

U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Numbers
CENAB-OP-RMS (BEN NGUYEN/FILL/POULTRY HOUSES)
2015-61691

PN 17-37

Comment Period: August 1, 2017 to August 21, 2017

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: Ben Nguyen
7735 Snow Hill Road
Salisbury, Maryland 21804

LOCATION OF THE PROPOSED WORK: In nontidal farmed wetlands adjacent to unnamed tributaries to Pusey Branch, at a property identified as Tax Map 36, Parcel 81 on Snow Hill Road and Maryland Route 12 at Snow Hill, Worcester County, Maryland.

WORK AND PURPOSE: The applicant proposes to permanently fill approximately 1.35 acres of farmed nontidal wetlands to construct six 67-foot wide by 671-foot long poultry houses, stormwater management facilities, concrete loading pads and access driveways. All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Jason Peters at 410-820-8550.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable. The proposed project was oriented in the center of the project area in order to meet the required zoning and setbacks. The project avoids as much as the farmed wetland areas as possible and avoided all of the forested wetlands on site to meet the project's desired goals. The entire site is 50 acres and the limit of disturbance encompasses approximately 31.57 acres.

Compensatory mitigation is proposed on-site by creating 2.03 acres of wetlands by grading and lowering the elevation of an existing agricultural field area and planting the site with a Mid Atlantic FACW meadow mix and planting FACW trees 3 feet bare root along the easterly edge of the mitigation area.

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, Department of the Army, Baltimore District Corps of Engineers, Attn: Regulatory Branch, 10 S. Howard Street, Baltimore, Maryland 21201, 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 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 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, Department of the Army, Baltimore District Corps of Engineers, Attn: Regulatory Branch, 10 S. 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 know by you to be interested and not being known to this office, who did not receive a copy of this notice.

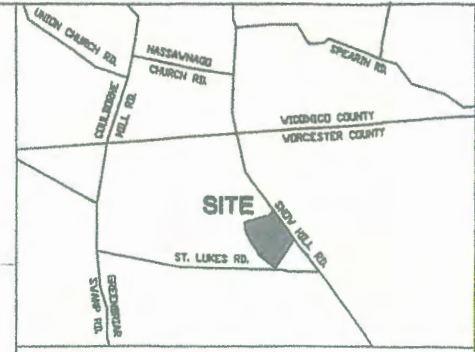
FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern

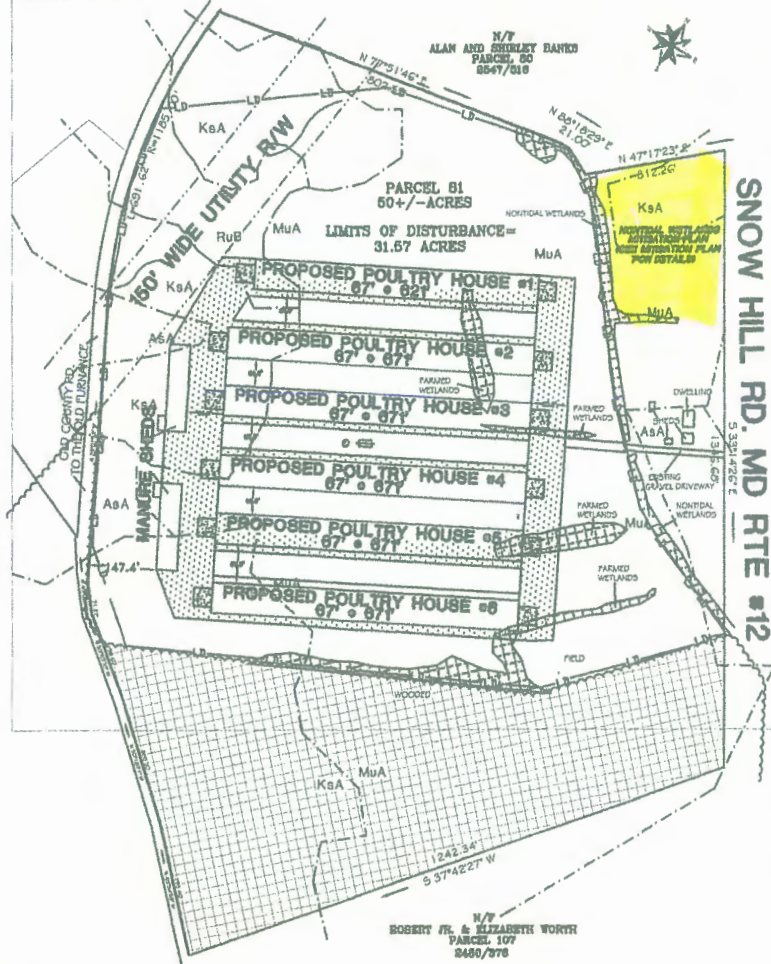
GENERAL NOTES

- WORCESTER COUNTY TAX MAP NO.36, GRID 10, P. 01
7735 SNOW HILL RD, SALISBURY MD 21801
- ZONED: A-1
SETBACKS FOR POULTRY HOUSES:
FRONT - 30'
REAR - 20'
- DEED REF: S134/444
- PLAT REF: N/A
- SEVENTH TAX DISTRICT
- BASED ON PROTRACTION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 240063 0075A, DATED FEBRUARY 15, 1979, THIS SITE IS LOCATED FLOOD ZONE "C"
- OWNER INFORMATION:
MILDRED PUSEY, LLC, BERNARD BEAL AND RACHEL BEAL
PO BOX 190
SELBYVILLE, DE 19975
- CONTRACT PURCHASER/DEVELOPER
BEN NGUYEN
821 SOUTH SALISBURY BLVD
SALISBURY, MD 21801
443-660-0939
- THIS PROPERTY IS NOT WITHIN THE CHESAPEAKE BAY OR ATLANTIC BAYS CRITICAL AREA
- LIMITS OF DISTURBANCE = 34.5 ACRES
- THE AREA WITHIN THE LIMITS OF DISTURBANCE IS CURRENTLY AN AGRICULTURAL FIELD
- IMPERVIOUS AREA CREATED PER THIS SITE PLAN = 11.4 ACRES
- NO TITLE SEARCH WAS PROVIDED. THIS SITE PLAN DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF ANY EASEMENTS, RIGHT OF WAYS OR OTHER ENCUMBRANCES TO THIS PROPERTY.
- THERE ARE NO DWELLINGS ON ADJACENT PROPERTIES WITHIN 200' OF THE PROPOSED POULTRY HOUSES OR PROPOSED MANURE SHEDS.
- IN ACCORDANCE WITH THE NATURAL RESOURCES SECTION NR 1-4030(h)(4), OF THE WORCESTER COUNTY CODE OF PUBLIC LOCAL LAWS, THE FOREST CONSERVATION LAW DOES NOT APPLY TO AGRICULTURAL ACTIVITIES NOT RESULTING IN A CHANGE IN LAND USE CATEGORY, INCLUDING AGRICULTURAL SUPPORT BUILDINGS AND OTHER RELATED STRUCTURES PROVIDED THEY ARE BUILT USING ACCEPTED BEST MANAGEMENT PRACTICES. A DECLARATION OF INTENT AGRICULTURAL EXEMPTION MUST BE COMPLETED IF THE PROJECTS RESULT IN FOREST CLEARING THAT EXCEEDS 40,000SQ.FT. OF DISTURBANCE. IN ADDITION THE FARMING OR AGRICULTURAL ACTIVITIES MUST REMAIN ACTIVE FOR A MINIMUM OF FIVE YEARS PAST THE APPROVAL DATE.

SHEET 1 - COVER SHEET
SHEET 2 - GRADING AND SEDIMENT EROSION CONTROL
SHEET 3 - OUTFALL DETAILS
SHEET 4 - SEDIMENT/EROSION NOTES AND TYPICAL CROSS SECTIONS
SHEET 5 - MULCHING AND SEEDING DETAILS



SHEET 2



MITIGATION AREA

SHEET 2

LEGEND

- IRON ROD W/ CAP PLACED
- IRON ROD W/ CAP MISSING
- UTILITY LINE
- EDGE OF VOIDS
- WETLANDS AS PLACED BY COASTAL COMPLIANCE DELINEATION AND VERIFIED BY USE AND ARMY CORP OF ENGINEERS
- NATURAL WETLANDS AS EXTRACTED FROM RVE MAP
- UTILITY RIGHT OF WAY
- NATURAL WETLANDS (AS EXTRACTED FROM RORDELINETS)
- LIMITS OF DISTURBANCE
- SOILS DIVISION LINE (AS EXTRACTED FROM VES SOIL SURVEY)
- Soil Symbol

PROFESSIONAL CERTIFICATION, I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 29739, EXP. DATE 07-05-16

TO THE BEST OF MY KNOWLEDGE, THIS PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL LAWS, REGULATIONS, AND STANDARDS. THE 2011 MD STANDARDS AND SPECIFICATIONS FOR SEDIMENT AND EROSION CONTROL SHALL SUPERCEDE THIS PLAN IF ANY DISCREPANCIES ARISE.

HAYMAN ANDREW NOBLE, PROFESSIONAL ENGINEER DATE

THIS SITE PLAN IS TO OBTAIN SEDIMENT/EROSION CONTROL, GRADING, AND STORMWATER PERMITS. IT DOES NOT GUARANTEE OR IMPLY THAT A CAYO PERMIT OR ANY OTHER PERMIT/APPLICATION REQUIRED FOR THE PLACEMENT AND/OR PRODUCTION OF POULTRY HAS BEEN OR CAN BE OBTAINED.

OWNER'S CERTIFICATION

- ALL PHASES OF STORMWATER MANAGEMENT CALCULATIONS, STRUCTURE DESIGN AND CONSTRUCTION WILL ADHERE TO CURRENT MARYLAND STANDARDS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT AND THE STORMWATER MANAGEMENT PLAN FOR THIS SITE.
- ALL INFORMATION SET FORTH IN THIS PLAN ACCURATELY CONVEYS THIS SITE'S CONDITIONS TO THE BEST OF MY KNOWLEDGE.
- ALL STRUCTURAL DEVICES FOR STORMWATER MANAGEMENT WILL BE PROTECTED BY PROPER SOIL EROSION AND SEDIMENT CONTROL DEVICES UNTIL ALL CONTRIBUTING AREAS HAVE PASSED FINAL STABILIZATION INSPECTION.

UPON COMPLETION OF THIS PROJECT, AN AS-CONSTRUCTED SURVEY, NOTICE OF CONSTRUCTION COMPLETION RECORD AND LETTER OF CERTIFICATION MUST BE SUBMITTED TO THE DEPARTMENT, EXCEPT INDIVIDUAL FAMILY DWELLINGS. ONCE REVIEW IS COMPLETE AND APPROVED, A CERTIFICATE OF OCCUPANCY CAN BE ISSUED.

THE OWNER/APPLICANT AGREES THAT ANY CLEARING, GRADING, CONSTRUCTION, OR DEVELOPMENT WILL BE DONE PURSUANT TO THE APPROVED EROSION AND SEDIMENT CONTROL PLAN, INCLUDING INSPECTING AND MAINTAINING CONTROLS, AND THAT THE RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF TRAINING AT MARYLAND DEPARTMENT OF ENVIRONMENT (MDE) APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT PRIOR TO BEGINNING THE PROJECT. THE OWNER/APPLICANT SHALL CERTIFY RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE APPROPRIATE ENFORCEMENT AUTHORITY AND/OR MDE.

- OWNER/APPLICANT MUST CONTACT THE APPROPRIATE ENFORCEMENT AUTHORITY OR ITS AGENT AT THE FOLLOWING STAGES OF THE PROJECT OR:
- PRIOR TO THE START OF EARTH DISTURBANCE;
 - UPON COMPLETION OF THE INSTALLATION OF PERMITS EROSION AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY OTHER DISTURBANCE;
 - PRIOR TO THE START OF ANOTHER PHASE OF CONSTRUCTION OR OPENING OF ANOTHER GRADING UNIT;
 - PRIOR TO THE REMOVAL OF SEDIMENT CONTROL PRACTICES.

I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO ADHERE TO ALL LOCAL, STATE, AND FEDERAL REGULATIONS.

DISCLAIMER:
THIS PROPERTY CONTAINS SOILS WITH HYDRIC PROPERTIES, WHICH MAY INDICATE THE PRESENCE OF NON-TIDAL WETLANDS. APPLICANT MUST MEET ALL STATE AND FEDERAL REQUIREMENTS FOR WETLANDS UNDER COMAR 08.09.01.01, THE FEDERAL REQUIREMENTS FOR WATER POLLUTION CONTROL ACT, SEC. 404 OR THE NAVY AND MARCOES ACT, SEC. 10.

Except as specifically stated or shown on this plan, this Site Plan does not purport to reflect any of the following which may be applicable to the subject real estate: easements; right of ways; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations, and any other facts that an accurate and current title search may disclose. No title search was provided for this site plan. No title guarantee is intended or implied by this site plan. This does not constitute a boundary survey.

ONSITE SOILS CHART

SOIL SYMBOL	SOIL NAME	HYDROLOGIC SOIL GROUP	HYDRIC RATING	SLOPE
KaA	KLEJ LOAMY SAND	'A/D'	10	0 TO 2 %
AaA	CEDARTOWN-ROSEDALE	'A/D'	90	0 TO 2 %
RuB	RUNCLINT LOAMY SAND	'A'	8	2 TO 5 %
MuA	MULLICA-BERRYLAND CAP	'A/D'	5	2 TO 8 %



**PRELIMINARY SITE PLAN
LANDS OF
BERNARD AND RACHEL BEAL**

COVER SHEET

SCALE 1" = 200'	SURVEYED HAN	JOB NO. HWY058/SH09
DATE 4/23/15	DRAWN NAN	FIELD BOOK X PAGE X
REVISED 8/15/15	CAD FILE PRELIMINARY	SHEET 1 OF 5

WILKINS-NOBLE LLC
CIVIL ENGINEERING AND LAND SURVEYING

11785 SOMERSET AVE PRINCESS ANNE, MD 21853 PHONE: 410-821-0321 FAX: 410-821-0320

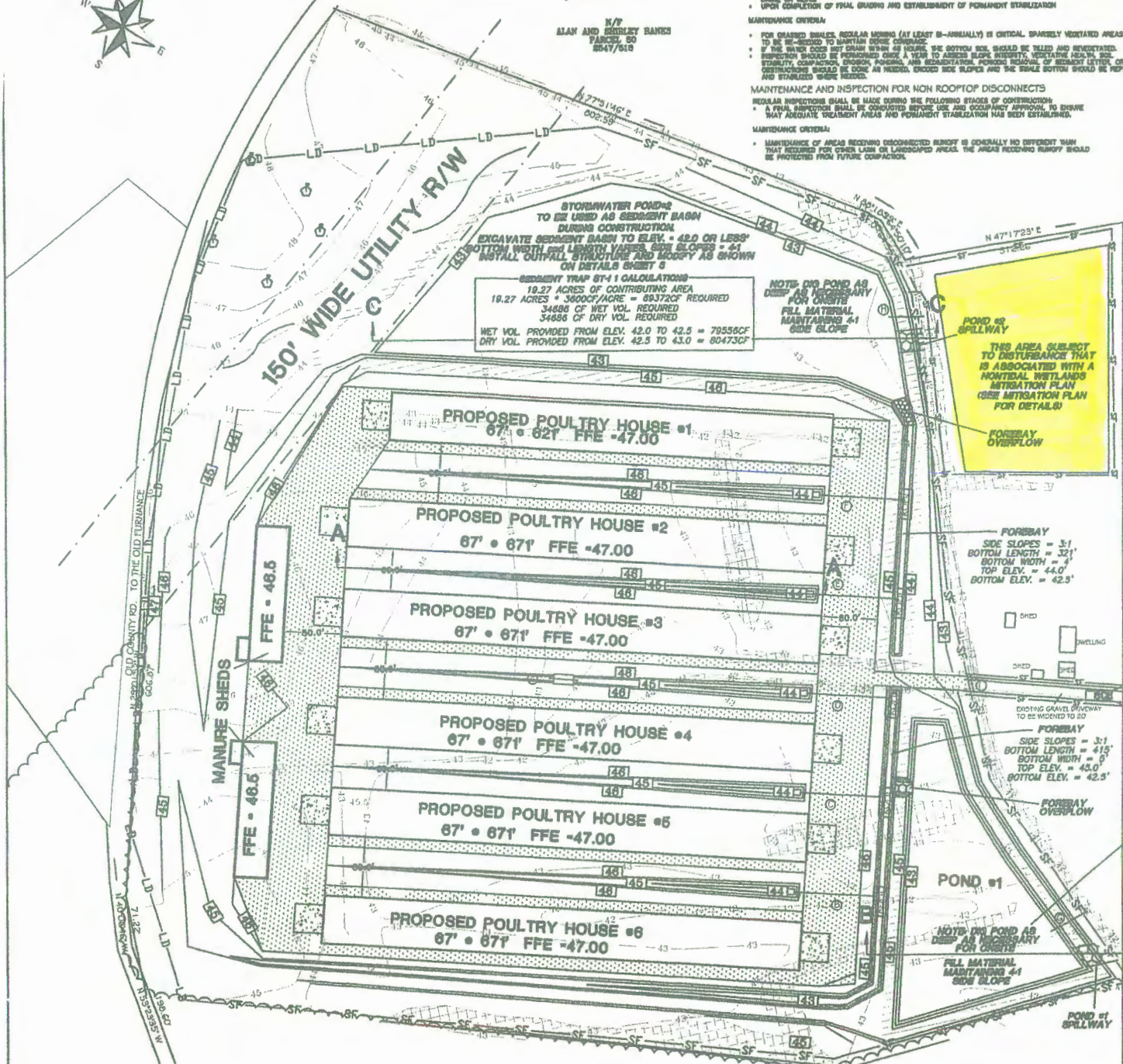


MITIGATION AREA

N/P ALAN AND RACHEL BEAL PARCELS 50 0847/010

- MAINTENANCE AND INSPECTION FOR GRASS SWALES AND POND**
 REGULAR INSPECTIONS SHALL BE MADE DURING THE FOLLOWING STAGES OF CONSTRUCTION:
- DURING PLACEMENT AND BACKFILL OF UNDERDRAINS AND THE INSTALLATION OF DRAINFANS, FOREBAYS, CHECK DAMS, OR WEIRS
 - UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION
- MAINTENANCE CRITERIA:**
- FOR GRASS SWALES, REGULAR MOWING (AT LEAST BI-MONTHLY) IS CRITICAL. SPARSELY VEGETATED AREAS NEED TO BE RE-SEED TO MAINTAIN COVER.
 - IF THE WATER DOES NOT DRAIN BEHIND A CHECK DAM, THE BOTTOM SOIL SHOULD BE BELLED AND REVEALED.
 - WEIRWAYS SHOULD BE MAINTAINED ONCE A YEAR TO ADDRESS SLOPE INSTABILITY, VEGETATIVE HEALTH, SOIL STABILITY, COMPACTED, DRIFTING, OR OTHER MAINTENANCE REQUIREMENTS. FORMS OF SEDIMENT TRAPS OR DRAINAGE STRUCTURES SHALL BE DESIGNED AS NECESSARY TO PROTECT THE SWALES AND THE SOILS THEY SHOULD BE PREPARED AND STABILIZED WHERE NEEDED.
- MAINTENANCE AND INSPECTION FOR NON ROOFTOP DISCONNECTS**
 REGULAR INSPECTIONS SHALL BE MADE DURING THE FOLLOWING STAGES OF CONSTRUCTION:
- A FINAL INSPECTION SHALL BE CONDUCTED BEFORE USE AND OCCUPANT APPROVAL TO ENSURE THAT ADEQUATE TREATMENT AREAS AND PERMANENT STABILIZATION HAS BEEN ESTABLISHED.
- MAINTENANCE CRITERIA:**
- MAINTENANCE OF AREAS RECEIVING DISCONNECTED RUNOFF IS GENERALLY NO DIFFERENT THAN THAT REQUIRED FOR OTHER LAWN OR LANDSCAPED AREAS. THE AREAS RECEIVING RUNOFF SHOULD BE PROTECTED FROM FUTURE COMPACTORS.

- SEQUENCE OF CONSTRUCTION:**
- NOTIFY M.D.E. 410-901-4020 AND WORCESTER COUNTY DEPARTMENT OF ENVIRONMENTAL PROGRAMS AT 410-632-1220 TO REQUEST A PRECONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO COMMENCING ANY SITE WORK. FAILURE TO DO SO MAY RESULT IN AN IMMEDIATE "STOP WORK ORDER."
 - INSTALL SILT FENCE AS SHOWN ON PLANS.
 - EXCAVATE STORMWATER POND AND FOREBAY (TO BE USED AS SEDIMENT TRAP). STABILIZE THE EMBANKMENT AND INTERIOR SLOPES WITH SEED AND MULCH.
 - INSTALL OUTFALL STRUCTURES (6" PIPES AND SPILLWAYS). MODIFY THE 6" PIPE AS SHOWN ON DETAIL SHEET 2 (TO BE USED AS DRAWDOWN DEVICE DURING CONSTRUCTION)
 - CONSTRUCT STORMWATER MANAGEMENT PRACTICES AS SHOWN. INSTALL ALL STORMWATER PIPING AND STRUCTURES IN A DOWNSTREAM TO UPSTREAM MANNER. STABILIZE SWALES WITH SEED AND SOIL STABILIZATION MATTING.
 - PLACE SELECT FILL AS REQUIRED.
 - INSTALL SPLASH STRIPS (6" DEEP) IMMEDIATELY AFTER FOUNDATION WALLS ARE FINISHED.
 - CONSTRUCT ALL BUILDING IMPROVEMENTS AND CONCRETE PADS
 - STABILIZE DRIVEWAY AREAS
 - INSTALL FOREBAY OVERFLOW.
 - FINE GRADE DRIVEWAY AREAS.
 - PLACE TOP SOIL IN LAWN AREAS AS NECESSARY.
 - UPON FINAL GRADING AND SEEDING, AFTER THE APPROVAL OF INSPECTION AUTHORITY, REMOVE ANY REMAINING SEDIMENT AND EROSION CONTROL DEVICES, GRADE, AND SEED UPON REMOVAL. REMOVE THE DRAWDOWN DEVICE FROM THE OUTFALL STRUCTURE AND INSTALL 8" NYLOPLAST STANDARD GRATE.



LEGEND

- WELL
- UTILITY LINE
- EDGE OF WOODS
- SF SILT FENCE/LINE OF DISTURBANCE
- LB LINE OF DISTURBANCE
- WETLANDS
- UTILITY RIGHT OF WAY
- DOTTED GRAVEL DRIVEWAY
- DOTTED PROPOSED STORMWATER EASMENT
- DOTTED HORIZONTAL WETLANDS
- DOTTED VERTICAL WETLANDS
- CROSSING CONTOUR
- PROPOSED CONTOUR
- ROP RAP OUTLET PROTECTION
- PIPE DESIGNATION
- STABILIZED CONSTRUCTION ENTRANCE

PIPE SCHEDULE

DESIGNATION	LENGTH	DIAMETER	R.V. IN	INVERT OUT	MATERIAL
A	60'	12"	44.41'	44.31'	HDPE
B	120'	18"	43.00'	43.00'	HDPE
C	120'	18"	43.00'	43.00'	HDPE
D	120'	18"	43.00'	43.00'	HDPE
E	120'	18"	43.00'	43.00'	HDPE
F	60'	8"	43.00'	43.00'	RSP
G	60'	8"	43.00'	43.00'	RSP
H	60'	8"	43.00'	43.24'	RSP
I EXISTING	24'	24"	40.25'	40.01'	RSP
J EXISTING	-	24"	40.49'	-	RSP

STORMWATER POND #1 TO BE USED AS SEDIMENT BASIN DURING CONSTRUCTION
 EXCAVATE SEDIMENT BASIN TO ELEV. -42' (OR LOWER)
 BOTTOM WIDTH VARIES
 BOTTOM LENGTH VARIES
 SIDE SLOPES = 4:1
 INSTALL OUTFALL STRUCTURES AND MODIFY AS SHOWN ON DETAILS SHEET 3

SEDIMENT TRAP 0T-1 CALCULATIONS
 13.05 ACRES OF CONTRIBUTING AREA
 13.05 ACRES * 3600CF/ACRE = 47140 CF REQUIRED
 24370 CF NET VOL. REQUIRED
 24370 CF DRY VOL. REQUIRED
 WET VOL. PROVIDED FROM ELEV. 42.0 TO 42.5 = 25319CF
 DRY VOL. PROVIDED FROM ELEV. 42.5 TO 43.0 = 26422CF

FOREBAY
 SIDE SLOPES = 3:1
 BOTTOM LENGTH = 419'
 BOTTOM WIDTH = 6'
 TOP ELEV. = 43.0'
 BOTTOM ELEV. = 42.5'

FOREBAY OVERFLOW

POND #1
 NOTES ON POND #1
 DEEP AS NECESSARY FOR OVERSILT
 FILL MATERIAL MAINTAINING 4:1 SIDE SLOPE

POND #1 SPILLWAY

0' 100' 200' 300'

SITE PLAN LANDS OF BERNARD AND RACHEL BEAL

DETAILS SHEET

SCALE 1" = 100'

DATE 03/20/15 DRAWN NAN JOB NO. NGUYEN, BEN/ SNOW

REVISED 6/15/15 CAD FILE PRELIMINARY SHEET 2 OF 8 FIELD BOOK X PAGE X

WILKINS-NOBLE LLC
 LAND SURVEYING

11755 SOMERSET AVE. PHONE: 410-821-0321
 PRINCESS ANNE, MD 21853 FAX: 410-821-0320

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