

U.S. Army Corps
of Engineers
Baltimore District
PN 17-18

Public Notice

In Reply to Application Number
CENAB-OP-RMS(MUIRKIRK POND) 2016-6083

Comment Period: April 14, 2017 to May 4, 2017

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 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. U.S.C. 1344)** as described below:

APPLICANT: Jim Lyons
Prince George's County Department of Environmental Resources
1801 McCormick Drive, Suite 500
Largo, Maryland 20774

LOCATION: The pond drains to Northwest Branch, a tributary of the Anacostia River, from its location at 11875 Baltimore Avenue, Beltsville, Prince George's County, Maryland.

PROPOSED WORK AND PURPOSE: The applicant proposes to retrofit an existing regional stormwater management pond by grading and creating multiple forebays within the pond permanently impacting approximately 110,120 square feet of existing common reed (*Phragmites australis*) wetlands and 353,309 square feet of open water (pond).

The pond was constructed in 1990. The purpose of the project is to trap sediments, improve water quality and increase the volume of water which can be treated at this site. The pond receives runoff from approximately 710 acres, of which, approximately 170 acres is untreated impervious surfaces.

The project is part of the Clean Water Partnership. The Clean Water Partnership, which is an agreement between the County government and private sector to retrofit up to 4,000 acres of impervious surfaces using green infrastructure and low-impact development practices.

The applicant proposes to mitigate the wetland loss by creating an emergent wetland bench of native wetland species equaling approximately 25,590 square feet in size averaging approximately 15-foot wide around the perimeter of the pond. Also, a wildlife management plan would be incorporated into the project that include provisions for trapping the beavers that are living near the project area if they potentially interfere with the construction. All work will be completed in accordance with the enclosed plan(s). Written comments concerning the activity described above must be submitted directly to the District Engineer, U.S. Army Corps of Engineers, Baltimore District, [ATTN: Mr. Steve Harman, CENAB-OP-RM], 10 South Howard Street, Baltimore, Maryland, 21203-1715 or by email to steve.harman@usace.army.mil

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 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, 10 South Howard Street, Baltimore, Maryland 21203; attn. Mr. Steven Harman, within the comment period specified above.

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.

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 (CZM) Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement. It should be noted that the CZM Program has a statutory limit of 6 months 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 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.

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 request permit.

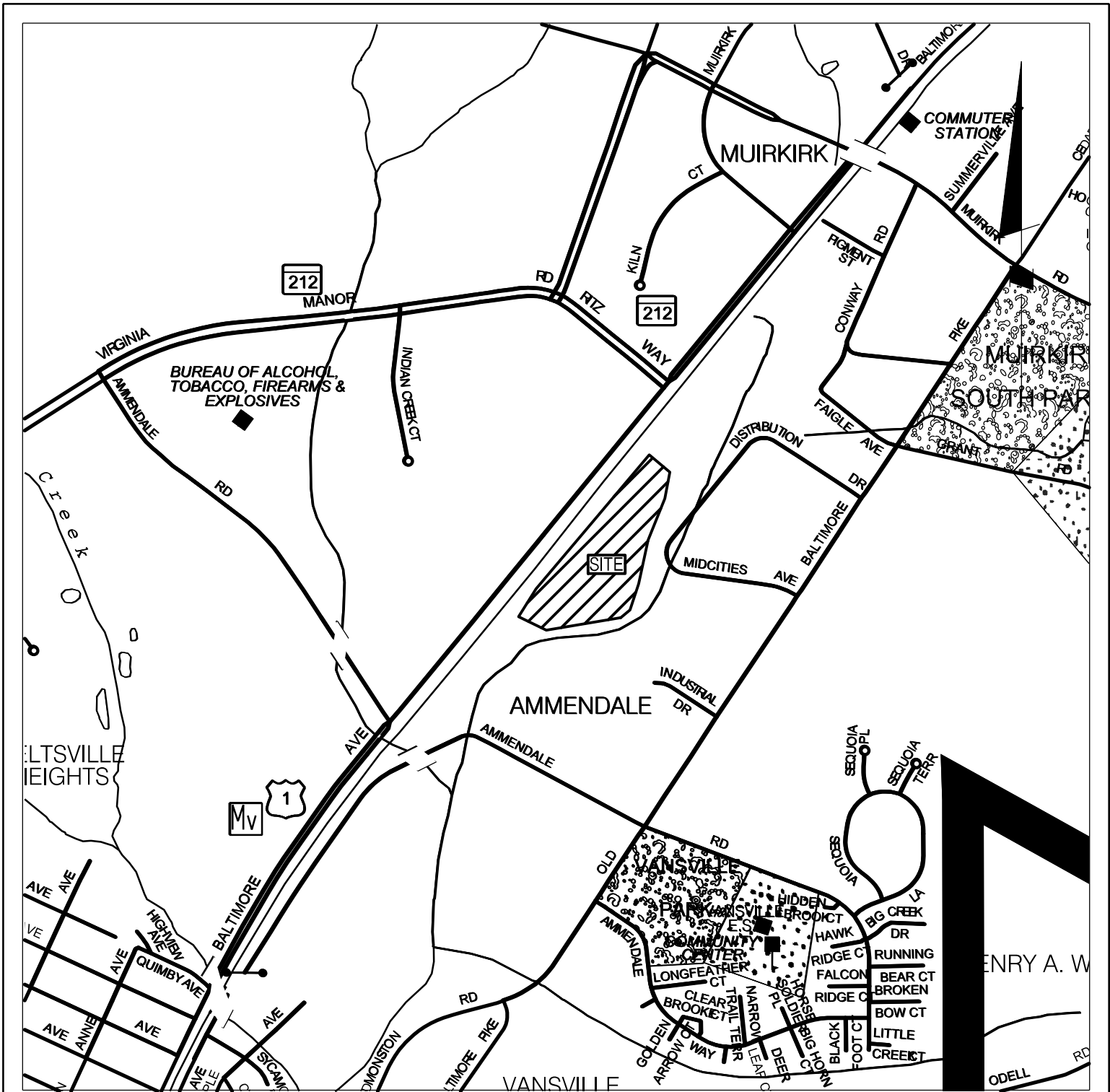
The evaluation of the impact of this project on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

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, 10 South Howard Street, Baltimore, Maryland 21201 (Attn. Mr. Steve Harman), 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 know 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



VICINITY MAP
 SCALE: 1"=1000'

SCALE: 1" = 50'

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- PERMANENT WETLAND IMPACT (EMERGENT)
- TEMPORARY OPEN WATERS IMPACT
- PERMANENT WETLAND BUFFER IMPACT
- 100 YEAR FEMA FLOODPLAIN

PLATE #	PERMANENT STREAM IMPACT(LF)	TEMPORARY STREAM IMPACT(LF)	PERMANENT WETLANDS IMPACT(SF)	TEMPORARY WETLANDS IMPACT(SF)	PERMANENT WETLANDS BUFFER IMPACT(SF)	TEMPORARY WETLANDS BUFFER IMPACT(SF)	PERMANENT FLOODPLAIN IMPACT(SF)	TEMPORARY FLOODPLAIN IMPACT(SF)
TOTAL	0 LF	0 LF	110,120 SF +/-	0.00 SF	31,488 SF +/-	0.00 SF	0.00 SF +/-	454,379 SF

WETLAND/WATERS IMPACT EXHIBIT
MUIRKIRK POND
11875 BALTIMORE AVENUE
MUIRKIRK POND
 PRINCE GEORGE'S COUNTY, MARYLAND

1" = 50'

SHEET **1**
OF **1**

PROJECT NO.
3564-00-00