

Public Notice



U.S. Army Corps of Engineers

In Reply to Application Number NAB-2019-61647 (Howard Co/Ellicott City Flood Mitigation) MDE, Non-tidal Wetlands and Waterways Application: 201961647

Baltimore District PN-20-44

Comment Period: July 6, 2020 to September 25, 2020

THE PURPOSE OF THIS JOINT PUBLIC NOTICE IS TO ANNOUNCE THE SCHEDULING OF A JOINT PUBLIC HEARING, AND TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT PERMITS WILL BE ISSUED. THE CORPS/MDE WILL HOLD A PUBLIC HEARING VIA WEBEX. PLEASE SEE WEBEX PUBLIC HEARING INFORMATION BELOW:

> Wednesday, September 9, 2020 7:00 pm – 9:00 pm: WEBEX Public Hearing

WEBEX ACCESS: Hearing attendees must go to <u>www.webex.com</u> and use meeting number 1604834046 and use the password 'password'. Alternatively, the attendees can use the following link.

https://howardcountymd.webex.com/howardcountymd/onstage/g.php?MTID=e8055402 55930cecf7e1b1003900dd0d7

Additional WEBEX instructions are included in enclosure 5.

PRE-REGISTRATION: If you wish to pre-register to speak at the public hearing, please e-mail your name, e-mail address, phone number, your organization (if applicable) and a statement requesting to speak at the public hearing to: <u>Donald.R.Bole@usace.army.mil</u> by September 1st, 2020. You may also mail your request to:

> Mr. Donald Bole U.S. Army Corps of Engineers Baltimore District 2 Hopkins Plaza Baltimore, MD 21201

You will receive an e-mail indicating your speaker number, which indicates the order in which speakers will be called to provide comments.

OPEN SESSION: After all pre-registered speakers have provided comment, there will be an opportunity for others to provide public comment if desired during an open session. In order to speak after pre-registered speakers have spoken, you will need to use the "raise hand" feature, which will be explained at the public hearing. Instructions on using the "raise hand" feature are also included in enclosure 5.The U.S. Army Corps

of Engineers, Baltimore District (COE) and the Maryland Department of the Environment (MDE) joint public hearing provides members of the public the opportunity to present views, opinions, and information which will be considered by the COE and MDE in evaluating the Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Non-tidal Wetland in Maryland. The purpose of the hearing is for the COE and MDE to receive oral or written comments that will enable them to evaluate the impacts of the proposed project on the public interest. All interested parties, including representatives of federal, state, and local governments and private individuals and organizations, are invited to be present or to be represented. Each will be given an opportunity to express their views regarding the proposed project.

Beginning at 7:00 pm, the formal public hearing will begin with agency statements, followed by public testimony. Please note that a time limit of two minutes per speaker may be set, depending on the number of speakers, to ensure that all interested parties have an opportunity to voice their views. The public hearing will be audio only, but all public testimony will be recorded and transcribed. A record of the Public Hearing will be available at the Corps website after the Public Hearing at: <u>Public Transcript</u>

Anyone who is hearing impaired and/or is non-English speaking; who wishes to attend the public hearings should notify Mr. Donald Bole at 410-962-6079 or in writing to his address below. All requests for an oral, sign language, or non-English language interpreter by September 1st, 2020. To the extent possible and feasible, an interpreter will be provided.

The COE and MDE have received and are evaluating a joint permit application as described below for Department of the Army authorization pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and state authorization pursuant to Title 5, Subtitle 5 (Waterway Construction) and Title 5, Subtitle 9 (Non-tidal Wetlands) of the Environment Article, Annotated Code of Maryland.

APPLICANT:	Howard County Department of Public Works
	Division of Stormwater Management
	Bureau of Environmental Services
	Attn: Mr. Mark Richmond
	9801 Broken Land Parkway
	Columbia, Maryland 21046

WATERWAY AND LOCATION OF PROPOSED WORK: The seven proposed flood mitigation projects are located in Howard County, Ellicott City, Maryland (Enclosure 1). The westernmost project is located at approximately 8777 Frederick Road and the easternmost project is located along the Patapsco River in downtown Ellicott City. The projects are proposed within the Hudson Branch and Tiber Branch watersheds, which flow to the Patapsco River. The named perennial streams are classified by the State of Maryland as Use I waterways.

OVERALL PROJECT PURPOSE: To improve public safety by reducing flood depths in Lower Main Street and the West End (west of Ellicott Mills Drive) in Ellicott City, Maryland, to three feet (3') or less, and out-of-channel flow velocities to five feet per second (5 fps) or less for the simulated July 30, 2016 flash flood storm event.

PROJECT DESCRIPTION: This project involves seven projects along the Frederick Road/Main Street corridor in Ellicott City, Howard County to provide improved conveyance of large storm events and reduce the potential of flooding. The projects generally include floodplain grading, channel stabilization, channel dredging, construction of conveyance structures and additional culverts for bypass of high flows, and removal of existing channel restrictions that are currently reducing channel capacity. Drawings of the proposed projects can be found in enclosure 2. The proposed flood mitigation projects are summarized as follows:

- 8777 Frederick Road Culvert Improvement Project Project includes channel and floodplain grading upstream and downstream of existing crossing below Frederick Road to increase channel conveyance capacity and improve overall channel and floodplain stability. Existing crossing below Frederick Road will be expanded to approximately 40' wide. The existing structure at 8777 Frederick Road may potentially be displaced from its current location for floodplain grading and installation of the new crossing. The property at 8777 Frederick Road (HO-364) has been determined to be eligible for the National Register of Historic Places.
- 2. 8600 Frederick Road High Flow Bypass Pipe Project Project includes channel and floodplain grading upstream of current entrance to existing 96"/108" CMP cross culvert to expand the channel and increase capacity. A headwall structure at the upstream end will include a weir to direct high flows into four (4) bypass culverts, while maintaining base flow through the existing culvert. The downstream end of the existing culvert will be shifted upstream to a new end wall location, opening up stream that is currently inside the 96"/I 08" CMP cross culvert. The bypass pipes will discharge at this same outfall location. The bypass pipe installation may potentially displace six existing structures at addresses: 8637-8639 Frederick Road, 8629 Frederick Road, 8611 Frederick Road, 8601 Frederick Road, 8590 Main Street, and 8578 Main Street. The structures at addresses 8637-8639 Frederick Road and 8629 Main Street are located within the National Register listed Ellicott City Historic District (HO-78) and National Register eligible Frederick Road Survey District (H)-899).

- 3. 8552 Main Street Flood Berm/8534 Main Street High Flow Bypass Pipe Project -Project includes channel and floodplain grading upstream and downstream of a proposed 8' diameter cross culvert that will be placed parallel to the existing 8' CMP culvert. The proposed cross culvert will improve conveyance of high flows through the area. The flood berm at 8552 Main Street is designed to minimize floodplain flows from entering Frederick Road. Grading at downstream end of culverts may include potential displacement of structures with addresses 8526 -8522 Main Street, 8518 Main Street, 8512 Main Street and garage, and the garage at 8500 Main Street. The flood berm may extend onto the property at 8548-8560 West Main Street, but is not anticipated to require modifications to the structure at this address. These properties are located within the Ellicott City Historic District.
- 4. North Tunnel Project Project includes channel and floodplain grading at upstream end of proposed tunnel location to install entrance structure for the proposed high flow, bypass. High flow bypass will be approximately 15' in diameter and will convey flow beneath Court Avenue approximately 1600' to outfall in the Patapsco River, upstream of the Main Street Bridge. The details of the entrance structure have not been defined, but impact plates provide schematic representation of potential design. The tunnel outfall will be stabilized with riprap and adequate energy dissipation measures. The project is set within the Ellicott City Historic District.
- Lower Main Street Channel Constriction Removal Project Project includes removing constrictions over the existing stream channel to restore conveyance capacity of the channel. The back of 6 buildings located over the existing stream channel will be removed from the 100-year floodplain, for 8081 Main Street (deck only), 8085-8089 Main Street, 8095-8101 Main Street (first floor only), 8109-8111-8113 Main Street, and 8125 Main Street. This includes HO-359, HO-586, HO-360 in MHT records and are located within the Ellicott City Historic District.
- Lower Main Street Terraced Floodplain Project Project includes removing Tiber Alley, and 4 buildings located over the existing stream channel (8069, 8059, 8055, and 8049 Main Street). This includes HO-330 and HO-669 in MHT record. All of the buildings are located within the Ellicott City Historic District.
- 7. Maryland Avenue High Flow Bypass Culverts Project Project includes channel grading in Hudson/Tiber to facilitate bypass of high flows into a proposed headwall for two 10' diameter bypass culverts to relieve flooding. Bypass culverts will convey high flows between B&O museum buildings, below CSX railroad to the Patapsco River. MD Ave bypass culverts outfall will be stabilized with riprap and adequate energy dissipation measures. Project may potentially impact the historic Ellicott City Station of the B&O Railway (HO-71), which is located within the Ellicott City Historic District.

The projects will result in the discharge of fill material into waters of the U.S. and would permanently impact approximately 3,515 lf of perennial stream channel. No wetland impacts are anticipated for this project. The project would also cause disturbance in approximately 7.87 acres (343,085 square feet) of the 100-year floodplain. A summary of impacts to aquatic resources and historic resources for each project can be found in enclosure 3. A map of proposed impacts to historic structures can be found in enclosure 4.

LEAD FEDERAL AGENCY: The U.S. Army Corps of Engineers, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION: The applicant initially proposed the removal of 10 historic structures within the Ellicott City Historic District; however, the applicant has reduced the proposed removal of historic structures from 10 structures to 4 structures along Lower Main Street. In addition, the applicant is not proposing compensatory mitigation to offset the 3,515 If of permanent stream impact as the project does not result in permanent stream loss. Please see the enclosed map in enclosure 4, which highlights the proposed structures to be removed or modified for the proposed work.

CORPS EVALUATION REQUIREMENTS: This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

ENDANGERED SPECIES: A preliminary review of this application indicates that the proposed work will have no effect on federally-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.

HISTORIC RESOURCES: Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that registered properties are listed as eligible for inclusion and are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have an adverse effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' identified permit area. Please see enclosures 3 and 4 for additional information regarding impacts to historic resources.

TRIBAL RESOURCES: Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally-recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408): All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408: https://www.nab.usace.army.mil/section408/.

WATER QUALITY CERTIFICATION: The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

SECTION 401 WATER QUALITY CERTIFICATION: The applicant has applied to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

SUBMISSION OF COMMENTS: COE and MDE are 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. To be included in the official record, written comments and information provided by interested parties must be received by the COE and MDE.

For COE, 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 may reasonably 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 evaluation of the impact of the work described above on the public interest will include the application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

Comments are being solicited 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 COE and MDE to determine whether to issue, modify, condition or deny each agency's 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 overall public interest of the proposed activity.

For MDE, only those issues subject to regulation by the MDE Non-tidal Wetlands and Waterway Construction Divisions (impacts to non-tidal wetlands, wetland buffer, waterways, and the 100-year floodplain) will be considered in rendering a decision to grant or deny the MDE Permit. Any further notices concerning actions on the application will be provided only by mail to those persons on the interested persons list. Please refer to Subsection 5-907 of the Annotated Code of Maryland or the Code of Maryland Regulations 26.23.02 for information regarding the application process.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by COE and MDE by the closing date of this notice's comment period, September 25, 2020 to receive consideration. Comments may be mailed or e-mailed. The mailing addresses (including email) for submission of written comments are: U.S. Army Corps of Engineers Baltimore District Attn: Mr. Donald Bole 2 Hopkins Plaza Baltimore, Maryland 21201 Donald.R.Bole@usace.army.mil Maryland Department of the Environment Waterway Construction Division Attn: Ms. Debra Correia 1800 Washington Blvd., Suite 430 Baltimore, Maryland 21230-1708 debra.correia@maryland.gov

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

General information regarding the Corps' permitting process can be found on our website at <u>https://www.nab.usace.army.mil/Missions/Regulatory.aspx</u>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact Mr. Donald Bole, COE, at (410) 962-6079 or by email at <u>Donald.R.Bole@usace.army.mil</u> or Ms. Debra Correia, MDE, at (410) 537-3900 or by email at <u>debra.correia@maryland.gov</u>.







LEGEND
EXISTING MAJOR CONTOUR
EXISTING MINOR CONTOUR
PROPOSED MAJOR CONTOUR
PROPOSED MINOR CONTOUR
woods
PROPERTY LINE
LIMIT OF DISTURBANCE
100 YEAR MODELED FLOODPLAIN

IMPACT LEGEND

PERMANENT W.U.S -----



PEREI	VNIAL WATERS	OF THE U.S. IM	PACTS
WUS	(L.F.)	WUS	(S.F.)
TEMP.	PERM.	TEMP.	PERM.
0	3,515	0	54,914

FLC	OODPLAIN IMPACTS
	PERM. (SF)
	343,085

No.	Revisions	A CARLES AND	Howard County	
Howard County		ELLICOTT CITY SAFE AND SOUND PLAN FLOOD MITIGATION PROJECTS		LAN DJECTS
McCORMICK		Legend a	nd Waterway	Impacts
IAYLOR		SCALE: NTS	DATE: JANUARY, 2020	PLATE 3 of 16





















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Ellicott City Safe and Sound Plan - Flood Mitigation Projects Impacts Table

Project ¹	Project Type	Structures Proposed for Removal	Structures Proposed to be Modified	Structures Potentially Impacted	Impact Plate	Waters of the US Aquatic Impacts (Linear Feet)
1 8777 Frederick Road Culvert Improvement Project	 Rd Crossing Replacement Floodplain Grading 	• 8777 Frederick Road (E) ²			4, 5, 5a	725
2 8600 Frederick Road High Flow Bypass Pipe Project	 New Overflow Culverts Floodplain Grading 	 8637-8639 Frederick Road (E-C; L-X) 8629 Frederick Road and shed (E-C; L-X) 8611 Frederick Road (E-C; L-X) 8601 Frederick Road (E-C; L-X) 8590 Main Street (E-C; L-X) 8578 Main Street (E-C; L-X) 			5a, 6, 7, 8, 9	1198
3 8552 Main Street Flood Berm/8534 Main Street High Flow Bypass Pipe Project	 New Overflow Culvert Floodplain Grading 	 8526-8522 Main Street (L-X) 8518 Main Street (L-C)³ 8512 Main Street and garage (L-X) 8500 Main Street garage (L-X) 			10, 11	482
4 North Tunnel Project	 New Overflow Tunnel Floodplain Grading 	N/A			12, 16	450
5 Lower Main Street Channel Constriction Removal Project	 Stream constriction removal 		 8081 Main Street (deck only) (L-C) 8085-8089 Main Street (L-X) 8095-8101 Main Street (1st floor only) (L-X) 8109-8111-8113 Main Street (L-C) 8125 Main Street (L-CX) 		13, 14	2404
6 Lower Main Street Terraced Floodplain Project	 Stream constriction removal Stream Grading 	 Tiber Alley crossing over stream (E; L-C) 8069 Main Street (L-C) 8059 Main Street (L-X) 8055 Main Street (L-X) 8049 Main Street (L-C) 			13, 14	1764
7 Maryland Avenue High Flow Bypass Culverts Project	 New Overflow Culvert Stream Grading 			Ellicott City Station of the B&O Railway (NHL; L-C)	14, 15	2574

¹Numbering of projects is for reference only and does not imply project priority or project sequencing.

² NRHP Eligibility Status of the specific building is in parenthesis. These determinations are based on the original National Register Nomination form. Eligibility abbreviations are as follows: (NHL)-National Historic Landmark; (E)-Eligible; (L)-Listed; (E-C)-Contributing to the eligible Frederick Road Survey District; (L-C)-Contributing to the listed Ellicott City Historic District; (L-X)-Ellicott City Historic District, but no determination on contributing/non-contributing status. These will be assessed as part of the EC Safe and Sound Project. ³ 8518 Frederick Road is noted as 8516 Main Street in MHT's Medusa system, the S.E. Yates House (HO-483)

⁴ Aquatic impacts overlap between these projects. Cumulative impacts from these projects total 548 LF as indicated on Joint Permit Application impact plates.

















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on the participants icon bottom center. The participants will display on the right. Click the Hand icon.

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