

Public Notice

U.S. Army Corps
of Engineers
Baltimore District
PN 14-65

In Reply to Application Number
CENAB-OP-RMS (Remco Properties and JDC Easton-Waterside Village)
2014-61549
Comment Period: December 1, 2014 to December 30, 2014

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 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344)** as described below:

APPLICANT: Remco Properties, LLC
200 Witmer Road, Suite 200
Horsham, PA 19044

JDC Easton, LLC
1760 Reston Parkway, Suite 210
Reston, VA 20910

WATERWAY AND LOCATION OF THE PROPOSED WORK: In headwater nontidal wetlands and unnamed tributary waters off the Tred Avon River at Waterside Village, in Easton, Talbot County, Maryland.

PROPOSED WORK AND PURPOSE: Impact area #1: to install a culvert with a riprap scour pad for a road crossing impacting approximately 1,202 square feet of an agricultural drainage ditch and emergent wetland; Impact area #2: to install a culvert for a road crossing impacting approximately 65 linear feet of an agricultural drainage ditch; Impact area #3: to install a culvert with a riprap scour pad for a road crossing impacting approximately 100 linear feet of an agricultural drainage ditch; Impact area #4: to install a culvert impacting approximately 201 linear feet an agricultural drainage ditch; Impact area # 5: to deposit fill for parking impacting approximately 26,127 square feet of scrub/shrub nontidal wetland; and Impact area #6: to deposit fill for parking and building construction impacting approximately 8,413 square feet of emergent nontidal wetlands.

The proposed work is for re-authorization to complete the work previously authorized under CENAB-OP-RMS (REMCO Properties LLC) 2005-65747 issued on May 2, 2007 for Waterside Village, a commercial development. The original authorization included to fill approximately 26,165 square feet of scrub/shrub nontidal wetlands; 54,658 square feet of emergent nontidal wetlands; and 1,925 linear feet of Waters of the United States. That authorization expired on December 31, 2013. The total impacts were mitigated for by creating 1.20 acres of scrub/shrub nontidal wetlands and 1.44 acres of emergent nontidal wetlands on-site, which has been built and is currently being monitored. The applicant does not propose additional compensatory mitigation.

The proposed total work remaining to be accomplished for the project includes to impact approximately 9,609 square feet of emergent nontidal wetlands and 26,165 square feet of scrub/shrub nontidal wetlands, and 466 linear feet of agricultural ditch Waters of the U.S.. The applicant has completed the filling of approximately 45,049 square feet of emergent nontidal wetlands and 1,502 linear feet of ditch/ Waters of the U.S. under the original authorization. All

work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Rod Schwarm, P.O. Box 1715, Baltimore, Maryland 21203-1715 or at 410-820-8550.

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 applicant has not proposed additional compensatory mitigation under the Mitigation Rule to offset unavoidable losses to aquatic resources since all required mitigation was completed at the time of the original construction and currently is being monitored.

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, P.O. Box 1715, Baltimore, Maryland 21203-1715 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, P.O. Box 1715, Baltimore, Maryland 21203-1715, 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

- # DENOTES PROPOSED NON-TIDAL WETLAND OR WATERS OF US CROSSING DISTURBANCE/IMPACT AREA
- 1 SHEET 19 OF FORMER PERMIT 05-NT-2141/200565747
- 2 SHEET 18 OF FORMER PERMIT 05-NT-2141/200565747
- 3 SHEET 18 OF FORMER PERMIT 05-NT-2141/200565747
- 4 SHEET 17 OF FORMER PERMIT 05-NT-2141/200565747
- 5 SHEETS 9 & 16 OF FORMER PERMIT 05-NT-2141/200565747
- 6 SHEET 16 OF FORMER PERMIT 05-NT-2141/200565747
- 7 SHEET 14 OF FORMER PERMIT 05-NT-2141/200565747

DELMARVA FOX SQUIRREL HABITAT & RESOURCE PROTECTION BUILDING & PAVING SETBACK

RICHARD BERNSTEIN FAMILY, L.P.

PROPOSED HARRIS TEETER GROCERY

DICK'S

CHICK-FIL-A

TARGET

PROPOSED BJ'S WHOLESALE CLUB

MCLAUGHLIN ACQUISITION CORP.

GRAYBLOCK PARTNERS

PROVIDENCE STATE BANK, INC.

MD ROUTE 33

MD ROUTE 322

BROOKS DRIVE

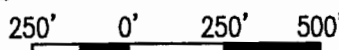
MARLBORO AVE

COMMERCE DRIVE

QHS

CRITICAL AREA BOUNDARY

REV 09 2014
SJK
14/09/09



SCALE IN FEET

WATERSIDE VILLAGE PHASE 2 OVERVIEW
 PERMIT TO DISTURB/FILL NON-TIDAL WETLANDS AND
 25' BUFFER; TO DISTURB WATERS OF THE US; AND
 CORRECTION OF PREVIOUS WETLAND DELINEATION ERROR

IN THE TOWN OF EASTON
 TAX MAP 34 VARIOUS PARCELS

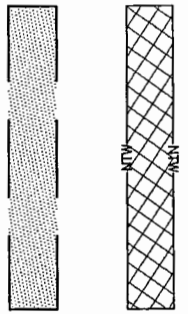
SHEET No.	1 OF 7
DATE:	09/23/2014
SCALE:	AS NOTED
JOB No.	120379
FILE No.	9246

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 Civil Engineers • Land Planning • Land Surveyors

E-mail: general@leinc.com
 117 Bay St. Easton, MD 21601 (410) 822-8003
 15 Washington St. Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095

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Project Manager: TWG

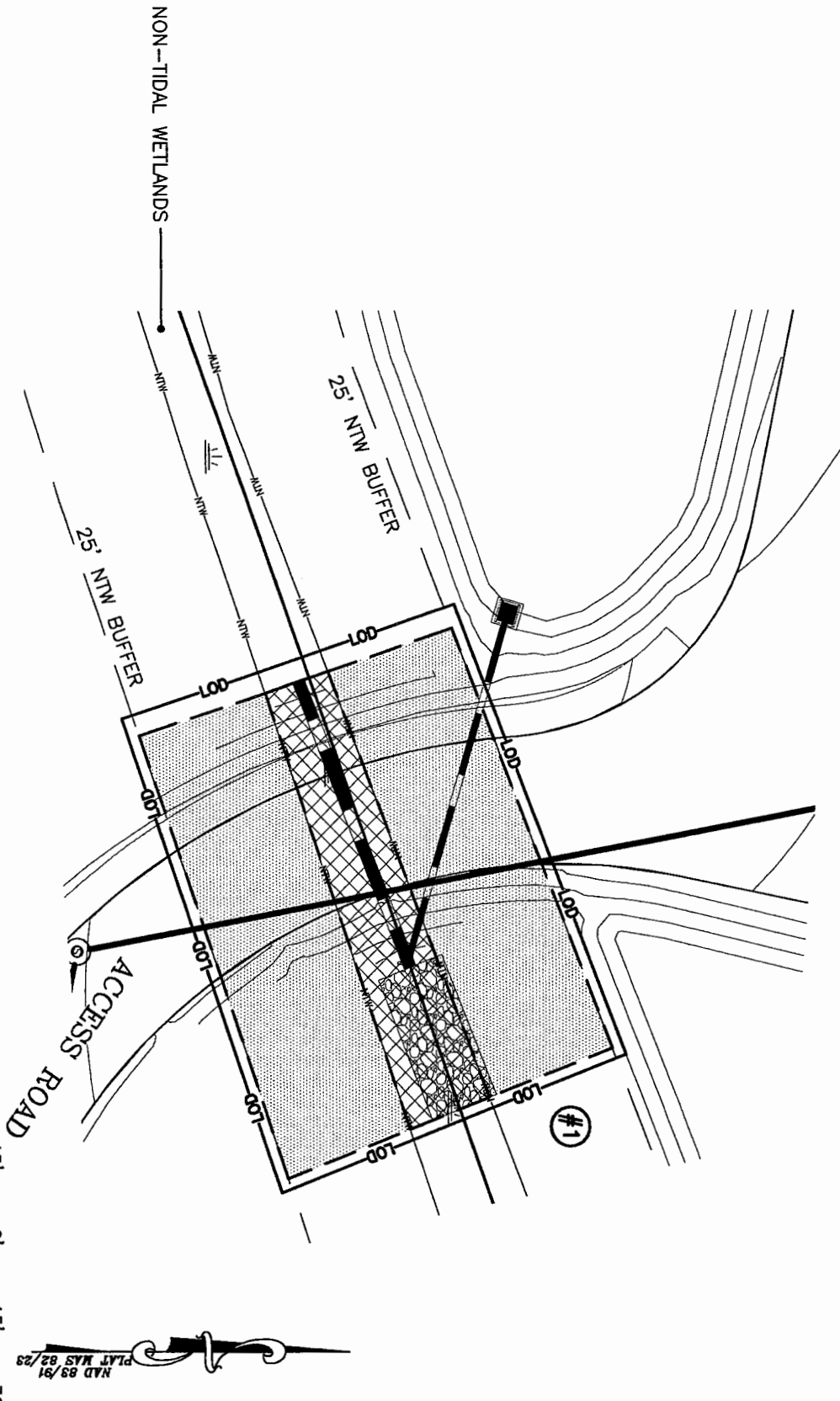


AREA OF NON-TIDAL WETLANDS
TO BE FILLED/DISTURBED
AREA = 1196 SF±

(NOTE: 1,202 SF PERMITTED PREVIOUSLY. SEE SHEET 19 OF
05-NT-2141/200565747)

AREA OF NON-TIDAL WETLANDS BUFFER
TO BE FILLED/DISTURBED
AREA = 4270 SF±

(NOTE: 4,273 SF PERMITTED PREVIOUSLY. SEE SHEET 19 OF
05-NT-2141/200565747)



SHEET No.
2 OF 7

DATE: 09/23/2014
SCALE: AS NOTED
JOB No. 120379
FILE No. 9246

PROPOSED IMPACTS @ CROSSING #1

PERMIT TO DISTURB/FILL NON-TIDAL WETLANDS AND
25' BUFFER; TO DISTURB WATERS OF THE US; AND
CORRECTION OF PREVIOUS WETLAND DELINEATION ERROR

IN THE TOWN OF EASTON
TAX MAP 34 VARIOUS PARCELS

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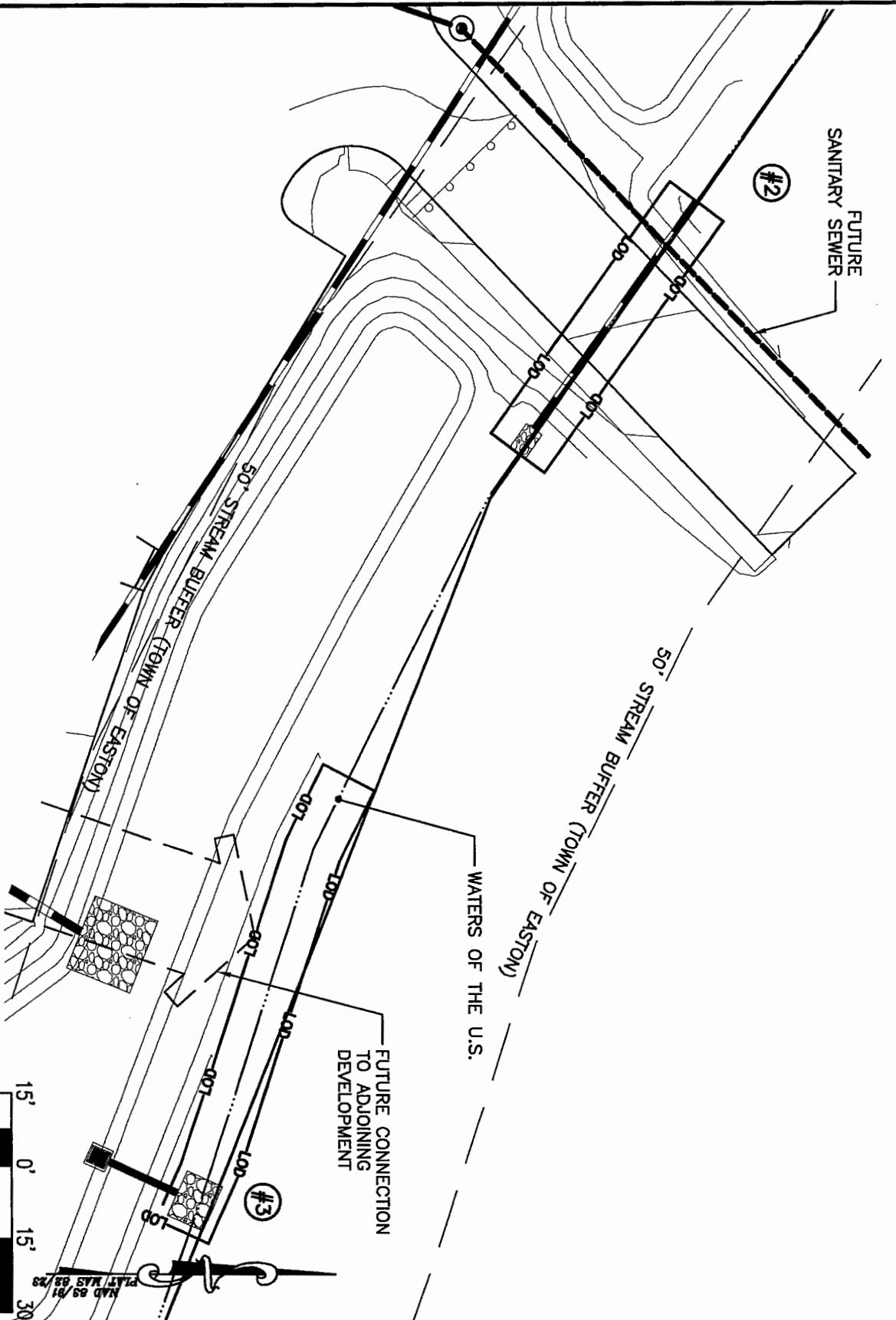
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WATERS OF THE U.S. TOTAL LENGTH OF DISTURBANCE @ CROSSING #2 = 65 LF± (NOTE: 100 LF PERMITTED PREVIOUSLY. SEE SHEET 18 OF 05-NT-2141/200565747)

WATERS OF THE U.S. TOTAL LENGTH OF DISTURBANCE @ CROSSING #3 = 100 LF± (NOTE: 100 LF PERMITTED PREVIOUSLY. SEE SHEET 18 OF 05-NT-2141/200565747)

100' ——— LIMITS OF WATERS OF US DISTURBANCE



PROPOSED IMPACTS @ CROSSINGS #2 & #3

PERMIT TO DISTURB/FILL NON-TIDAL WETLANDS AND 25' BUFFER; TO DISTURB WATERS OF THE US; AND CORRECTION OF PREVIOUS WETLAND DELINEATION ERROR

**IN THE TOWN OF EASTON
TAX MAP 34 VARIOUS PARCELS**

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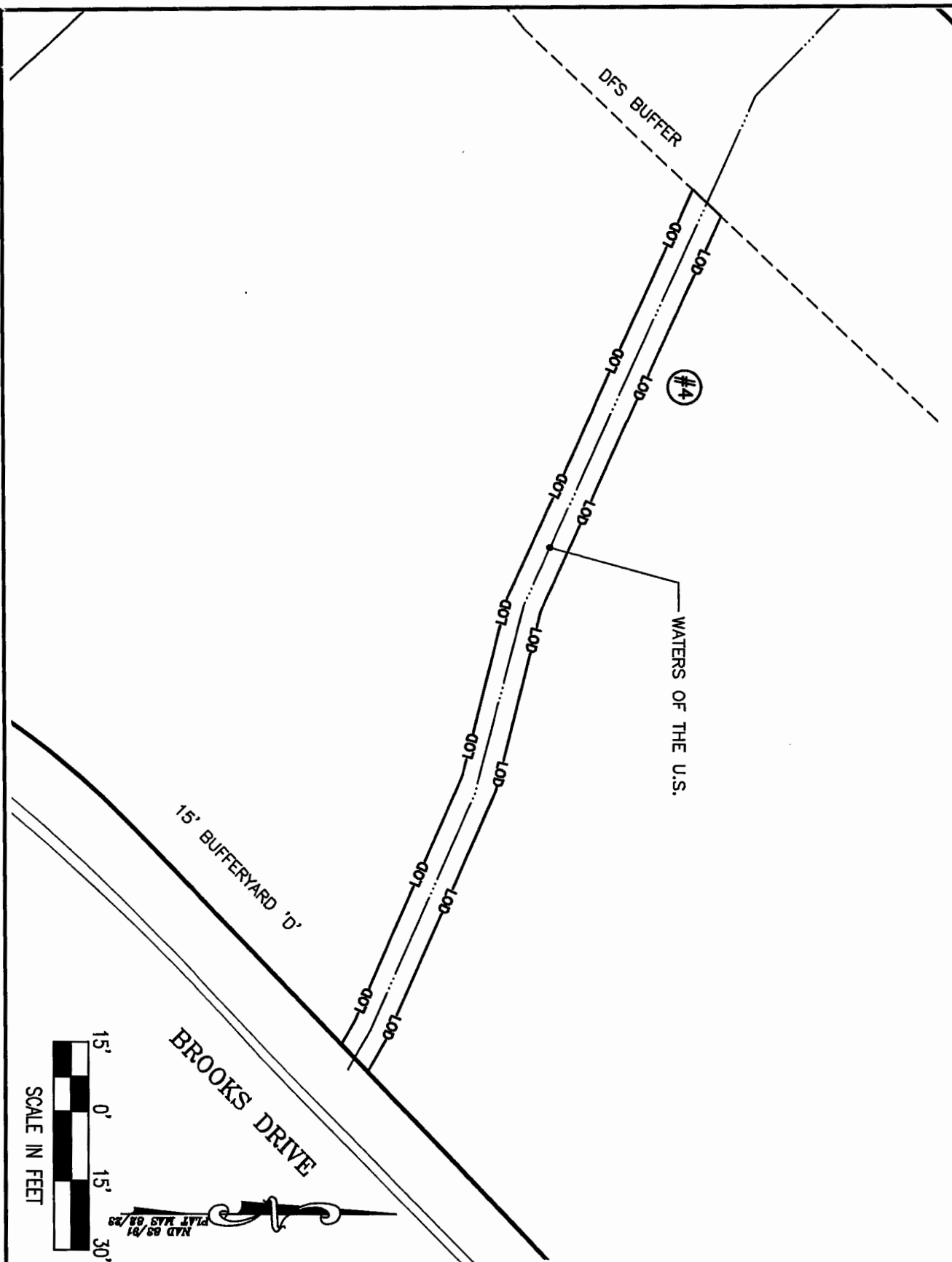



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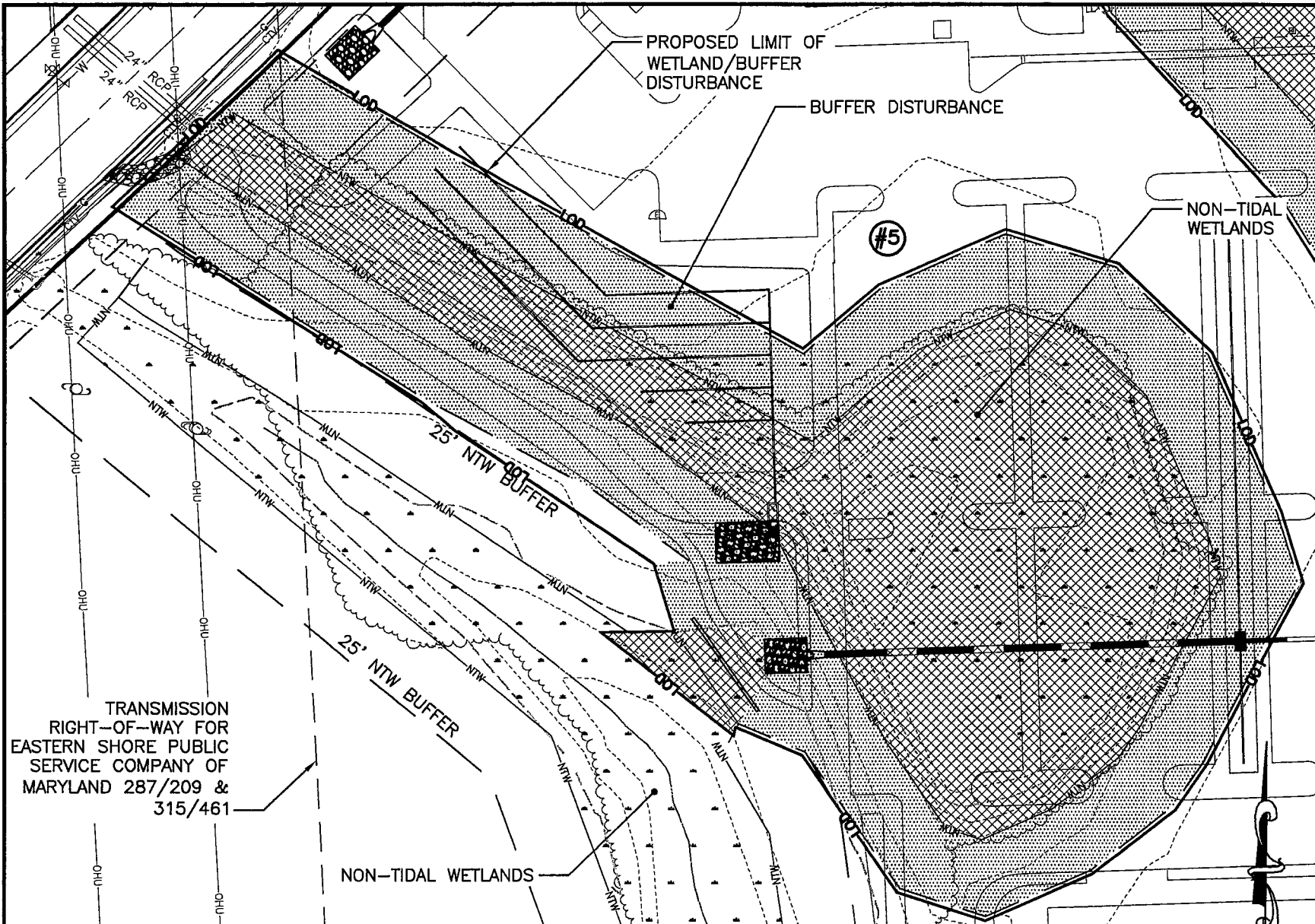
SHEET No. **3 OF 7**

DATE: 09/23/2014
 SCALE: AS NOTED
 JOB No. 120379
 FILE No. 9246

WATERS OF THE U.S. TOTAL LENGTH OF DISTURBANCE @ CROSSING #4 = 201 LF±
 (NOTE: 258 LF PERMITTED PREVIOUSLY. SEE SHEET 17 OF 05-NI-2141/200565747. PORTION OF PREVIOUS PERMIT DISTURBANCE COMPLETED TO CONSTRUCT BROOKS DRIVE EXTENSION.)



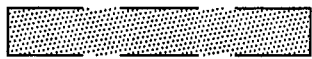
SHEET No. 4 OF 7	PROPOSED IMPACTS @ CROSSING #4	Lane Engineering, LLC Established 1986 Civil Engineers • Land Planning • Land Surveyors  E-mail: general@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 15 Washington St. Cambridge, MD 21613 (410) 221-0818 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095
	PERMIT TO DISTURB/FILL NON-TIDAL WETLANDS AND 25' BUFFER; TO DISTURB WATERS OF THE US; AND CORRECTION OF PREVIOUS WETLAND DELINEATION ERROR IN THE TOWN OF EASTON TAX MAP 34 VARIOUS PARCELS	
DATE: 09/23/2014 SCALE: AS NOTED JOB No. 120379 FILE No. 9246	Project Manager: TWG	© LANE ENGINEERING, LLC



TRANSMISSION
RIGHT-OF-WAY FOR
EASTERN SHORE PUBLIC
SERVICE COMPANY OF
MARYLAND 287/209 &
315/461



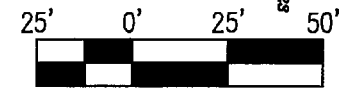
AREA OF NON-TIDAL WETLANDS
TO BE FILLED/DISTURBED
AREA = 26,127 SF± (0.599 AC±)



AREA OF NON-TIDAL WETLANDS
BUFFER TO BE FILLED/DISTURBED
AREA = 25,540 SF± (0.586 AC±)

(NOTE: 17,830 SF PERMITTED PREVIOUSLY. SEE SHEETS 9 & 16 OF
05-NT-2141/200565747. PORTION OF PREVIOUS PERMITTED
DISTURBANCE COMPLETED TO CONSTRUCT BROOKS DRIVE EXTENSION.)

(NOTE: 26,119 SF PERMITTED PREVIOUSLY. SEE
SHEETS 9 & 16 OF 05-NT-2141/200565747.
PORTION OF PREVIOUS PERMITTED DISTURBANCE
COMPLETED TO CONSTRUCT BROOKS DRIVE
EXTENSION.)



SCALE IN FEET

PROPOSED IMPACT AREA #5

PERMIT TO DISTURB/FILL NON-TIDAL WETLANDS AND
25' BUFFER; TO DISTURB WATERS OF THE US; AND
CORRECTION OF PREVIOUS WETLAND DELINEATION ERROR

IN THE TOWN OF EASTON
TAX MAP 34 VARIOUS PARCELS

Project Manager: TWG

SHEET No.

5 of 7

DATE: 09/23/2014

SCALE: AS NOTED

JOB No. 120379

FILE No. 9246

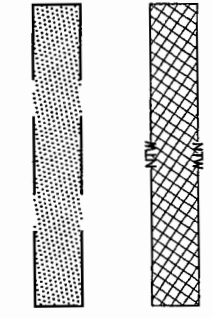
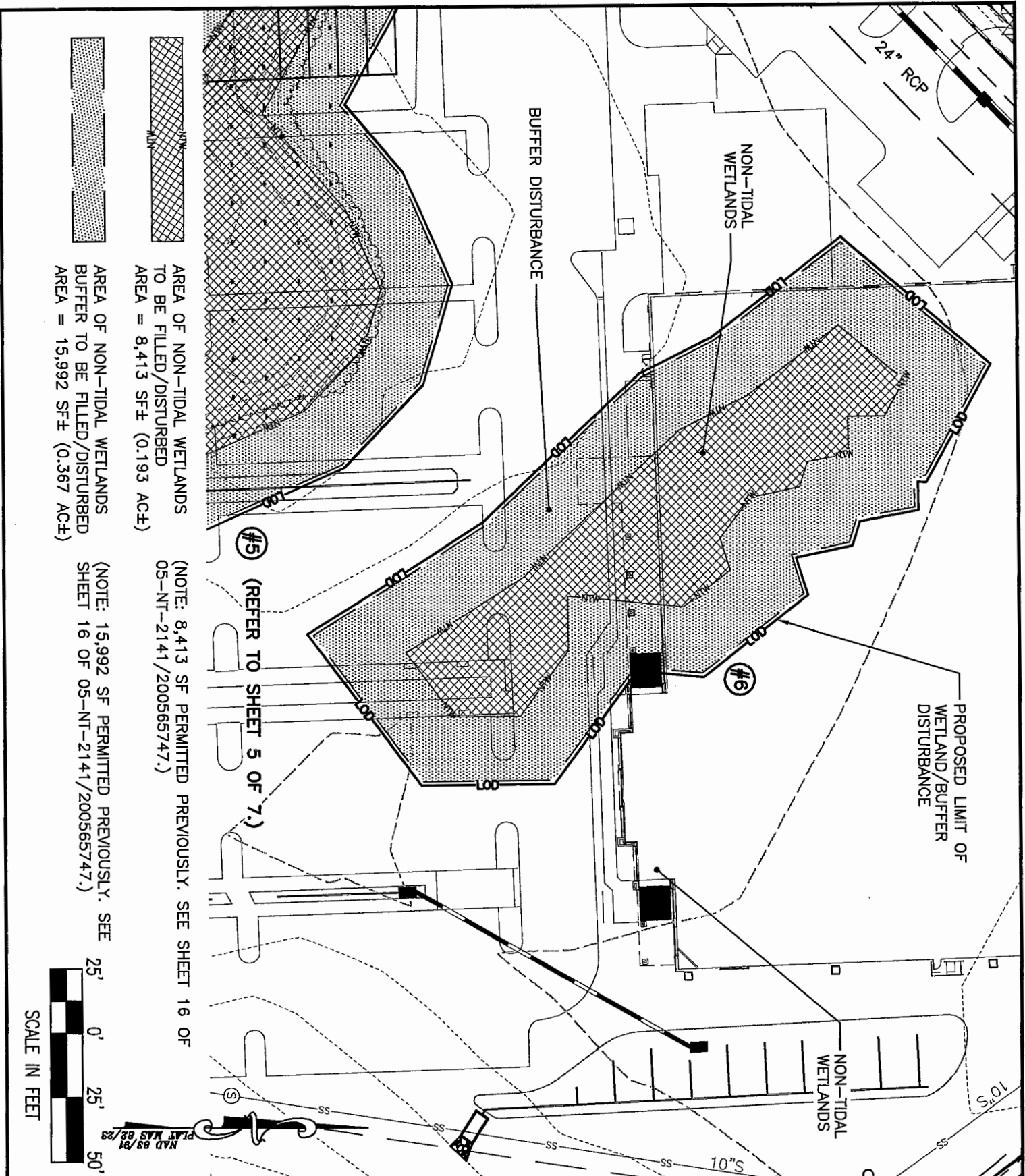
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AREA OF NON-TIDAL WETLANDS TO BE FILLED/DISTURBED
AREA = 8,413 SF± (0.193 AC±)

AREA OF NON-TIDAL WETLANDS BUFFER TO BE FILLED/DISTURBED
AREA = 15,992 SF± (0.367 AC±)

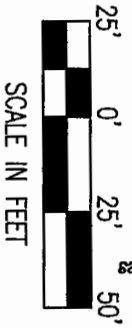
(NOTE: 8,413 SF PERMITTED PREVIOUSLY. SEE SHEET 16 OF 05-NT-2141/200565747.)

(NOTE: 15,992 SF PERMITTED PREVIOUSLY. SEE SHEET 16 OF 05-NT-2141/200565747.)

#5 (REFER TO SHEET 5 OF 7.)

#6

PROPOSED LIMIT OF WETLAND/BUFFER DISTURBANCE



NAD 83/91
PLAT MAS 82/89

PROPOSED IMPACT AREA #6

PERMIT TO DISTURB/FILL NON-TIDAL WETLANDS AND 25' BUFFER; TO DISTURB WATERS OF THE US; AND CORRECTION OF PREVIOUS WETLAND DELINEATION ERROR

IN THE TOWN OF EASTON
TAX MAP 34 VARIOUS PARCELS

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SHEET No.	6 of 7
DATE: 09/23/2014	
SCALE: AS NOTED	
JOB No. 120379	
FILE No. 9246	

Project Manager: TWG

AREA OF PREVIOUSLY AND INCORRECTLY MAPPED
NON-TIDAL WETLANDS TO BE RECLASSIFIED AS
UPLAND AREA = 9,766 SF± (0.224 AC±)

TAX MAP 34, PARCEL 21,
REVISED LOT 3
JDC EASTON LLC

TAX MAP 34, PARCEL
20, LOT 3
REMCO PROPERTIES, LLC
1007/762

TAX PARCEL 4 LOT 17
T DOUGLAS PIERSON &
DONNA M. PIERSON
898/859

TAX PARCEL 4 LOT 16
JOHN C. NORTH II
623/548

INCORRECTLY MAPPED WETLAND
AND 25' BUFFER AS SHOWN ON
05-NT-2141/20065747

PROPOSED WETLAND
AND 25' BUFFER

BROOKS DRIVE

25' NTW BUFFER

#7



SCALE IN FEET



PROPOSED DELINEATION CORRECTION AREA #6

**PERMIT TO DISTURB/FILL NON-TIDAL WETLANDS AND
25' BUFFER; TO DISTURB WATERS OF THE US; AND
CORRECTION OF PREVIOUS WETLAND DELINEATION ERROR**

**IN THE TOWN OF EASTON
TAX MAP 34 VARIOUS PARCELS**

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SHEET NO.
7 OF 7

DATE: 09/23/2014

SCALE: AS NOTED

JOB No. 120379

FILE No. 9246