

U.S. Army Corps of Engineers Baltimore District

### **Public Notice**

In Reply to Application Number:
NAB-2016-61828-M04 (MCS Edgemere LLC/Shaw's
Discovery/Residential Development)

PN-18-07

Comment Period: February 1, 2018 to February 16, 2018

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 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. Mark Sapperstein

MCS Edgemere LLC 28 Walker Avenue

Pikesville, Maryland 21208

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** In Back River and adjacent nontidal wetlands, at 2901 Bauers Farm Road, Edgemere, Baltimore County, Maryland.

**PURPOSE:** The proposed work is associated with the construction of a planned residential development for the purpose of providing the basic development infrastructure (interior road, stormwater management, and shoreline stabilization).

PROPOSED WORK: Included as part of this residential project is approximately 2,766 linear feet of tidal shoreline restoration to replace the existing failing bulkheads. A stone revetment is to be constructed in three reaches. REACH A, starting at the western end, is 726 linear feet of stone revetment with a maximum channelward extension of 26 feet, 25 linear feet of stone sill with a maximum channelward extension of 30 feet, and 21 cubic yards/1,124 sq. ft. sand fill for beach replenishment. The total area of stone fill for REACH A is 17,160 sq. ft. REACH B is 700 linear feet of stone revetment with a maximum channelward extension of 17 feet, and a 38-foot long land containment groin with a maximum channelward extension of 23 feet, and 5 cubic yards/273 sq. ft. of sand fill for beach replenishment. The total area of stone fill for REACH B is 13,977 sq. ft. REACH C is 1,340 linear feet of stone revetment with a maximum channelward extension of 36 feet. The total area of stone fill for REACH C is 26,122 sq. ft.

Proposed nontidal impacts include (IMPACT AREA 1) 9,650 sq. ft. of emergent

wetland (permanent) for the widening of Bauers Farm Road; (IMPACT AREA 4) 5,295 sq. ft. of forested wetland (permanent) for the alignment of the Bauers Farm Road loop and construction of an associated stormwater management (SWM) level spreader; (IMPACT AREA 4A) 191 sq. ft. of emergent wetlands (temporary) for a construction access road that runs parallel to the shoreline; (IMPACT AREA 5) 605 sq. ft. of forested wetland (permanent) for grading of a roadway connection and along a proposed SWM facility; (IMPACT AREA 6) 4,950 sq. ft. of forested wetland (permanent) for grading of the road connection to Bauers Farm Road; and (IMPACT AREA 7) 1,014 sq. ft. of forested wetland (permanent) for improvements along North Point Boulevard shoulder.

The proposed project has been designed to avoid and minimize impacts to waters of the U.S. to the maximum extent practicable. For those unavoidable impacts, the applicant proposes mitigation to compensate for 11,864 sq. ft. of permanently impacted palustrine, forested (PFO) wetlands and 9,650 sq. ft. of permanently impacted palustrine, emergent (PEM) wetlands. The mitigation site, is proposed to be located on the Celmer Farm property off of Mitchell Drive in the Back River section of Baltimore County, Maryland, and is within an active agricultural field and adjacent to existing tidal wetlands. Both the project development property and the proposed mitigation site are located within the Back River watershed. The permanent loss of PFO wetlands will be replaced with the creation of 23,890 square feet of PFO wetlands (at the minimum required 2:1 ratio for forest wetlands), and the permanent loss of PEM wetlands will be replaced with the creation of 9,650 square feet of PEM wetlands (at the minimum required 1:1 ratio for emergent wetlands) for the creation of a 33,540 square foot forested/emergent wetland complex.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter or wish to provide comments, please contact the project manager, Ms. Abbie Hopkins, by phone at 410.962.6080, by e-mail at <a href="mailto:abbie.hopkins@usace.army.mil">abbie.hopkins@usace.army.mil</a>, or by mail to Ms. Hopkins' at Department of the Army; Baltimore District, Corps of Engineers; ATTN: Regulatory Branch; 2 Hopkins Plaza; Baltimore, MD 21201.

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: Ms. Abbie Hopkins, Regulatory Branch, CENAB-OPR; 2 Hopkins Plaza; Baltimore, MD 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 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.

COASTAL ZONE MANAGEMENT PROGRAMS: Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months 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 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.

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).

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.

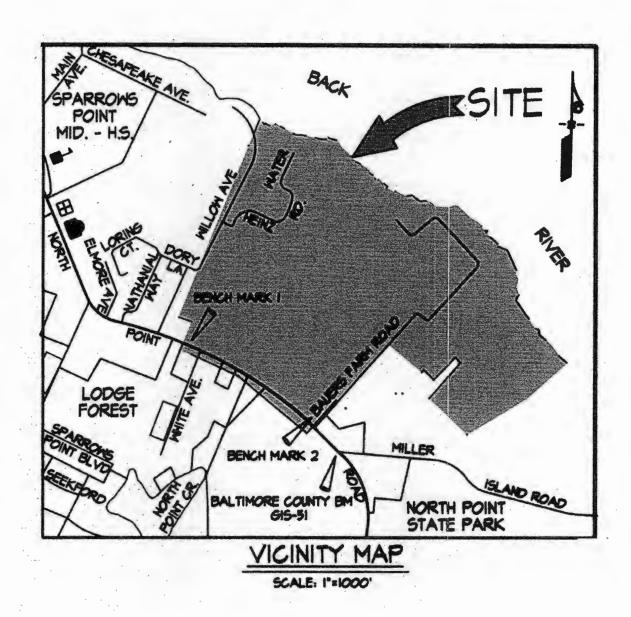
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer (Department of the Army; Baltimore District, Corps of Engineers; ATTN: Ms. Abbie Hopkins, Regulatory Branch, CENAB-OPR; 2 Hopkins Plaza; Baltimore, MD 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:

Joseph P. DaVia

Chief, Maryland Section Northern

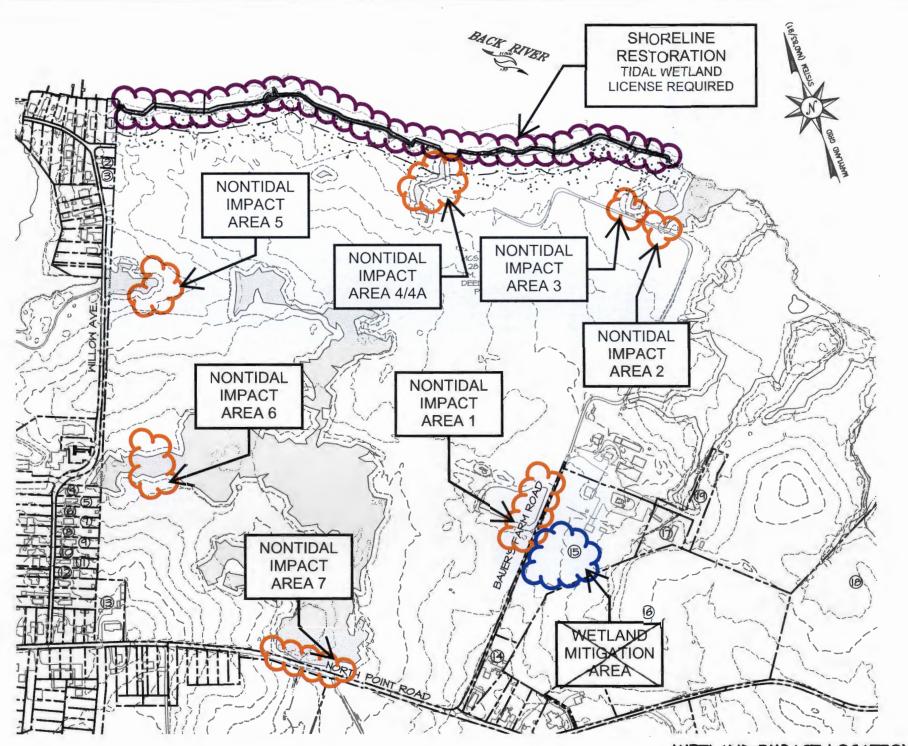


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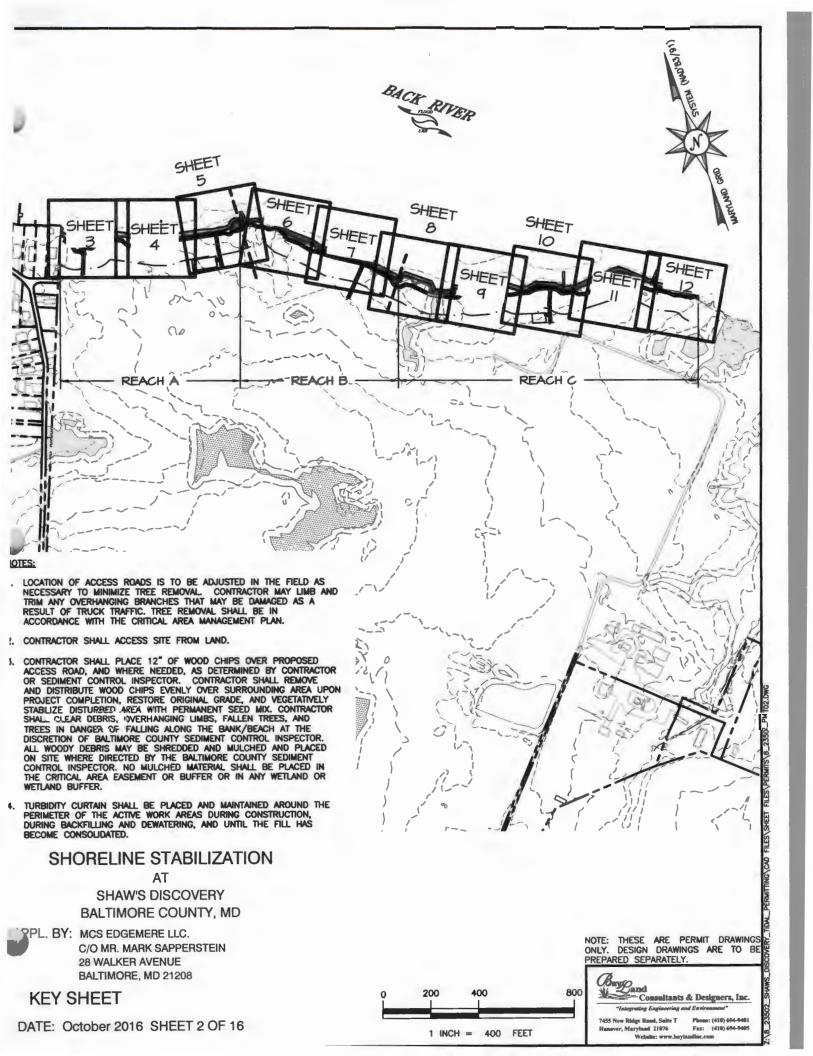
(410) 832-2480 P.O. Box 5006 Glen Arm, MD 21057 **Permit Application Impact Figure** 

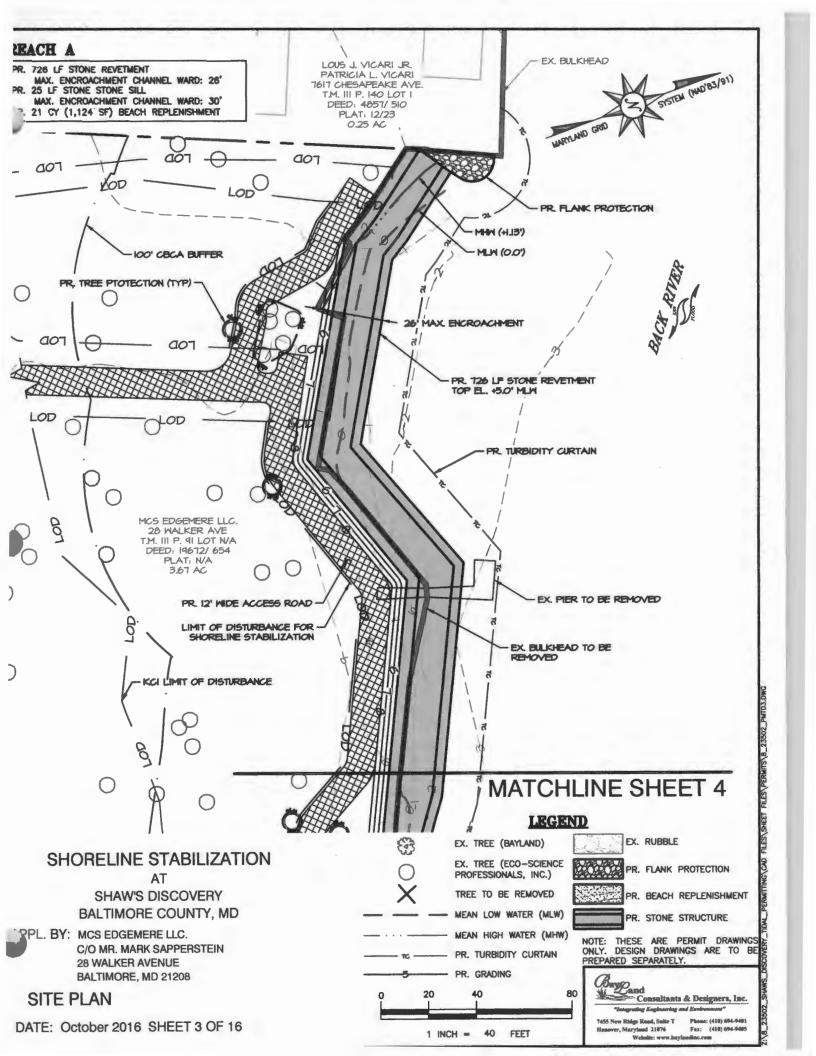
**SHAW'S DISCOVERY** 

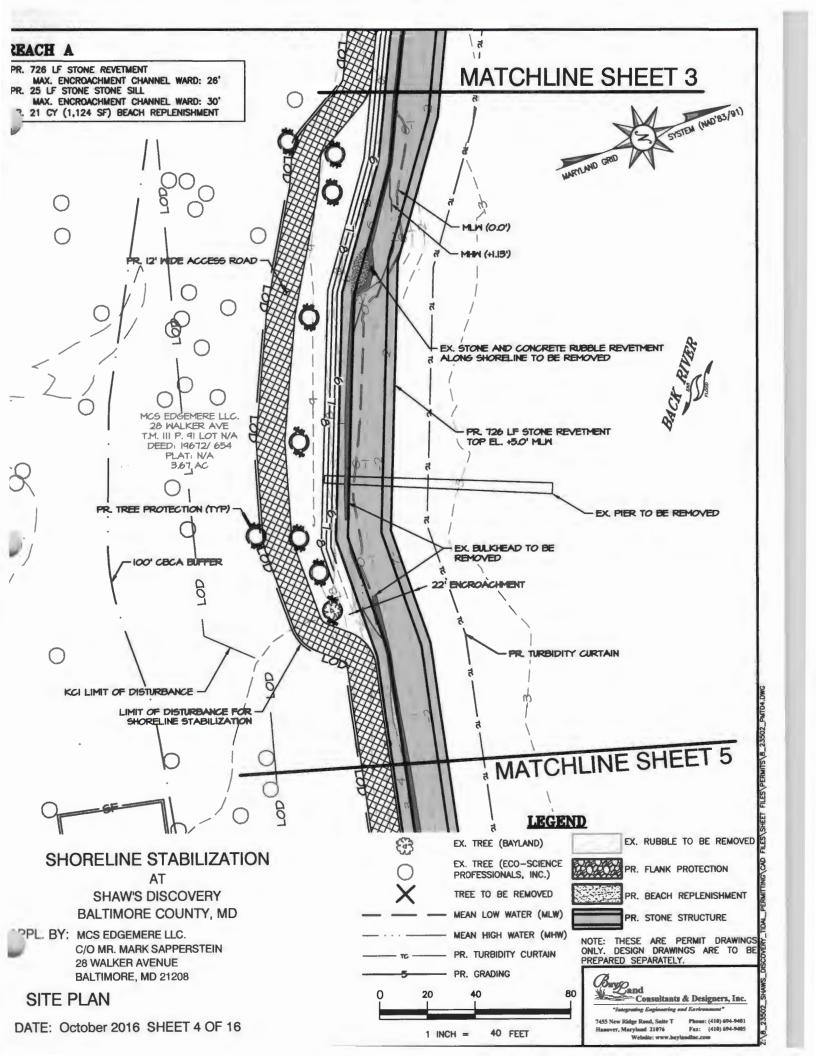
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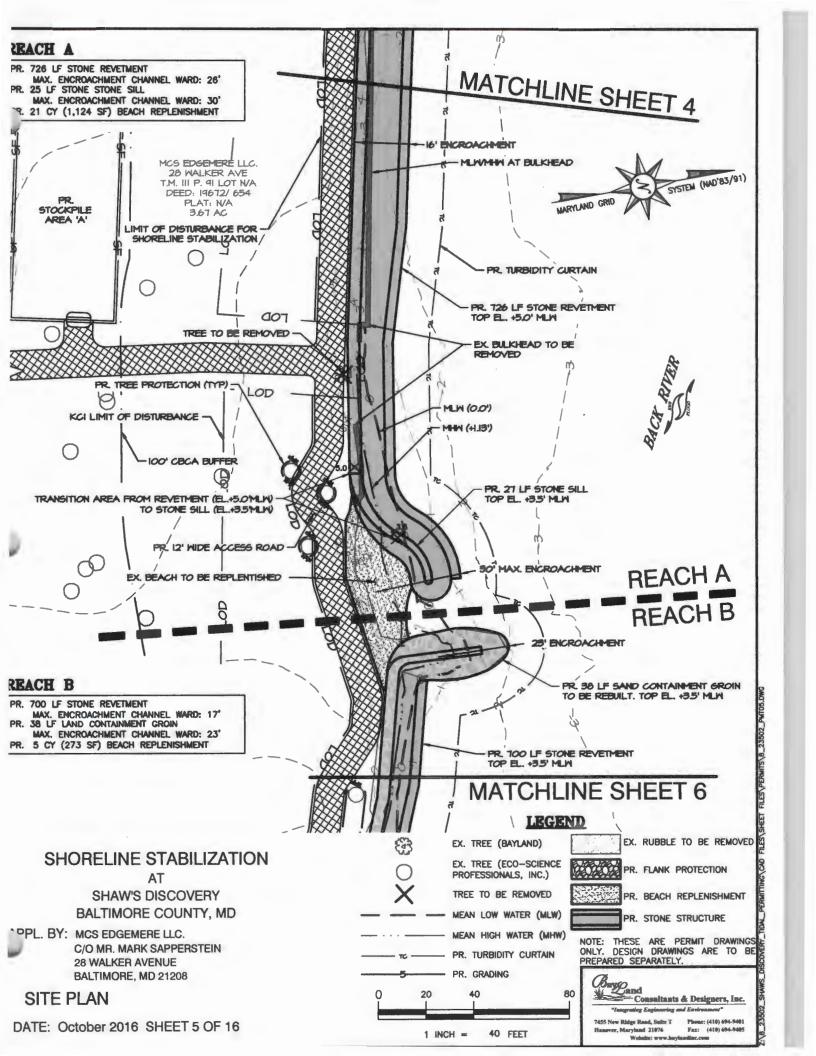


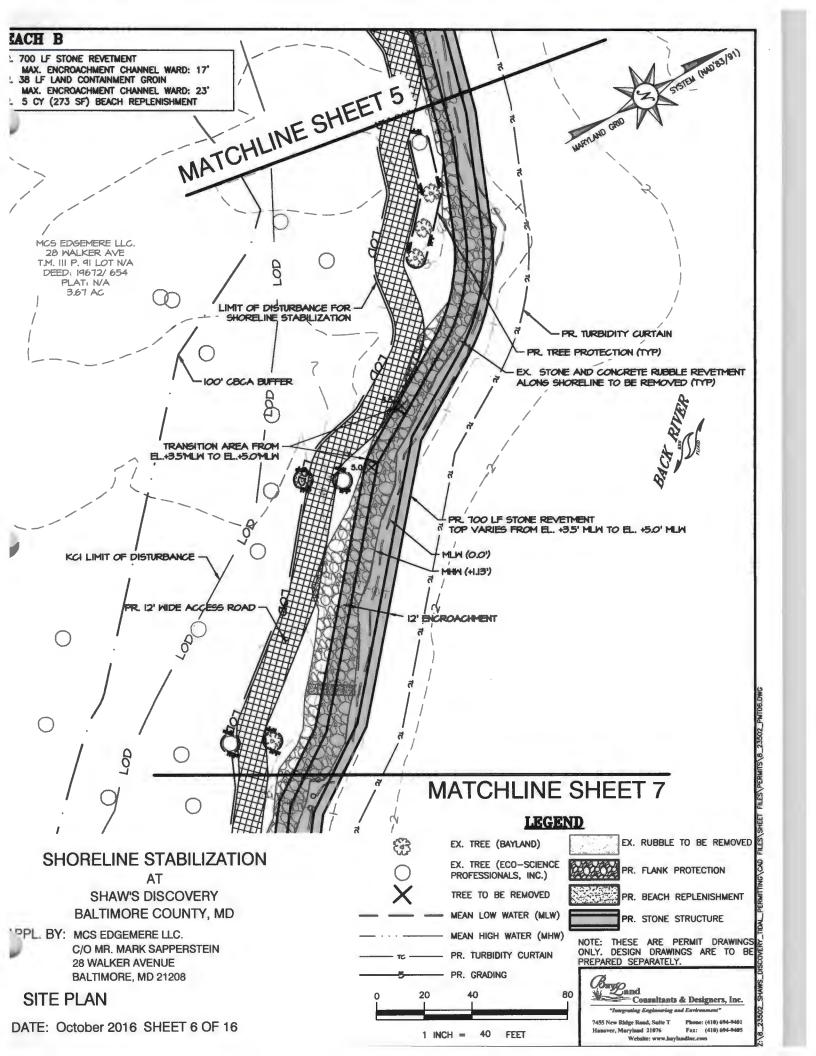
WETLAND IMPACT LOCATION MAP SHAW'S DISCOVERY

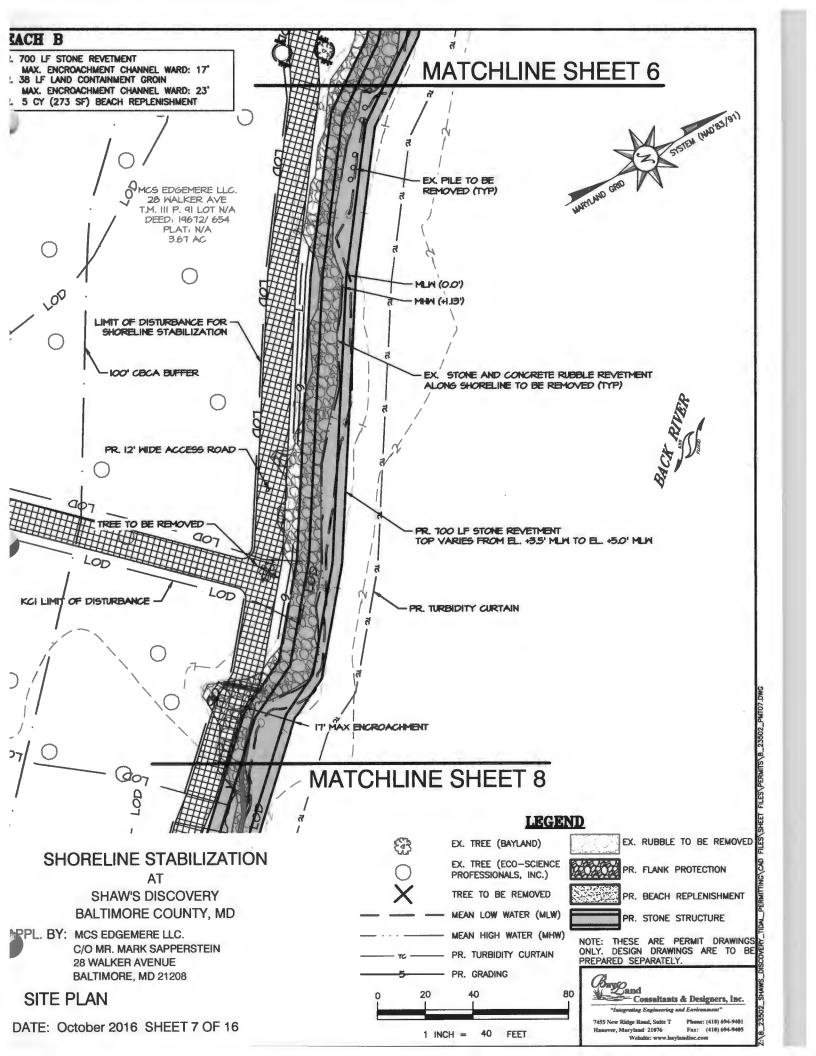


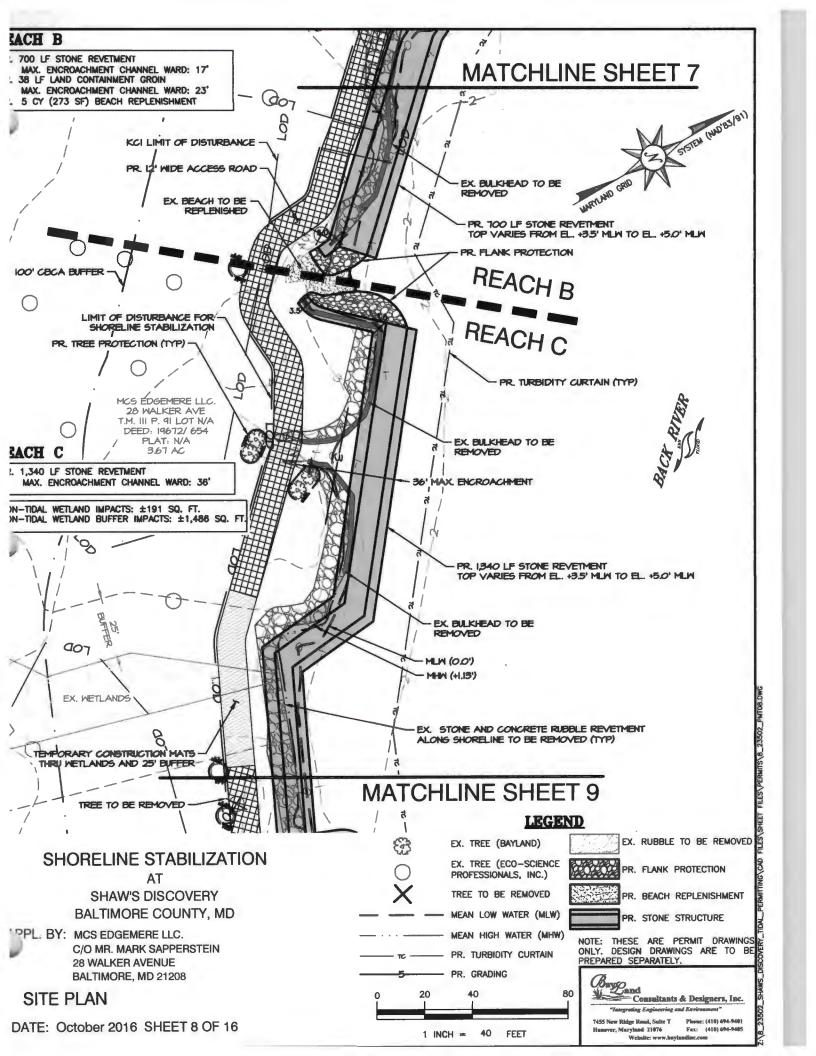


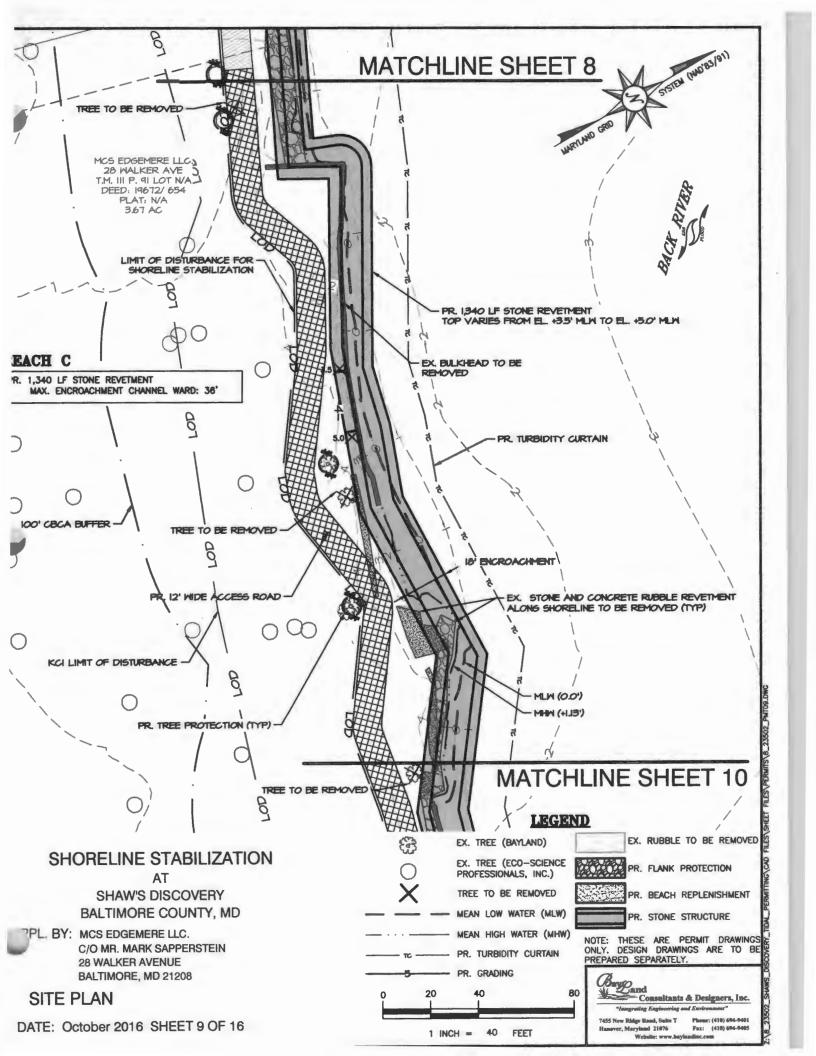


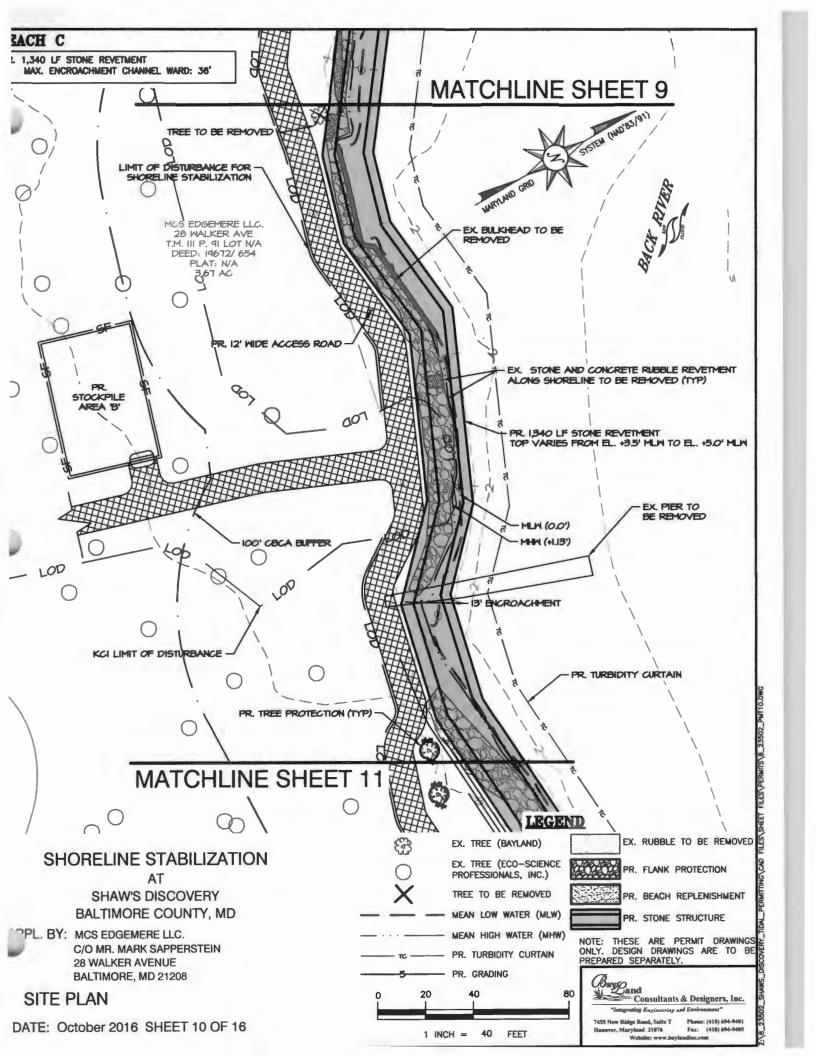


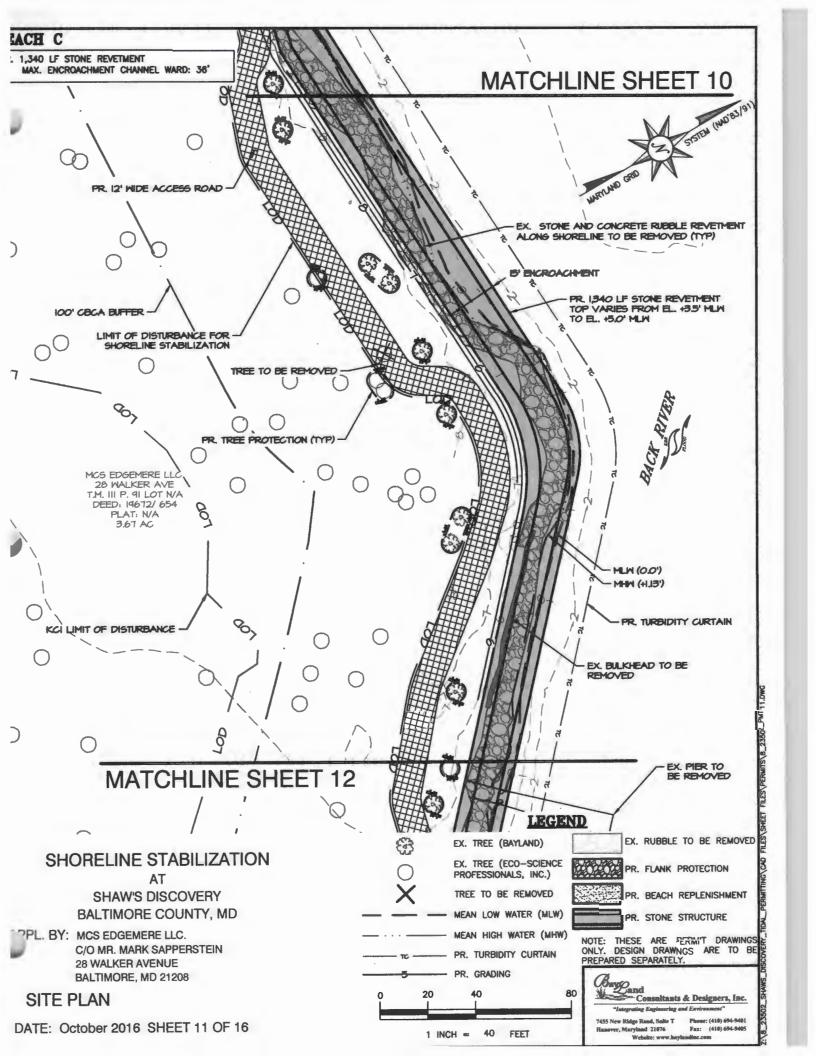


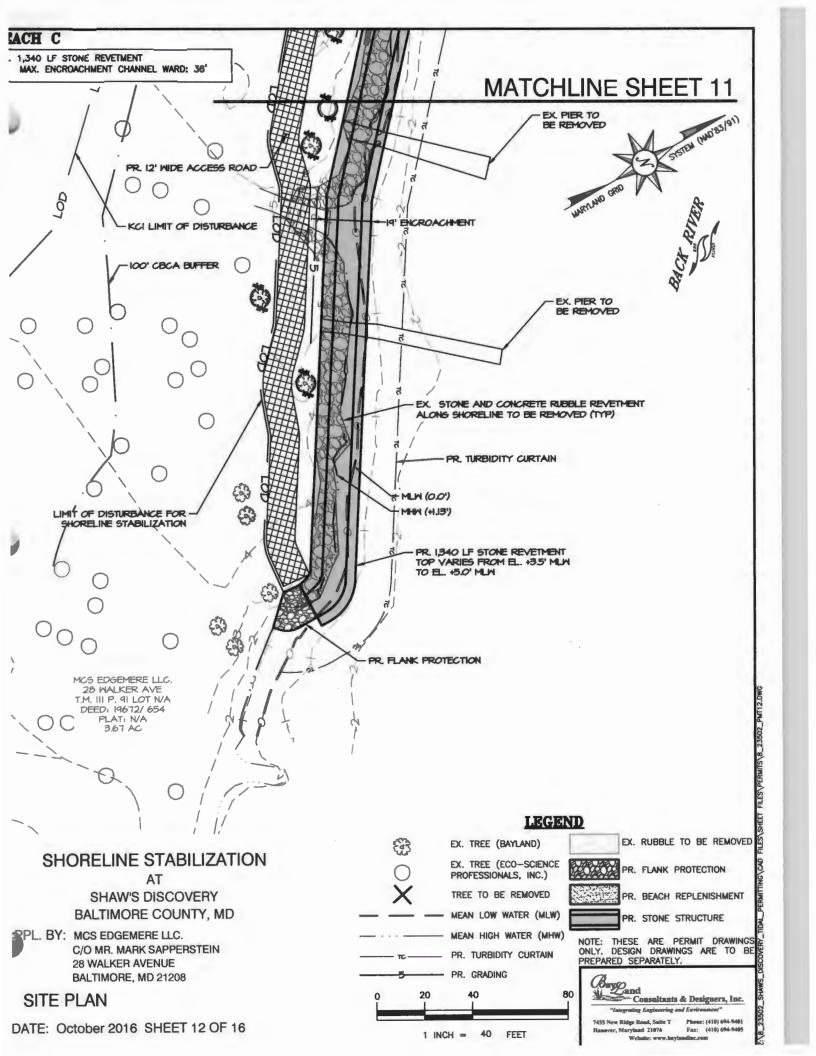












## BY: SHORELINE : MCS EDGEMERE LLC. C/O MR. MARK SAPPERSTEIN 28 WALKER AVENUE BALTIMORE, MD 21208

BALTIMORE COUNTY, MD SHAW'S DISCOVERY

STABILIZATION EX. GRADE PR. STONE REVETMENT TOP EL. +5.0' MLW 200 TO 600 LB CLASS II ARMOR STONE PLACED AND ROUGHLY CHINKED VARIES TOP OF TOE NOT TO EXCEED EL. O.O' (MLW) MHM (+1,13") PR. SELECT FILL (GW, GM, SW) NO MORE THAN 40% RECYCLED MLW (0.0') RUBBLE FROM SITE EX. BULKHEAD TO BE REMOVED EX. RUBBLE TO BE REMOVED RUBBLE MAY BE CRUSHED (DHAX=6") AND REUSED IN SELECT FILL PR. GEOTEXTILE FABRIC PR. GEOTEXTILE FABRIC SHALL BE INSTALLED IN ALL SOIL TO STONE INTERFACES

> NOTE: EXISTING RUBBLE SALVAGED FROM THE SITE MAY BE ADDED UNIFORMLY, (NO MORE THAN 40% BY VOLIME AND DAX=6") TO THE SELECT FILL MATERIAL, AVOIDING LARGE VOIDS.

#### TYPICAL +5'(MLW) REVETMENT DETAIL

SCALE: 1" = 5'

THESE ARE PERMIT DESIGN DRAWINGS A RED SEPARATELY. Phone: (410) 694-9401 Fex: (410) 694-9405 adjac.com ARE TO BE

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# REVETMENT DETAIL

: MCS EDGEMERE LLC. C/O MR. MARK SAPPERSTEIN 28 WALKER AVENUE BALTIMORE, MD 21208 BALTIMORE COUNTY, MD SHAW'S DISCOVERY

BY:

SHORELINE

STABILIZATION PR. STONE REVETMENT TOP EL. +3.5' MLW 200 TO 600 LB CLASS II ARMOR STONE PLACED AND ROUGHLY CHINKED VARIES 7'-10' TOP OF TOE NOT TO EX. GRADE EXCEED EL. O.O' (MLW) MHW (+1.13") MLW (0.0') PR. SELECT FILL (GW, GM, SM) NO MORE THAN 40% RECYCLED RUBBLE FROM SITE I' MIN EX. RUBBLE TO BE REMOVED RUBBLE MAY BE CRUSHED (DHAX=6") AND REUSED IN SELECT FILL PR. GEOTEXTILE FABRIC PR. GEOTEXTILE FABRIC SHALL BE INSTALLED IN ALL SOIL TO STONE INTERFACES

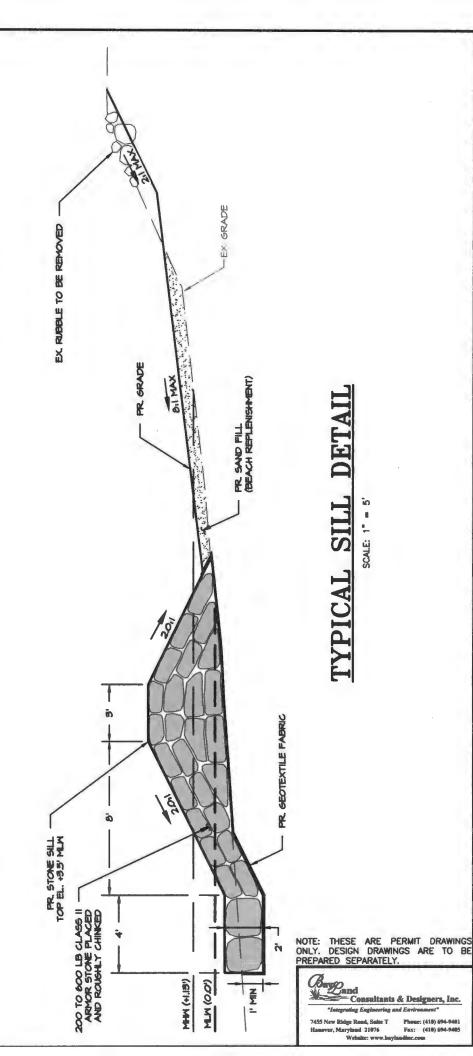
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TYPICAL +3.5'(MLW) REVETMENT DETAIL

SCALE: 1" = 5'

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Phone: (410) 694-9401 Fax: (410) 694-9405 dinc.com

SHORELINE STABILIZATION

**AT** 

SHAW'S DISCOVERY BALTIMORE COUNTY, MD

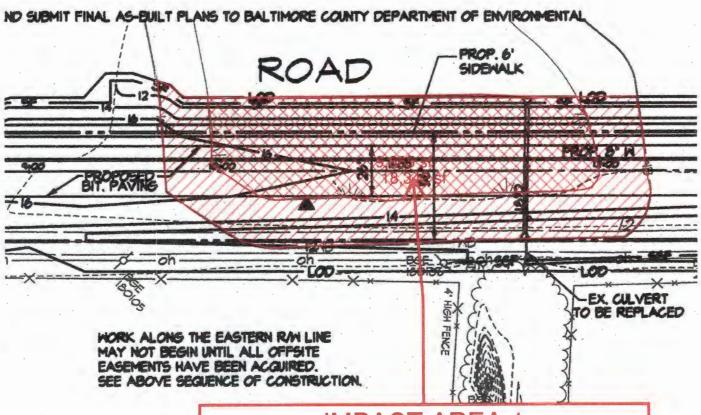
PL. BY: MCS EDGEMERE LLC. C/O MR. MARK SAPPERSTEIN

28 WALKER AVENUE BALTIMORE, MD 21208

SILL DETAIL

DATE: October 2016 SHEET 15 OF 16

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**IMPACT AREA 1** WETLAND IMPACTS 9,650 SQ.FT. **BUFFER IMPACTS 8,477 SQ.FT** EMERGENT WETLANDS. DISTURBED BUFFER

WETLAND IMACT AREA:

BUFFER IMPACT AREA:



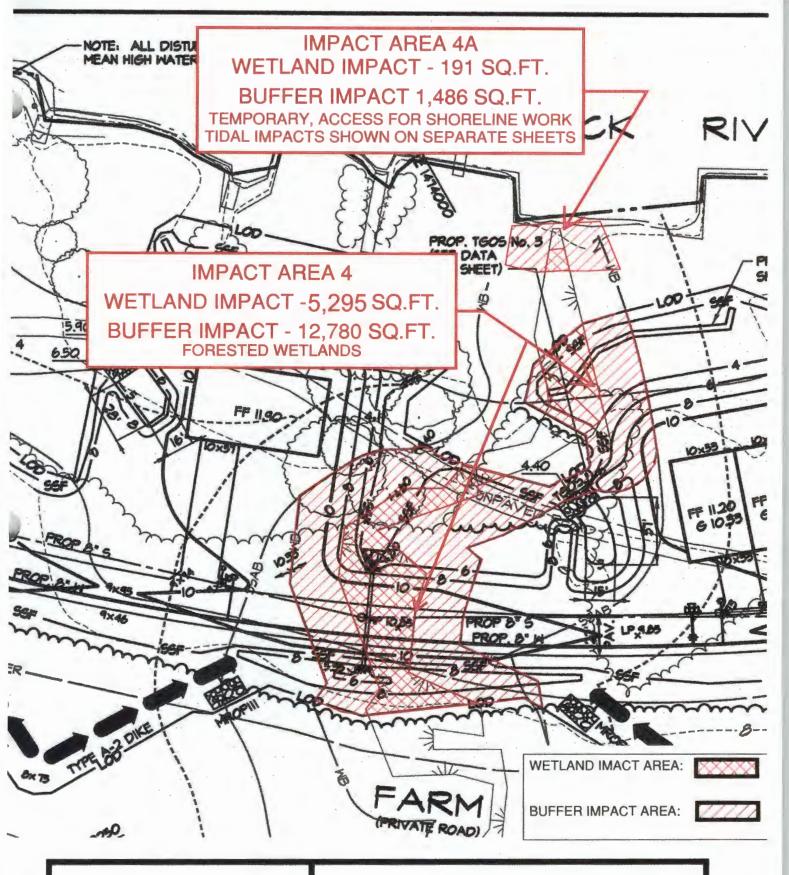
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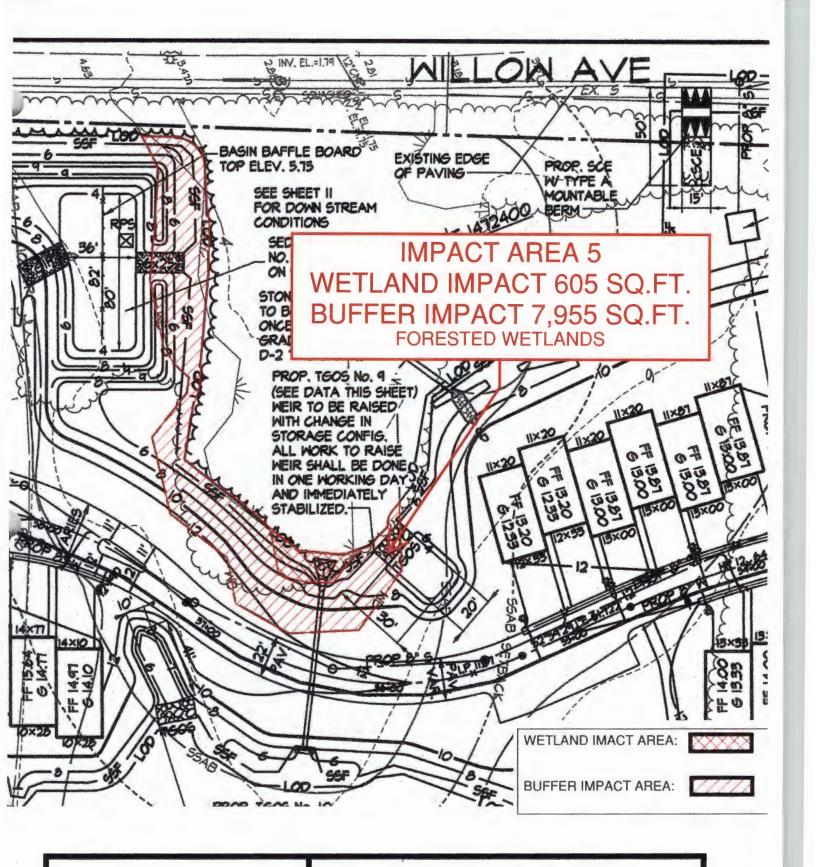
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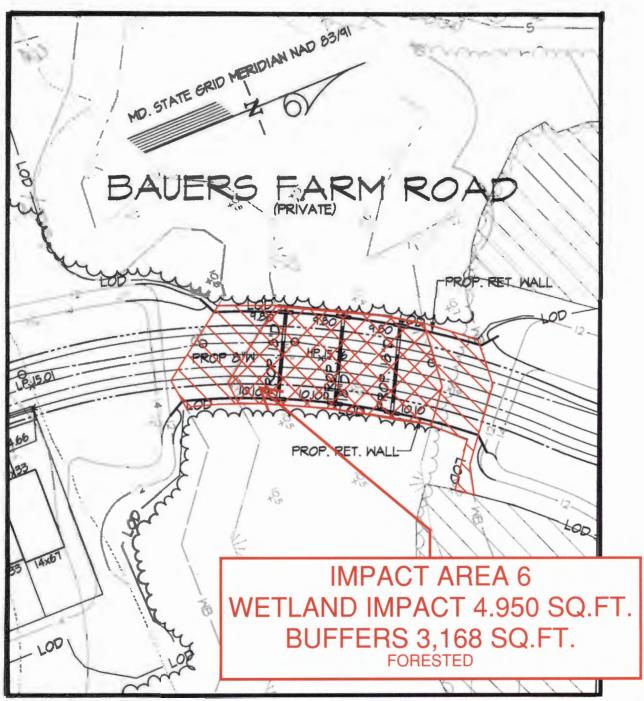
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NOTE: THIS AREA TO BE CONSTRUCTED PER PLANS APPROVED BY MDE AT A FUTURE TIME

#### FUTURE GRADING AT CULVERT

SCALE: 1" = 50'

WETLAND IMACT AREA:



BUFFER IMPACT AREA:



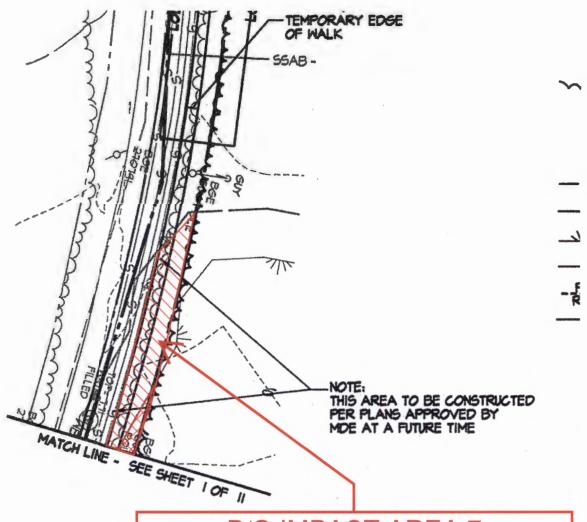
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**SHAW'S DISCOVERY** 

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P/O IMPACT AREA 7
WETLAND IMPACT 1,014 SQ.FT.
BUFFER IMPACT 3,363 SQ.FT.
FORESTED WETLANDS, DISTURBED BUFFERS

WETLAND IMACT AREA:



**BUFFER IMPACT AREA:** 



Eco-Science

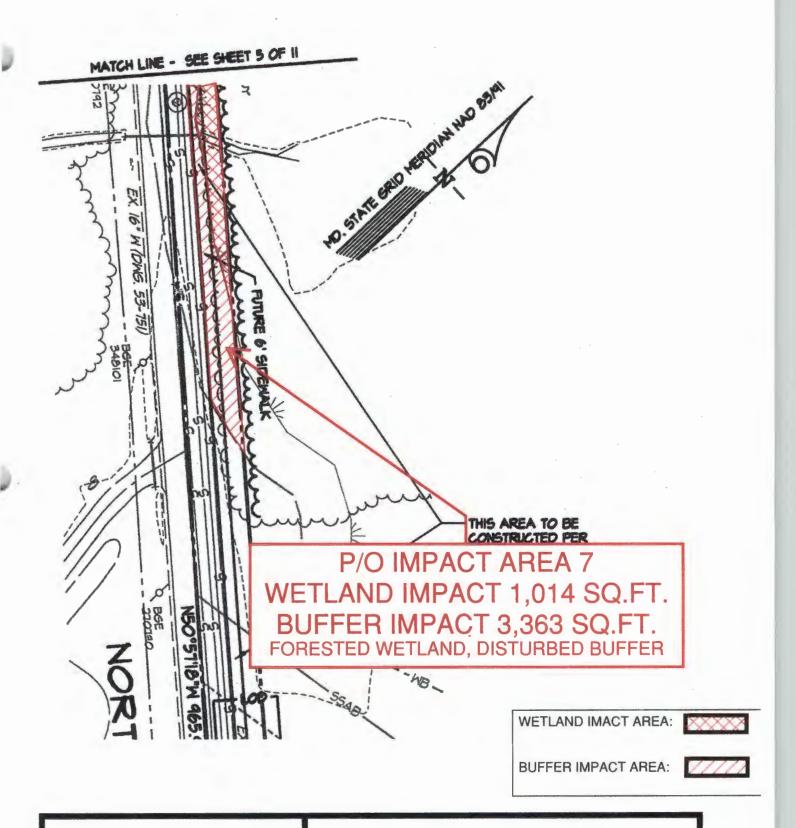
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