



**U.S. Army Corps  
of Engineers**

Baltimore District  
PN-22-19

# Public Notice

**In Reply to Application Number  
NAB-2020-61908 (Stewart Properties/Principio Business  
Park – Site C/Warehouse Distribution Facility)**

Comment Period: July 11, 2022 to August 10, 2022

---

**THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 USC 1344), as described below:

**APPLICANT:**

Mr. Ryan Woerner, P.E.  
Stewart Properties  
1723 Principio Furnace Road  
Perryville, Maryland 21903

**WATERWAY AND LOCATION OF THE PROPOSED WORK:**

The proposed warehouse is located in wetlands and unnamed tributaries to the Northeast River and Principio Creek, north of Pulaski Highway (US Route 40), and west of Principio Parkway East in Perryville, Cecil County, Maryland. (39.596299, -75.994911). Off-site mitigation for wetland impacts associated with the project will occur adjacent to nontidal wetlands abutting an unnamed tributary to Basin Run south of Balderston Lane, in Colora, Cecil County, Maryland. (39.668359, -76.103091). Off-site mitigation for stream impacts will restore a perennial unnamed tributary to Plum Creek west of Old Elk Neck Road in Elkton, Cecil County, Maryland (39.566502, -75.888578).

**OVERALL PROJECT PURPOSE:**

The purpose of the project is to create a commercial warehouse distribution center within one of Maryland Department of Business and Economic Development's designated Enterprise Zones in Cecil County's to organize, store, and distribute products from the Port of Baltimore along Interstate 95 and throughout the Mid-Atlantic region.

**PROJECT DESCRIPTION:**

The project proposes the construction of a commercial warehouse distribution facility within the existing Principio Business Park, in accordance with the attached plans. The facility will include two regional distribution buildings, referred to as Principio Site C-1, and C-2, which will encompass approximately 593,000 square feet and 200,000 square feet, respectively. The project will construct the necessary attendant infrastructure associated with the warehouses (including parking lots, vehicle loading docks, new utility lines, retaining walls, stormwater management facilities, etc.) and staging & stockpiling areas. A single entrance roadway will be constructed for ingress and egress to the facility from Principio Parkway East and will cross an intermittent tributary to the Bush River in a culvert. The work includes vegetative clearing, grading, excavation, and filling.

The project will permanently impact 1,723 linear feet (15,442 square feet) of intermittent stream and 47,857 square feet (1.10 acres) of forested nontidal wetlands.

**EFFECTS ON AQUATIC RESOURCES:**

Activity	Stream Impact (lf)	Stream Impact (Sq. Ft.)	Wetland Impact (Sq. Ft.)	Authority (Section 10/404/408)
Permanent Impacts associated with warehouse construction and site development (clearing, grading, excavation, and fill)	1,723 (intermittent)	15,442 (intermittent)	47,857 (PFO)	Section 404

**LEAD FEDERAL AGENCY:**

The United States 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:**

Avoidance and minimization: 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 based on the existing site conditions. The site was chosen due to its location on a former sand and gravel mine, known as Principio Site C, within the Principio Business Park, a Cecil County designated Enterprise Zone. Two alternative sites were evaluated, known as Principio Site E and Principio Site I. Both sites have environmental constraints that would not allow for the construction of an adequately sized facility. Principio Site E is constrained by a CSX-owned rail line and would require 1.7 acres of permanent wetland impacts to accommodate a significantly smaller warehouse facility. Principio Site I is bounded by four larger stream systems, all within the sensitive Principio Creek watershed, which would be impacted for facility construction. Principio Site C was chosen for its ability to accommodate an adequately sized facility with fewer overall impacts to streams and wetlands. Additionally, all streams and wetlands that will be impacted are located outside of the Principio Creek watershed. The facility is proposed on land between three existing warehouse developments; one leased by Amazon to the west and two others leased by Smithfield Foods and Restoration Hardware, respectively, to the east. The location will allow vehicles to utilize Principio Parkway East, minimizing additional road construction needs. The project proposes a single access road from Principio Parkway East that is aligned to avoid streams and wetlands to the maximum extent practicable. The road will cross a single intermittent stream in a concrete culvert. Several alternative roadway stream crossings, including a bridge and bottomless arch, were evaluated but the design team determined that the additional grading required to maintain a maximum road slope of 8% would result in greater overall wetland impacts. The design team initially evaluated the potential to create a single large scale warehouse building at the site, however determined that the extensive grading for the warehouse pad and stormwater management facilities would result in substantially greater impacts to stream channels and nontidal wetlands. To reduce impacts to aquatic resources, the design team chose to pursue two smaller warehouse facilities, that could be rotated to be placed predominantly on uplands. To reduce the extent of grading and fill for the facility, the design team chose a 3:1 slope for the site embankments, determined to be the steepest feasible grade to support a level warehouse pad. Stormwater management facilities are proposed predominantly in uplands. Additional avoidance and minimization measures, including the use of large retaining walls are proposed to minimize overall limits of grading and to shift the two buildings further north, avoiding a larger system of streams and wetlands in the southwest portion of the project area.

Compensatory Mitigation: Mitigation for unavoidable stream and wetland impacts associated with this project is proposed to be satisfied through off-site permittee-responsible mitigation. No mitigation banks currently have a service area in the impacted watershed. Compensatory wetland mitigation requirements will be satisfied through the creation of new forested wetlands at a 2:1 ratio. The project proposes to create 2.17 acres of connected forested wetlands in a former agricultural area that directly abuts existing wetlands east of Basin Run. The wetland mitigation project will grade microtopography, add woody debris, and plant a dense variety of native wetland trees and shrubs. Compensatory stream mitigation requirements will be satisfied through the restoration of 2,453 linear feet of an unnamed perennial tributary to Plum Creek on private property adjacent to Elk Neck State Forest. Stream mitigation requirements were determined via assessment of functional loss and proposed functional gain. The project will restore a contiguous 2,160 linear foot section of the stream using natural channel design methodology. The project will provide functional lift by grading eroding streambanks, improving floodplain access, creating riparian wetlands, and improving stream bedform through installation of grade controls including log drops, J-hooks, cross vanes, and toe wood. Downstream of the main restoration area, the project will replace an existing degraded culvert beneath a driveway with a bottomless arch culvert to provide aquatic species passage. An additional 235 linear feet of the unnamed perennial tributary to Plum Creek downstream of the crossing will be restored by grading streambanks, installing J-hooks, and creating a riffle-pool sequence. No existing resources will be impacted by the wetland mitigation project. The stream mitigation project will permanently impact 2,806 linear feet (38,488 square feet) of perennial stream and temporarily impact 32 linear feet (307 square feet) perennial stream.

#### **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, United States Environmental Protection Agency.

### **ENDANGERED SPECIES:**

A preliminary review of this application indicates that the proposed work may affect federally listed rare, 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.

### **ESSENTIAL FISH HABITAT:**

The Magnuson-Stevens Fishery Conservation and Management Act, 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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The Baltimore District has made a preliminary determination that the project is not within EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

### **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 no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project has no potential to cause effects 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.

### **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.

**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 Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement.

The applicant must obtain any state or local government permits which may be required.

**SUBMISSION OF COMMENTS:**

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 and are subject to release to the public through the Freedom of Information Act. 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 United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2020-61908.

**PUBLIC HEARING REQUESTS:**

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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

Matt Hynson  
[Matthew.Hynson@usace.army.mil](mailto:Matthew.Hynson@usace.army.mil)  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
2 Hopkins Plaza  
Baltimore, Maryland 21201

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 <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. 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 Matt Hynson at [Matthew.Hynson@usace.army.mil](mailto:Matthew.Hynson@usace.army.mil) or (410) 689-9532. This public notice is issued by the Chief, Regulatory Branch.