



**U.S. Army Corps
of Engineers**
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OP-RMS (CH DPGM/PINEY BRANCH SEWER
INTERCEPTOR) 2014-61685

PN: 15-40

Comment Period: June 24, 2015 to July 8, 2015

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: Commissioners of Charles County
Charles County Department of Planning and Growth Management
CIP Water, Sewer, & Solid Waste
200 Baltimore Street
La Plata, Maryland 20646

LOCATION: In nontidal wetlands and unnamed tributaries of Piney Branch and Mattawoman Creek south of Middleton Road to the existing Mattawoman interceptor, Phase 1 along Mattawoman Creek in Waldorf, Charles County, Maryland.

WORK: To install a 42-inch wide by 11,200-foot long sewer interceptor open trenched by mechanical excavation and to clear within an adjacent 15-foot wide right-of-way (ROW) temporarily impacting approximately 173,602 square feet (3.98 acres) of nontidal wetlands and 5,530 square feet along 827 linear feet of streams. The work includes 12 nontidal stream crossings with an approximate maximum crossing width of 20 feet and an approximate maximum crossing length of 10 feet and no less than 3 feet below the stream bottom substrate. Excess fill material and drilling substrates will be deposited at an existing upland (non-wetland) disposal site to be determined later. The method of work for the temporary ROW clearing includes clearing of obstructions (i.e. trees, stumps, brush, logs, and large rocks) using a chainsaw, brush hog, and/or backhoe with a grappling hook. Marsh mats, 4-feet by 16 to 20-feet, would be laid across the entire length of wetlands, to be used as a travel path for equipment and a base from which equipment would work. The trenching would be accomplished utilizing an excavator to dig the trench. The soil within the pipeline trench would be temporarily placed within the ROW and segregated by soil type so that the soil can be re-deposited in the trench in the same layers as excavated after the pipe is installed. The area would be allowed to naturally regenerate, except over the trench which would be maintained for operation activities. 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 of this office at (410) 962-6029 or via email at erica.schmidt@usace.army.mil.

Site layout for this project was based upon the existing gravity sewer alignment and ROW. The project is to add a second line within this ROW. All wetland areas would be replanted and restored to preconstruction contours. The impacts have been minimized to the maximum extent practicable.

Compensatory mitigation is not being proposed by the applicant for temporary impacts to nontidal wetlands and streams. All temporary impacts will be restored to be construction contours and planted.

The project would alleviate stress on the existing Piney Branch Sanitary Sewer resulting from existing development within the sewershed and to increase capacity for future development throughout the area. Phase I of the sewer was permitted in 2008 and is complete.

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 lie in or adjacent to EFH as described under MSFCMA

The project does not have the potential to adversely affect EFH or the species of concern by alteration of spawning, nursery, forage and/or shelter habitat.

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.

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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 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, 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.

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.

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, 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 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