

U.S. Army Corps of Engineers Baltimore District

## **Public Notice**

In Reply to Application Number CENAB-OP-RMS (MO-DEP GUNNERS LAKE) 2014-60236

PN 14-58

Comment Period: November 10, 2014 to November 30, 2014

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 permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Ms. Amy Stevens

Montgomery County Department of Environmental Protection 255 Rockville Pike, Suite 120 Rockville, Maryland 20850

LOCATION: In Gunners Lake, approximately 1 mile east of the intersection of Wisteria Drive and Maryland 118, Germantown, Montgomery County, Maryland.

WORK: To dredge by hydraulic method an approximate 267,416 square foot (6.14 acres) area within the instream regional pond lake to restore as-built depths to -5.0 feet ordinary high water mark (OHWM) and to temporarily deposit the resulting approximately 20,000 cubic yard of material in an upland area on site to be dried and then disposed of at an approved upland, nonwetland, disposal site. All work is to be completed in accordance with the proposed plan(s). If you have any questions concerning this matter, please contact Mrs. Erica Schmidt at (410) 962-6029 or Erica.Schmidt@usace.army.mil.

Dredging impacts were minimized by proposing to dredge only the minimal amount required for improved stormwater management capacity. Site layout for this project was based upon greatest siltation and that would most practicably avoid and minimize impacts to jurisdictional waters. Efforts were made to avoid, to the extent possible, the long and short-term adverse impacts associated with the proposed project.

Compensatory mitigation is not being proposed by the applicant for permanent impacts to open water. No wetland impacts are proposed.

The purposes of the project are to restore lake conditions and capacity; reduce sedimentation; and improve water quality at the site and downstream.

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 does not lies in or adjacent to EFH as described under MSFCMA.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, 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.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public

comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which 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 listed 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 permit.

The evaluation of the impact of the work described above 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 District Engineer must receive the request, which must be in writing, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

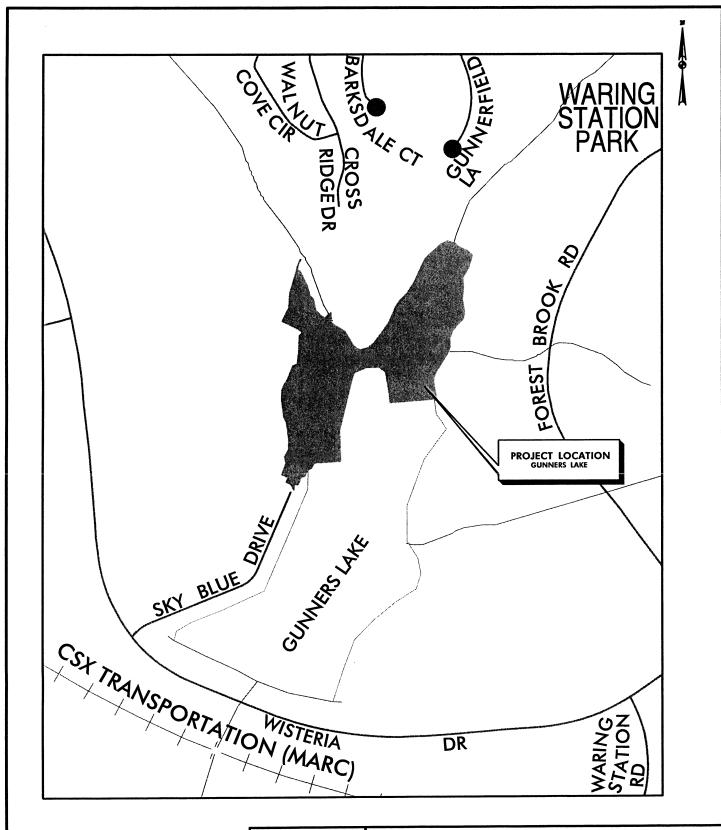
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

Kathy B. Anderson

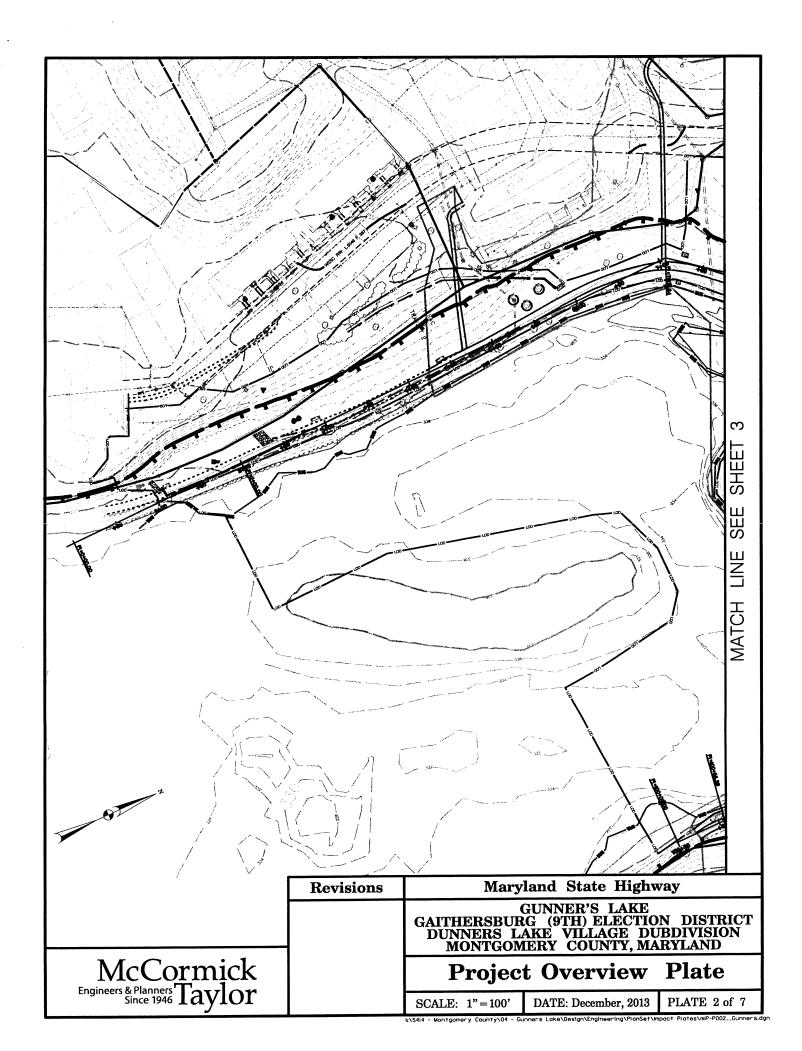
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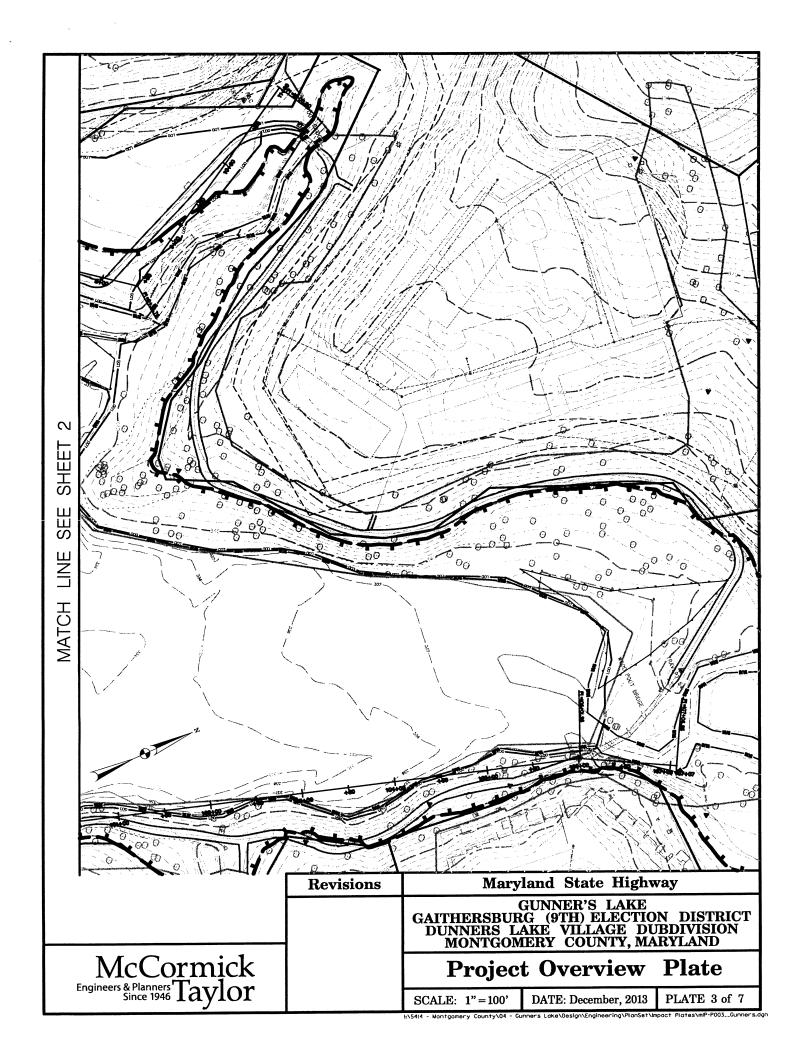
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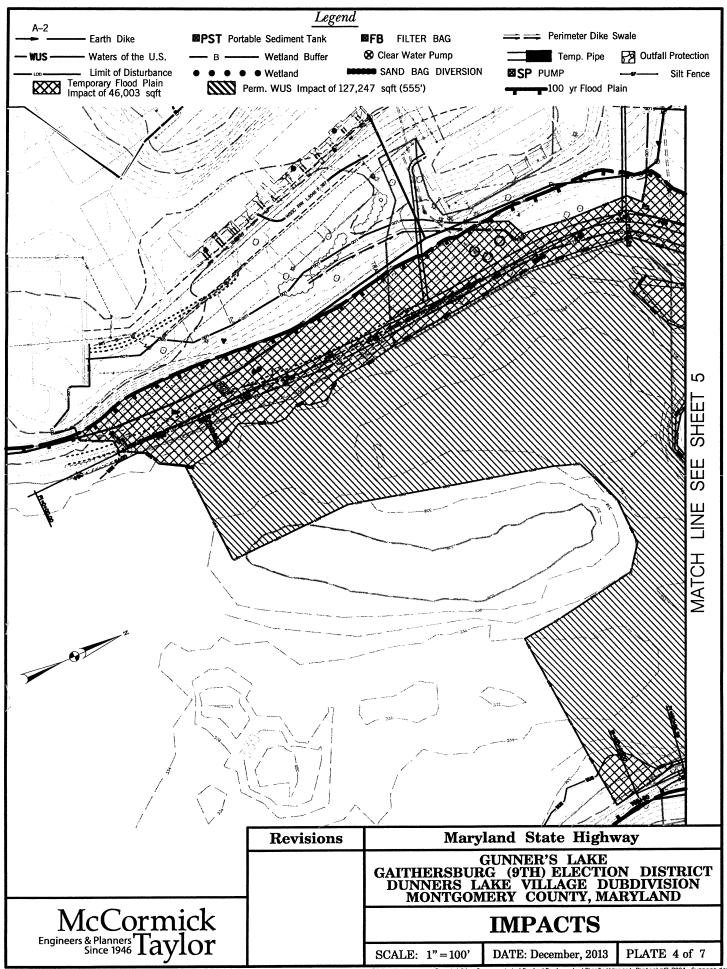


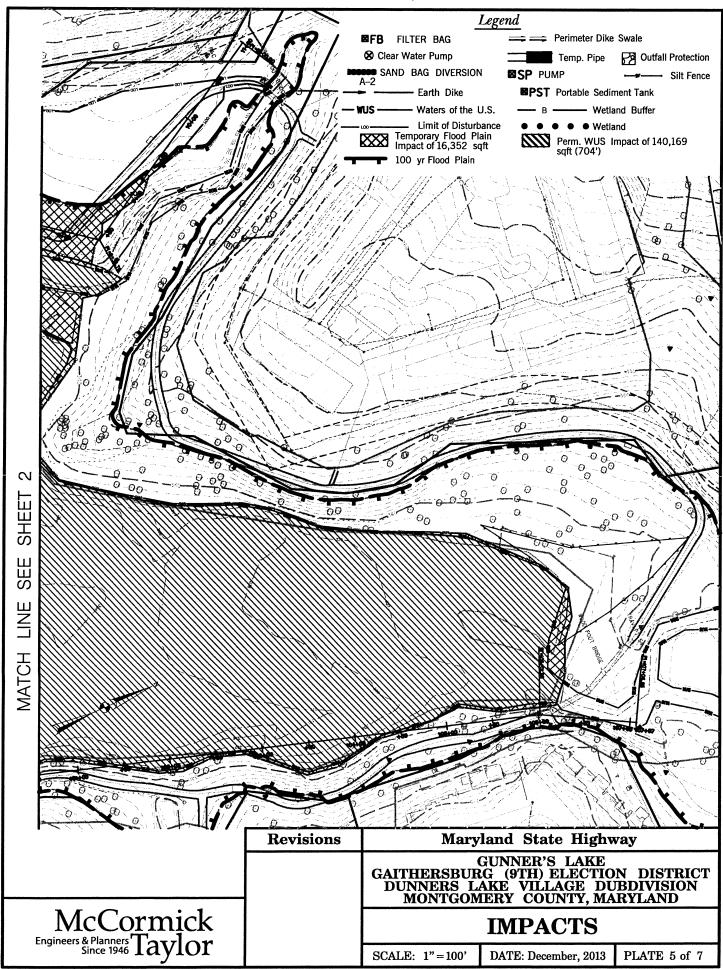
	Revisions	Maryland State Highway				
		GUNNER'S LAKE GAITHERSBURG (9TH) ELECTION DISTRICT DUNNERS LAKE VILLAGE DUBDIVISION MONTGOMERY COUNTY, MARYLAND				
McCormick Engineers & Planners Taylor Since 1946 Taylor		Vicinity Map				
		SCALE: 1"=400'	DATE: December, 2013	PLATE 1 of 7		

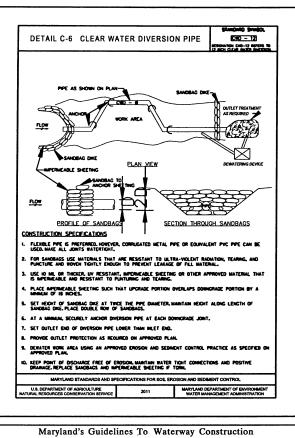
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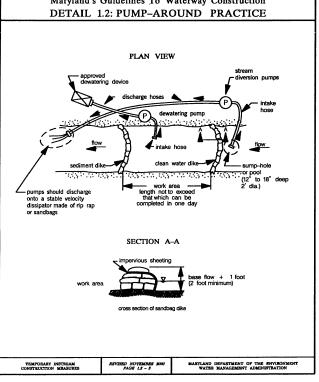




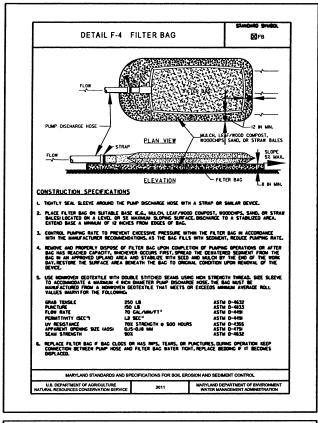








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### Maryland's Guidelines To Waterway Construction DETAIL 1.2: PUMP-AROUND PRACTICE

#### DESCRIPTIO

The work should consist of installing a temporary pump around and supporting measures to divert flow around instruction sites.

MMFGMFMTATOM SOURCE

Sediment control measures, pump-ground practices, and associated channel and bank construction should

L'construction activitée industing the installation of arcelon and sediment control measures should not begin untill differencessory assements and/or right-of-revps how been ocquired. All existing utilities should be marked in the field prior to construction. The contractor is responsible for any damage to existing utilities that any result from construction and should responsible for this/her own expenses to the

2. The contractor should notify the Moryland Beartment of the Environment or WMA sediment control Inspector of Islast 5 days before beginning construction. Additionally, the contractor should inform the local environmental protection and resource emogenent inspection and enforcement division and the provider of local utilities a eniseum of 48 hours before storting construction.

1. The confractor should conduct a pre-construction meeting on site with the NMA sediment control sediment control requirements, and the sequence of construction. The confractor should state out of initial of disturbinace prior to the pre-construction meeting on they may be reviewed. The proficion reduction of the pre-construction meeting on they may be reviewed. The proficion reduction of the pre-construction meeting on they may be reviewed. The proficion reduction reduction of the pre-construction reduction r

 Construction should not begin until all sediment and erosion control measures have been installed and opproved by the engineer and the sediment control inspector. The contractor should stay within the limits

haven at address and a season court as season enough and trapped and trapped on a season and address. The contractor should be give not of the upstrone section and proceed downstream beginning with the seroblishment of stabilities constructed entire as section and proceed downstream beginning with the seroblishment of stabilities constructed entire as the follower constant that the seroblishment of the section of the secti

6. Sandbag dikes should be situated at the upstream and downstream ends of the work area as shown on the plans, and stream flow should be pumped around the work area. The pump should discharge onto a stable velocity dislipator mode of riprop or sandbags.

states vectorly usepative incluse in just of subcologs.

1. Noter from the work area should be pumped to a sediment filtering measure such as a devotering basis sediment bog, or other approved source. The measure should be located such that the water drains book into the charmel below the deventream semblog dike.

8. Froversing a channel reach with equipment within the work area where no work is proposed should be worlded. If equipment has to troverse such a reach for access to another orea, then timber mote or similar measures should be used to minimize disturbance to the channel, Temporary stream crossings should be used only when necessary, and only where noted on the plans or specified. Uses Section 4, Stream

9. All stream restoration measures should be installed as indicated by the plans and all banks graded in accordance with the grading plans and typical cross-sections. All grading must be stabilized at the end of each day with seed and mutch or seed and matting as specified on the plans.

10. After an area is completed and stabilized, the clean water dike should be removed. After the first sadiment flush, a new clean water dike should be established upstream from the old sediment dike. Plandly, upon establishment of a new sediment dike below the old one, the old sediment dike though the old one, the old sediment dike though the old one.

II. A pump cround must be installed on any tributary or storm drain outfall which contributes baseflow to the work area. This should be accomplished by locating a sandbag dike at the dewratream and of the tributary or storm drain untital and pumping the stream flow around the work area. This water should

URL if a tributory is to be restored, construction should take place on the tributory before work on the main stem reaches the tributory confluence, Construction in the tributory, including pump cround practice should follow the same sequence as for the moin stem of the triver or stream, filten construction on the tributory is completed, work on the adin stem should reasume. Noter from the tributory should continue to be pumped contain the work ored in the adio stem.

13. The contractor is responsible for providing access to and maintaining all erasion and sediment contradevices until the sediment control inspector approves their removal.

14. After construction, all disturbed areas should be regraded and revegetated as per the planting plan

TEMPORARY INSTREMS

287/282D NOVEMBER 2000 MARYLAND DEPARTMENT OF THE SEVIENCE
CONTROLOTION MEASURES

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WATER MANAGEMENT ADMINISTRATION

# Revisions Maryland State Highway GUNNER'S LAKE GAITHERSBURG (9TH) ELECTION DISTRICT DUNNERS LAKE VILLAGE DUBDIVISION MONTGOMERY COUNTY, MARYLAND Detail Sheet SCALE: NONE DATE: December, 2013 PLATE 6 of 7

### **GENERAL NOTES**

SPECIFICATIONS: - SHA SPECIFICATIONS DATED JULY 2008
- REVISIONS THERE OF AND ADDITIONS THERETO
AND SPECIAL PROVISIONS FOR MATERIALS AND

GEOTEXTILE:

- GEOTEXTILE SHALL BE CLASS SE - NON WOVEN

RIPRAP:

- RIPRAP SHALL BE CLASS I

				In	ıpacts					
	Wetland	Temporary	Wetland B	uffer Temp.	wus	Temporary	WUS P.	ERM	100 FLOODI	
	SF.	LF.	SF.	LF.	SF.	LF.	SF.	LF.	SF.	LF.
PLATE 4	N/A	N/A	N/A	N/A	N/A	N/A	127,247	555'	46,003	N/A
PLATE 5	N/A	N/A	N/A	N/A	N/A	N/A	140,169	704	16,352	N/A
TOTAL	N/A	N/A	N/A	N/A	N/A	N/A	267,416	1,259	62,355	N/A

### SEQUENCE OF CONSTRUCTION

- PRIOR TO CLEARING OF TREES, INSTALLING SEDIMENT CONTROL MEASURES, OR GRADING, A PRECONSTRUCTION MEETING MUST BE CONDUCTED ON-SITE WITH THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES (MCDPS) SEDIMENT CONTROL INSPECTOR (240) 777-6300 (48 HOURS NOTICE), THE OWNER'S REPRESENTATIVE AND THE SITE ENGINEER.
- THE LIMITS OF DISTURBANCE MUST BE FIELD MARKED PRIOR TO CLEARING OF TREES, INSTALLATION OF SEDIMENT CONTROL MEASURES, CONSTRUCTION, OR OTHER LAND DISTURBING ACTIVITIES. THE ACCESS PATH FROM WISTERIA DRIVE TO STAGING AREA SHALL BE PHOTO DOCUMENTED PRIOR TO MOBILIZING EQUIPMENT TO SITE.

PHASE 1 - STAGING AND TEMPORARY STOCK PILE AREA

- CLEAR AND GRADE FOR INSTALLATION OF SEDIMENT CONTROL DEVICES, ONLY DISTURBING THE AREA NEEDED FOR INSTALLATION OF THE SEDIMENT CONTROL DEVICES. TRIM TREES AS NEEDED, WITH PRIOR APPROVAL BY THE ENGINEER.
- 2. INSTALL SEDIMENT CONTROL DEVICES INCLUDING CONSTRUCTION ENTRANCE, SUPER SILT FENCE, TREE PROTECTION FENCING, DIVERSION FENCES, EARTH DIKES, TEMPORARY PIPES, AND TGOS WITH ASSOCIATED GRADING FOR THE SUMP PIT. IMMEDIATELY STABILIZE ANY DISTURBANCE CAUSED BY THIS.
- 3. ONCE THE SEDIMENT CONTROL DEVICES ARE INSTALLED, THE PERMITTEE MUST OBTAIN WRITTEN APPROVAL FROM THE MCDPS INSPECTOR BEFORE PROCEEDING WITH ANY ADDITIONAL CLEARING, GRUBBING OR GRADING WITHIN THE STAGING AND STOCK PILE AREA.
- WITH APPROVAL OF THE ENGINEER BEGIN TEMPORARY EXCAVATION AND GRADING OF STAGING AREA AND ACCESS ROAD. UPON REACHING PROPOSED GRADE AND PLACEMENT OF STONE, STABILIZE ALL DISTURBED AREAS WITH TEMPORARY SEED AND MULCH. SLOPES OF 3:1 OR STEEPER SHALL UTILIZE TYPE A MATTING INSTEAD OF MULCH. COMMENCE PLACEMENT OF DEWATERING EQUIPMENT AND SUPPORT UNITS.
- DISTURBED AREAS WITHIN THE PROJECT LIMITS NOT DRAINING TO A SEDIMENT CONTROL DEVICE SHALL HAVE EITHER PERMANENT OR TEMPORARY STABILIZATION AT THE END OF EACH WORK DAY.

PHASE 2 - DREDGING

- 1. UPON COMPLETION OF THE PHASE 1 WORK AND WITH APPROVAL OF THE PROJECT ENGINEER COMMENCE DREDGING OPERATIONS. THE SUMP PIT SHALL BE MECHANICALLY DEWATERED EACH DAY TO ENSURE ADEQUATE STORAGE CAPACITY. THE TGOS SHALL OPERATE ONLY AS A REDUNDANT MEASURE INCASE OF PUMP FALLURE OR HEAVY RAINFALL. MAINTAIN ALL PERIMETER CONTROLS DURING THE DREDGING OPERATION.
- 2. STABILIZE DISTURBED AREAS ALONG THE SHORE LINE AS NEEDED TO PREVENT SEDIMENT LADEN RUNOFF FROM ENTERING THE LAKE.

PHASE 3 - RESTORATION

- 1. UPON COMPLETION OF THE DREDGING OPERATION, REMOVE STONE ACCESS ROAD AND STAGING AREA. RESTORE SITE TO PRE-EXISTING CONDITIONS AS SHOWN ON SHEETS 10 AND 11. PERMANENTLY STABILIZE ALL DISTURBED AREAS.
- 2. RECONSTRUCT AND PAVED PATH AS SHOWN ON THE PLAN SHEETS, RECONSTRUCT CONCRETE PADS, REPAIR CURB AND GUTTER AS NEEDED UTILIZING SAME DAY STABILIZATION.
- THE CONTRACTOR MUST OBTAIN WRITTEN APPROVAL FROM MCDPS INSPECTOR, PRIOR TO THE REMOVAL OF ANY SEDIMENT CONTROL DEVICE. ANY AREAS DISTURBED DURING THE REMOVAL OF E&S CONTROLS SHALL BE IMMEDIATELY STABILIZED.

### NOTES

- 1. NO DISTURBED AREA SHOULD BE LEFT DISTURBED OVERNIGHT UNLESS DIRECTED TO A MDE APPROVED SEDIMENT CONTROL DEVICE.
- 2. THE CONTRACTOR SHALL MINIMIZE EQUIPMENT LEAVING PAVED SURFACES, AND SHALL IMMEDIATELY REMOVE ANY SEDIMENT TRACKED ONTO THE ROADWAY.
- 3. STAGING AND STOCKPILE AREAS TO BE DETERMINED IN THE FIELD AND WITH APPROVAL OF THE PROJECT ENGINEER.
- 4. THE CONTRACTOR SHALL DETERMINE SIZE OF PUMPS AND FILTER BAG TO BE USED.

	Revisions	Maryland State Highway			
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