

U.S. Army Corps  
of Engineers  
Baltimore District  
PN 19-18

# Public Notice

In Reply to Application Number  
NAB-2018-60674 (PG DOE/MNCPPC/Potomac River  
Waterfront Park)

Comment Period: March 29, 2019 to April 26, 2019

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**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 PERMITS WILL BE ISSUED AT THIS TIME.**

This District has received applications for a Department of the Army permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

**APPLICANT:**

Prince George's County Park and Planning Commission  
1801 McCormick Drive  
Suite 500  
Largo, Maryland 20774

**WATERWAYS AND LOCATIONS OF THE PROPOSED WORK:** The proposed project is located on Rosalie Island, south of the intersection of the Woodrow Wilson Memorial Bridge (Interstate 95) and the Potomac River in Prince George's County, Maryland (38.792698, -77.023399). Location map, with limits of disturbance for the project identified, is enclosed.

**PROPOSED WORK AND PURPOSE:** The proposed work includes the installation of a 20-inch diameter coir log; discharge of 467 cubic yards of fill material to create shallow marsh habitat; and planting of SAV, emergent, and shrub species at varied water depths resulting in impacts to 0.37 acre of the waterway. Impacts to the shoreline measure approximately 330 linear feet and an average width of 42.6 linear feet, with a maximum distance channelward of 50 feet. The purpose of the project is to stabilize the shoreline and enhance aquatic wildlife habitat in a small cove. It is anticipated that the project will improve water quality adjacent to the interstate, as well.

All work is proposed is to be completed in accordance with the enclosed plans. As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. The purpose of the project is to improve the waterway, therefore, compensatory mitigation is not being proposed by the applicants for impacts to shallow open water habitat.

The decision whether to issue permits will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 proposals 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 impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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 these proposed activities. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny permits for these proposals. 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 these actions. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

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, Deborah A. Nizer, 02-E-22-OP, 2 Hopkins Plaza, Baltimore, Maryland or [debby.nizer@usace.army.mil](mailto:debby.nizer@usace.army.mil) within the comment period specified above.

**ESSENTIAL FISH HABITAT:** 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 effect Essential Fish Habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scophthalmus aquosus*) juvenile and adult; blue fish (*Pomatomus saltatrix*) juvenile and adult; summer flounder (*Paralichthys dentatus*) juvenile and adult; and egg, larvae, juvenile and adult stages of red drum (*Sciaenops ocellatus*), king mackerel (*Scomberomorus cavalla*), spanish mackerel (*Scomberomorus maculatus*), and cobia (*Rachycentron canadum*), all managed species under the MSFCMA.

The projects have the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage and/or shelter habitat as described under the MSFCMA for the species and life stages identified above. This habitat consists of a mostly sand and silt substrate which does not support SAV. According to the Maryland Aquatic Siting Tool survey maps, there are no SAV within the areas. The Baltimore District has made a preliminary determination that sites-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended at this time to minimize adverse effects on EFH. This preliminary determination may be modified if additional information indicates otherwise and could change the Corps' preliminary determination.

**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 applicants have certified in these applications that the proposed activities 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 applicants' consistency statements. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination.

The applicants must obtain any State or local government permits which may be required.

**ENDANGERED SPECIES:** 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.

**CULTURAL RESOURCES:** 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 sites 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 permits.

**SECTION 408:** The proposed project does not require Section 408 authorization.

The evaluation of the impacts 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, Deborah A. Nizer, 02-E-22-OP, 2 Hopkins Plaza, Baltimore, MD 21201 or [debby.nizer@usace.army.mil](mailto:debby.nizer@usace.army.mil) within the comment period as specified above to receive consideration. Such request 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:

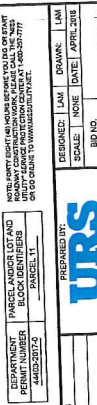
Wade B. Chandler  
Chief, Pennsylvania Section  
Regulatory Branch

Enclosure



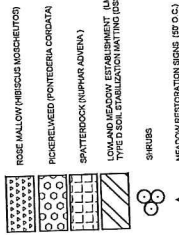




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LOWLAND MEADOW ESTABLISHMENT					
FORBS	PURE LIVE SEED*		GRASS/LEGUME MIXTURES AND BUSHES		PURE LIVE SEED*
	GRAM PER LB PER ACRE	LB PER ACRE	GRAM PER LB PER ACRE	LB PER ACRE	
	0.75	1.2	Incised Alfalfa	0.158	2
Common Broomrape	0.113	1.2	Red Buckwheat	0.108	2
Eastern Purple Aster	0.019	0.2	Erigeron Canadensis	1.976	20
Goldenrod	0.019	0.2	Heart Fescue	0.108	2
Gray's Pinelawn	0.019	0.2	Red Top	0.108	2
Maumetian Sunflower	0.019	0.2	Smooth Brome	0.084	1
New England Aster	0.019	0.2	Smooth Brome	0.084	1
Red Top	0.019	0.2	Virginia Wildflower	0.047	0.5
St. John's Wort	0.019	0.2			
SWF Cleverland	0.025	0.3	TOTAL		
Swamp Verbena	0.055	0.7			

\*Note: 175 lbs. seed/acre. Pure Live Seed: Live germination and purity data can be used to calculate the actual seedling rate needed to obtain the seedling rate in Pure Live Seed.

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