

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Numbers
**CENAB-OP-RMS (CLEMAS GROUP, LLC/ RESIDENTIAL
DEVELOPMENT) 2016-60760**

PN 16-61

Comment Period: November 17, 2016 to December 17, 2016

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: Clemas Group, LLC
Mr. Drake Cattermole
P.O. Box 102
Yorklyn, Delaware 19736

LOCATION OF THE PROPOSED WORK: Nontidal wetlands adjacent to unnamed headwater tributaries to Jenkins Creek, identified as Tax Map 302, Parcel 1028, located off Leonards Lane and Cosby Road, Cambridge, Dorchester County, Maryland.

WORK AND PURPOSE: To construct infrastructure (road extension and crossing) over a jurisdictional wetland drainage ditch, building structures and lot grading to create a 62 unit age restricted community to be served by municipal water and sewer on this existing parcel within the City of Cambridge.

The applicant proposes the following work based on conceptual drawings:

Sheet 3 of 4: To fill and grade approximately 6,718.58 square feet of forested nontidal wetlands.

Sheet 4 of 4: To fill and grade approximately 27,898.11 square feet of forested nontidal wetlands that does not include the ditch fill.

Sheet 4 of 4: To fill approximate 10-foot wide by 190-foot long jurisdictional drainage ditch for the extension of Crosby Road; to install a 53-inch by 83-inch corrugated metal pipe (CMP) for the Glenburn Avenue crossing; and to emplace a 7-foot wide by 20-foot long stone outlet protection to the northwest of the pipe. The total impact to the drainage ditch would be approximately 2,040 square feet.

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.

The applicant proposes to mitigate for unavoidable, permanent nontidal wetland impacts by purchasing 1.64 acres of forested wetland creation credits from the Maple Dam Farm Wetland Mitigation Bank and Double Bridges Mitigation Bank.

Avoidance and minimization measures were incorporated into the proposed project by minimizing the project's design to meet the project purpose. The site is zoned R-3 (high density residential) allowing 195 units; however, to the potential wetland impacts, 62 units are proposed to avoid and minimize proposed impacts to wetlands. The Glenburn Avenue extension is required by the City of Cambridge and Crosby Lane extension is to be built to facilitate proper city road design to address traffic issues. The road impacts were reduced by 7,800 square feet from the original design, reducing the linear footage of ditch impact.

The purpose of the project is to provide access and infrastructure for residential development.

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, 10 S. Howard Street, Baltimore, Maryland 21201, within the comment period specified above.

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 Non-Tidal

Wetlands Division, 1800 Washington Boulevard, Baltimore, Maryland 21230 within the comment period 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 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.

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, 10 South Howard Street, Baltimore, Maryland 21201, 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.

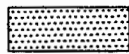

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

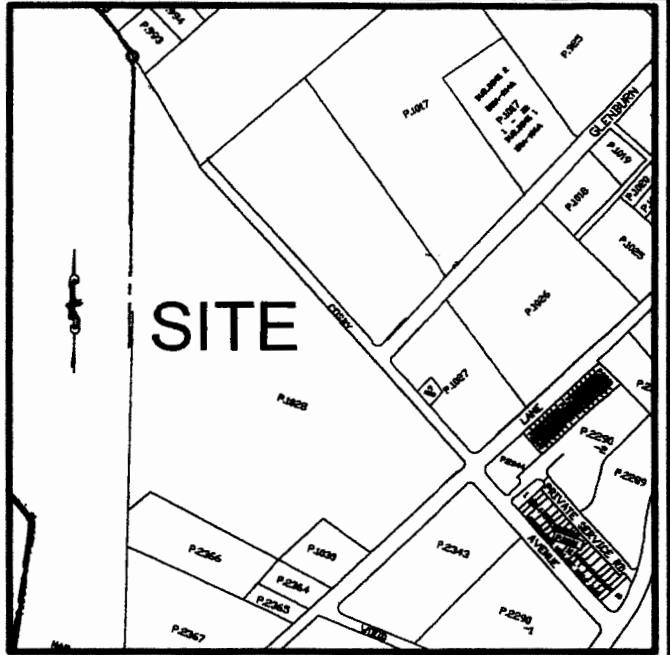
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern

LAWRENCE T. & KAREN A. MCGOWAN
500/541

LEGEND

-  NON-TIDAL WETLANDS
165,324.07 SQ.FT.
(3.79 ACRES)
-  25' NTW BUFFER
302,500.56 SQ.FT.
(6.94 ACRES)



LOCATION/ VICINITY MAP
SCALE: 1" = 600'

JOHN F. LUTHY, JR. & MARILYN LUTHY, ET AL
282/19, 311/94

CLEMAS GROUP, LLC
PARCEL 1028
MLB 654/647

COMMISSIONERS OF CAMBRIDGE
141/644

JOHN R. TIEDER, ET AL
212/538
329/950

NON-TIDAL WETLANDS (TYP.)

LUTHER R. KIAH
5/284

WISE OIL AND FUEL
89/9

FILE No. B720
SHEET No. 1 OF 4

EXISTING CONDITIONS
FOR
CLEMAS GROUP, LLC
IN THE SEVENTH ELECTION DISTRICT
DORCHESTER COUNTY, MARYLAND
TAX MAP 302 GRID 1 PARCEL 1028

DATE 8-22-05
SCALE 1"=200'
JOB NO. 040706
DRAWN BY W.BARNHART
DWG. NAME 040706NTW1
APPROVED J.S.C.

Lane Engineering, Inc.
Civil Engineers - Land Planning - Land Surveyors



E-mail: mail@leinc.com
117 Bay St. Easton, MD 21801 (410) 822-8003 FAX (410) 822-2024
15 Washington St. Cambridge, MD 21613 (410) 221-0818 FAX (410) 476-9942
114B West Water St. Centreville, MD 21617 (410) 758-2095 FAX (410) 758-4422

LAWRENCE T
& KAREN A. MCGOWAN
500/541

S31°36'44"E
87.44'

N/F
WAYNE A. JOHNSON
207/743

PROP.
SWM POND
(TYP.)

50' WIDE DRAINAGE
EASEMENT
119/375

APPROXIMATE
LOCATION OF DITCH

N/F
HAROLD J. RUFF
245/178

CUT OVER WOODS
(TYPICAL)

25' NON-TIDAL
WETLAND BUFFER (TYP.)

CLEMAS GROUP, LLC
PARCEL 1028
MLB 654/647

GLENBURN AVENUE
50' WIDE PUBLIC ROAD

JOHN F. LUTHY, JR. &
MARILYN LUTHY, ET AL
282/19, 311/94

MATCH LINE (SEE SHEET 3)

MATCH LINE (SEE SHEET 4)

COMMISSIONERS OF
CAMBRIDGE
141/644

JOHN R. TIEDER, ET AL
212/538
329/950

N00°40'20"E

150' D.F.S. BOUNDARY

NON-TIDAL WETLANDS
(TYP.)

S49°54'59"W
98.77'

N62°45'52"W

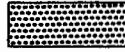
LUTHER R. KIAH
5/264

WISE OIL AND FUEL
69/9

S46°53'04"W
50.16'

LEONARDS LANE
50' WIDE PUBLIC ROAD

LEGEND



TOTAL NON-TIDAL WETLAND
DISTURBANCE= 36,100.69 SQ.FT. (0.82 AC.)



TOTAL 25' NON-TIDAL WETLAND BUFFER
DISTURBANCE= 123,481.26 SQ.FT. (2.83 AC.)

FILE NO. B720
SHEET NO. 2 OF 4

PROPOSED CONDITIONS

FOR
CLEMAS GROUP, LLC
IN THE SEVENTH ELECTION DISTRICT
DORCHESTER COUNTY, MARYLAND

TAX MAP 302 GRID 1 PARCEL 1028

DATE
8-22-05

SCALE
1"=200'

JOB NO.
040706

DRAWN BY
W.BARNHART

DWG. NAME
040706NTW1

APPROVED
J.S.C.

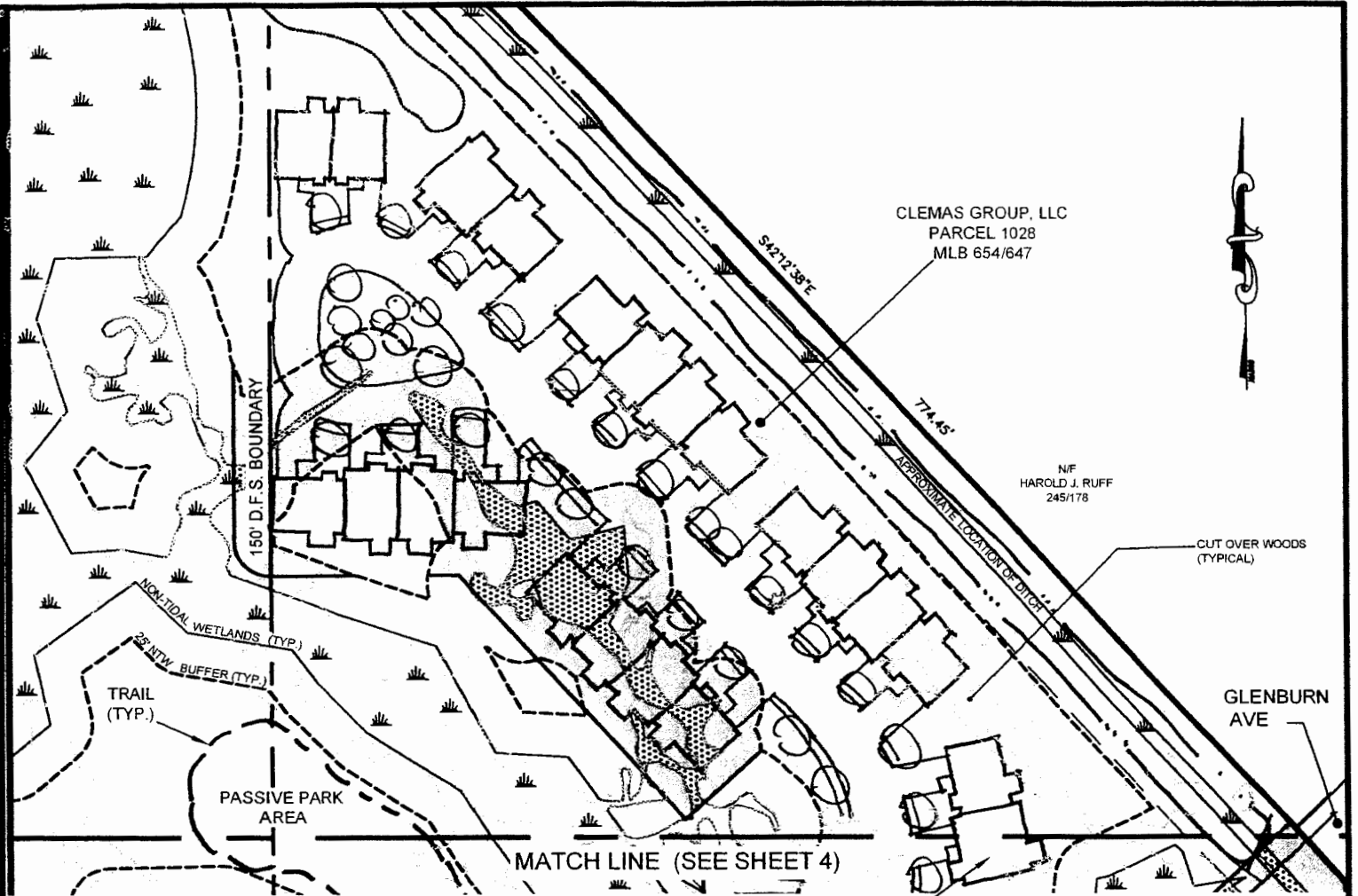
Lane Engineering, Inc.

Civil Engineers - Land Planning - Land Surveyors



E-mail: mail@leinc.com

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1148 West Water St. Centerville, MD 21617 (410) 758-2095 FAX (410) 758-4422



CLEMAS GROUP, LLC
 PARCEL 1028
 MLB 654/647

N/F
 HAROLD J. RUFF
 245/178


CUT OVER WOODS
 (TYPICAL)

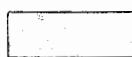
GLENBURN
 AVE

MATCH LINE (SEE SHEET 4)

PROP.
 DWELLING
 (TYP.)

LEGEND

 NON-TIDAL WETLAND DISTURBANCE 6,718.58 SQ.FT.
 (0.15 ACRES) (THIS SHEET ONLY)

 25' NTW BUFFER DISTURBANCE 23,796.19 SQ.FT.
 (0.55 ACRES) (THIS SHEET ONLY)

FILE No. B720
 SHEET No. 3 OF 4

PROPOSED CONDITIONS

FOR
CLEMAS GROUP, LLC
 IN THE SEVENTH ELECTION DISTRICT

DORCHESTER COUNTY, MARYLAND

TAX MAP 302 GRID 1 PARCEL 1028

DATE
 8-22-05

SCALE
 1"=100'

JOB NO.
 040706

DRAWN BY
 W.BARNHART

DWG. NAME
 040706NTW1

APPROVED
 J.S.C.

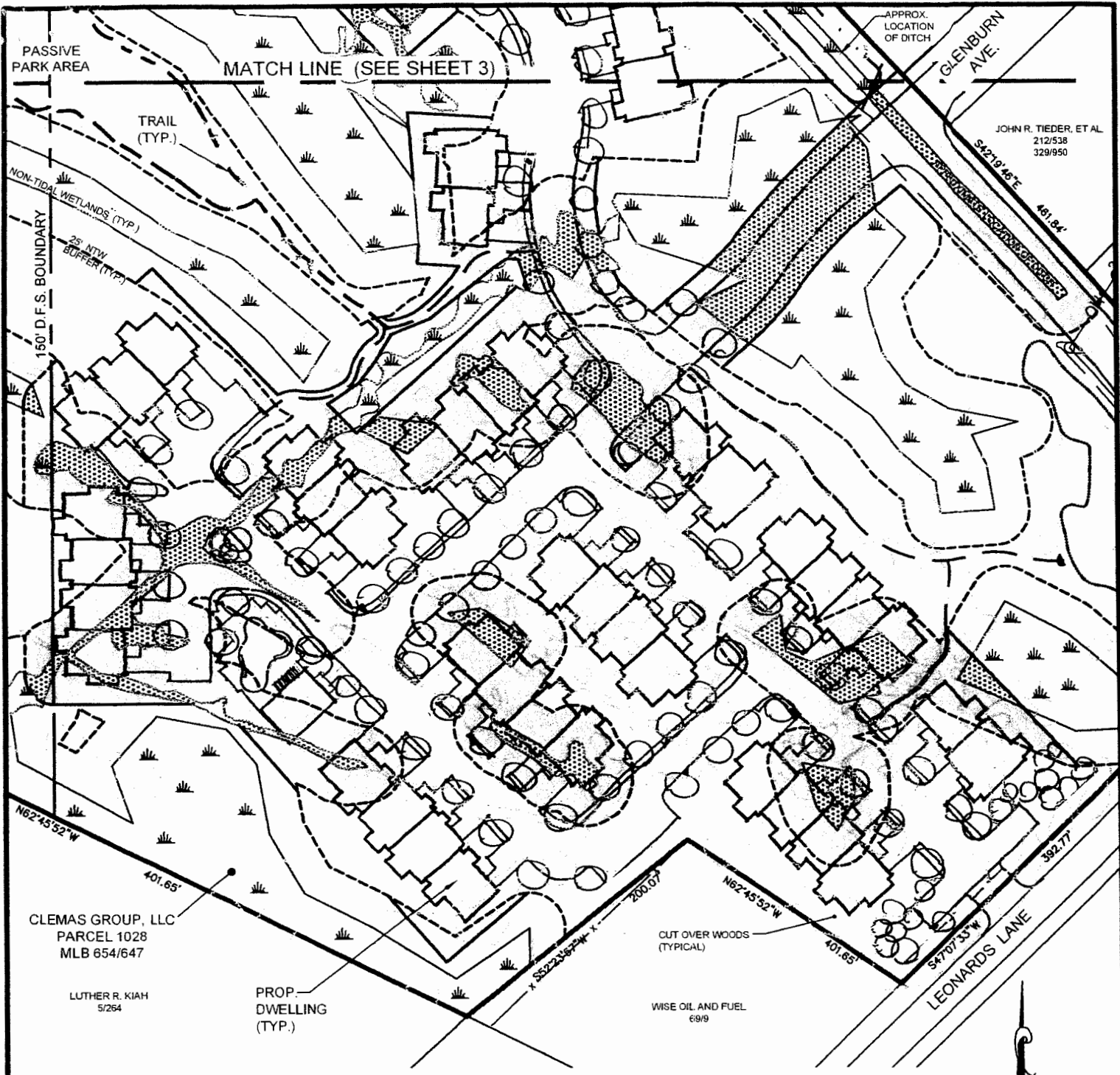
Lane Engineering, Inc.

Civil Engineers - Land Planning - Land Surveyors

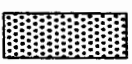



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LEGEND

| | |
|---|---|
|  | NON-TIDAL WETLAND DISTURBANCE 29,938.11 SQ.FT. (0.67 ACRES) (THIS SHEET ONLY) |
|  | 25' NTW BUFFER DISTURBANCE 99,685.07 SQ.FT. (2.28 ACRES) (THIS SHEET ONLY) |

FILE No. B720
SHEET No. 4 OF 4

PROPOSED CONDITIONS
FOR
CLEMAS GROUP, LLC
IN THE SEVENTH ELECTION DISTRICT
DORCHESTER COUNTY, MARYLAND
TAX MAP 302 GRID 1 PARCEL 1028

DATE 8-22-05
SCALE 1"=100'
JOB NO. 040706
DRAWN BY W.BARNHART
DWG. NAME 040706NTWI
APPROVED J.S.P.

Lane Engineering, Inc.
Civil Engineers - Land Planning - Land Surveyors



E-mail: mail @ lsinc.com
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