



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2018-60224 (SO. Co. Rec & Parks / MD 413 Bike Path)

PN 18-67

Comment Period: December 18, 2018 to January 17, 2019

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 (DA) permit pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344)**, as described below:

APPLICANT: Somerset County
Recreation and Parks Complex
C/o Mr. Clint Sterling
30290 Sam Barnes Road
Westover, Maryland 21871

WATERWAY AND LOCATION OF THE PROPOSED WORK: In nontidal wetlands that drain to the Big Annemessex River along an approximately 4 mile coordinator of abandoned railroad bed and adjacent to Maryland Route 413 (MD 413) from Crisfield to Marion Station, Somerset County, Maryland.

PROPOSED WORK AND PURPOSE: To construct an approximately 4 mile long pedestrian and bicycle trail by grading and depositing fill resulting in permanent impacts to approximately 21,535 square feet (0.49 acre) area of nontidal wetlands to construct a surface parking lot, paved trail, and for the relocation and improvement of existing lot driveway aisles; and temporary impacts to approximately 202,726 square feet (4.65 acre) of nontidal wetlands for temporary construction access for sediment and erosion control activities. All work is located along an abandoned railroad line and adjacent to northbound Maryland Route 413 from Hinman Lane to Davis Lane, in Crisfield, Somerset County, Maryland. The purpose of the project is to improve pedestrian and bicycle safety along the roadway by constructing a dedicated trail corridor. The work would be achieved by grading and filling activities that would occur in nontidal wetlands located within drainage ditches along the length of the entire corridor.

AVOIDANCE AND MINIMIZATION STATEMENT: 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 majority of the project impacts are temporary in duration and would result from installation of sediment and erosion control best management practices for construction access vehicles and equipment to maneuver through the project corridor. The permanent impacts in nontidal wetlands are due to grading and placement of fill to construct a pedestrian and bicycle trail and parking area at the start of the project in nontidal wetlands. Due to the linear nature of the project and the route being limited to a 4 mile corridor adjacent to MD 413 and the abandoned railroad bed, there are few options available for complete avoidance of waters of the United States. The project design requires

some grading along the existing abandoned railroad bed for engineering and safety requirements that would result in permanent impacts to nontidal wetlands. Temporary construction access within wetlands was designed to be the minimum width required for construction vehicle access. All stream crossings would be bank-to-bank with no permanent impacts to channel or flow. Where practicable, stream crossings would occur from existing roadways or culvert crossings or through the use of a temporary bank-to-bank bridge crossing. The proposed project would not require replacement of existing culverts.

MITIGATION STATEMENT: For the permanent forested nontidal wetland loss of approximately 15,102 square feet (0.34 acre), the applicant proposes to mitigate at a 2:1 replacement ratio. For the permanent emergent nontidal wetland losses of approximately 6,433 square feet (0.14), the applicant proposed to mitigate at a 1:1 replacement ratio. . The applicant proposes to satisfy this requirement by mitigating in-kind along the trail corridor by incorporating planting of native woody tree and herbaceous wetland species vegetation within the project limit of disturbance that would meet FAC or FACW wetland indicator status. All temporary impacted PEM wetlands would be restored to preconstruction conditions, including reseeding as necessary in accordance with the conceptual mitigation dated June 6, 2018. The applicant has proposed a total of approximately 188,603 square feet (4.33 acres) of tree plantings and 196,203 square feet (4.50 acres) of wetland seeding within the limit of disturbance that would be more than the required 0.68 acres of PFO and 0.14 acres of PEM wetland mitigation needed on-site and in-kind.

All work is proposed to be completed in accordance with the attached plan(s) and work description. If you have any questions concerning this matter, or would like to submit written comments, please contact: Mr. Jason R. Peters, Baltimore District, Corps of Engineers, Regulatory Branch, Easton Field Office, Talbottown Shopping Center
218 N. Washington Street, Suite 51, (410) 820-8550, Jason.R.Peters@usace.army.mil.

The decision whether to authorize this project will be based on an evaluation of 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 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 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, U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch, Easton Field Office, Talbottown Shopping Center 218 N. Washington Street, Suite 51, Easton, Maryland, 21601, 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 affect Essential Fish Habitat (EFH). This project does not lie in or adjacent to EFH as described under the MSFCMA.

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, 1800 Washington Blvd., Suite 430, Baltimore, Maryland 21230 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.

COASTAL ZONE MANAGEMENT PROGRAMS: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the State's federally-approved Coastal Zone Management Program (CZMP). By this public notice, we are requesting the State's concurrence or objection to the applicant's consistency certification statement. Public comments relating to consistency must be received by the Coastal Zone Division, MDE, Montgomery Park Business Center, 1800 Washington Blvd., Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that Maryland's CZMP has a statutory limit of six (6) months from the date of this public notice in which to make its consistency determination.

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

ENDANGERED SPECIES ACT: A preliminary review of this application using the U.S. Fish and Wildlife Service IPaC online screening tool indicates that the proposed work will not affect any Federal listed threatened or endangered species or their critical habitat, pursuant to Section 7 of the Endangered Species Act (ESA), as amended. The project location and vicinity is not mapped as critical habitat for any known Federally-listed threatened or endangered species under USFWS' jurisdiction. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

NATIONAL HISTORIC PRESERVATION ACT: 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. As the evaluation of this proposal continues, additional information may become available which could modify this preliminary determination.

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, U.S. Army Corps of Engineers, Baltimore District, District Engineer, U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch, Easton Field Office, Talbottown Shopping Center, 218 N. Washington Street, Suite 51, Easton, Maryland, 21601, 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.

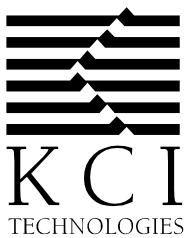
It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

KATHY B. ANDERSON
Chief, Maryland Section Southern



SHEET 1 OF 95



ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS

936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
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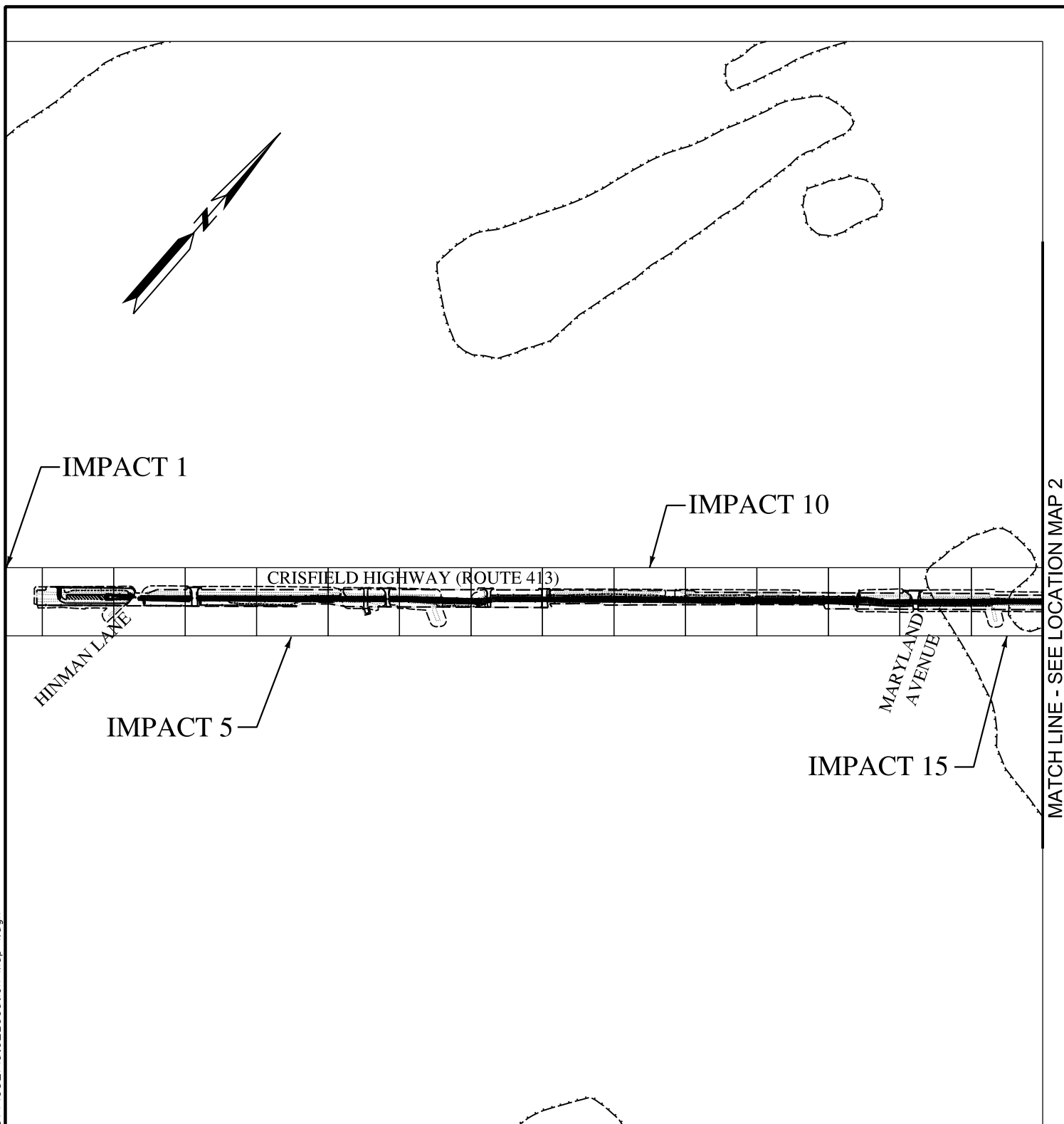
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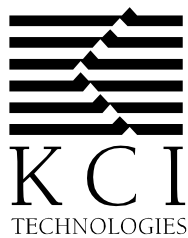
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SOMERSET COUNTY GOVERNMENT PUBLIC WORKS
MD 413 BIKE PATH
FROM SOUTH OF HINMAN LANE TO SOUTH OF DAVIS LANE
CRISFIELD, MARYLAND
VICINITY MAP

PLOTTED: 08:33 AM on Wednesday, June 06, 2018
 BY: amanda.wagoner
 FILE: c:\dms\pwise\amanda.wagoner\dms83071\03_Plate_Location Map-1.dgn



SHEET 3 OF 95



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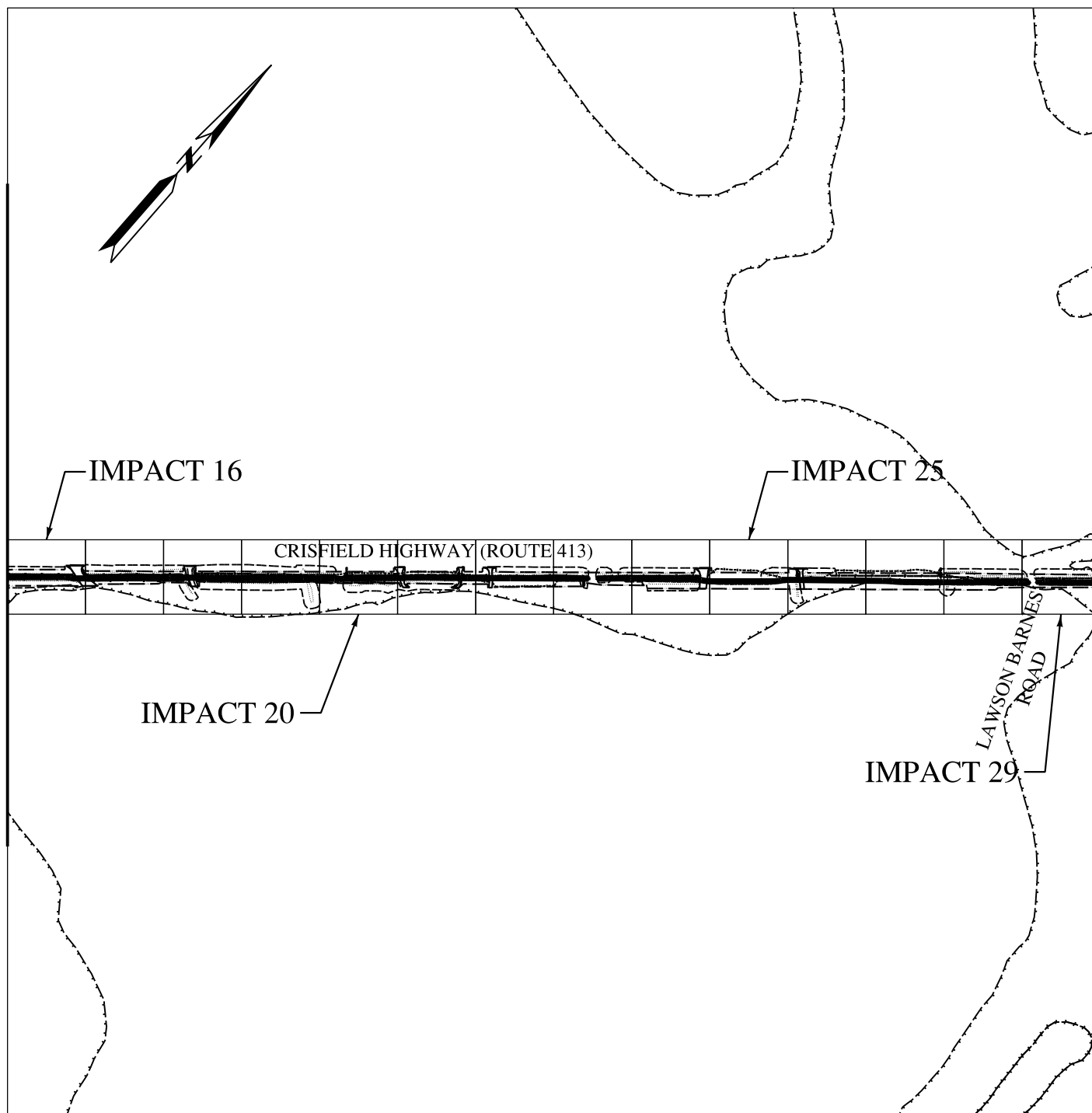
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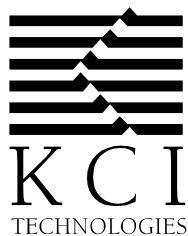
SOMERSET COUNTY GOVERNMENT PUBLIC WORKS
 MD 413 BIKE PATH
 FROM SOUTH OF HINMAN LANE TO SOUTH OF DAVIS LANE
 CRISFIELD, MARYLAND
 LOCATION MAP-1

MATCH LINE - SEE LOCATION MAP 1

MATCH LINE - SEE LOCATION MAP 3



SHEET 4 OF 95



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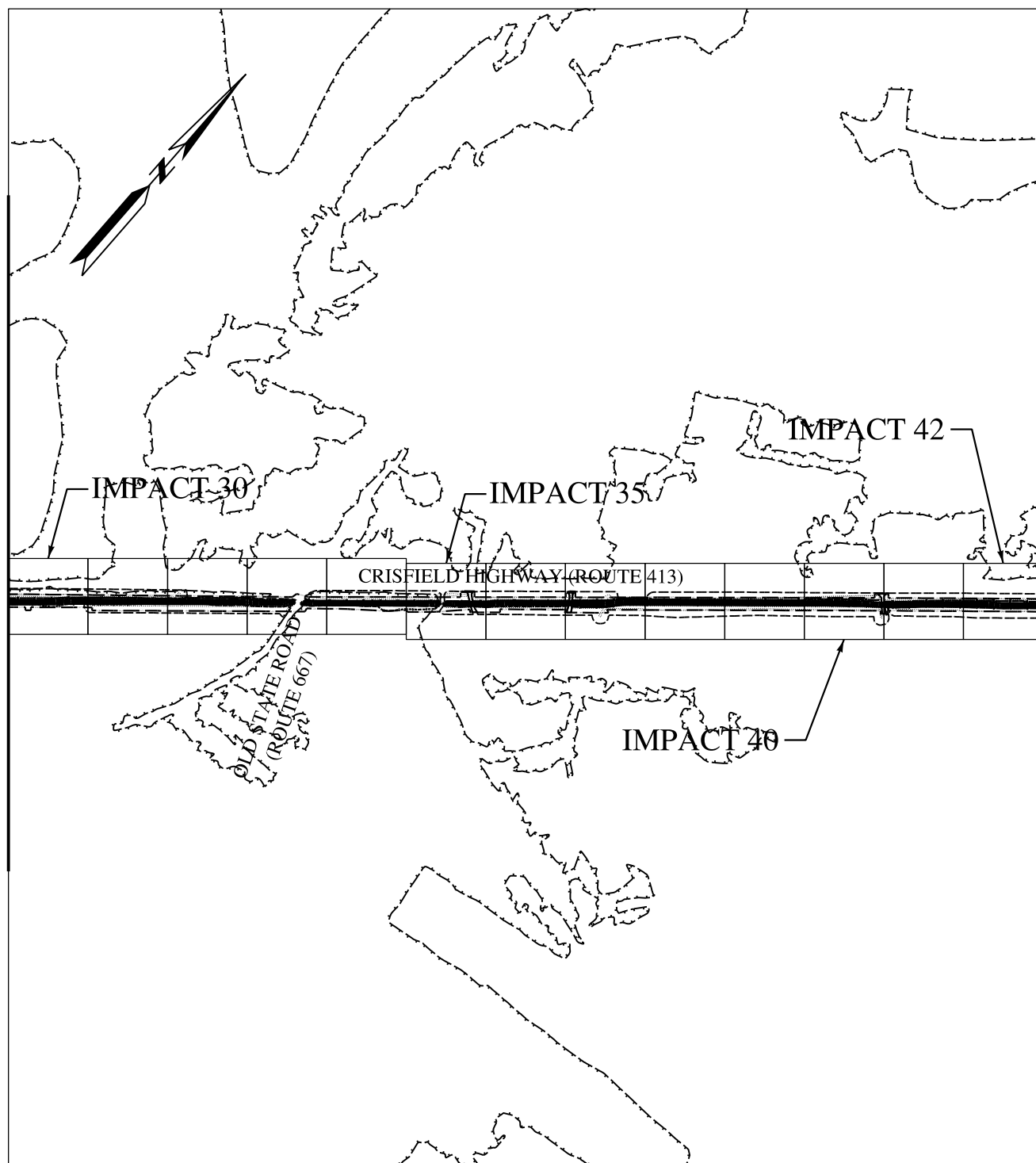
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N.T.S.

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AAW

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MD 413 BIKE PATH
FROM SOUTH OF HINMAN LANE TO SOUTH OF DAVIS LANE
CRISFIELD, MARYLAND

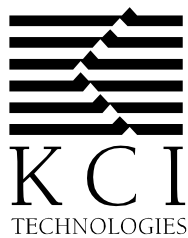
LOCATION MAP-2

MATCH LINE - SEE LOCATION MAP 2



MATCH LINE - SEE LOCATION MAP 4

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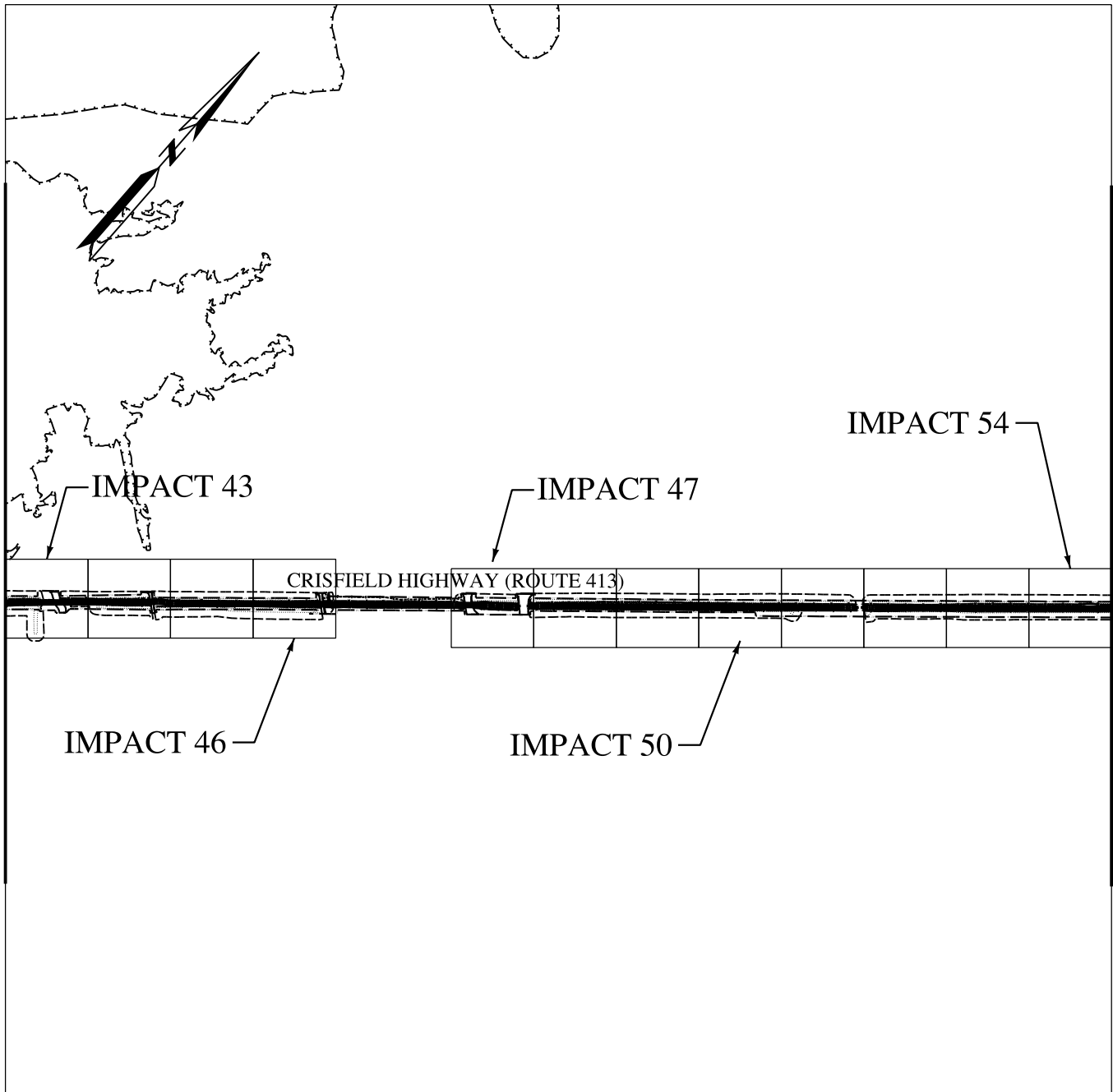
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SOMERSET COUNTY GOVERNMENT PUBLIC WORKS
MD 413 BIKE PATH
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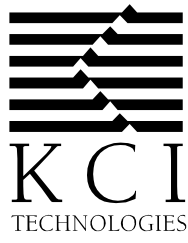
LOCATION MAP-3

MATCH LINE - SEE LOCATION MAP 3

MATCH LINE - SEE LOCATION MAP 5



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BY: amanda.wagoner
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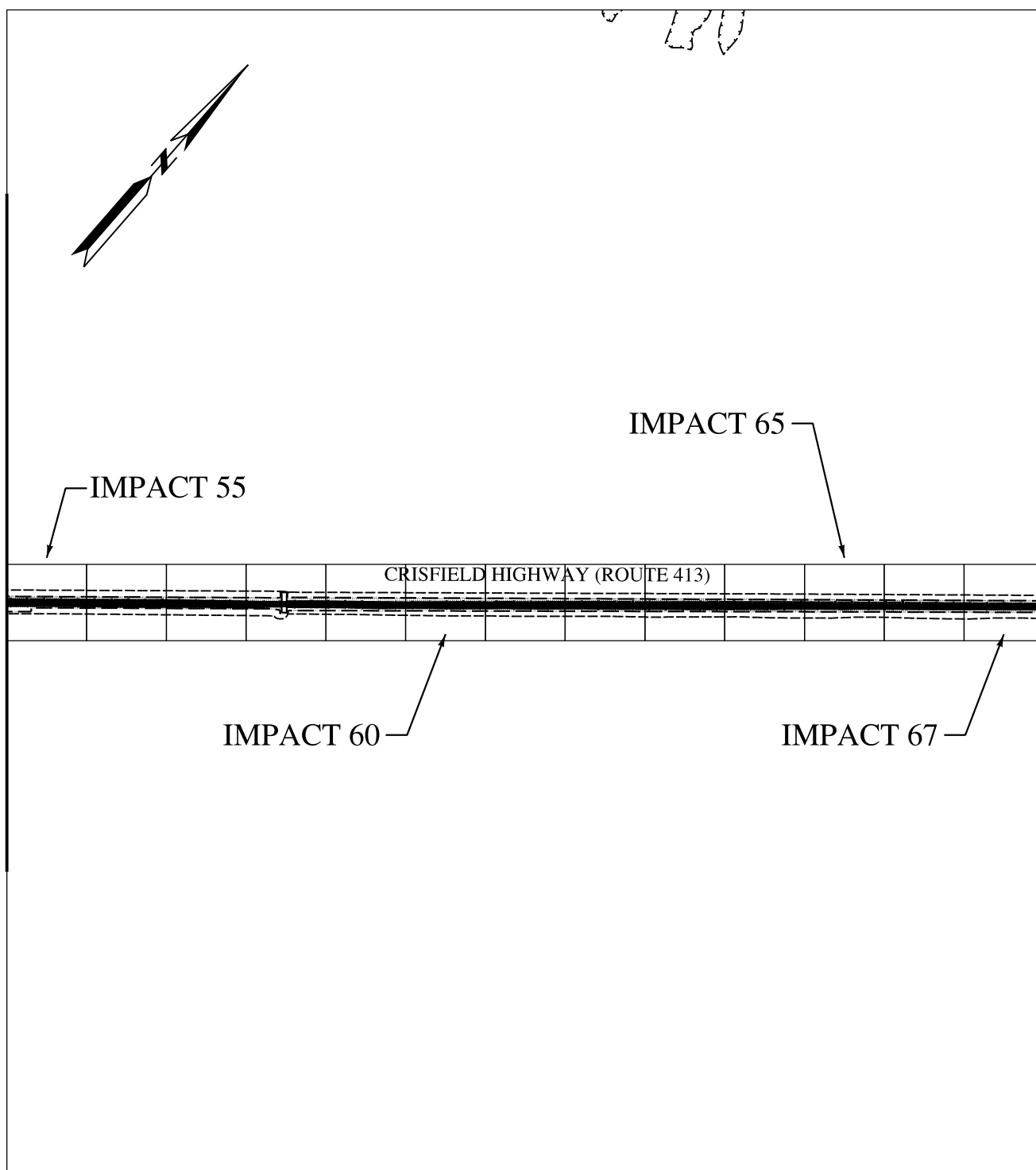
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SOMERSET COUNTY GOVERNMENT PUBLIC WORKS
MD 413 BIKE PATH
FROM SOUTH OF HINMAN LANE TO SOUTH OF DAVIS LANE
CRISFIELD, MARYLAND

LOCATION MAP-4

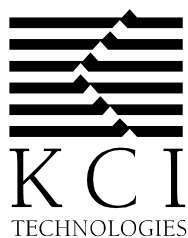
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MATCH LINE - SEE LOCATION MAP 4



MATCH LINE - SEE LOCATION MAP 6

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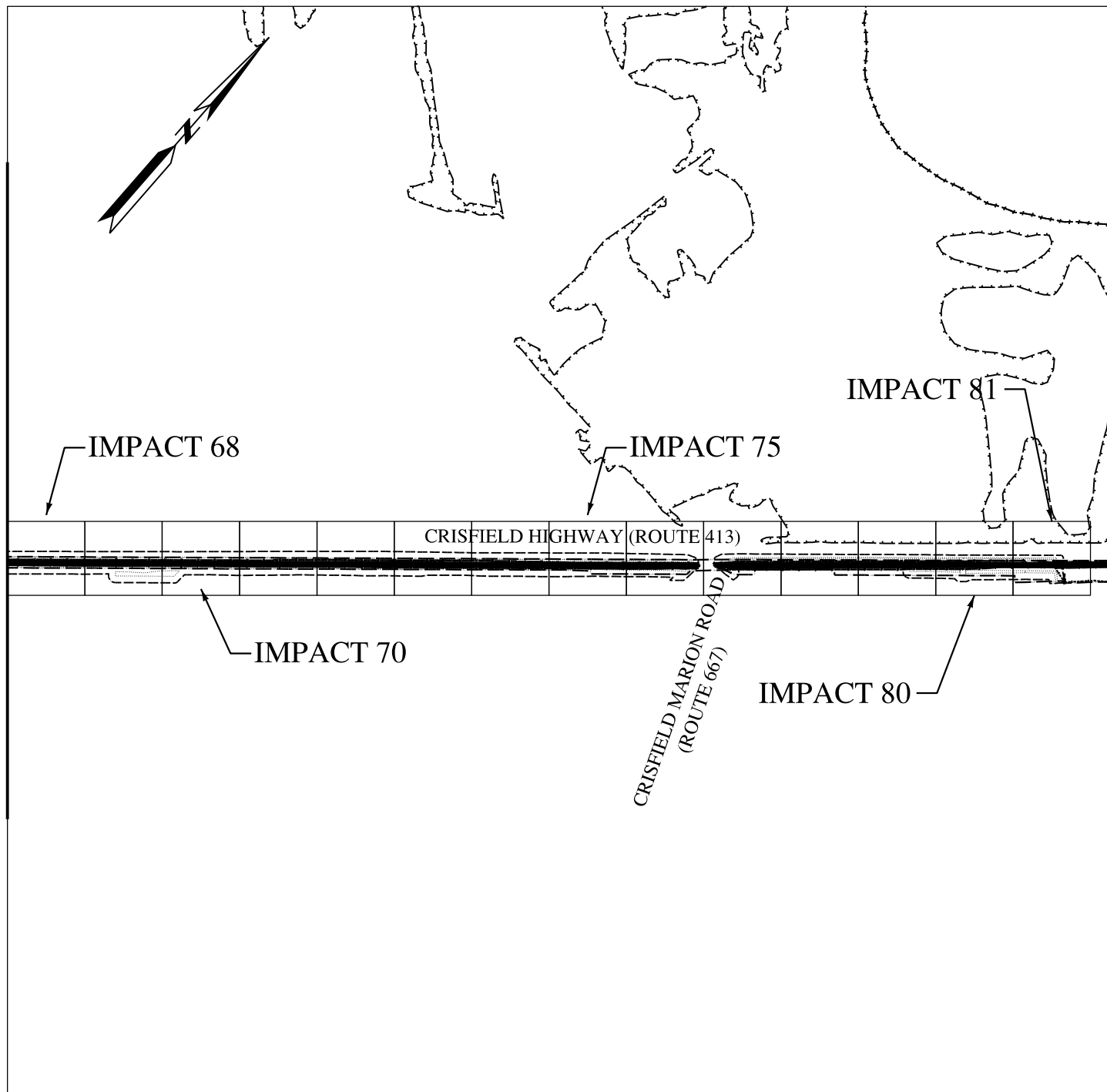
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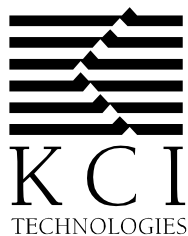
SOMERSET COUNTY GOVERNMENT PUBLIC WORKS
 MD 413 BIKE PATH
 FROM SOUTH OF HINMAN LANE TO SOUTH OF DAVIS LANE
 CRISFIELD, MARYLAND

LOCATION MAP-5

MATCH LINE - SEE LOCATION MAP 5



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SCALE:
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AAW

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LOCATION MAP-6