PUBLIC NOTICE

US Army Corps of Engineers Baltimore District

In Reply to Application Number CENAB-OP-RMS(HOLLAND, JAMES/POND)03-61285-1

Comment Period: May 27, 2003 to June 11, 2003

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 Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:

APPLICANT: *James Holland*
2170 Fleming Road
New Church, Virginia 23415

LOCATION: *In non-tidal wetlands/waters adjacent to Little Mill Creek, near Stockton, Worcester County, Maryland.*

WORK: *The applicant proposes to construct a pond through filling approximately 2.7 acres (118,000 square feet) of forested and scrub-shrub nontidal wetlands and approximately 800 linear feet of stream through construction of a 150 foot long by 60 feet wide earthen dam forming a pond approximately 2.7 acres in size with a (maximum) 6 foot depth. The applicant has proposed to employ a combination of ditch plugs and berms to alter drainage and hydrology to enhance wetland function and values within a 5.4 acre area of cutover timberland on the property as mitigation for wetland impacts resulting from the proposed work. The purpose of the work is to provide an irrigation pond for an existing farm that will be used to supplement existing means of irrigation which are inadequate (wells and direct runoff).* All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Mr. Woody Francis* at *(410) 962-5689.*

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, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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 Standards and Certification Division 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. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District

Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, 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 applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, 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. It should be noted that CZ Division has a statutory limit of 6 months in which 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 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.

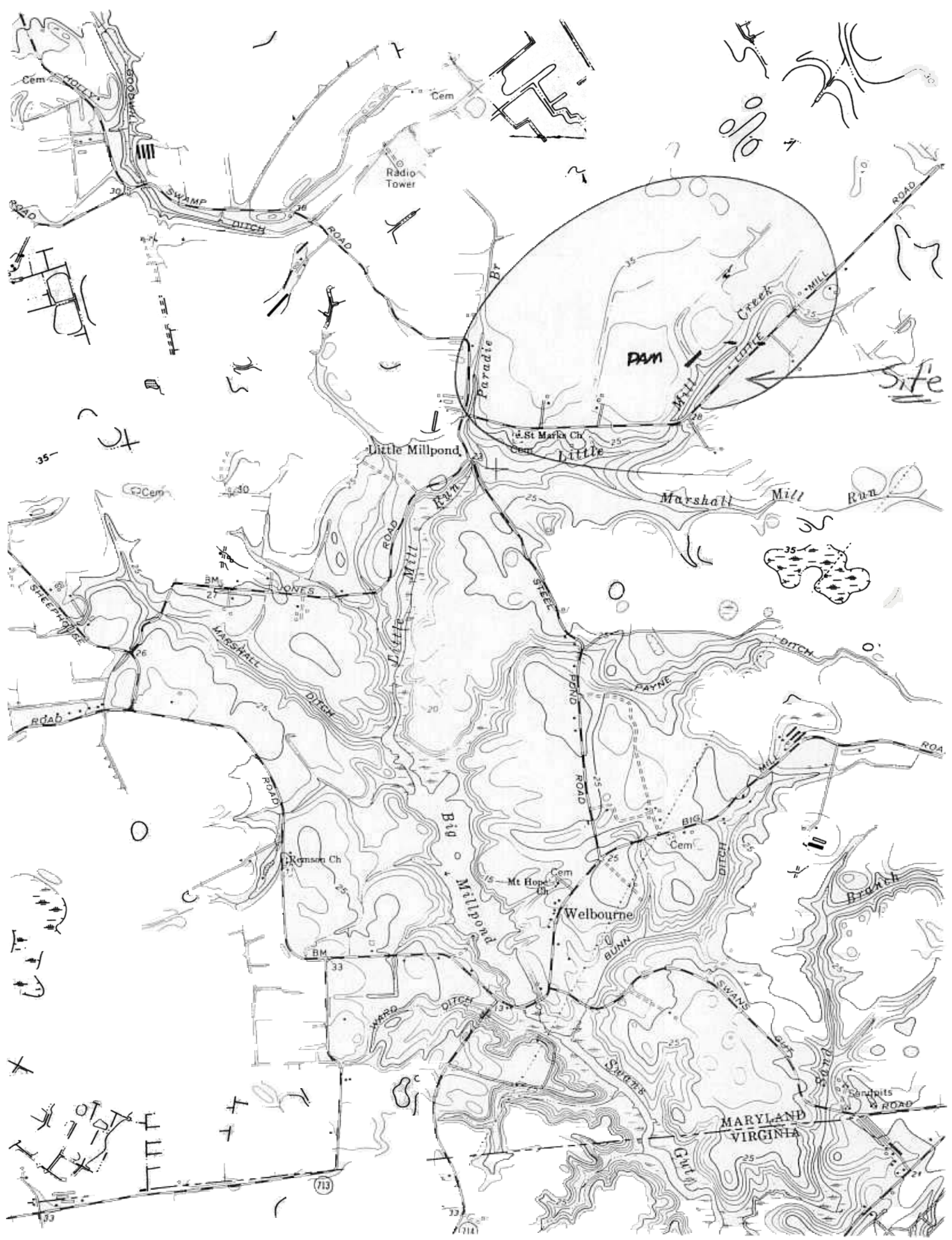
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above 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, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in 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:

WALTER WASHINGTON, JR.
Chief, Maryland Section Southern



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HOLLY
GOODWILL
SWAMP
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ROAD
Radio Tower
Paradie Br
PAM
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Marshall Mill Run
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MARSHALL
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STEEL
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Big Millpond
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Welbourne
BUNN
Branch
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33
WARD
DITCH
SWANS
GUT
Swans
Gut
Sand
Sandpits
ROAD
MARYLAND
VIRGINIA
713
714

James Holland

2000 0 2000 4000 Feet

N
W E
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Proposed Wetland area
Dam
Dnr_wetlands

COMPUTATION SHEET
NRCS-ENG-523 Rev. 10-97

U. S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

STATE MD		PROJECT JIM HOLLAND	
BY RS	DATE 1/21/03	CHECKED BY	DATE	JOB NO.
SUBJECT ESTIMATED COST OF DAM / EXCAVATED			SHEET ____ OF ____

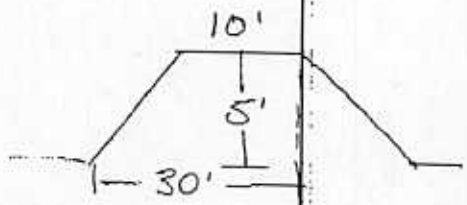
DAM CONSTRUCTION

LENGTH 150'

HEIGHT-AV. 5.0'

TOP 10'

S'S 4:1



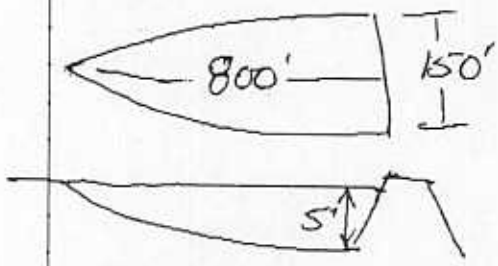
$$\frac{(150)(5)(30)}{27} = 833.3 \text{ CYD}$$

833.3 CYD @ $3/CYD = $2500

STRUCTURE $2500

TOTAL $5000

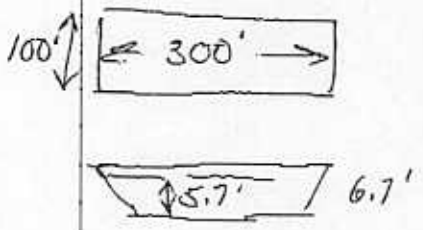
STORAGE PROVIDED 1.0 FT FREEBOARD



$$\frac{(800)(85)(2.5)}{27} = 6,296.3 \text{ CYD}$$

TOTAL STORAGE = 6,296.3 CYD

EXCAVATED POND 1.0 FT FREEBOARD



$$\frac{(300')(100')(6.7')}{27} = 7,444 \text{ CYD}$$

TOTAL STORAGE = 6296.3 CYD

7,444 CYD @ $3/CYD = $22,332

STRUCTURE $2500 $2,500

TOTAL $24,832