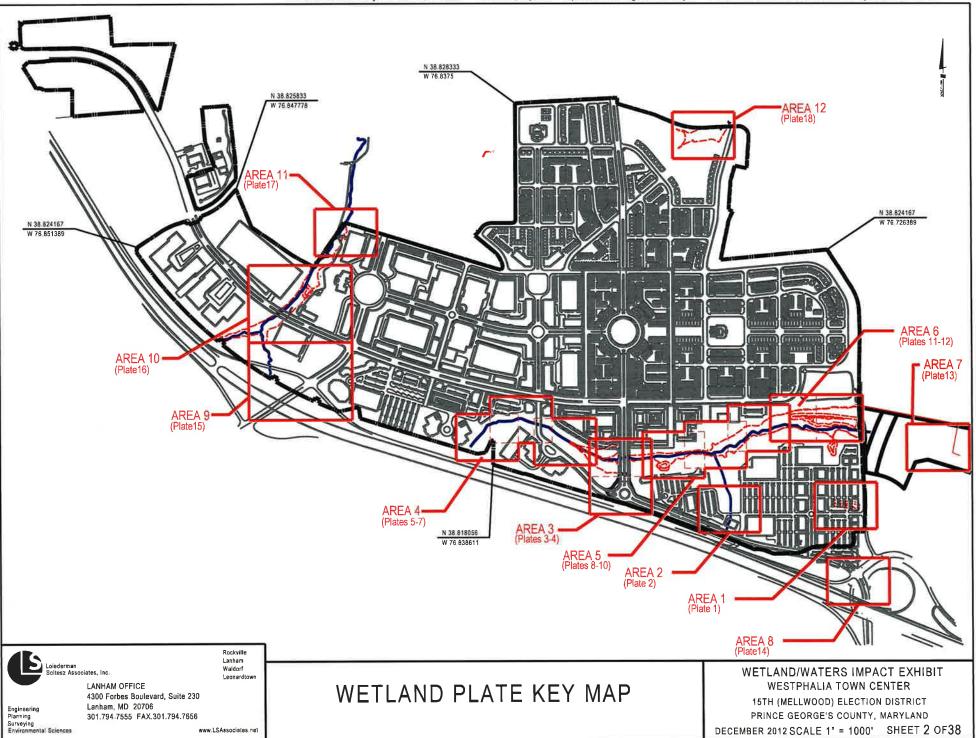
			ENVIRONME	<b>NTAL IMPAC</b>	T SUMMARY		
Plate #	Stream (LF)	(SF)	Stream (LF) MDE only	(SF)	Wetland (SF)	Wetland Buffer (SF)	Floodplain (SF
1	0	0	0	0	4,857	14,800	0
2	347	1,735	0	0	0	0	0
3	380	3,800	0	0	0	0	72,276
4	0	0	196	1,961	0	0	25,308
5	20	288	0	0	0	0	288
6	272	2,720	0	0	0	0	10,444
7	50	500	0	0	0	0	1,541
8	0	0	0	0	0	106	8,468
9	20	329	0	0	0	0	6,596
10	0	0	0	0	0	0	8,418
11	20	369	0	0	318	3,044	16,860
12	0	0	0	0	5,680	4,449	17,448
13	0	0	0	0	11,724	5,687	0
14	235	1,175	0	0	3,908	13,301	0
15	263	1,320	403	4,031	0	0	2,395
16	365	3,650	260	2,604	0	0	43,728
17	20	202	0	0	0	0	1,376
18	0	0	133	1,434	0	0	24,324
Total	1,992	16,088	992	10,030	26,487	41,387	239,470

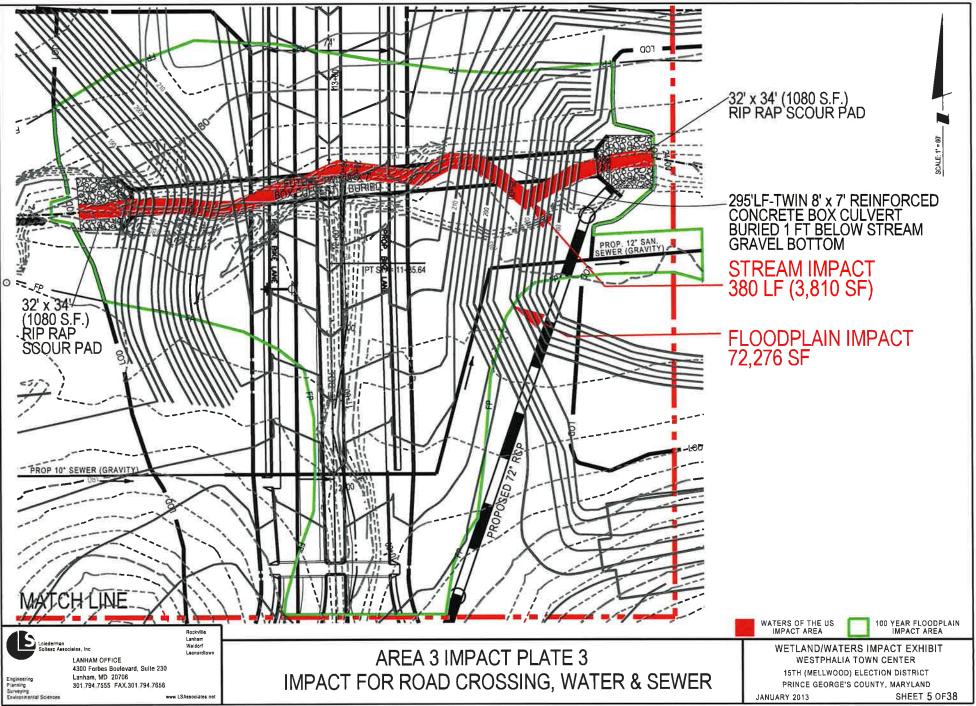
1 PERMANENT FLOODPLAIN IMPACTS: 164,105 SF +/- \* 2 PERMANENT STREAM IMPACTS: 1992 LF +/- \*\* 3 PLEASE SEE THE STREAM RESTORATION PLANS FOR ADDITIONAL IMPACTS RELATED TO STREAM RESTORATION \*THE REMAINING FLOODPLAIN IMPACTS ARE TEMPORARY IN NATURE \*\*THIS DOES NOT INCLUDE IMPACTS TO STREAMS REGULATED BY MDE ONLY

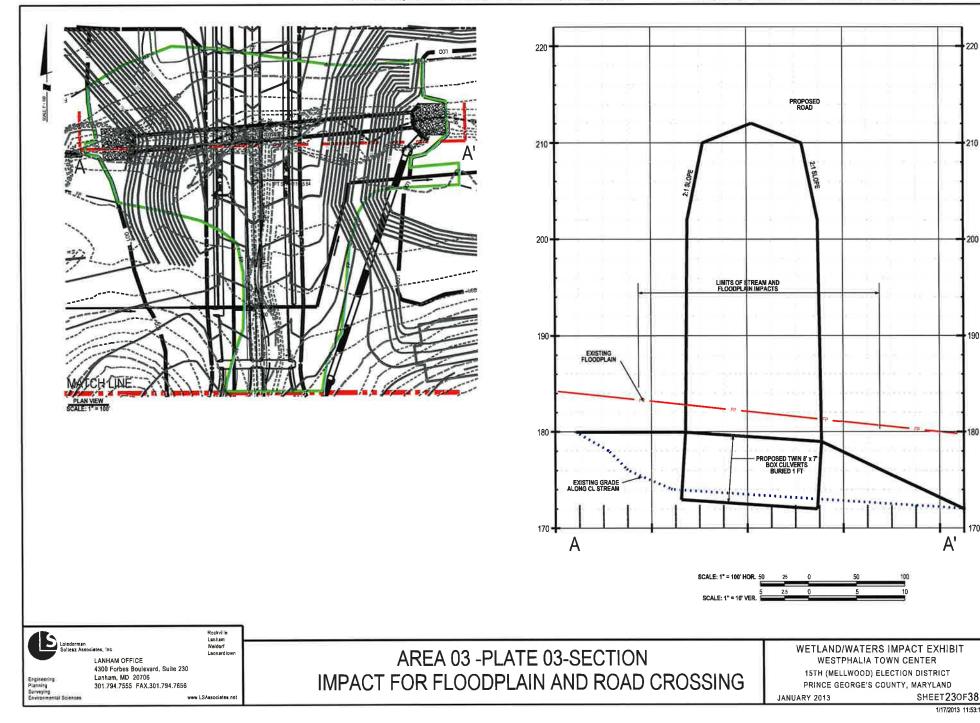


P1/9270300/EXHIBITS/Environmental Impact/WTC\_ENV\_Impact\_Cover\_01 sht Scale=60.0000 ft / in. User=dbickel PLTdr=Color ptictg Pentbl=TEXT\_SUB tol 2/25/2013 10:58:30 AM

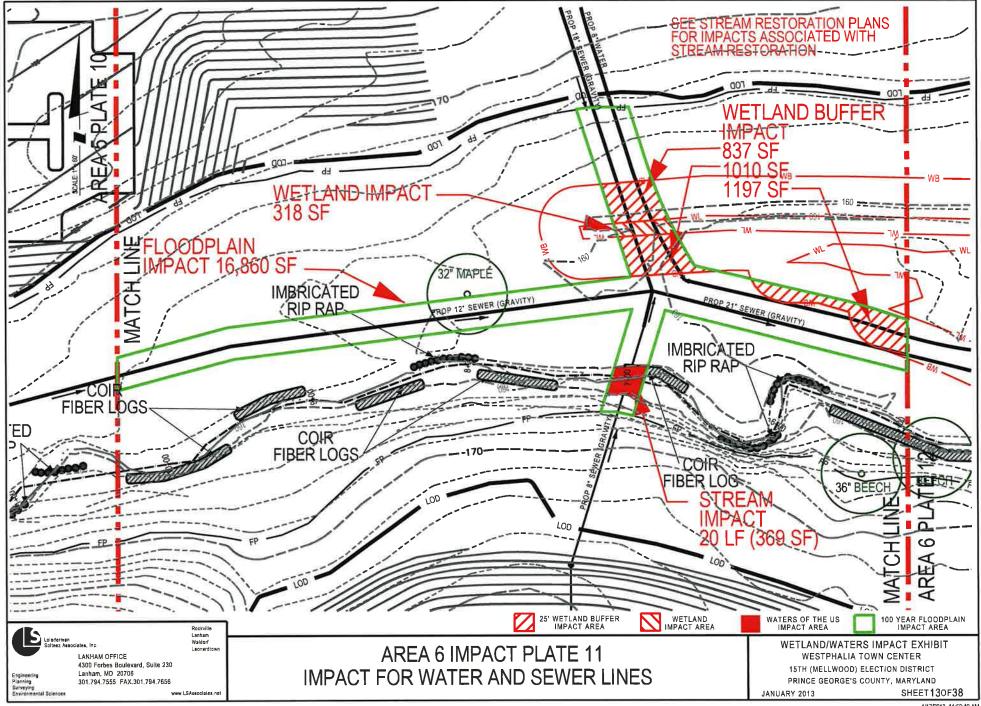
The original of this drawing document was prepared by Loiederman Soltesz Associates, Inc. (LSA). If this document was not obtained directly from LSA and/or it was transmitted electronically, LSA cannot guarantee that unauthorized changes and / or alterations were not made by others. If verification of the information contained hereon is needed, contact should be made directly with LSA. LSA makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

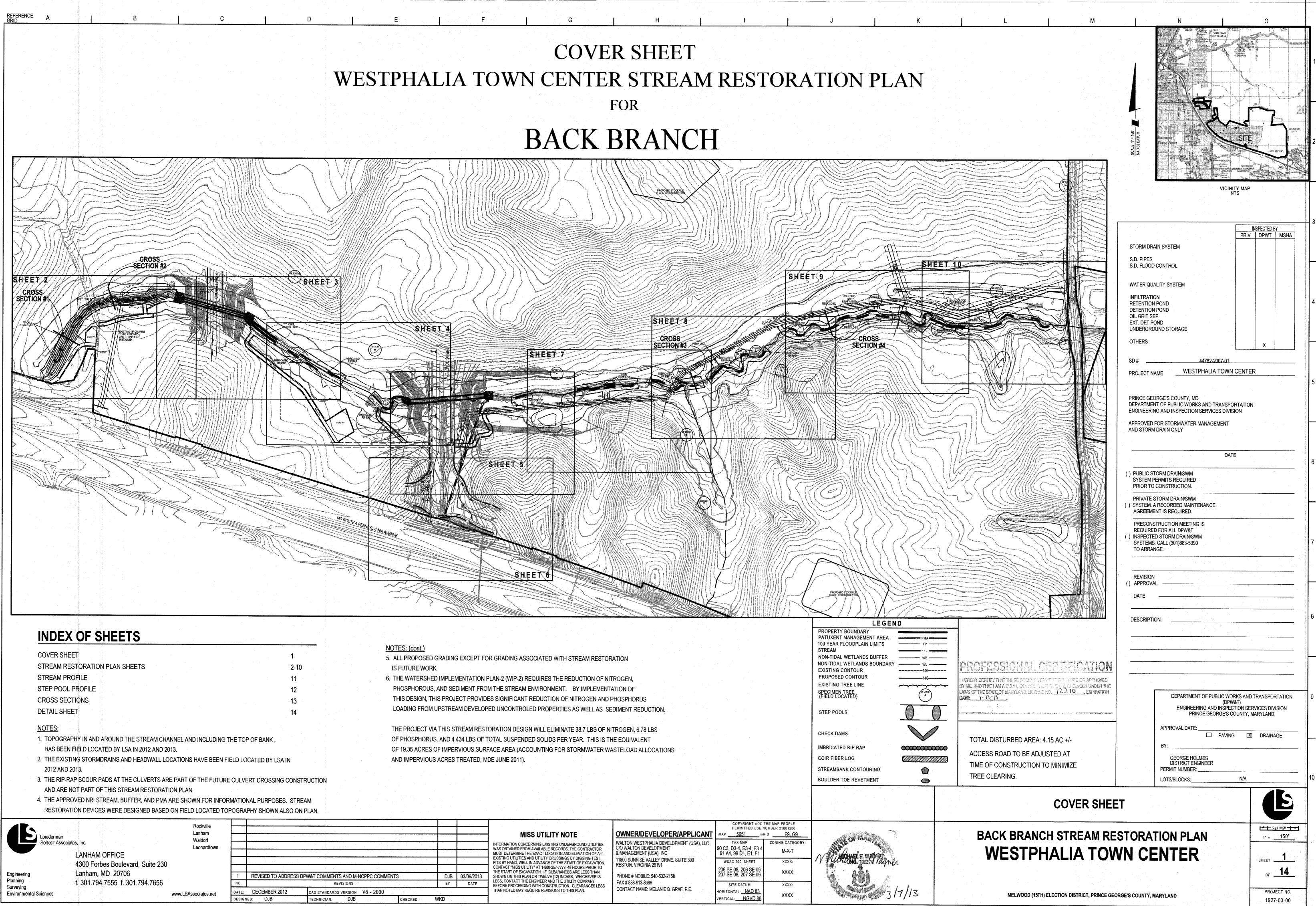






A'





			MISS UTILITY NOTE INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT 'MISS UTILITY' AT 1-800-257-7777; 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.	OWNER/DEVELOPER/APPLICANT WALTON WESTPHALIA DEVELOPMENT (USA), LLC C/O WALTON DEVELOPMENT & MANAGEMENT (USA), INC 11800 SUNRISE VALLEY DRIVE, SUITE 300 RESTON, VIRGINIA 20191	COPYRIGHT ADC THE MAP PEOPLE PERMITTED USE NUMBER 21001200   MAP 5651 GRID F9, G9   TAX MAP ZONING CATEGORY: 200 C3, D3-4, E3-4, F3-4 M-X-T   90 C3, D3-4, E3-4, F3-4 M-X-T M-X-T   WSSC 200' SHEET XXXX: 200 G5 G9 G9 G5 G0	Withthe 12 Branch	
W	DJB <sub>BY</sub> KD	03/06/2013 DATE		PHONE # MOBILE: 540-532-2158 FAX # 888-913-8686 Contact Name: Melanie B. Graf, P.E.	206 SE 08, 206 SE 09 207 SE 08, 207 SE 09 SITE DATUM HORIZONTAL: <u>NAD 83</u> VERTICAL: <u>NGVD 88</u>	XXXX XXXX: XXXX	3/

3/6/2013 11:59:31 AM