

U.S. Army Corps
of Engineers
Baltimore District

Joint Public Notice



In Reply to Application Number
**CENAB-OP-RMN (Severn Riverkeeper/Clements Creek
Confluence) 2012-60580-M15**
Maryland Nontidal Wetlands and Waterways Permit # 12-NT-0138

PN 14-13

Comment Period: February 14, 2014 to March 17, 2014

THE PURPOSE OF THIS JOINT PUBLIC NOTICE IS TO ANNOUNCE that the U.S. Army Corps of Engineers (COE) and the Maryland Department of the Environment (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 (Nontidal Wetlands) of the Environment Article, Annotated Code of Maryland.

APPLICANT: Severn Riverkeeper (SRK)
Attn: Mr. Fred Kelly
329 Riverview Trail
Annapolis, Maryland 21401

LOCATION: In Clements Creek, north of Alice Court, in Annapolis, Anne Arundel County, Maryland.

WORK: The applicant proposes to install four riffle grade control weirs as part of a floodplain berm system designed to raise surface water elevation. This practice is also known as regenerative stormwater conveyance (RSC), and is intended to improve the water quality of Clements Creek prior to entering the Severn River. Proposed impacts include approximately 42,939 square feet (0.98 acres) of flooding of the project area consisting of a palustrine forested/scrub-shrub nontidal wetland/upland mosaic; 61,128 square feet (1.4 acres) of permanent wetlands impacts, including 18,577 square feet (0.42 acres) for berm fill and haul road; 5,690 square feet (0.13 acre) of the 25-foot nontidal wetland buffer; permanent impacts from fill of 1,068 linear feet (0.28 acre) of perennial stream; and changing the hydrology of 77,855 square feet (1.79 acres) of the 100-year nontidal floodplain. The existing Clements Creek stream channel will be filled in certain sections to raise its elevation. All work is proposed to be completed in accordance with the attached plans.

Based on the application, the planning process for the proposed project included steps to avoid and minimize impacts to waters of the United States, including jurisdictional wetlands, to the maximum extent practicable. Additional avoidance and minimization measures may be required as a result of future COE/MDE actions and determinations, and based on comments received during the Public Notice comment period. The applicant is not proposing mitigation for any unavoidable impacts to Waters of the U.S.

PURPOSE: The basic purpose of the project is to improve water quality. The overall project purpose is to improve water quality by reducing nutrients and sediments in the Clements Creek Watershed.

WRITTEN COMMENTS: To be included in the official record, written comments and information provided by interested parties must be received by the COE and MDE by the closing date of the Public Notice comment period, **March 17, 2014**, to receive consideration. The mailing addresses for submission of written comments are:

U.S. Army Corps of Engineers
Baltimore District
Attn: Mr. Jack Dinne, CENAB-OP-RMN
P.O. Box 1715
Baltimore, Maryland 21203-1715
e-mail: john.j.dinne@usace.army.mil

Maryland Department of the Environment
Wetlands and Waterways Program
Attn: Ms. Kelly Flint
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230-1708
e-mail: kelly.flint@maryland.gov

If you have any questions concerning this matter, please contact Mr. Jack Dinne, COE at (410) 962-6005 or by email at john.j.dinne@usace.army.mil, and/or Ms. Kelly Flint, MDE at (410) 537-3536 or by email at kelly.flint@maryland.gov.

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, 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.

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 *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; *Peprilis triacanthos* (Atlantic butterflyfish) eggs, larvae, juvenile and adult; *Centropristus striata* (black sea bass) juvenile and adult; eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), all managed species under the MSFCMA

The project has the potential to adversely affect EFH or the species of concern by loss of nursery, forage and/or shelter habitat. The project may have an adverse effect on Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

SECTION 401 WATER QUALITY CERTIFICATION: The applicant is required to obtain a Water Quality Certification, (WQC) in accordance with Section 401 of the Clean Water Act from MDE, the Section 401 certifying agency. Any written comments concerning the work described above which relate to the WQC 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. MDE has a statutory limit of one year from the date of this public notice to make its decision.

COASTAL ZONE MANAGEMENT PROGRAM: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with Maryland's federally-approved Coastal Zone Management Program (CZMP) as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended. Public comments relating to consistency 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. MDE has a statutory limit of 6 months to concur or object to the applicant's consistency certification.

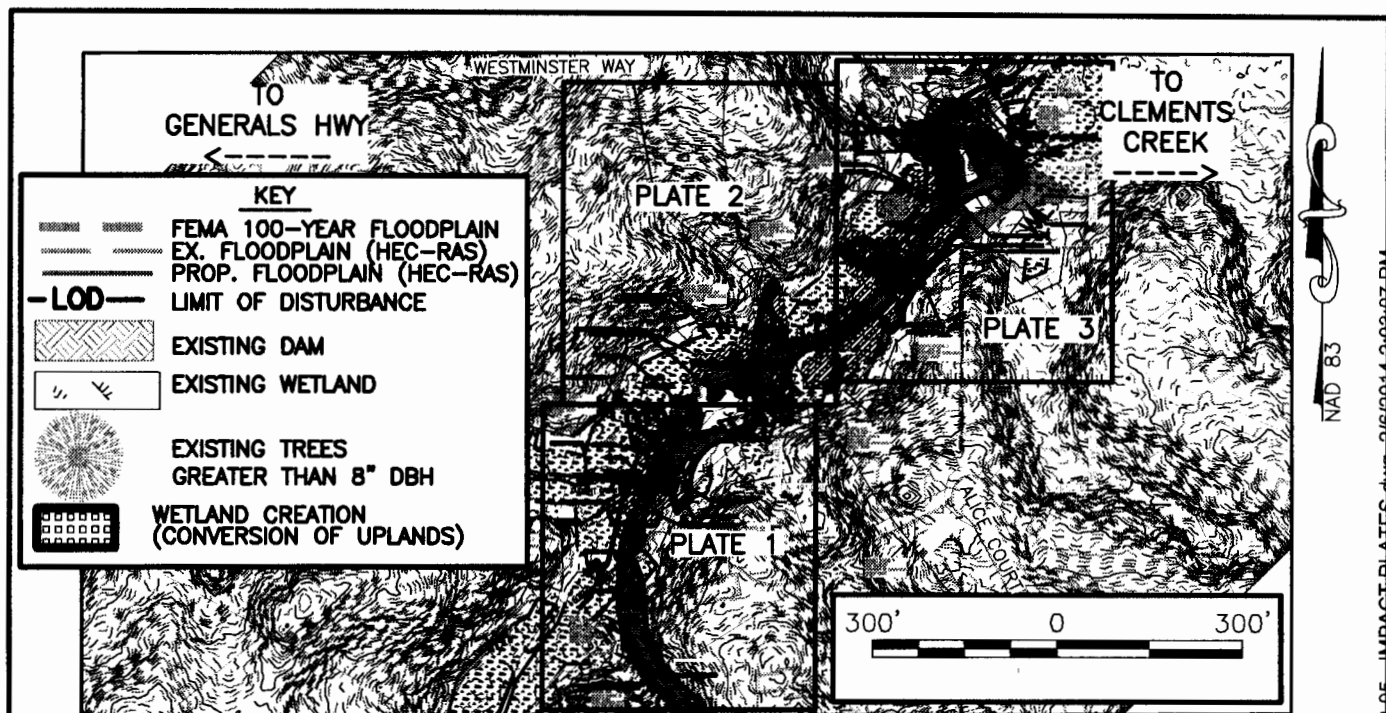
The applicant must obtain any other State and local permits/approvals which are required for the proposed activities.

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 requested permits.

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, US Army Corps of Engineers, Baltimore District, [ATTN : Mr. Jack Dinne, CENAB-OP-RMN], P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period specified above to receive consideration. Also, the request must clearly state 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, but may not have received a copy of this public notice.



SUMMARY IMPACT TABLE		
LEGEND	UNITS	TOTAL IMPACT
EXTENT OF FLOODING*	SF	42,939
WETLAND IMPACT** (WETLAND IMPACT (FILL))	SF	61,128
	SF	(18,577)
25' WETLAND BUFFER IMPACT	SF	5,690
STREAM IMPACT (FILL)*** STREAM IMPACT (FILL)	SF	11,980
	LF	1,068

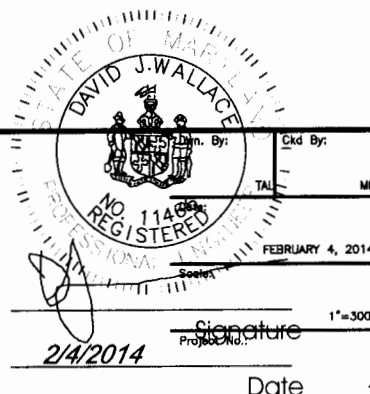
* IMPACTS DUE TO FLOODING ARE NOT PERMANENT. THE PROPOSED DESIGN INCREASES THE FREQUENCY OF FLOODPLAIN INUNDATION.
 ** WETLAND IMPACTS ARE MOSTLY DUE TO WETTER CONDITIONS THAT EXTEND THE HYDROPERIOD, STABILIZE THE GROUNDWATER TABLE AND IMPROVE SEEPAGE FLOWS. NO CONVERSION OF WETLANDS IS PROPOSED.
 *** STREAM FILL RAISES INVERT OF STREAM BOTTOM. NO LOSS OF STREAM IS PROPOSED.

DAVID J. WALLACE, P.E.

PROFESSIONAL CERTIFICATION

I, DAVID J. WALLACE, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND
 LICENSE NO. 11466
 EXPIRATION DATE : MAY 28, 2015

THIS IS A VOLUNTARY ECOLOGICAL RESTORATION PROJECT. NO PERMANENT LOSS OF LAND OR FUNCTION OF REGULATED RESOURCES IS PROPOSED HEREIN.

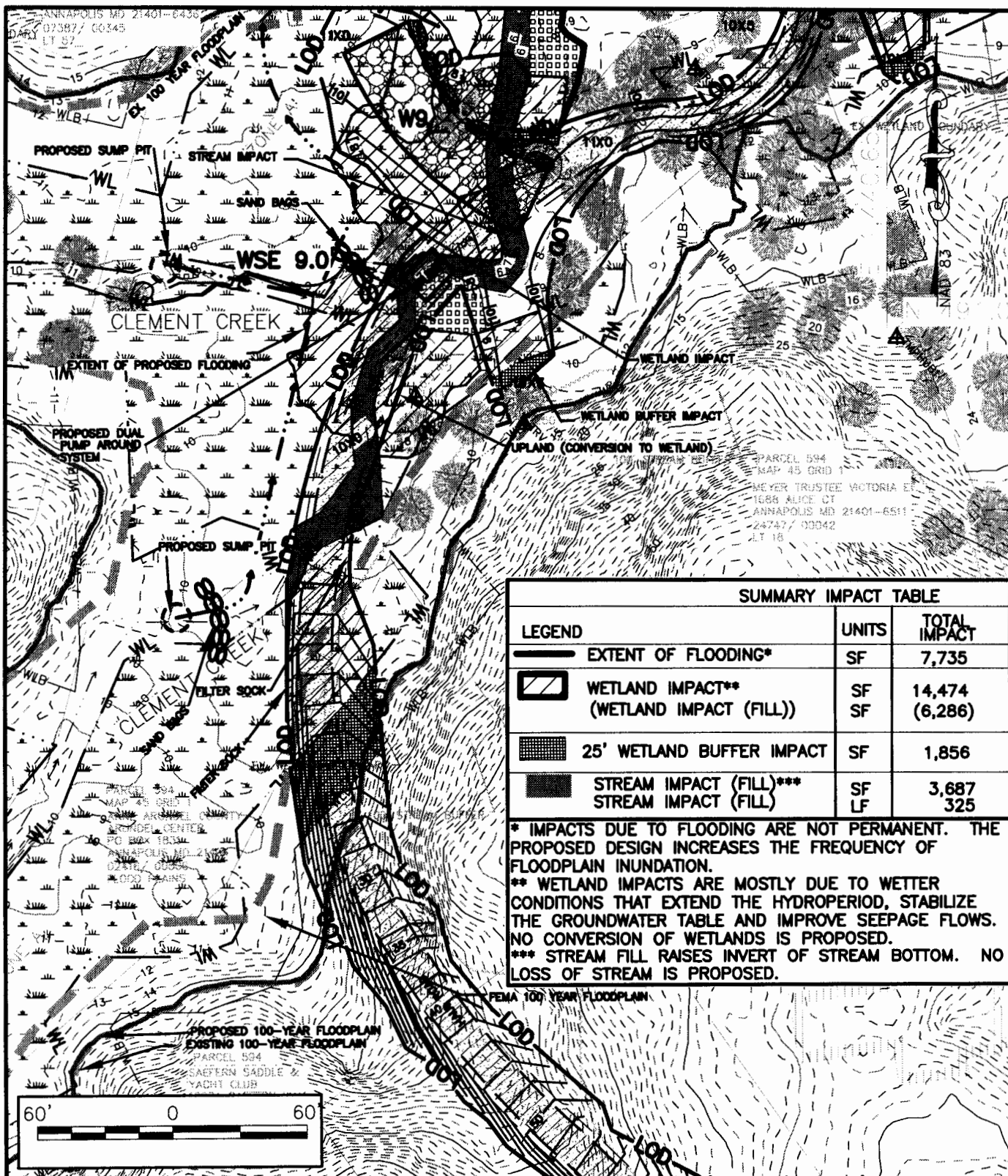


329 Riverview Trail
 Annapolis, MD 21401
 Phone: 410 849-8540

ENVIRONMENTAL IMPACTS
CLEMENTS CREEK CONFLUENCE
FLOODPLAIN RECONNECTION PROJECT
 6TH ELECTION DISTRICT
 ANNE ARUNDEL COUNTY

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 FEBRUARY 4, 2014
 REVISED IMPACT TABLE

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SUMMARY IMPACT TABLE		
LEGEND	UNITS	TOTAL IMPACT
EXTENT OF FLOODING*	SF	7,735
WETLAND IMPACT** (WETLAND IMPACT (FILL))	SF SF	14,474 (6,286)
25' WETLAND BUFFER IMPACT	SF	1,856
STREAM IMPACT (FILL)*** STREAM IMPACT (FILL)	SF LF	3,687 325

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ENVIRONMENTAL IMPACTS MARYLAND CLEMENTS CREEK CONFLUENCE FLOODPLAIN RECONNECTION PROJECT

6TH ELECTION DISTRICT
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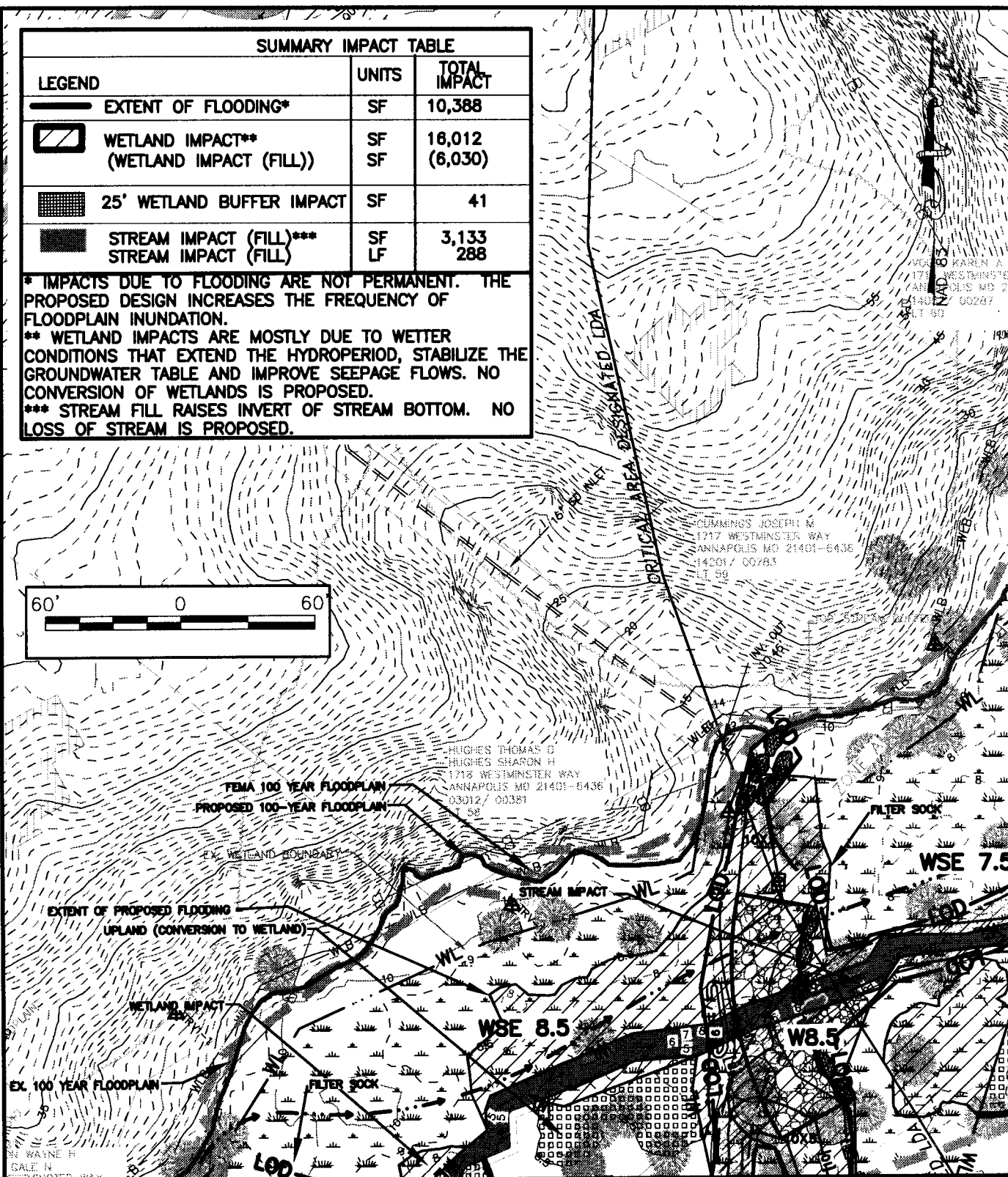
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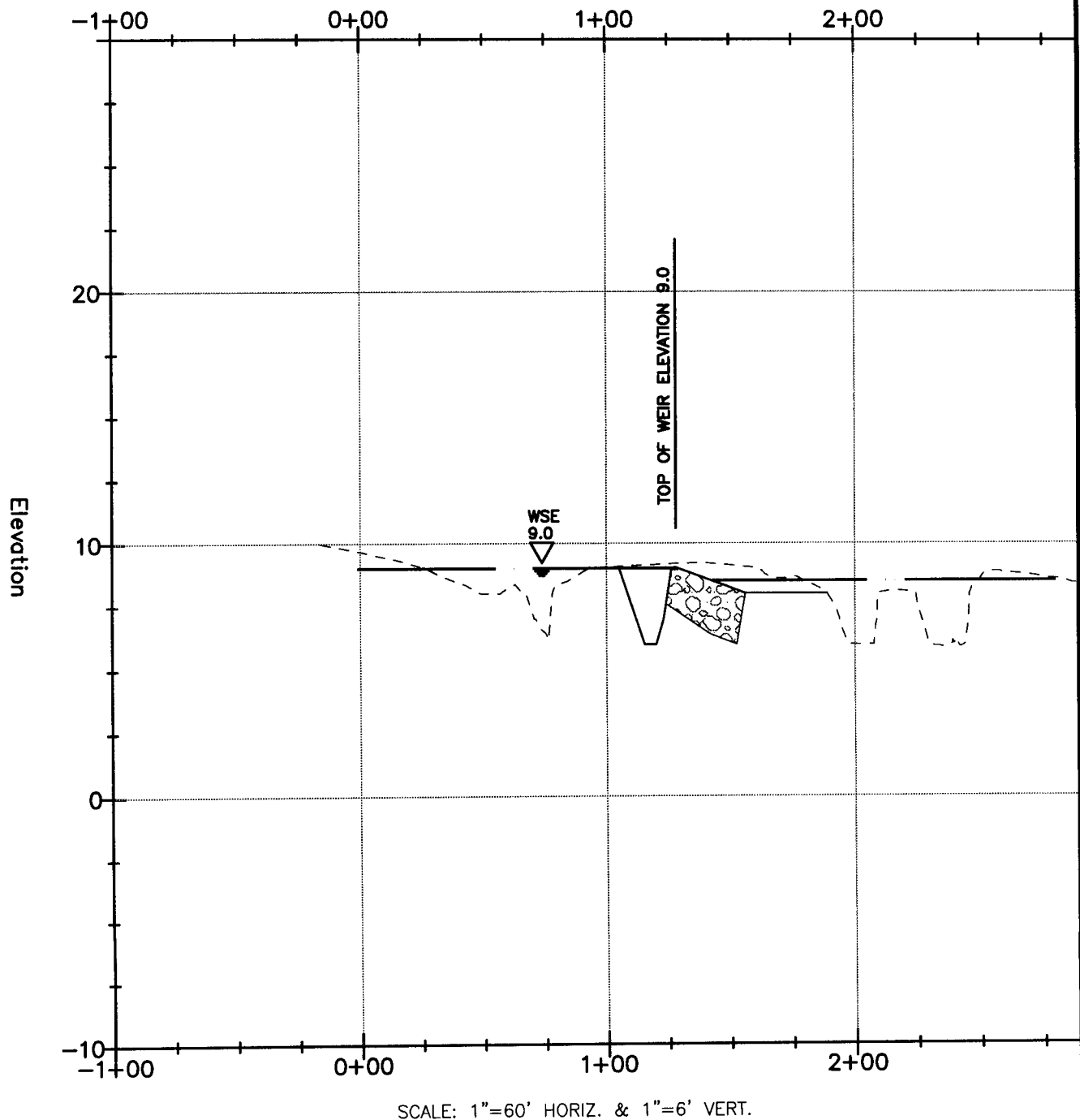
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REVISED IMPACT TABLE

SUMMARY IMPACT TABLE			
LEGEND		UNITS	TOTAL IMPACT
		SF	10,388
		SF	16,012
		SF	(6,030)
		SF	41
		SF	3,133
		LF	288

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			1"=60' FEBRUARY 4, 2014	



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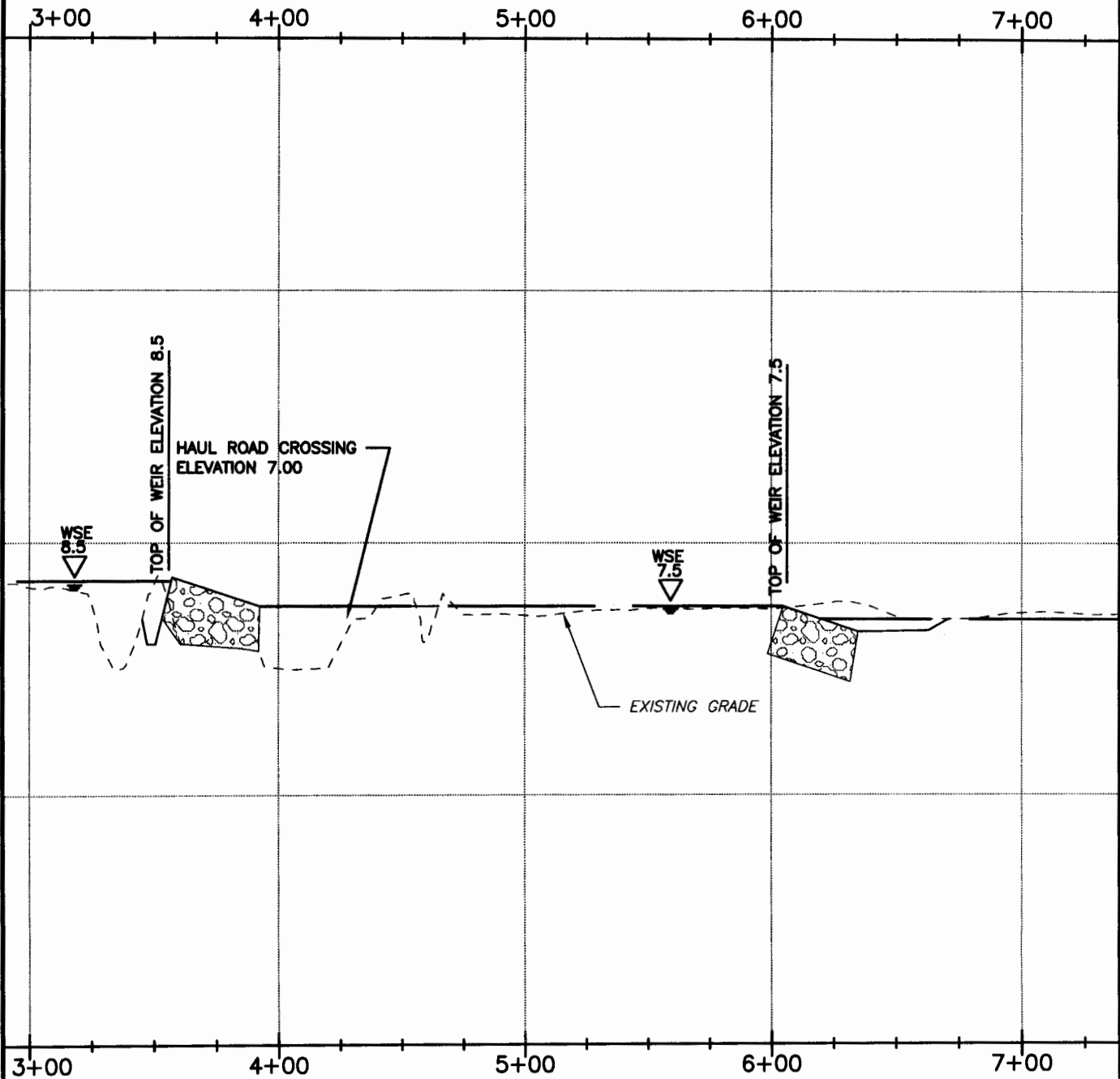
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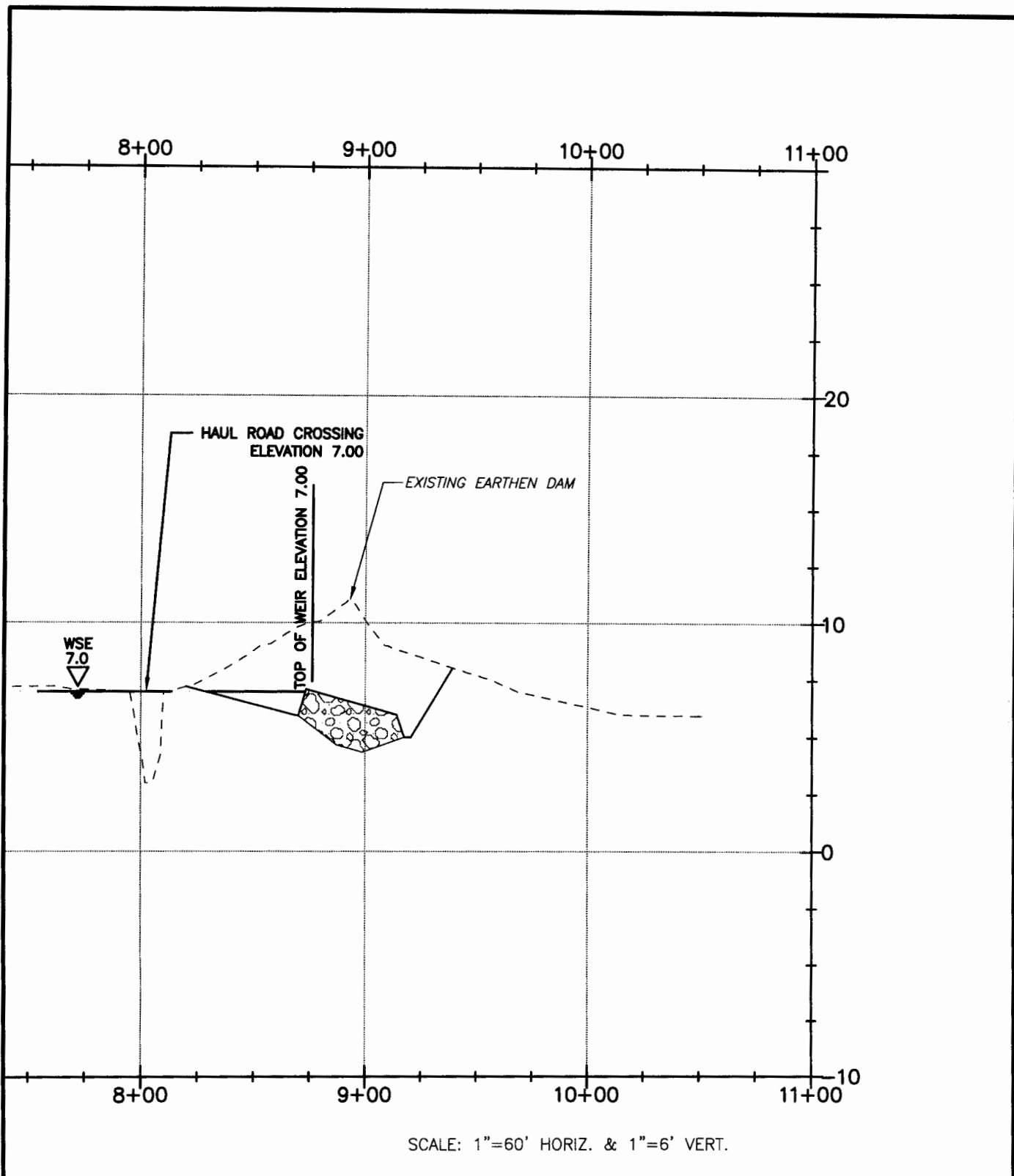
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ENVIRONMENTAL IMPACTS
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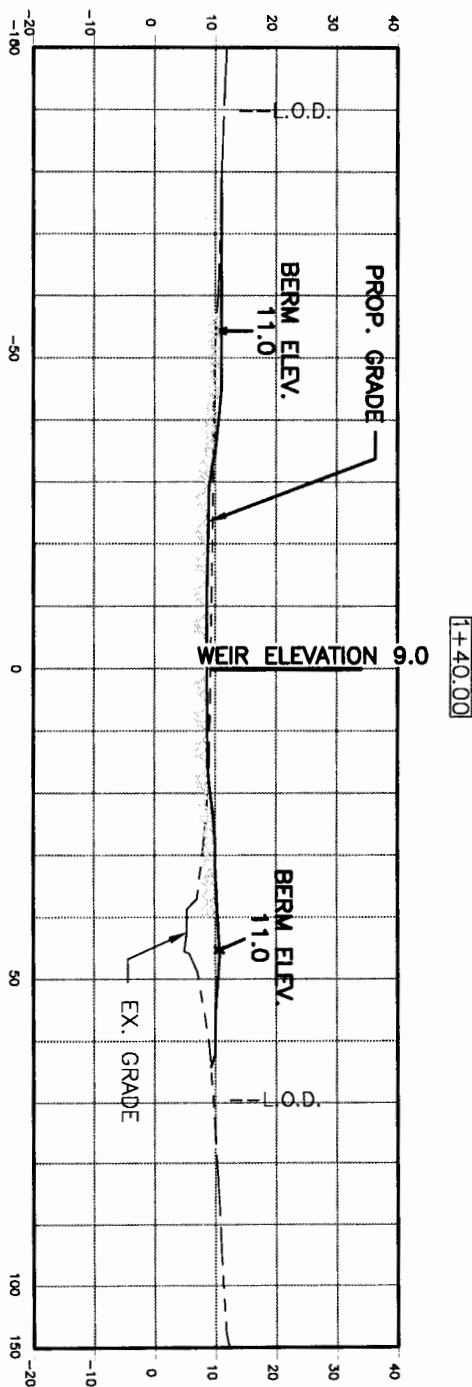


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ENVIRONMENTAL IMPACTS
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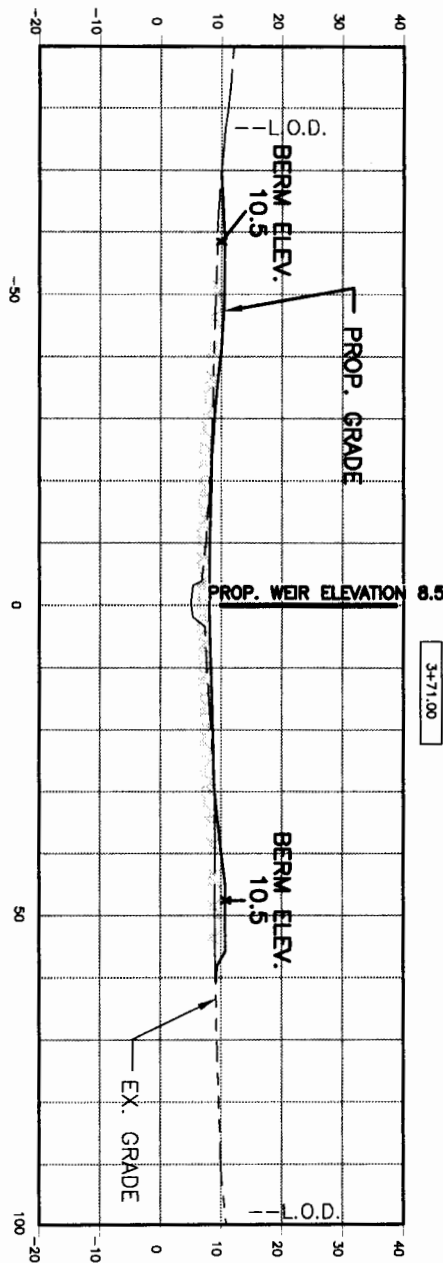


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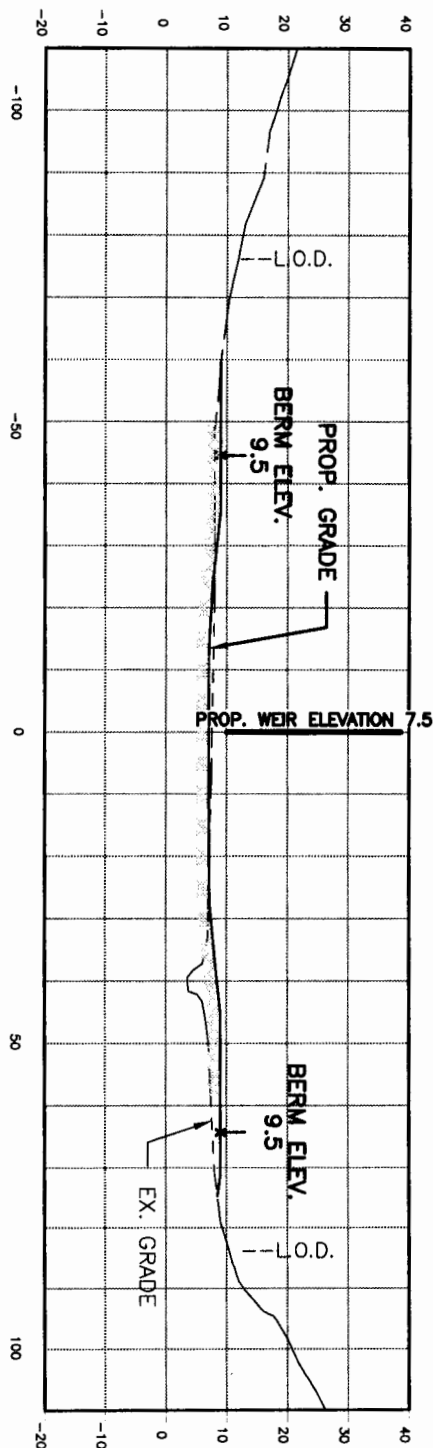
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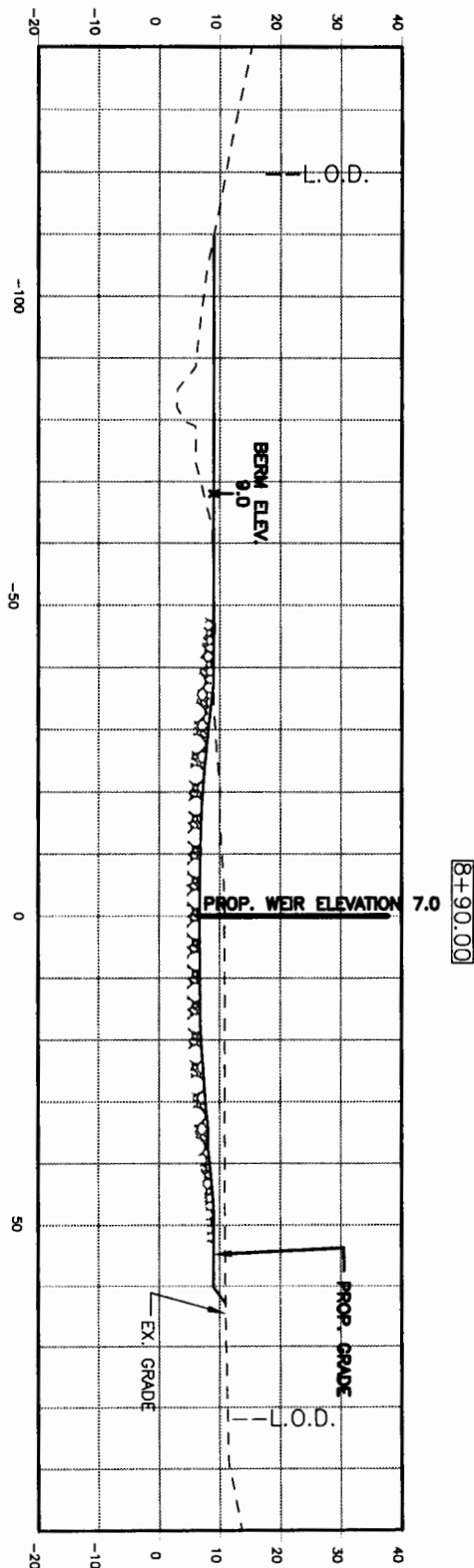
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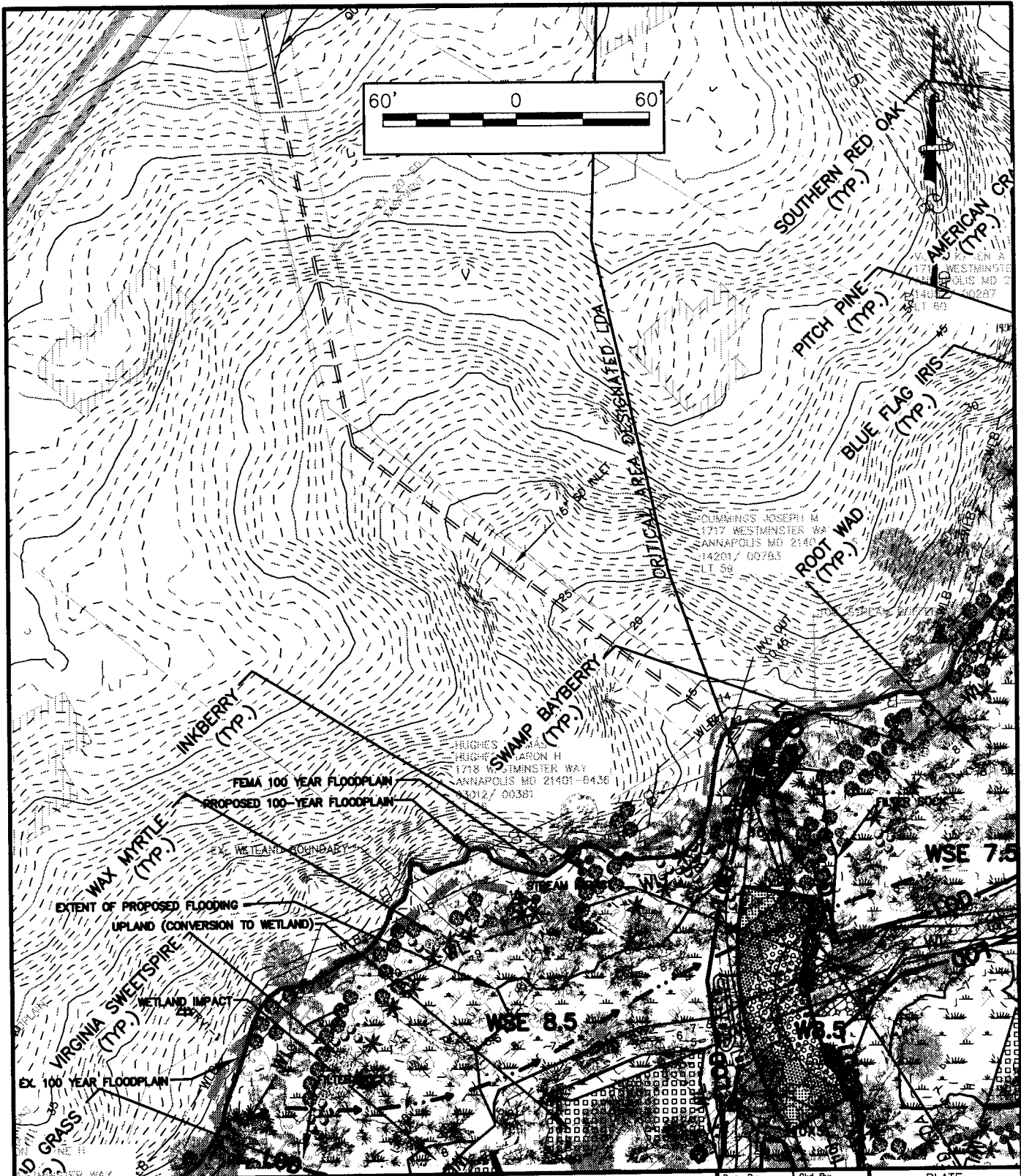
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ENVIRONMENTAL IMPACTS
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CLEMENTS CREEK CONFLUENCE
FLOODPLAIN RECONNECTION PROJECT

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












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




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PLANTING KEY			
TREES			
SYMBOL	NAME	QTY	SIZE
	SERVICEBERRY <i>Amelanchier canadensis</i>	64	2 GAL
	SOUTHERN RED OAK <i>Quercus falcata</i>	6	2 GAL
	SHELL BARK HICKORY <i>Carya laciniosa</i>	8	2 GAL
	BALD CYPRESS <i>Taxodium distichum</i>	10	2 GAL
	AMERICAN HOLLY <i>Ilex opaca</i>	96	2 GAL
	FRINGE TREE <i>Chionanthus virginicus</i>	28	2 GAL
	ATLANTIC WHITE CEDAR <i>Chamaecyparis thyoides</i>	1000	2 GAL
	SWEETBAY MAGNOLIA <i>Magnolia virginiana</i>	500	2 GAL
	PITCH PINE <i>Pinus rigida</i>	500	2 GAL
	SOUR GUM <i>Nyssa sylvatica</i>	67	2 GAL

SHRUBS			
SYMBOL	NAME	QTY	SIZE
	COMMON WINTERBERRY <i>Ilex verticillata</i>	12	1 GAL
	INKBERRY <i>Ilex glabra</i>	20	1 GAL
	VIRGINIA SWEETSPIRE <i>Itea virginica</i>	25	1 GAL
	SMOOTH ALDER <i>Alnus serrulata</i>	37	1 GAL
	BLUEBERRY <i>Vaccinium corymbosum</i>	115	1 GAL
	SWAMP AZALEA <i>Rhododendron vaccaeum</i>	27	1 GAL
	MOUNTAIN LAUREL <i>Kalmia latifolia</i>	17	1 GAL
	SWAMP BAYBERRY <i>Myrica heterophylla</i>	19	1 GAL
	WAX MYRTLE <i>Myrica caribaea</i>	25	1 GAL
	AMERICAN CRANBERRY <i>Vaccinium macrocarpon</i>	70	1 GAL

HERBS			
SYMBOL	NAME	QTY	SIZE
	**CINNAMON FERN <i>Osmunda cinnamomea</i>	170	QUART
	**ROYAL FERN <i>Osmunda regalis</i>	580	QUART
	**VIRGINIA CHAIN FERN <i>Woodwardia virginica</i>	500	QUART
	**CHRISTMAS FERNS <i>Polystichum acrostichoides</i>	345	QUART
	**GOLDEN CLUB <i>Gratiola aquatica</i>	1,180	QUART
	**BLUE FLAG IRIS <i>Iris versicolor</i>	965	QUART
	TUSOCK SEDGE <i>Carex stricta</i>	2,025	QUART
	BROOMSEDE <i>Andropogon glomeratus</i>	4,600	QUART
	BROOMSEDE <i>Andropogon virginicus</i>	5,650	QUART
	**SWITCHGRASS <i>Panicum virgatum</i>	235	QUART
SAV			
SYMBOL	NAME	QTY	SIZE
	**WATER LILIES <i>Nymphaea odorata</i>	775	QUART
	**REDHEAD GRASS <i>Potamogeton perfoliatus</i>	265	QUART



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